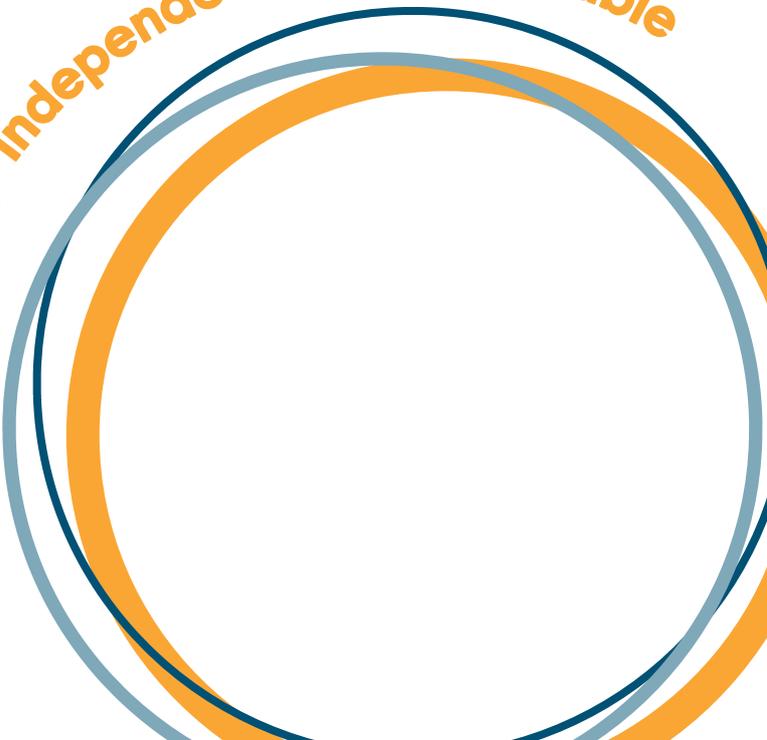


# Ombudsman Western Australia Annual Report 2009-10

*Fair | Independent | Accountable*





## LETTER OF TRANSMISSION

**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 for the Parliamentary Commissioner for Administrative Investigations for the year ended 30 June 2010. 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**

23 September 2010

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For information about this report, accessibility and contact details, see inside **back cover**.

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# About Us

## Our Vision

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

## Our Mission

To serve Parliament and Western Australians by:

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

## Our Values

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

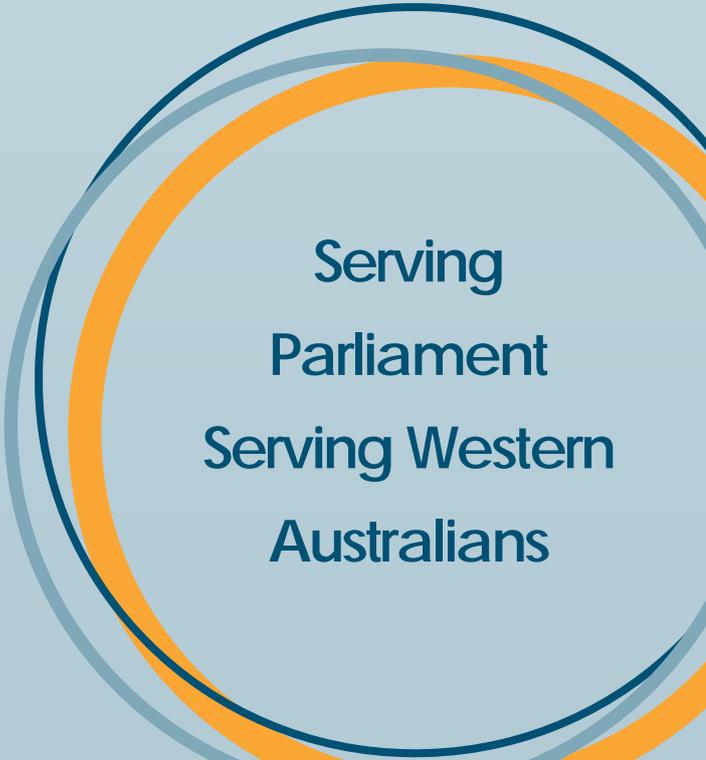
## Our Strategic Focus

- Complaint resolution that is independent, fair and timely, raising community awareness of our role and 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;
- Inspection of the records of telecommunications interception activities and review of appeals by overseas students; and
- Good governance and maintaining a skilled and valued workforce.

# Overview of the Ombudsman's Office

This section provides an overview of the annual report as well as an introduction to the Ombudsman's office and a discussion of the significant issues impacting on the agency during the past year and into the future.

- **Executive Summary**
  - Ombudsman's Report
  - Highlights 2009-10
  - Financial Overview
- **Operational Structure**
- **Significant Issues Impacting the Office**



Serving  
Parliament  
Serving Western  
Australians

# Executive Summary

## Ombudsman's Report



The twelve month period documented in this annual report has been the busiest and most productive since I commenced as Ombudsman.

Our ongoing program to improve the quality and timeliness of complaint handling has seen us exceed all Key Efficiency Indicator targets and at a lower cost per finalised allegation than last year. Indeed over the last five years, the average age of open complaints has been reduced by 64%, there

has been a 90% reduction in open complaints older than twelve months and a 63% reduction in open complaints older than six months.

Our Administrative Improvement Team has enabled a more strategic approach to improving public administration at a systemic level. The Team undertakes evidence-based projects and any recommendations for improvement to public administration must be practical, proportionate, well-targeted and cost-beneficial. In June this year we were very pleased to release a report of a major administrative improvement project, *2009-10 Survey of Complaint Handling Practices in the Western Australian State and Local Government Sectors*.

Another critical achievement has been the significant work undertaken in the first year of the child death review jurisdiction. In this jurisdiction, we review the circumstances in which certain child deaths occur, identify patterns or trends in relation to these deaths and identify improvements to practices to prevent or reduce child deaths.

The achievements of my office are the achievements of a very talented and dedicated staff team. Each member of that team has made an enormous contribution to our work this year and I take this opportunity to thank each of them.

Western Australians look to my office to provide independent and timely resolution of their complaints about public administration and to contribute to government hallmarked by integrity, accountability and responsiveness. I am confident that we are undertaking these vital responsibilities effectively, efficiently and always in the public interest.

**Chris Field,**  
Western Australian Ombudsman

## Highlights 2009-10

### Complaint Resolution

#### Complaint numbers

- 8,123 contacts were made to the office, including:
  - 6,114 enquiries.
  - 2,009 complaints.

#### Complaint outcomes

- 45% of investigated complaints were resolved by early resolution.
- 111 actions were initiated by public authorities to assist complainants.
- 60 improvements to the practices of public authorities were made as a result of Ombudsman investigations.

#### Timely complaint handling

- Timely complaint handling in 2009-10 resulted in all targets for resolving allegations being exceeded:
  - 82% of allegations were finalised within 3 months.
  - 99% of allegations were finalised within 12 months.
  - 63% of allegations on hand at 30 June were less than 3 months old.
  - 97% of allegations on hand at 30 June were less than 12 months old.

#### Reducing aged cases

- There has been a significant reduction in aged cases over the last five years:
  - The average age of open complaints has decreased by 64%.
  - Open complaints more than 12 months old have decreased by 90%.
  - Open complaints more than 6 months old have decreased by 63%.

#### Cost-effective complaint handling

- The cost of finalising complaint allegations has reduced for the second year in a row from \$2,941 in 2007-08 to \$1,999 in 2009-10.

## Administrative Improvement

### Major administrative improvement projects

- A report analysing a comprehensive survey of complaint handling systems by Western Australian public authorities showed:
  - They take complaint handling seriously, largely have appropriate practices in place to handle complaints, and are generally doing a good job of handling complaints.
  - There are opportunities for improvement of complaint handling practices.
  - Effective and efficient implementation of complaint handling principles can be achieved through a 'fit for purpose' system.
- A review of how public authorities manage personal information was commenced.

## Child Death Review

### Child death review

- A new function to review the deaths of certain children has been implemented.
- 92% of the 73 cases transferred to the office upon the commencement of the Ombudsman's child death review function on 30 June 2009 have been finalised.
- 63% of the 76 child death notifications received during the year have been finalised.

### Establishment of key relationships

- Strong working relationships with key stakeholders have been established including:
  - Appointing a Child Death Review Advisory Panel.
  - Building networks with relevant public authorities.

## Improving Awareness and Access

### Improving awareness of, and access to, the Ombudsman's office

- Regional visits continued to be a successful initiative with three visits undertaken during the year.
- A new website was launched with dedicated pages to assist the community and public authorities.
- Indigenous Western Australians have improved access to services through the appointment of a Principal Indigenous Liaison Officer and outreach work with Indigenous communities.

## Financial Overview

<p><b>Revenue</b></p>	<ul style="list-style-type: none"> <li>• In 2009-10 the Ombudsman received income of \$6.812 million comprised of:             <ul style="list-style-type: none"> <li>○ Total income from State Government of \$5.859 million to undertake the role of the State Ombudsman.</li> <li>○ Revenue of \$953,000 from other sources including \$903,000 under a service agreement with the Board of the Energy Ombudsman Western Australia to cover expenses associated with the role of Energy Ombudsman.</li> </ul> </li> </ul>
<p><b>Expenditure</b></p>	<ul style="list-style-type: none"> <li>• The total cost of services in 2009-10 was \$6.965 million.</li> <li>• The majority of the expenses (72%) related to staffing costs for salary and employee benefits.</li> <li>• The remainder was primarily for accommodation, communications and office equipment.</li> </ul>
<p><b>Assets and Liabilities</b></p>	<ul style="list-style-type: none"> <li>• Total assets at the end of 2009-10 were \$3.001 million, including fixed asset additions during the year of \$62,000 for routine purchases of computer and office equipment.</li> <li>• Total liabilities for the year were \$1.700 million, primarily for provisions for annual and long service leave.</li> </ul>

# Operational Structure

## The Ombudsman

### History of the Ombudsman

The office of the Ombudsman was first established in Sweden in 1809 to oversee government administration. The word 'Ombudsman' loosely translates to 'citizen's defender', or 'representative of the people'.

Western Australia was the first Australian State or Territory to establish an Ombudsman in 1972.

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 to the Parliament rather than to the Government of the day or a particular Minister. This allows the Ombudsman to be completely independent in the investigation and resolution of complaints about public authorities (State Government agencies, statutory authorities and boards, local governments and universities).

## Functions of the Ombudsman

The Ombudsman's office has three principal functions under its governing legislation, the **Parliamentary Commissioner Act 1971** and a range of other functions derived from other legislation, codes or service delivery arrangements.

### PRINCIPAL FUNCTIONS

#### Resolving complaints

The Ombudsman investigates and resolves complaints from the public about the decision making and practices of public authorities.

#### Improving public administration

The Ombudsman aims to improve the standard of public administration through:

- Making suggestions and recommendations as a result of the investigation of complaints;
- Providing advice and guidance to public authorities; and
- Investigations initiated by the Ombudsman about significant issues relating to the practices of public authorities.

#### Child death review and investigation

The Ombudsman reviews and investigates the sudden or unexpected deaths of certain children in Western Australia and makes recommendations to the Department for Child Protection and other public authorities in relation to preventable deaths of children.

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

A full list of legislation governing these functions can be found in [Appendix 2](#). See more in the [Report on Operations](#) section about each of these functions.

## Executive Management Team

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

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

The Corporate Executive provides leadership to the office and ensures strong corporate governance. See more in the [Disclosures and Legal Compliance](#) section.

### **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.



### **Peter Wilkins** *Deputy Ombudsman*

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

**Mary White**

*Assistant Ombudsman, Strategic Services*

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



**Kim Lazenby**

*Assistant Ombudsman, Administrative Improvement*

Kim commenced in the position of Assistant Ombudsman in June 2008. She has 20 years experience in government roles, working at the Commonwealth and State levels, in both line and central agencies and has a strong background in evaluation.

**Andrew Harvey**

*Assistant Ombudsman, Complaint Resolution*

Andrew joined the office in 2005 and was appointed to his current role in September 2008. Andrew has worked in management roles for a range of Commonwealth and State authorities in areas such as statistics, licensing and auditing.



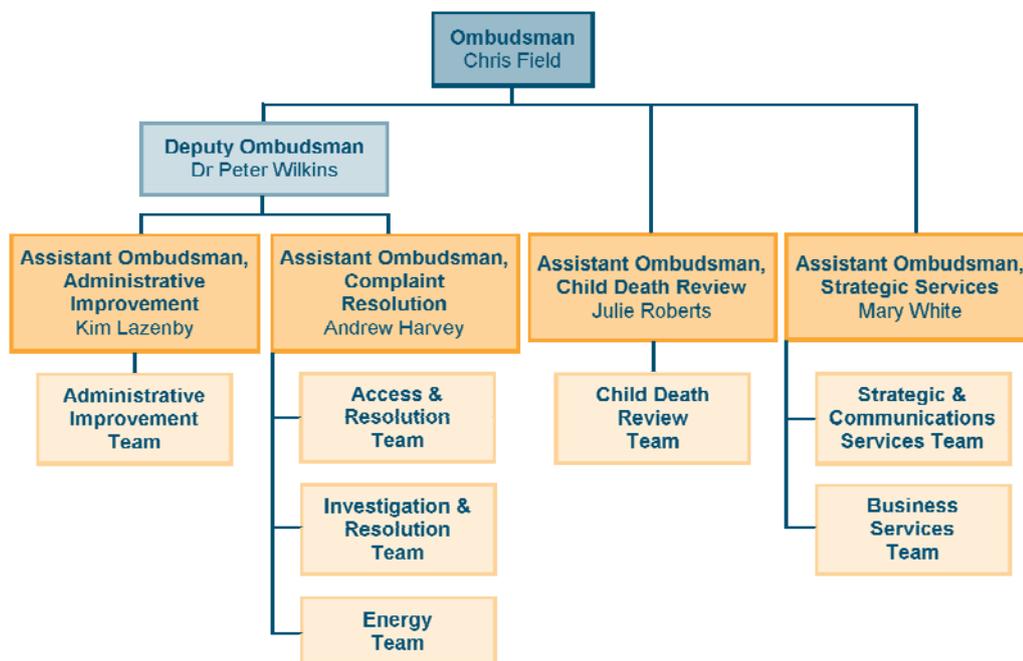
**Julie Roberts**

*Assistant Ombudsman, Child Death Review*

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



## Organisational Structure at 30 June 2010



- The **Administrative Improvement Team** has responsibility for programs and strategies aimed at improving administrative practices across the public sector.
- The **Complaint Resolution Team** has responsibility for handling enquiries and receiving and resolving complaints.
- The **Child Death Review Team** reviews and investigates certain sudden or unexpected child deaths and identifies trends in this area with a view to advancing good decision making across the sector.
- The **Strategic and Corporate Services Team** supports the office in strengthening its strategic focus, corporate communications and governance. The team encompasses Strategic and Communications Services and Business Services.

## Performance Management Framework

### Desired Outcomes of the Ombudsman's Office

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



### Services Provided by the Ombudsman's Office

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

The Ombudsman's service to support the achievement of this outcome is to:

- Investigate and resolve complaints from members of the public about Western Australian public authorities; and
- Improve the standard of public administration by identifying and investigating concerns that affect the broader community, making recommendations for improvement and identifying and promoting good decision making and practices.

# Significant Issues Impacting the Office

## Complaint Resolution

In 2009-10 there were 2,009 complaints received which was a 62 per cent increase compared to the 1,241 received in 2008-09. This followed a period from 2005-06 to 2008-09 when complaint numbers remained relatively static, ranging between 1,275 and 1,119.

The main reason for the increase appears to be the effect of the Global Financial Crisis (**GFC**). This increase peaked in the October to December quarter 2009-10, after which there was a downward trend resulting in an overall increase for the financial year of 62 per cent compared to the previous financial year. The timing of the GFC has a high correlation with the rise (and subsequent correction) of complaint numbers to the Ombudsman.

The chart below shows the trend in increasing complaint numbers during 2009-10. The increasing trend appears to be across all sectors and is not confined to one public authority.

Complaints Received in 2008 - 2009 and 2009 - 2010



A number of other factors may also have had a bearing on the increase in complaints. These include:

- A periodic complaint handling survey of public authorities undertaken in 2009-10 that may have prompted an increased awareness of the opportunity to refer unresolved complaints to the Ombudsman;
- The office's outreach programs, in particular the Regional Awareness and Accessibility Program. This Program is designed to

increase awareness of, and accessibility to, the Ombudsman for regional and Indigenous Western Australians. These two groups have traditionally been under-represented in complaint numbers to the office. Complaints from the regions visited in 2009-10 have increased by 217 per cent. During this same period, complaints from regional areas not visited increased by only 38 per cent;

- Some public authorities indicating that they had made changes to their complaint handling systems, including placing a stronger emphasis on advising people to bring their unresolved complaints to the Ombudsman; and
- Greater awareness among public authorities about the Ombudsman as an external review mechanism following the implementation of the Public Sector Commissioner's Circular **2009-27: Complaints Management**.

In early 2008, significant improvements were made to the Ombudsman's organisational structure and processes and have been ongoing since as part of a continuous improvement program. These organisational improvements, combined with scale and scope economies arising from expanded Ombudsman functions during this period, have enabled the increased workload to be managed with a modest increase in resources.

The office will actively monitor complaint numbers during 2010-11 to determine ongoing trends, including undertaking a survey of complainants to gain more information about why people have been bringing complaints to the Ombudsman (and in greater numbers).

## Improving Accessibility

Indigenous Western Australians and people living in regional Western Australia have historically been under-represented in complaints made to the office. The office has implemented strategies to address these issues and will continue them into 2010-11.

One important mechanism for improving accessibility is through regional visits under the office's Regional Awareness and Accessibility Program. These visits involve a range of activities for public authorities including seminars and workshops, visits to regional prisons, workshops for community groups and Indigenous people and complaint clinics.

The office has also introduced a range of new resources which have a specific focus for Indigenous Western Australians. In addition, the appointment of a Principal Indigenous Liaison Officer has assisted to improve access for Indigenous Western Australians to the office.

## Improved Public Administration

Ombudsman offices across Australia are increasingly using a range of tools to improve public administration.

In 2009-10, in addition to improving public administration through the resolution of complaints, the office has undertaken the following activities:

- Administrative improvement projects about significant public sector issues. Key projects were a comprehensive review of complaint handling by public authorities and commencing a review of the management of personal information by public authorities; and
- Assisting public authorities to strengthen their capacity in good decision making, administrative practices and internal complaint processes through advice, guidelines and workshops. The office has developed and conducted workshops for public authorities to support improved complaint handling internally. In 2010-11, the office will be developing and delivering workshops on good decision making.

## Increasing Diversity of Functions

Also in line with Ombudsman offices across Australia, the office is undertaking an increasing diversity of functions. These include a child death review function, an inspection function for telecommunication interception activities, dealing with complaints from overseas students about the termination of their enrolment and undertaking the role of the Western Australian Energy Ombudsman. The office has strong organisational structures and procedures in place to support these functions as well as strong links with other states in Australia with similar roles.

# Report on Operations

This section of the report provides detail about the core work of the office, including major achievements, initiatives and projects for the year.

- **Outcomes Summary**
- **Complaint Resolution**
- **Administrative Improvement**
- **Child Death Review**
- **Communications and Collaboration**



**Resolving  
Complaints &  
Improving Public  
Administration**

# Outcomes Summary

## Summary of Performance Outcomes

### Key Effectiveness Indicators

The Ombudsman aims to improve the decision making, practices and conduct in public authorities by making recommendations and suggestions that are practical and effective. Key indicators are the percentage of recommendations and suggestions accepted by public authorities and the number of improvements that occur as a result.

Key Effectiveness Indicators	2009-10 Target	2009-10 Actual	Variance
Of allegations where Ombudsman made recommendations to improve practices or procedures, percentage of recommendations accepted by agencies	100%	100%	0%
Number of improvements to practices or procedures as a result of Ombudsman action	40	49	+9

In addition to recommendations and suggestions, public authorities also initiate their own action to improve their decision making and practices. This year there were a further 45 actions initiated by public authorities to improve their practices as well as 111 actions to provide a remedy for the complainant as a result of the Ombudsman's investigations.

### Comparison of Actual Results and Budget Targets

As for the previous three years, in 2009-10 there has been 100 per cent acceptance of recommendations and suggestions made by the Ombudsman. This year there were 49 improvements to administrative practices as a result of both complaint resolution activities and administrative improvement projects. This exceeds the target of 40 due to a larger than expected number of accepted suggestions arising from administrative improvement projects undertaken by the office this year.

## Key Efficiency Indicators

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

Key Efficiency Indicators	2009-10 Target	2009-10 Actual	Variance
Percentage of allegations finalised within three months	80%	82%	<b>+2%</b>
Percentage of allegations finalised within 12 months	95%	99%	<b>+4%</b>
Percentage of allegations on hand at 30 June less than three months old	50%	63%	<b>+13%</b>
Percentage of allegations on hand at 30 June less than 12 months old	85%	97%	<b>+12%</b>
Average cost per finalised allegation	\$2,860	\$1,999	<b>-\$861</b>
Average cost per finalised notification of the sudden or unexpected death of a child	NA	\$9,377	<b>NA</b>

### Comparison of Actual Results and Budget Targets

The office has continued to build on a substantial improvement in the timeliness of complaint handling over the previous three years due to a strong focus on internal efficiency processes. All timeliness indicators exceeded the target for 2009-10.

In 2009-10 there were 2,015 allegations finalised compared to 1,478 in 2008-09. As there has been only a modest increase in resources for complaint resolution, the increase in finalised allegations has contributed to a decline in the cost per finalised allegation in 2009-10.

This year the office received additional funding to establish the child death review function. A new indicator has been introduced for the first time this year, on the cost per finalised notification of the sudden or unexpected death of a child.



## Summary of Financial Outcomes

The Ombudsman’s estimated cost of services increased in 2009-10 due to an approved budget increase associated with the new child death review function which commenced in the office on 30 June 2009.

Financial Performance	2009-10 Target ('000s)	2009-10 Actual ('000s)	Variation ('000s)
Total cost of services (expense limit) (details from income statement)	5,913	6,965	1,052
Net cost of services (details from income statement)	5,274	6,012	738
Total equity (details from balance sheet)	1,514	1,301	-213
Net increase / (decrease) in cash held (details from cashflow statement)	14	60	46
Approved full time equivalent (FTE) staff level	52	59	7

### Comparison of Actual Results and Budget Targets

#### Total Cost of Services

The increase in total cost of services of \$1.05 million was primarily due to increased staffing expenses due to:

- An additional three staff needed to handle a 62 per cent increase in complaints under the Ombudsman’s jurisdiction, funded through \$300,000 in supplementary funding;
- An additional two staff needed to handle an increase in complaints under the Energy Ombudsman jurisdiction, fully offset by \$264,000 in additional revenue; and
- Increased leave liability for the additional staff for the new child death review function.

There was also an increase in depreciation expenses, associated with previously approved capital purchases.

#### Net Cost of Services

The net cost of services increased by a lesser amount of \$738,000 due to a higher than estimated revenue, primarily due to an additional \$264,000 approved by the Board of the Energy Ombudsman Western Australia to cover the increased costs of complaint resolution under the Energy jurisdiction.

### Total Equity

During 2009-10 the Ombudsman's total equity declined by \$153,000 to \$1.30 million, primarily due to higher than estimated provisions for leave liability associated with the additional staff appointed to carry out the new child death review function.

### Net increase (decrease) in cash held

Cash held increased slightly more than expected due to a lower than expected expenditure of asset purchases arising from a deferral of the purchase of a database for case management of child death reviews to 2010-11.

# Complaint Resolution

This section provides details about a core Ombudsman function, resolving complaints received from the public about public authorities.

## Contacts

Each year, thousands of people contact the Ombudsman’s office. Some of these contacts result in complaints being received by the office, while others are enquiries from people seeking advice about an issue or information on how to make a complaint. The office provides assistance to the public by resolving their complaint, providing advice, or referring the matter to another, more appropriate complaint handling body.

## Resolving Complaints

Often the office will undertake an investigation to resolve a complaint. Where it is possible and appropriate, staff use the office’s early resolution process. This approach is highly efficient and effective and results in timely resolution of complaints. It often results in public authorities initiating action voluntarily to resolve the matter and to assist the complainant, and taking action to prevent similar complaints arising again.

“The office’s early resolution approach to resolving complaints has proved to be highly efficient and effective.”

## Outcomes of Complaints

There are a number of possible outcomes from an Ombudsman investigation. Public authorities may initiate action to resolve the complaint, which may include providing assistance to the complainant and introducing changes to practices and procedures to address broader systemic issues. In other cases, the Ombudsman makes recommendations or suggestions that such action occurs following an investigation.

Complaint resolution is one available method to identify and bring about improvements to public administration. Complaint resolution staff work closely with the Administrative Improvement Team by tracking complaints and enquiries to monitor systemic issues to inform the office of potential broader administrative improvement projects.

## 2009-10 Snapshot

The following pages provide a snapshot of the complaints and enquiries received and finalised during the reporting year, as well as current trends and issues observed in complaints. [Appendix 1](#) shows details of all complaints received and finalised for each public authority.

### All Contacts to the Office in 2009-10



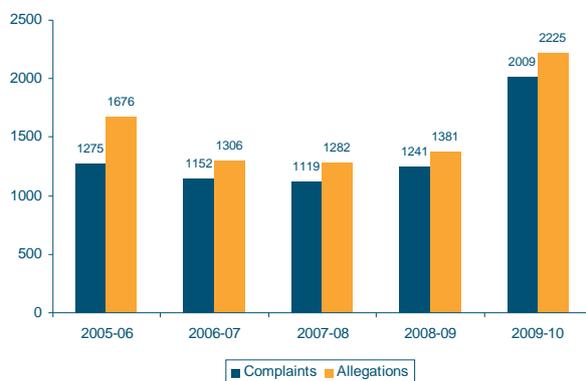
## Complaints Received

The office received 2,009 complaints in 2009-10 which represents a 62 per cent increase in complaints compared to the previous financial year. One complaint may cover more than one allegation or issue. During the year, 2,225 allegations were received.



### COMPLAINT NUMBERS INCREASE IN 2009-10

Total Number of Complaints and Allegations Received 2005-06 to 2009-10



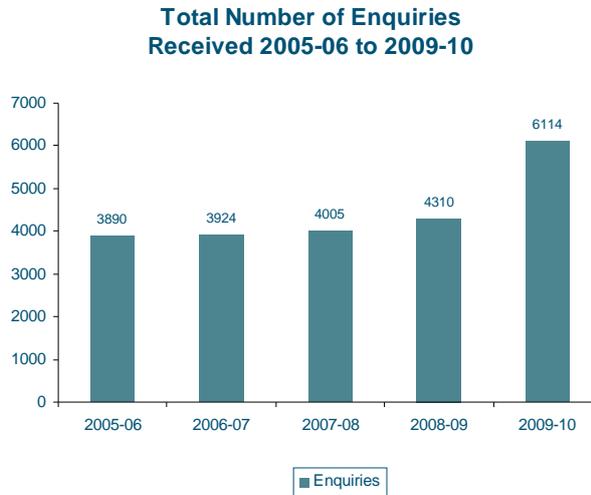
The number of complaints received by the office in 2009-10 is the highest number of complaints received in the last five years.

NOTE: The number of complaints and allegations may vary from the number shown in previous annual reports. This occurs because, during the course of an investigation, it can become apparent that a complaint is about more than one public authority or there are additional allegations. The receipt date is recorded as the date the complaint was received, which may be in a previous reporting year.

The increasing trend in complaint numbers is across all sectors and is not confined to one public authority. See also the [Significant Issues Impacting the Agency](#) section.

## Enquiries Received

Enquiries to the office have increased by 42% in 2009-10. While most enquiries are received by telephone, 105 people visited the office in person to make enquiries.



For enquiries that are within the Ombudsman’s jurisdiction, the majority are referred back to the public authority in the first instance. However in some cases, Ombudsman staff may be able to facilitate a quick resolution of the matter by making informal contact with the public authority. One example of this is outlined in the case below. A number of enquiries are about public authorities not within the Ombudsman’s jurisdiction. In these cases, staff assist the caller by providing information about the appropriate body to handle their complaint.



### OMBUDSMAN CASE STUDY

#### Ombudsman achieves prompt resolution of licence issue for complainant

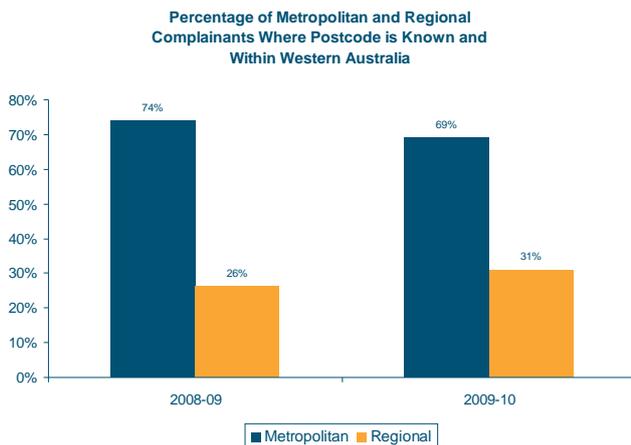
A complainant contacted the Ombudsman’s office saying he was upset and confused about licensing rules in Western Australia. When he had asked a public authority about the rules, and how he could have his interstate licence recognised here, he had been given different information by several different staff members at the authority.

As a result of the office making informal enquiries with the public authority, the public authority wrote to the complainant to outline the steps required to renew his licence. The authority’s letter also included an apology to the complainant for the conflicting information he had received from its staff and the inconvenience this caused him. The authority also gave an assurance that all staff members involved in the matter had been retrained to prevent the wrong information being communicated again.

## Source of Complaints

### Where Complainants Live

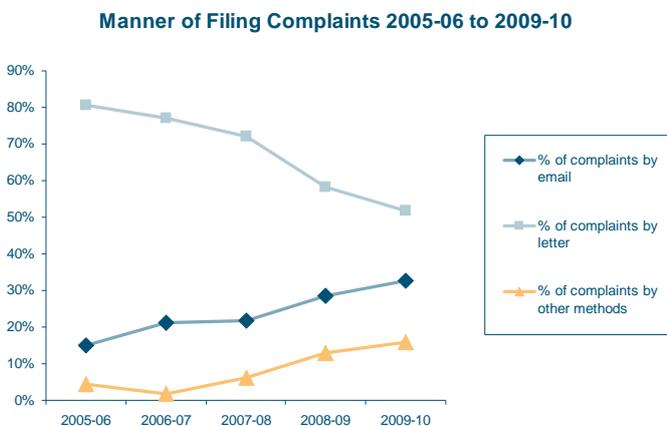
The office identifies the proportion of complaints from regional areas by the complainant's postcode, which was available for 81 per cent of complainants.



The proportion of complainants from regional areas has increased compared to the previous year, an indication of the success of the office's Regional Awareness and Accessibility Program.

### Manner of Filing Complaints

Complaints must be in writing, but this can occur in a variety of ways. There is an ongoing increase in the use of emails to make complaints. In 2009-10, 33 per cent, or a third, of all complaints were received by email, this is more than double the percentage in 2005-06 (15 per cent). In contrast, the use of letters to lodge complaints has been declining over the last five years from 81 per cent in 2005-06 to 52 per cent in 2009-10. The remaining complaints were received by a variety of means including via the internet, petitions and regional visits.



The use of email has been increasing steadily over the last five years.

## Timeliness of Complaint Handling

The office continues to focus on the timeliness of its complaint handling, a significant achievement given the 62 per cent increase in complaints received. Timeliness can be assessed by looking at:

- The age of complaints on hand at the end of the financial year; and
- The average time to finalise a complaint within the financial year.

In both areas, the office has shown continued improvement over the last five years in reducing aged cases with:

- A 64 per cent reduction in the average age of open complaints;
- A 90 per cent reduction in the number of open complaints more than 12 months old; and
- A 63 per cent reduction in the number of open complaints more than six months old.

During 2009-10 the average time to finalise complaints was 53 days and as at 30 June 2010, the average age of open cases was 80 days. There has been some increase in the number of open complaints between six and 12 months old due to the increase in the number of complaints received in 2009-10. However, the number of open complaints older than 12 months remained very low at five complaints.

## About the Complaints

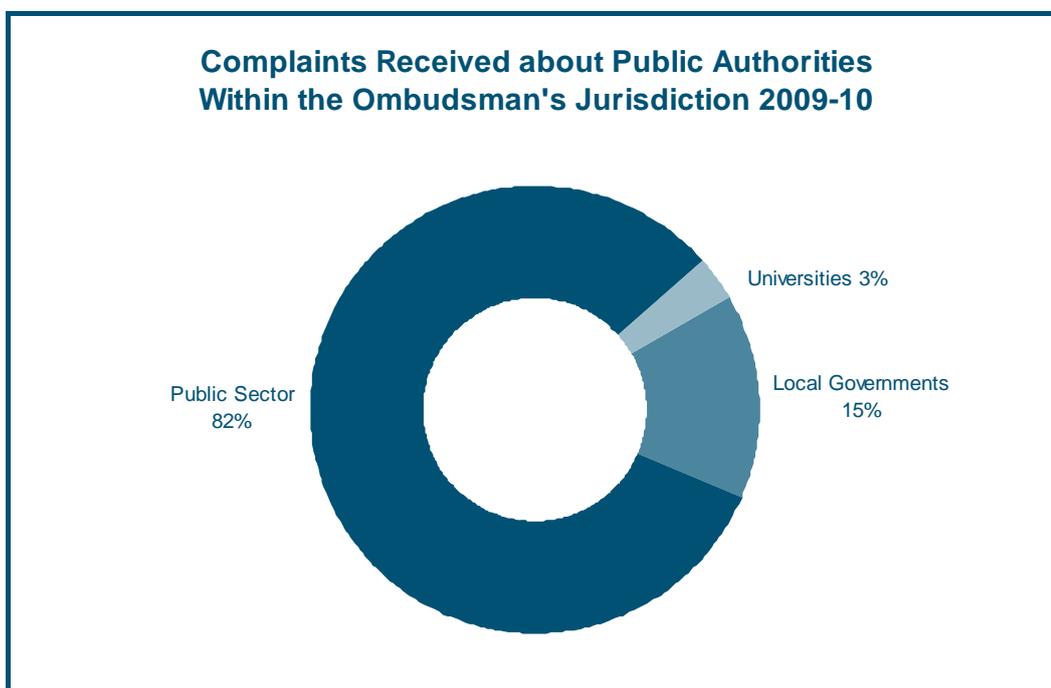
Of the 2,009 complaints received, 1,641 were about public authorities that are within the Ombudsman's jurisdiction. These are broken down into the following sectors:

- The public sector (1,345 complaints);
- The local government sector (240 complaints); and
- The university sector (56 complaints).

The remaining 368 complaints were about bodies that are not within the Ombudsman's jurisdiction. In these cases, Ombudsman staff provided assistance to enable the people lodging them to take their complaint to a more appropriate body.

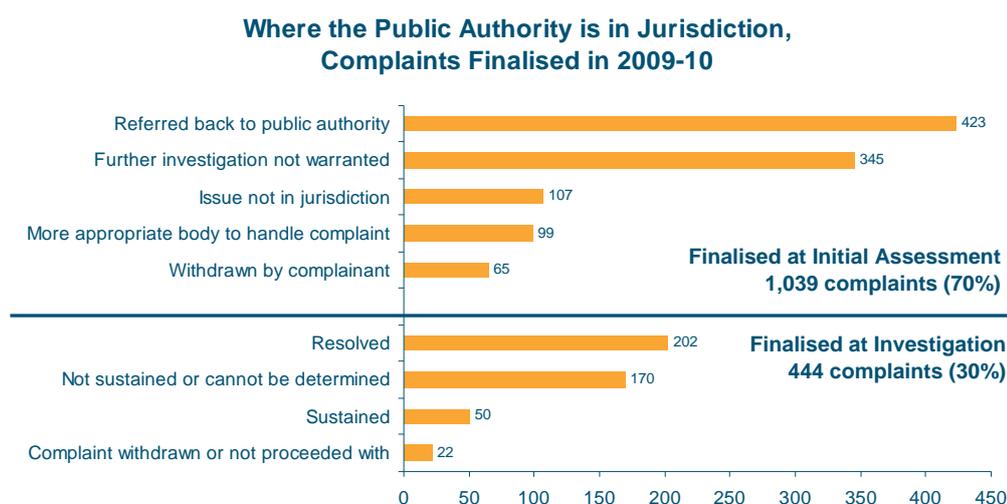
"Where complaints cannot be handled by the Ombudsman, staff provide assistance by contacting other complaint handling bodies to clarify they can assist, referring the matter to another body and providing details about how to make complaints to others"

The proportion of complaints received about public authorities within the Ombudsman's jurisdiction is shown below.



### Complaints Finalised and Outcomes Achieved

There were 1,848 complaints finalised during the year. Of these, 1,483 complaints were about public authorities in the Ombudsman's jurisdiction. Details of how these complaints were finalised are shown below.

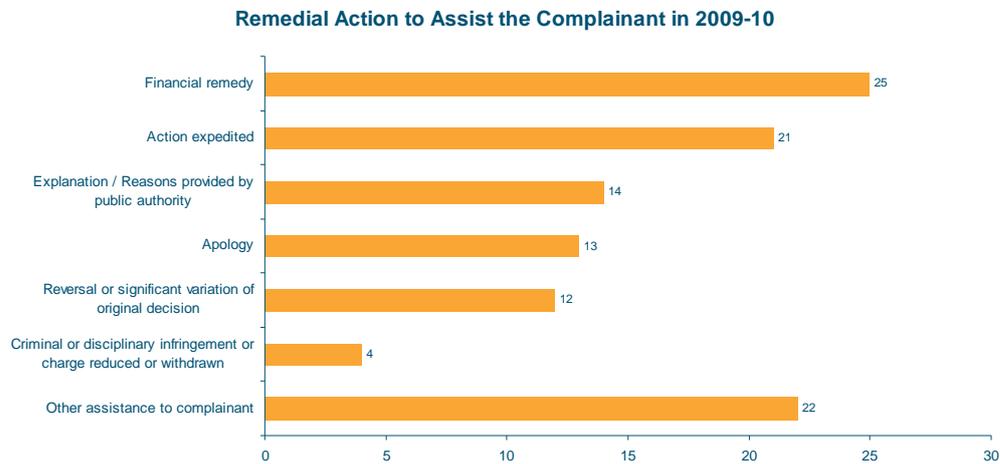


For 41 per cent of the 1,039 complaints finalised at the initial assessment, the matter was referred back to the public authority to provide it with an opportunity to resolve the matter before involving the Ombudsman. This is a common and timely approach and often results in resolution of the matter. The complainant is advised to contact the office again if their complaint remains unresolved at the outcome of this referral process. For a further 10 per cent of the complaints finalised at the initial stage, there was another alternative and more appropriate body who could handle the complaint.

Of the 444 complaints finalised at the investigation stage, 45 per cent were resolved through the office’s early resolution process. This involves Ombudsman staff contacting the public authority to progress a timely resolution of the complaint.

### Outcomes to Assist the Complainant

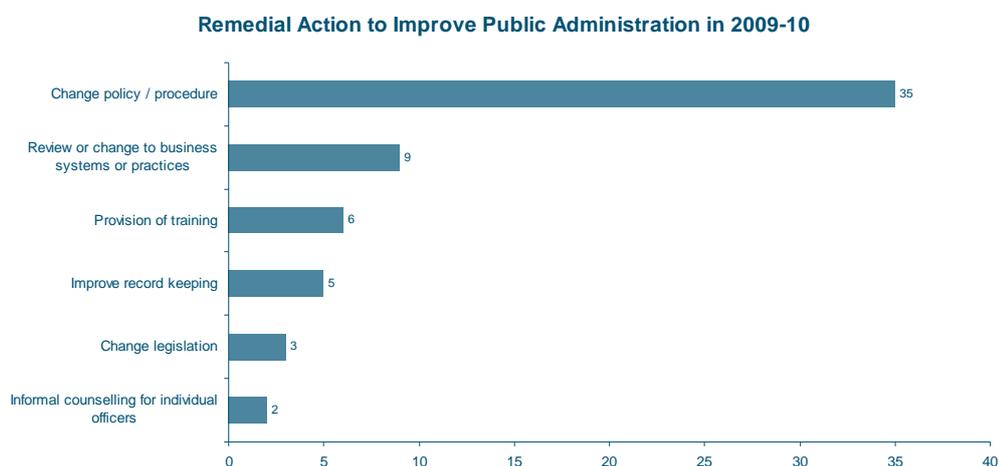
Complainants look to the Ombudsman to facilitate some form of assistance or action to remedy their complaint. There were 111 outcomes which resulted in remedial action by public authorities to assist complainants arising from complaints finalised by the Ombudsman. The distribution of remedial action is shown in the following chart.



### Outcomes to Improve Public Administration

In addition to facilitating some form of action for the complainant, the Ombudsman also seeks to improve a public authority’s processes to ensure that if something has gone wrong, it does not go wrong again. During 2009-10, there were 60 improvements made to public authority

practices as a result of complaints finalised by the Ombudsman. These occurred in response to recommendations and suggestions made by the Ombudsman and accepted by the public authority, as well as voluntary action taken by public authorities. The distribution of remedial action to improve public administration is shown in the chart below.



A number of these improvements related to introducing new policies and procedures, making improvements to record keeping, making changes to business practices, reviewing information management systems, reviewing forms and notices, reviewing and updating standard letters and updating information communicated through public authority websites, and training of staff in respect of business processes.

Where an individual's complaint involves more than one public authority, the Ombudsman's involvement may result in collaboration between public authorities to resolve the matter and it may also result in administrative improvements across a number of public authorities.

### Requests for Review

Occasionally, the Ombudsman is asked to review or reopen a complaint that was investigated by the office. The Ombudsman is committed to providing complainants with a service that reflects best practice administration and, therefore offers complainants who are dissatisfied with a decision the office has made, the opportunity to request a review of that decision. Forty six requests for review were received in 2009-10, or approximately two per cent of the total number of complaints finalised. Four reviews resulted in the original decision being amended in part or in whole. In all other cases where a review was undertaken, the original decisions were upheld.

## Public Sector

### General Trends

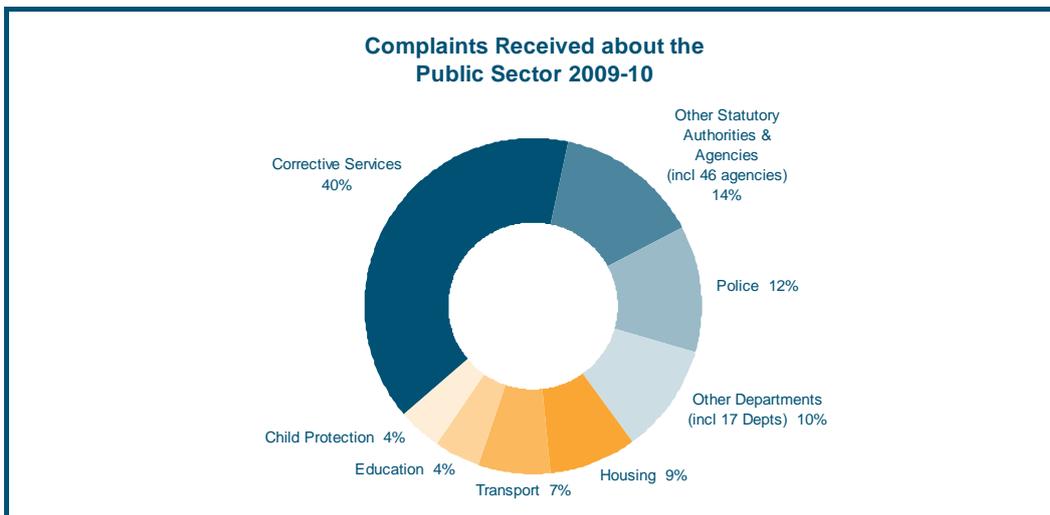
Seventy six per cent of the complaints received about the public sector were about six key groups covering:

- Corrective services, in particular prisons (531);
- Police (163);
- Public housing (114);
- Transport (94);
- Public education, including schools and Technical and Further Education colleges (59); and
- Child protection (56).

Details about the complaints received for these public sector groups are contained in the following pages.

The remaining 24 per cent of complaints were about other departments and other statutory authorities and agencies. For the majority of these two groups (71 per cent) less than five complaints were received.

The graph below shows the breakdown of complaints received for the public sector groups.



There were 117 actions taken which resulted in remedial action being provided to complainants or improvements to public sector practices, as a result of public sector complaints finalised in 2009-10.

## Corrective Services

There were 531 complaints received about services provided through corrective services including public and private prisons, prisoner transport and courts security. Overall, there was an 89 per cent increase in complaints received compared with 2008-09 when 281 were received. Included in the 531 complaints received were 207 complaints through four petitions from prisoners.

The range of issues complained about included:

- Facilities and conditions;
- Food and diet;
- Health services;
- Officer conduct;
- Placement at a particular prison;
- Prisoner property;
- Prison visits; and
- Prisoner grievance procedures.

There were 494 complaints finalised during the year of which 36 per cent were referred back to the relevant public authority.

Assistance to complainants was provided through remedial action and there were a number of improvements made to practices and procedures as a result of complaints finalised.

### OUTCOMES ACHIEVED

- Review of prisoner mail and confidential mail procedures;
- Review of procedures for visiting justices;
- Training and supervision of staff who undertake local investigations;
- Review of procedures for interviewing prisoners and witnesses for investigations;
- Ensuring staff are aware of complaints management policies and procedures and handle complaints in a timely way; and
- Review of procedures for prisoner lost property including payment of compensation for loss.

### Prison Visits

During the year, the office visited four prisons, Greenough Regional Prison, Casuarina Prison, Karnet Prison Farm and Broome Regional Prison. The purpose of the visits was to meet with prison staff, Peer Support Prisoners and Prisoner Support Officers to provide information about the office and explore the current issues affecting the prison.

## Western Australia Police

There were 163 complaints received about Western Australia Police, an increase of 23 per cent compared with 2008-09 when 132 complaints were received. There were 150 complaints finalised. The range of issues raised in complaints included:

- Investigations & prosecutions;
- Custody issues;
- Provision of information;
- Staff conduct issues;
- Management issues;
- Arrest and detention issues;
- Investigation of complaints; and
- Traffic issues.

Regular meetings were held with the Western Australia Police Complaints Administration Centre (PCAC) to facilitate the working relationship with the office. Forty nine per cent of complaints finalised were referred back to PCAC. Seventeen per cent of complaints were closed because there was a more appropriate body to handle them, including conduct issues that were referred to the Corruption and Crime Commission.

Assistance to complainants was provided through remedial action and a number of improvements were made to practices and procedures as a result of complaints finalised.

### OUTCOMES ACHIEVED

- Review of infringement notices and their subsequent withdrawal;
- An agreement for an investigation to be carried out;
- An agreement to reimburse a complainant for lost property; and
- Improvements to record keeping for video links and court appearances.

## Public Housing

Complaints about the Department of Housing rose significantly during the year. There were 114 complaints received compared with 43 in 2008-09, an increase of 165 per cent, materially above the overall trend of 62 per cent. This appears to have been partly due to changes to the Department's complaints process resulting in referral of complaints to the Ombudsman at an earlier stage.

There were 98 complaints finalised during the year. Thirty per cent of these were referred back to the Department.

The range of issues complained about related mainly to administrative matters and the Department's rental operations program. Together, these made up 89 per cent of complaints finalised.

The main areas of complaint about the rental operations program were:

- Property allocation and transfers between properties;
- Tenant liability;
- Property condition and maintenance; and
- Behaviour of tenants.

In each of these categories, there was an increase in the number of complaint issues handled by the office compared with 2008-09.

Assistance to complainants was provided through remedial action and there were a number of improvements made to practices and procedures as a result of complaints finalised as shown below.

#### OUTCOMES ACHIEVED

- Reassessment and refunding of tenant liability charges to tenants vacating rental properties;
- Reinstatement of prospective tenants on housing waiting lists;
- Reconsideration of housing appeals;
- Provision of advice about an applicants position on waiting lists;
- Provision of explanations and apologies; and
- Review of processes associated with the rental operations program.



### OMBUDSMAN CASE STUDY

#### Ombudsman enquiries result in property repair costs being waived

A tenant requested an inspection for the repair and maintenance of her public authority-owned home. The inspection identified maintenance issues which she believed were the result of normal wear and tear. The tenant then received a bill for some of the maintenance repairs because the public authority claimed they were not due to wear and tear. The tenant complained to the public authority, but the requirement for her to pay for some repairs remained.

The tenant then complained to the Ombudsman that:

- She had not been informed that she would be charged for such repairs and she had been overcharged for them;
- The repairs were not her responsibility because they were due to wear and tear;
- The repair work done was faulty; and
- Her appeal was incorrectly recorded by the public authority.

The Ombudsman found the complaint was justified, and as a result, the public authority waived the costs and corrected the faulty repair work. It also changed its inspection and appeal procedures to ensure tenants are fully informed of inspection outcomes and that appeals accurately reflected the process.

## Transport

There were 94 complaints received about public authorities which make up the transport group of the public sector. These include the Department of Transport, Main Roads Western Australia and the Public Transport Authority. Complaints for this group rose by 52 per cent from 2008-09 when 62 complaints were received.

There were 80 complaints finalised for this group. Twenty six per cent of these were referred back to the relevant public authority.

Issues raised in complaints included:

- Maintenance of roads and road signage;
- Vehicle registration and drivers licence issues;
- Complaint handling issues;
- Provision of information;
- Disputes relating to fines and infringements;
- SmartRider and public transport ticket issues;
- School bus contract issues; and
- Boat registrations and licences.

Assistance to complainants was provided through remedial action and there were a number of improvements made to practices and procedures as a result of complaints finalised.

### OUTCOMES ACHIEVED

- Monetary or infringement charges reduced, withdrawn or refunded;
- Action expedited;
- Explanations provided;
- Apologies given;
- Standard letters reviewed and updated;
- Information on a website updated; and
- Training initiated as a result of complaints finalised.



## **Ombudsman involvement results in letter of explanation for complainant**

A complainant contacted a public authority regarding the delay in processing a registration refund. When she did not receive a response from the public authority, she wrote to the Ombudsman's office.

Ombudsman staff made enquiries with the customer feedback co-ordinator at the public authority and were informed that a refund cheque had been posted to the complainant around the same time the complaint was lodged with the office. However, the public authority agreed that the complainant was entitled to an explanation and apology for the delay in processing her refund. The public authority advised it would write to the complainant to provide an explanation and apology.

### **Public Education**

There were 59 complaints received about the public education group, which includes the Department of Education (including public primary and secondary schools), Department of Education Services, Department of Training and Workforce Development, the Curriculum Council and Technical and Further Education colleges. Thirty eight of the 59 complaints received were about the Department of Education, an increase of 65 per cent compared with 2008-09 when 23 were received. The remaining 21 complaints were about other public authorities in the public education group, however none of the individual authorities received more than six complaints each.

Forty five complaints were finalised in 2009-10. Eighteen per cent of these were referred back to the relevant public authority.

The issues raised in complaints included:

- Complaint handling and grievance processes;
- Course curriculum issues;
- Teacher practicum issues;
- Human resource issues;
- School fees;
- Student discipline issues;
- Termination of enrolment; and
- Removal of trees on school property.

Assistance to complainants was provided through remedial action and there were a number of improvements made to practices and procedures as a result of complaints finalised.

### OUTCOMES ACHIEVED

- Financial remedies such as reassessment of fees;
- Action expedited;
- Agreement to re-assess a student's work;
- The clarification of pathways to seek re-employment;
- Improved procedures related to human resource and performance management practices; and
- The commencement of an audit of employees receiving a graduate allowance.

Complaints about public education included some received from overseas students under the *National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007*. See more about overseas students in [Reviewing Appeals by Overseas Students](#).



## OMBUDSMAN CASE STUDY

### Ombudsman action resolves dispute over tuition debt

A complainant wrote to the Ombudsman complaining that she had received an invoice for payment of outstanding tuition fees for her son who had been studying at a Western Australian high school. The complainant's son was enrolled as an overseas student. The complainant advised that the school had indicated her son's immigration status would be revoked if the outstanding amount was not settled. The complainant also advised the public authority that her son had returned home and was not studying in Western Australia during the period listed on the invoice.

After the Ombudsman's enquiries, the public authority voluntarily agreed to remove the debt associated with the semester enrolment as an act of good will.

## Child Protection

There were 56 complaints received about the Department for Child Protection, an increase of 37 per cent compared with 2008-09 when 41 complaints were received.

There were 46 complaints finalised, of which more than half were referred back to the Department's Complaints Management Unit.

Given the high number of complaints that were referred back to the Department for resolution, there were a small number of complaints that were investigated but these addressed some complex issues.

Issues raised in complaints included:

- Child maltreatment investigations;
- Out of home care & fostering;
- Complaint handling;
- Protection & case applications;
- Adoption;
- Payments for foster carers; and
- Funding of non-profit agencies.



## OMBUDSMAN CASE STUDY

### Apology and system improvements result from 'out of time' complaint

A complainant contacted the Ombudsman raising concerns about a public authority's internal complaints policy, its investigation procedures and record keeping.

The public authority had not accepted the complaint initially on the grounds that the event it related to occurred over 12 months prior to the complaint being made. However, it later decided to investigate it.

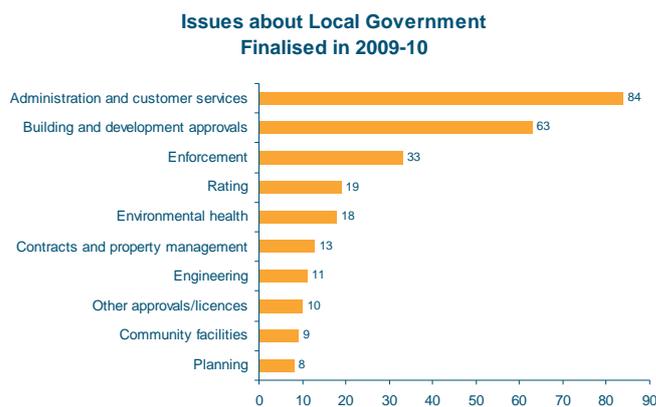
The Ombudsman's investigation revealed that, while the public authority had re-considered its policy concerning out of time complaints, the investigation procedure and record keeping had caused the complainant considerable distress.

Following the Ombudsman's involvement, the public authority took action to improve its case practice, supervision and performance management of staff, and its complaint handling system. The public authority also provided the complainant with an apology.

## Local Government

### General Trends and Issues

There were 240 complaints received about the local government sector, which represents a 43 per cent increase compared with the previous year when 168 were received. There were 225 complaints finalised, fourteen per cent of which were referred back to the relevant local government.



The broad range of issues raised in complaints covered the diverse range of services provided to the community by local governments.

The areas of administration and customer service, development and building approvals and enforcement were the main areas of complaint. The issues raised in such complaints are outlined below.

Administration and customer approvals	<ul style="list-style-type: none"> <li>• Access to local government services;</li> <li>• Procedures for council meetings;</li> <li>• Objections to council decisions;</li> <li>• Conduct of local government staff and councillors;</li> <li>• Handling of complaints;</li> <li>• Provision of information;</li> <li>• Handling of liability claims;</li> <li>• Timelines for handling enquiries and providing responses; and</li> <li>• Employment issues.</li> </ul>
Development and building approvals	<ul style="list-style-type: none"> <li>• Consultation processes with neighbours;</li> <li>• Objections to applications;</li> <li>• Decisions on applications;</li> <li>• Construction and demolition issues; and</li> <li>• Application of the Residential Design Codes.</li> </ul>
Enforcement	<ul style="list-style-type: none"> <li>• Parking and traffic enforcement including the issuing of infringement notices;</li> <li>• Enforcement of development and building conditions;</li> <li>• Enforcement action relating to unauthorised use of buildings;</li> <li>• Bush fire control management; and</li> <li>• Enforcement action relating to urban animal management.</li> </ul>

There was an increase in complaints about contracts and property management and environmental health. The range of issues complained about in respect of contracts and property and management included leases and property transactions, and tender and contract management processes. The majority of environmental health issues complained about related to noise pollution.

### Complaint Outcomes

Local governments initiated a range of actions to remedy individual complaints. In addition, there were a number of improvements made to local government practices and procedures as a result of complaints made to the Ombudsman.

#### OUTCOMES ACHIEVED

- Reconstruction of a complainant's fence;
- Refund of a \$500 footpath bond;
- Reversal of decisions relating to rights of burial;
- Initiation of enforcement action about use of unused land;
- Withdrawal of parking infringements;
- Waiver of underground power charges;
- Action relating to storm water, footpath, land zoning, and enforcement matters expedited;
- Initiation of an act of grace payment in respect of an insurance claim;
- Provision of written explanations and apologies;
- Updated rates database to ensure correct address information for computer generated letters;
- Development of new procedures for handling noise complaints;
- Improvements to record keeping;
- Adoption of new local laws for fencing issues;
- Development of new policies for handling building application issues;
- Review and amendment of policies relating to erection of fences and construction of retaining walls;
- Amendment to wording on development applications to clarify appeal rights;
- Provision of reasons for decisions; and
- Introduction of new procedures for handling noise complaints.



## OMBUDSMAN CASE STUDY

### Ombudsman involvement results in review of information on its website

A complainant emailed the Ombudsman claiming that the local government had been responsible for a breach of his privacy. The complainant alleged that his personal details had appeared on the local government's website as part of a council minute regarding another issue he was trying to resolve with them, and requested that the details be removed.

The local government had not agreed to the complainant's initial request as it believed the entry was public information, and that minutes of council meetings were required to be made public.

The Ombudsman sought advice from the State Records Office, and as a result, the local government agreed to have the complainant's name and address removed from the website copy of the minutes. It also applied to Google to have the complainant's details removed from the search engine.



## OMBUDSMAN CASE STUDY

### Procedures for dealing with noise complaints reviewed

A complainant claimed that a local government had failed to address his complaints about excessive noise levels coming from neighbouring commercial premises. The complainant claimed that he had contacted the local government about the issue over a number of years, but the matter had never been adequately addressed.

The Ombudsman's office investigation concluded that the complaint was justified. Consequently, the local government took action to require the owners of the commercial premises to investigate and rectify the excessive noise nuisance. The local government also agreed to review its complaint handling procedure and develop a business operating procedure to ensure the efficient and effective handling of noise complaints in the future.

## Communicating with Local Governments

The office worked throughout the year on building and maintaining relationships with the local government sector. Some of these initiatives are outlined below.

- In November 2009, the Ombudsman addressed over 250 local government managers and practitioners at the Local Government Managers Australia (WA) Annual State Conference. The office also had a display booth at the conference trade exhibition, which was staffed by Ombudsman officers. Staff who attended the conference and exhibition reported positive interactions with local government practitioners.



**Ombudsman Western Australia staff at Local Government Managers Australia (WA) Annual State Conference**

L-R: Sarah Cowie, Director Research & Projects, Kim Lazenby, Assistant Ombudsman Administrative Improvement and Ombudsman Chris Field review publications at the conference.

- The office liaised with the Department of Local Government regarding their respective complaint handling roles. Initiatives from the meeting included a joint meeting with the new Independent Planning Reviewer at the Department for Planning, and possible joint attendance at future regional meetings.

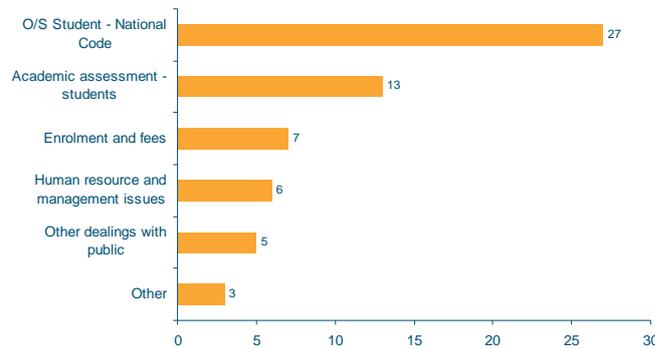
## Universities

### General Trends

There were 56 complaints received about the university sector which represents a 24 per cent increase compared with the previous year when 45 were received. Fifty seven complaints were finalised during the year. Of these, 11 per cent were referred back to the relevant university.

The range of issues raised in complaints is set out in the following chart. This shows that some of the issues related to student matters and others related to staff appointment and human resource management.

**Issues Finalised about Universities in 2009-10**



Issues raised in complaints included:

- Discontinuation from university courses;
- Termination of enrolment;
- Payment of fees;
- Course exemptions;
- Deferred examinations;
- Student loans;
- Assessment procedures; and
- Appeals processes.

Complaints about universities included some received from overseas students under the *National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007*. See more about overseas students in [Reviewing Appeals by Overseas Students](#).

Assistance to complainants was provided through remedial action and there were a number of improvements made to practices and procedures as a result of complaints finalised.

### OUTCOMES ACHIEVED

- Reinstatement of a student;
- Reversal of a decision on the grant of a degree;
- Agreement to initiate a payment plan for outstanding university fees enabling the student to re-enrol in a university course;
- Reinstatement of a student's academic status;
- Provision of more detailed reasons for decisions;
- Provision of explanations and apologies;
- Amendment of procedures for handling student appeals and review of procedures for recording interviews and meetings;
- Review of the process for providing reasons for decisions;
- Rewrite of a deferred assessment policy and procedure and revision of the associated application form; and
- Review and updating of standard letters.

## Reviewing Appeals by Overseas Students

### General Trends

The *National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007* (the Code) is part of the Australian Government framework regulating overseas education services. The Code provides for an external appeal for overseas student complaints. The office receives complaints under the Code from students at Western Australian public universities, Technical and Further Education colleges (TAFEs) and other public education providers. During the year, the office received 29 complaints from students under the Code, made up of:

- Universities – 69 per cent;
- TAFEs – 21 per cent; and
- Schools and colleges – 10 per cent.

Twenty six of the complaints related to termination of a student's enrolment.

### Outcomes of Complaints Under the Code

Thirty three complaints relating to the Code were finalised in 2009-10. In two cases, after the Ombudsman's involvement, the education providers reversed decisions to terminate student enrolments and the students were reinstated. In another case, while the office did not conclude that a student's enrolment should be reinstated, it suggested that the provider should apologise to the student because it failed to comply with its policies for the timing of appeals, which resulted in processing delays. This suggestion was accepted by the provider.

Some complaints included issues other than termination of enrolment. For example, after contact with the Ombudsman's office, one education provider removed debts associated with a complainant's enrolment and another provider expedited a decision regarding a student's request to defer his studies.



### Ombudsman enquiries result in reinstatement of overseas student

An overseas student complained to the office as she felt she had been unfairly terminated from her university course. The complainant studied at the university previously but withdrew from the course, before re-enrolling again in 2009. On her return, after only one semester, the university terminated her enrolment due to poor performance.

As a result of the Ombudsman’s enquiries, the university undertook a review of the case. The university confirmed that the complainant’s performance during her previous enrolment had been taken into account in the decision to terminate enrolment. However, the university found that the complainant had not been given adequate warning of the possibility of termination, or given the opportunity to address the issues causing her poor performance. The university also neglected to advise the complainant she was on conditional status as required by the Code. As a result, the complainant was reinstated on conditional status and offered appropriate support by the university to improve her performance.

### Communication about Overseas Students

In addition to the review function, the office established a project to work with universities and other education service providers to ensure that their internal processes for overseas student complaints and appeals are efficient, effective and timely. This capacity building program included the following initiatives:



- Development of a range of internal and external resources and promotional material (eg. bookmarks shown left) specifically designed to meet the needs of overseas students. These are being translated into languages appropriate to the overseas student demographic in Western Australia;
- Ongoing liaison with International Student Officers and complaint managers at universities and TAFEs;
- Attendance at complaint managers’ forums, Code reference groups and the State international student council; and
- Liaison with key stakeholders at State and Australian Government level.



## Other Functions

### Inspections of Telecommunication Intercepts

The [Telecommunications \(Interception\) Western Australia Act 1996](#), the [Telecommunications \(Interception\) Western Australia Regulations 1996](#) (the Regulations) and the [Telecommunications \(Interception and Access\) Act 1979 \(Commonwealth\)](#) permit designated 'eligible authorities' to carry out strictly regulated telecommunication interceptions. Western Australia Police and the Corruption and Crime Commission are eligible authorities in Western Australia.

Under the Regulations, the Ombudsman is appointed as the Principal Inspector to inspect the records of 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 relevant Western Australian and Australian Government Ministers within three months of the end of the financial year.

### Energy Ombudsman Western Australia

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

The Energy Ombudsman releases a public Annual Report which can be found on the [Energy Ombudsman website](#).

### Public Interest Disclosures

The Ombudsman is one of the authorities nominated in section 5(3) of the [Public Interest Disclosure Act 2003](#) to receive disclosures about particular types of 'public interest information'. People can make disclosures to the Ombudsman where the information relates to the decision making and practices of public authorities, including the actions of public officers within jurisdiction under the [Parliamentary Commissioner Act 1971](#).

The information provided is assessed having regard to the *Public Interest Disclosure Act 2003* and the *Parliamentary Commissioner Act 1971* and relevant guidelines, and a decision is made as to whether the disclosure is a matter requiring investigation. Subject to the

requirements of the *Public Interest Disclosure Act 2003* 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 three disclosures carried over from the previous year and received one new disclosure.

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 a service delivery arrangement between the Ombudsman and the Australian Government, the Ombudsman handles complaints from residents of the Indian Ocean Territories about public authorities in the Ombudsman's jurisdiction. There were two complaints from the Territories in 2009-10 and one received in 2008-09 that was identified as relating to the Indian Ocean Territories during 2009-10.

During the year, the office commenced planning for a visit to both Christmas Island and the Cocos (Keeling) Islands. The purpose of the visit is to raise awareness of, and access to, the services provided by the office among the local community and public authorities. The visit will be undertaken in 2010-11.

# Administrative Improvement

A key function of the Ombudsman’s office is to improve the standard of public administration throughout the public sector. The office achieves positive outcomes in this area in a number of ways including:

- Identifying and investigating concerns about the administrative and decision making practices of public authorities that affect the broader community;
- Making recommendations and suggestions to improve public administration as a result of complaint resolution activities;
- Continuous liaison with public authorities;
- Providing guidance to public authorities on decision making and complaint handling through publications, presentations and workshops; and
- Working collaboratively with other integrity and accountability agencies (see the **Communications and Collaboration** section).

## Investigating Broader Issues

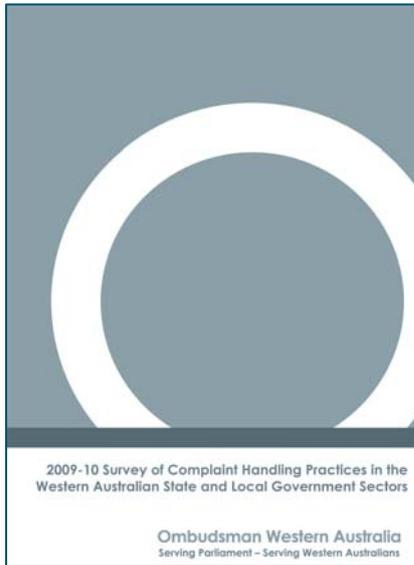
The Ombudsman can identify and investigate issues on his own initiative that are considered to be in the public interest and where public administration will be improved generally. Administrative improvement topics are selected on the basis of a number of criteria that include:

- 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 been done recently or are in progress;
- The potential for the Ombudsman’s investigation to improve administration across the public sector; and
- Whether investigation of the chosen topic is the best and most efficient use of the office’s resources.

Recommendations for administrative improvements are based closely on evidence gathered during investigations/projects, and are designed to be a proportionate response to the number and type of administrative issues identified during these investigations.

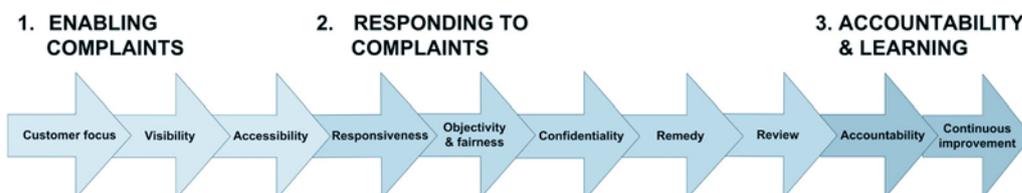
Two major administrative improvement projects were conducted during the year addressing complaint handling and the management of personal information.

## Review of Complaint Handling



In June 2010 the Ombudsman’s office reported on a survey of all public authorities within jurisdiction to gain an overview of their complaint handling practices. This was the third such survey conducted by the office over the past ten years. The 2009-10 survey was conducted via an online questionnaire, which is the first time the office has used this mechanism for a complaint handling survey. The survey questionnaire asked organisations to assess their complaint handling processes and practices against a series of principles based on, and

consistent with, the Public Sector Commissioner’s Circular **2009-27: Complaints Management** and the Australian Standard (AS ISO 10002-2006: Customer Satisfaction - *Guidelines for Complaints Handling in Organisations*). The survey addressed ten principles for complaint handling, as set out below:



### Key Messages

The following key messages emerged from the survey responses:

- Western Australian State Government agencies and local governments:
  - Take complaint handling seriously;
  - Largely have appropriate practices in place to handle complaints; and
  - Are generally doing a good job of handling complaints.
- There are opportunities for the improvement of complaint handling practices.
- Effective and efficient implementation of the complaint handling principles can be achieved through a ‘fit for purpose’ complaint handling system, tailored to fit an organisation’s customers and proportionate to the number and type of complaints it receives.

The survey asked respondents to assess whether they were using a range of practices that would put the complaint handling principles into action. The report of the survey discusses the overall incidence of practices that address the principles in addition to discussing the incidence of each individual complaint handling practice in some detail. Several case studies also demonstrate how agencies that responded to the survey have taken action to put some of the complaint handling principles into action.

Overall, many important complaint handling practices were widespread. However, the report also identified a number of opportunities for improvements to complaint handling, which are set out on the following page. Taken together, this information assists agencies to use an evidence-based approach to improving their own complaints handling practices, and provides for a similarly evidence-based approach for the office in improving complaints handling across the public sector.

Effective and efficient complaint handling is a key component of customer focussed service delivery. A further case study that illustrates how organisations can integrate complaint handling into their overall service delivery is provided below:



## OMBUDSMAN CASE STUDY

### Complaint handling an integral part of customer service

The public authority has a Customer Relations Advocate to assist with customer feedback, requests and complaints. This person ensures the complaint is dealt with appropriately and acts as an impartial body in relation to the complaint. The public authority also provides to its customers an easy to read booklet about its Customer Service Charter while also providing customers a leaflet on Customer Feedback that is also available on its website and can be completed and submitted electronically.

There is also a Customer Service Coordinator who has the role of supporting other Business Units in identifying areas of improvement in the provision of customer service and the strategic direction of customer service for the organisation. Customer service training is provided to all staff and there are related publications readily available to staff on clear procedures for dealing with abusive telephone calls and what to do when dealing with difficult customers.

## Assisting Organisations to Improve Complaint Handling

The Ombudsman's office currently undertakes a number of activities to assist agencies with their complaint handling. To respond to the opportunities for improvement identified through the survey, where appropriate, the Ombudsman will assist agencies to:

- Develop basic arrangements that enable customers to complain;
- Tailor complaint handling practices to suit customer demographics;
- Set target timelines for complaint handling and strengthen strategies for managing unreasonable complainants;
- Better connect their complaints and whistleblower and anti-corruption processes;
- Inform complainants of their rights to external review or appeal mechanisms; and
- Develop greater capacity to learn from complaints.

Copies of the *Executive Summary* of the report were sent to all public authorities to raise awareness, and to assist them in improving their complaint handling practices.

## Management of Personal Information

The second major administrative improvement project commenced during the year related to the effective management of personal information by public authorities.

Public authorities properly require individuals to provide a range of personal information about themselves in order to deliver services, carry out law enforcement, administer regulations and perform other statutory functions. Personal information may include an individual's name, address, telephone and email details, date of birth and photograph. It may also include financial and medical records.

Inappropriate use of personal information is, however, as a matter of principle, undesirable. Practically, it can compromise an individual's privacy leading to undesirable outcomes, such as increasing the likelihood of exposure to nuisance advertising and marketing and the risk of identity theft, resulting in financial loss or damage to an individual's credit rating. If personal information held by a public authority is inaccurate or unreliable, it may lead to wrong or poor decision making. In the long term, concerns about the public sector's ability to safeguard the confidentiality of personal information can result in decreased confidence in the public sector generally.

Alleged inappropriate use of personal information is a common source of complaint to the Ombudsman’s office. These complaints provided an important base of evidence to suggest that this office should review the management of personal information by public authorities.

The objective of the review was to:

- Determine whether the public authorities participating in the review were effectively managing personal information;
- If required, assist the participating public authorities to improve their management of personal information; and
- Identify good practice, lessons learnt and opportunities for improvement that might be useful to other public authorities in managing personal information.

The office used a set of good practice principles based on national and state legislative requirements, authority-specific legislation and internationally accepted good practice to assess the way in which the participating public authorities were managing personal information.

At the completion of the fieldwork, the Ombudsman provided a preliminary report to the Chief Executive Officer of each participating public authority setting out observations about the management of personal information at their respective authorities. A total of 34 suggestions for administrative improvement were made and accepted by the participating public authorities as at 30 June. A number of these suggestions are already in the process of implementation.

A report that draws upon the observations and suggestions made in the individual public authority reports will be available on the Ombudsman’s website in the fourth quarter of 2010 for the benefit of other public authorities. To further assist public authorities, the report consolidates the good practice principles with examples of good practice and opportunities for improvement for the participating public authorities into a checklist for managing personal information.

## Whole of Sector Complaints Management Policy

During the year, a whole-of-sector complaints management policy was issued by the Public Sector Commissioner through Circular **2009-27: Complaints Management** (the Circular) The policy applies to all Western Australian public sector agencies and promotes effective complaints management across the sector. It does not cover local governments. The Circular advises that agencies must:

- Have an appropriate complaints management system in place;
- Provide an easy-to-follow link about how to make a complaint from the homepage of its website; and
- Inform its clients that they can contact an external party, like the Ombudsman, if they are still dissatisfied with a decision or action after going through an internal complaints process.

Under the Circular, the Ombudsman undertook responsibility for providing tools and guidance to assist agencies with their internal complaint handling role. The office has a comprehensive range of materials outlining good complaint handling and decision making practices which are available from the [website](#).

## Continuous Administrative Improvement

Regular contact with the staff from public authorities seeks to encourage thinking around the foundations of good administration and helps them to identify opportunities for administrative improvements. The discussions draw on information from trends evident in complaints received and issues identified through administrative improvement projects in conjunction with a knowledge of the operations of the public sector. Some of these discussions concern internal investigations that authorities have conducted themselves. The discussions seek to assure the Ombudsman that these internal investigations have been conducted appropriately and in a manner that is consistent with the standards and practices of the Ombudsman's own investigations.

As highlighted in the [Complaint Resolution](#) section, the resolution of complaints often results in administrative improvements that will benefit other public authorities. This happens on an ongoing basis and assists public authorities with continuous improvement of their procedures and decision making.

Ombudsman staff who resolve complaints and respond to enquiries also collect information and track trends in complaints that inform the office of potential broader administrative improvement projects the office might consider undertaking.

## Guidance for Public Authorities

The office provides publications, workshops, assistance and advice to public authorities regarding their administrative and decision making practices and their complaint handling systems, an example of which is shown in the following case study. This assists with improving the standard of public administration throughout the sector.



## OMBUDSMAN CASE STUDY

### Ombudsman provides advice on dealing with unreasonable complainant conduct

A complainant approached the office claiming that a public authority was refusing to take his calls and no action was being taken to resolve his complaint.

Through meeting and discussing the issues with staff, it was revealed that the public authority had been dealing with the complainant on the issues for several years. Ombudsman staff reviewed case files and requested a full timeline of events relating to the matter.

It was determined that the complainant's behaviour appeared to be unreasonable, vexatious and persistent, and far exceeded what was considered acceptable by any government complaint handling system. As the complainant was an ongoing client of the public authority, Ombudsman staff suggested that a suitable management strategy be introduced to deal with the challenging behaviour. The *Managing Unreasonable Complainant Conduct Practice Manual* was provided as a starting point.

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### Guidelines

The Ombudsman has developed guidelines to assist public authorities to strengthen their decision making and administrative practices.

During the year, two new guidelines were released, *Exercise of Discretion in Administrative Decision Making* and *Giving Reasons for Decisions*. The guidelines promote ten key steps to be considered when exercising discretion and explain why giving reasons for decisions is important. These complement the office's existing guidelines and are used to develop associated training materials.

The office also released a new guideline for local governments, *About the Ombudsman – Information for Local Governments*. This publication was made available at the Local Government Managers Australia (WA) Annual State Conference in November 2009.

The office's suite of complaint handling guidelines continues to be a popular resource for public authorities. The guidelines assist public authorities to develop effective internal complaint processes and help them to manage complaints they receive. They provide the framework for Ombudsman training in this area.

## Workshops for Public Authorities

During the year, the office has been proactive in engaging with public authorities through presentations and workshops. Attendees have provided positive comments and responses during evaluation, with some public authorities requesting further sessions.

### Regional Awareness and Accessibility Workshops

**Focus:**

Promoting effective complaint handling systems.

**The office's involvement:**

The office developed and delivered three workshops as part of the office's Regional Awareness and Accessibility Program. These were:

- Complaint Handling;
- Investigation and Resolution of Complaints; and
- Managing Unreasonable Complainant Conduct.

### Managing Unreasonable Complainant Conduct - Workshop and Focus Group

**Focus:**

Promoting effective management of complainants whose behaviour is challenging.

**The office's involvement:**

In June 2010, the office hosted a training session and focus group for Western Australian public authorities run by the New South Wales Ombudsman's office. The sessions aimed to give staff from Western Australian public authorities the opportunity to undertake the training course, but also provide feedback about their local experiences. The focus group dealt with providing ongoing services to people who display unreasonable conduct and how to best provide services to complainants whose conduct is unreasonable in rural and remote areas.

### Prison Officer Workshops

**Focus:**

Promoting effective complaint handling by prison officers.

**The office's involvement:**

The office delivered nine training sessions at the Department of Corrective Services Entry Level Prison Officer training courses for prison officers.

Trainee officers were advised about the office's complaint handling process and the process for dealing with prisoner complaints. The importance of aiming to resolve complaints at the local prison level was promoted.

"We enjoyed it [the workshop] very much and it has added to our knowledge to write a new policy and procedure for complaint handling."

## Child Death Review

This year the Ombudsman commenced a new child death review function that enables the Ombudsman to review and investigate the deaths of certain children.

The Department for Child Protection (**the Department**) receives information from the Coroner on all sudden or unexpected deaths of children and notifies the Ombudsman of these deaths and deaths of children in the Department's care. The Ombudsman examines all child death notifications received and determines whether the death is an investigable death.

An 'investigable death', as defined by section 19A(3) of the *Parliamentary Commissioner Act 1971* (**the Act**), occurs if a child dies and any of the following circumstances exists:

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

The functions of the Ombudsman in relation to investigable deaths are:

- To review the circumstances in which and why the deaths occurred;
- To identify any patterns or trends in relation to the deaths; and
- To make recommendations to any department or authority about ways to prevent or reduce investigable deaths.

## Notifications and Reviews

### Notifications Received

The Ombudsman received 76 notifications of child deaths in the period from 1 July 2009 to 30 June 2010. In addition, at the commencement of the child death review jurisdiction, 73 cases were transferred to the Ombudsman from the Child Death Review Committee (**the Committee**), which previously undertook some of the functions now carried out by the Ombudsman. These 73 transferred cases relate to child deaths prior to 30 June 2009 that were reviewable by the Committee.

### Notifications Finalised

Almost all of the transferred cases (92%) and a substantial proportion of the new notifications (63%) were finalised during the 2009-10 year as shown in the following table.

	Received	Finalised	On Hand
Child death notifications 1 July 2009 – 30 June 2010	76	48	28
Transferred cases (Reviewable deaths prior to 30 June 2009)	73	67	6
<b>TOTAL</b>	<b>149</b>	<b>115</b>	<b>34</b>

The majority of child deaths notified to the Ombudsman are not investigable deaths. However, the analysis of trends and issues relating to these deaths and the monitoring of involvement of the child with other public authorities is an important tool in enabling consideration of how children interact with a range of government authorities.

Reviews of investigable deaths examine the decisions and actions of the Department and their practices and procedures to determine the circumstances in which and why the deaths occurred, identify any patterns or trends and make recommendations to the Department or other public authorities about ways to prevent or reduce investigable deaths.

### Timely Handling of Notifications and Reviews

The Ombudsman's office has placed a strong priority on the timely review of child deaths in order to contribute to the prevention of future deaths by promoting improved decision making and practices in public authorities. Of the 48 new notifications finalised this year 94 per cent were finalised within three months.

## Characteristics of Child Death Review Cases

An examination of the child deaths can provide an insight into areas for particular focus when considering possible ways to reduce child deaths.

### Demographics of Children Who Have Died

As shown in the table below, investigable deaths are more likely than non-investigable deaths to be children who are:

- Indigenous;
- Male; and
- Living in regional locations.

Characteristics	% of population for children under 18	Statistics for period 1 July 09 to 30 June 10			Reviewable deaths prior to 30 June 2009
		All notifications	Non-Investigable deaths	Investigable deaths	
Indigenous	3.8%	18 (24%)	10 (19%)	8 (35%)	44 (60%)
Non-Indigenous	96.2%	39 (51%)	29 (55%)	10 (43%)	29 (40%)
Unknown	NA%	19 (25%)	14 (26%)	5 (22%)	0
Male	52%	44 (58%)	28 (53%)	16 (70%)	49 (67%)
Female	48%	32 (42%)	25 (47%)	7 (30%)	24 (33%)
<2 years	11%	32 (42%)	24 (45%)	8 (35%)	39 (54%)
2 – 5 years	22%	9 (12%)	7 (13%)	2 (9%)	5 (7%)
6 – 12 years	39%	13 (17%)	9 (17%)	4 (17%)	9 (12%)
13 – 17 years	28%	22 (29%)	13 (25%)	9 (39%)	20 (27%)
Metropolitan	73%	52 (68%)	37 (70%)	15 (65%)	31 (43%)
Regional	27%	23 (30%)	15 (28%)	8 (35%)	42 (57%)
Outside WA	NA	1 (2%)	1 (2%)	0	0
<b>TOTAL</b>	<b>100%</b>	<b>76 (100%)</b>	<b>53 (100%)</b>	<b>23 (100%)</b>	<b>73 (100%)</b>

## Circumstances of Child Deaths

The cases reviewed and notifications received indicate that children die in a range of circumstances. For both transferred cases and notifications received this year the most common circumstances associated with the death were the sudden unexplained death of an infant, motor vehicle accidents and suicides. Further details on the circumstances of death are shown in the table below.

Circumstances of death	Notifications 1 July 2009 to 30 June 2010		Reviewable child deaths prior to 30 June 2009	
	Total	%	Total	%
Sudden unexplained death off an infant	25	33	23	31
Motor vehicle accident	17	22	11	15
Suicide	9	12	9	12
Drowning	5	7	4	6
Homicide/assault	5	7	2	3
Other*	15	19	24	33
<b>TOTAL</b>	<b>76</b>	<b>100</b>	<b>73</b>	<b>100</b>

\* Includes house fire, illness/medical condition, electrocution, crushing, other accident and deaths unable to be determined.

## Improving Public Administration

### Administrative Improvements from Individual Child Death Reviews to Reduce or Prevent Child Deaths

By undertaking child death reviews the Ombudsman seeks to reduce or prevent child deaths in the future and to advance good decision making and practices in those public authorities that provide services to children and their families.

In certain cases the reviews do not identify immediate concerns about how public authorities interact with, or respond to, the child and their family. Indeed, reviews to date have identified good practice by the Department and other public authorities, as well as good interagency cooperation. Where possible concerns about practices are observed, action is taken to bring them to the attention of the Department or other public authority. The type of action taken may relate to the child who died or their surviving siblings or both and may involve more than one public authority. Where appropriate, the Ombudsman may make recommendations for changes to prevent similar problems occurring and then monitors their implementation.

## Major Administrative Improvement Projects and Other Mechanisms to Reduce or Prevent Child Deaths

In addition to taking action and making recommendations on individual cases, the Ombudsman's office also tracks issues and trends that arise out of child death reviews. These inform major projects that review the practices of public authorities that provide services to children and their families. Issues identified through consultation with key stakeholders also assist to inform these projects.

During the year, two major projects were initiated to investigate key systemic issues, identified through the review of individual child deaths and other sources, with a view to improving practices in order to reduce the occurrence of preventable child deaths.

In addition to major projects, the Ombudsman uses a range of other mechanisms to improve public administration with a view to reducing preventable child deaths. These include:

- Assisting public authorities by providing information about issues that may need their attention, including issues relating to the safety of a child's siblings;
- Using the Ombudsman's investigative powers under the Act to undertake more detailed investigations into the decisions, actions or practices of public authorities and their interaction, with five investigations commencing in 2009-10;
- Building a body of knowledge from observations made through reviews and other sources to identify profiles of high risk cases, inform appropriate action in future reviews and identify systemic issues and appropriate responses;
- Working with public authorities as well as communities where children may be at risk to consider child safety issues and potential areas for improvement, and highlight the critical importance of effective liaison and communication between and within authorities and communities; and
- Exchanging information with other oversight bodies including Ombudsmen in other States to facilitate consistent approaches and shared learning.

## Developing Relationships with Key Stakeholders

### Child Death Review Advisory Panel

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

- On issues and trends that fall within the scope of the child death review function of the Ombudsman under the Act;
- On contemporary professional practice relating to the wellbeing of children and their families; and
- About issues that impact on the capacity of public authorities to ensure the safety and wellbeing of children and families.

The Panel meets four times a year and is comprised of six members who provide a range of expertise. Observers from the Department, as well as the Departments of Health, Indigenous Affairs, and Education, and a representative of the Minister for Child Protection also attend the meetings and provide insights into relevant service issues.

### Department for Child Protection

Key relationships and a Memorandum of Understanding to support efficient and effective operations have been established with the Department. Regular liaison meetings between the Ombudsman and the Director General of the Department have been established together with liaison at senior executive level to discuss issues being raised in child death reviews and how change can be achieved. In addition, an information sheet has been developed for Departmental staff who may be involved in a child death review.

### Indigenous Communities

Considerable work has been undertaken during the year in communicating and building relationships relating to the child death review function with Indigenous communities. The Principal Indigenous Liaison Officer and other Ombudsman staff have visited communities in Broome, the Pilbara and Wiluna and surrounding areas. These visits were well received by local Indigenous groups and have enabled the Ombudsman's office to make a valuable connection to Indigenous communities.

### Other Stakeholder Relationships

There are a number of public authorities that interact with, or deliver services to, children and families. Important stakeholders include the Commissioner for Children and Young People as well as:

- Other public authorities that investigate child deaths including:
  - the Coroner; and
  - Western Australia Police.
- Public authorities that provide services to children and their families including:
  - Department of Housing;
  - Department of Health;
  - Department of Corrective Services;
  - Department of Indigenous Affairs;
  - Department for Communities; and
  - Western Australia Police.
- Non-government agencies; and
- Research institutions including universities.

Effective working arrangements and relationships have been established by the Ombudsman with important stakeholders, a process that will continue in 2010-11.

# Communications and Collaboration

The ability of the office to engage effectively with its key stakeholders is essential to achieving positive outcomes in the resolution of complaints and improving public administration. The office does this through:

- Developing, maintaining and supporting relationships with public authorities and community groups;
- Increasing general awareness of, and access to, its services;
- Providing publications, workshops and advice to public authorities on good administrative decision making and complaint handling (also see the **Administrative Improvement** section); and
- Working collaboratively with other integrity and accountability agencies - locally, nationally and internationally - to encourage best practice and leadership in the sector.

## Communicating with Key Stakeholders

### ‘Ask the Ombudsman’ on *Nightline*

One way the office is continuing to raise awareness of its services, is through the Ombudsman’s appearances on Radio 6PR’s *Nightline* program. Listeners who have complaints or want to make enquiries have the opportunity to email or call in to discuss their issues with the Ombudsman live on air. The segment also allows the office to communicate key messages about the State and energy jurisdictions, what outcomes can be achieved for complainants and how public administration can be improved. The Ombudsman appeared on the ‘Ask the Ombudsman’ segment in August and November 2009 and March and June 2010.

“We help callers to the *Nightline* Program either by referring them to the right complaint resolution body or following up with them to provide advice or take their complaint.”

### Communicating with Indigenous People

Historically, Indigenous Western Australians are under-represented in terms of complaints made to the Ombudsman. The office undertook a range of activities to improve its communication with Indigenous people during the year, including:

- Developing 'Plain English' summary materials (including a poster, brochure and information sheet) for easy readability;
- Running workshops and complaint clinics at three **Regional Awareness and Accessibility Program** visits to allow Indigenous people to speak with Ombudsman staff face-to-face;
- Visiting Indigenous communities in Bidyadanga and Wiluna, and speaking at a regional Indigenous women's group meeting in the Pilbara to promote the role of the Ombudsman and provide information on the child death review function; and
- Ombudsman staff attending an Indigenous cross cultural awareness training session to improve understanding of the Indigenous culture and to learn appropriate communication techniques.

## Website

In November 2009, the new Ombudsman Western Australia website was launched.

During the redevelopment and redesign process, special consideration was given to web standards and best practice. The new site complies with State Government and international web standards.

The site design, incorporates the office's revised corporate branding, and has enhanced navigation and functional sections. Central to the redevelopment was the revision of existing content, and the development of new content specifically for public authorities, community groups and people from culturally and linguistically diverse speaking backgrounds. Links to Ombudsman publications and useful links to external websites are used throughout. The site also features an online complaint form where complainants can lodge a complaint. The site can be accessed at [www.ombudsman.wa.gov.au](http://www.ombudsman.wa.gov.au).



## Regional Awareness and Accessibility Program

The Ombudsman's office continued with the Regional Awareness and Accessibility Program (the Program), visiting the Mid West, Peel and Kimberley regions in 2009-10. The Program is an important way for the office to strengthen relationships with regional and Indigenous Western Australians.

"The Program aims to improve awareness of, and access to, the Ombudsman's office for regional and Indigenous Western Australians."

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

Office of the Information Commissioner and the Commonwealth Ombudsman's office.

Activities conducted under the Program include:

### For Public Authorities:

- Seminars for public authorities to discuss the role of the office, relevant issues and current trends in complaints and good administrative practice;
- Workshops on *Effective Complaint Handling Systems*, *Complaint Investigation and Resolution* and *Managing Unreasonable Complainant Conduct*; and
- Meetings and/or workshops with individual agencies and local governments.

### For Prisons:

- Visits to Greenough Regional Prison, Casuarina Prison, Karnet Prison Farm and Broome Regional Prison. Visits included the Ombudsman or Deputy Ombudsman meeting with the Superintendent and other prison staff about current issues and trends.

### For Indigenous People:

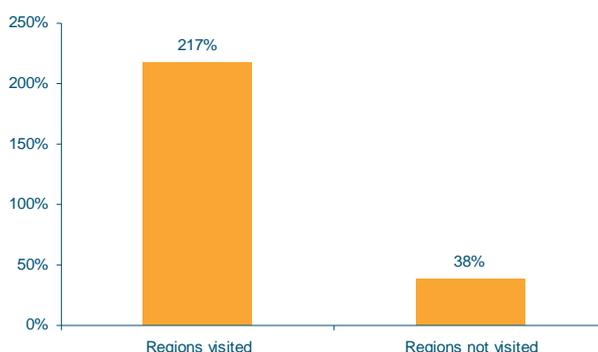
- Workshops with Indigenous community groups on challenging issues faced in those communities, and ways to improve access to the Ombudsman's office;
- Participating in the Health Consumers' Council group meeting in Broome; and
- Visits to the Bidadanga township and other Indigenous communities.

### For the Community:

- Seminars for community groups to discuss the role of the office and how to assist people wishing to make a complaint.
- Complaint clinics to provide an opportunity for people to speak with complaint resolution staff face-to-face about their issues and complaints;
- Promotion of the role and functions of the Ombudsman and the upcoming visits in local print and radio media and through Indigenous media outlets; and
- Attendance at the North West Expo to encourage improved awareness among the greater Kimberley community.

The following chart shows the percentage increase in complainant numbers for areas visited and those not visited under the Program in 2009-10. Complainant numbers for all areas visited increased substantially compared with the previous year before visits were undertaken. Complaints were received from both Indigenous and non-Indigenous people during the visits.

**Percentage Increase in Complainants from 2008-2009 to 2009-10 for Regions Visited and not Visited in 2009-10**



During the visits, people from the communities commented that they appreciated being able to speak with office staff face-to-face during Complaint clinics. The office was able to provide advice about or resolve many of the complaints made during the visits. One such complaint is shown in the case study below.



## OMBUDSMAN CASE STUDY

### Complaint resolved after Regional Awareness and Accessibility Program visit

A complainant contacted the office after unsuccessfully complaining to his local government. The complainant claimed that his neighbours could see into his property from their balcony. He believed that, to comply with the building licence issued by the local government and the *Residential Design Code*, the neighbours should have enclosed their balcony with full-height walls to give privacy. He believed the local government had not enforced the appropriate conditions on the development approval.

Following enquiries by Ombudsman staff, the local government issued a Planning Direction in accordance with the provisions of the *Planning and Development Act 2005* which required the neighbour to install privacy screens on their balcony. The local government confirmed with the Ombudsman’s office that the privacy screens had been installed as a result of this action.

**Geraldton Regional Visit (LEFT)**

L-R: Rebecca Harris, Office of the Public Sector Commissioner, Chris Field, Ombudsman, Sven Blummel, Information Commissioner and Trish Dewar, Office of Health Review.



**North West Expo (BELOW)**

L-R: Sandra Pelham, Office of the Commonwealth Ombudsman, Jenny Langford, Office of Health Review and Alison McCubbin, Ombudsman Western Australia.



In addition to the Broome visit in May 2010, the Western Australian and Commonwealth Ombudsmen and the Office of Health Review also attended the North West Expo in Broome. The Expo was held on the weekend before the Program activities and provided an opportunity for the complaint resolution agencies to make contact with the wider Kimberley community in a more informal setting. Ombudsman staff distributed several hundred publications and

promotional items across the weekend and engaged with public authorities who were also exhibiting at the Expo.

## Presentations and Publications

### Speeches and Presentations

The Ombudsman and other staff delivered speeches and presentations throughout the year at local, national and international conferences and events. For a full listing of speeches and presentations, see [Appendix 4](#). They are also available from the Ombudsman's [website](#).

### Western Australian Ombudsman Newsletter

The *Western Australian Ombudsman Newsletter* is a key publication used by the office to communicate information about its performance, achievements, events and resources to its stakeholders. During the year, three editions of the newsletter were issued – September and December 2009 and May 2010.

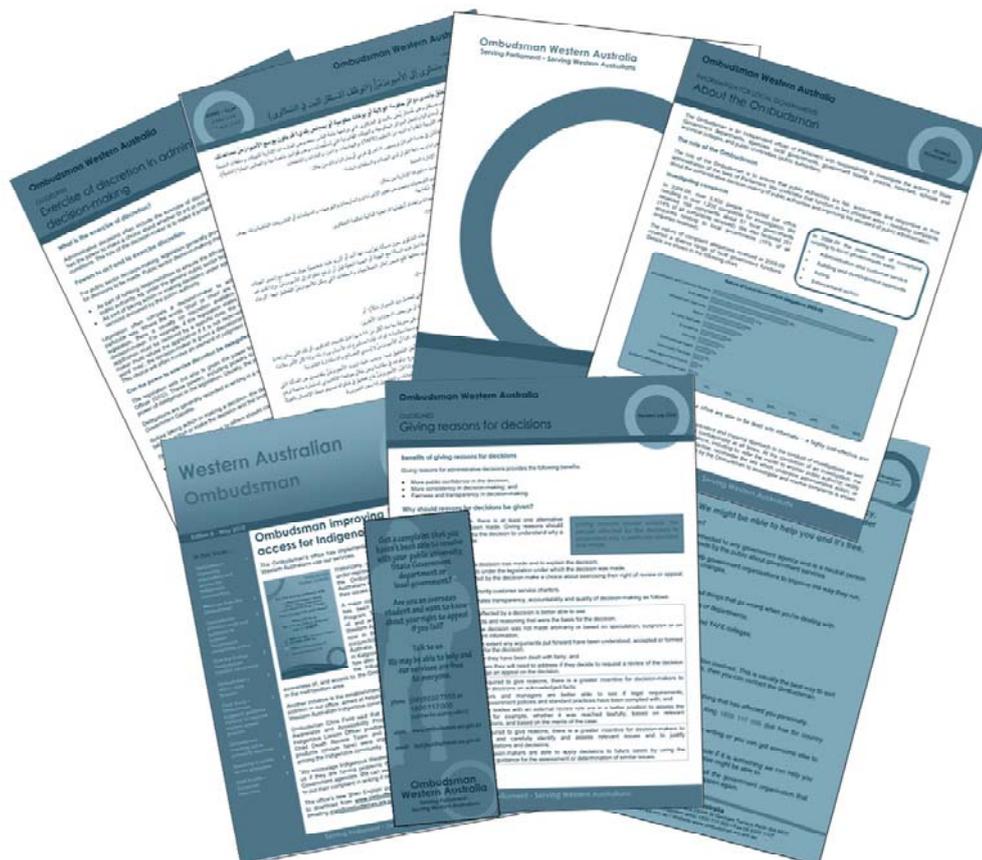
The newsletter is distributed electronically to members of Parliament, public authorities and interested members of the public. The office developed a subscription flyer allowing people to leave their email details, and have the newsletter sent to them electronically. Flyers were distributed at events which resulted in increased subscription numbers. The newsletter is also posted on the [website](#).

### Publications

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

Publications developed and released during the reporting year:

- *How to complain to the Ombudsman* in 15 different languages;
- *Information for Local Governments – About the Ombudsman*;
- *Exercise of Discretion in Administrative Decision Making*;
- *Giving Reasons for Decisions*;
- *Managing Unreasonable Complainant Conduct Practice Manual*;
- *Student bookmark* (with the Commonwealth Ombudsman); and
- *Summary poster, brochure and information sheet*.



## Working Collaboratively

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

**Integrity Coordinating Group**

**Members:**  
 Western Australian Ombudsman  
 Commissioner for Public Sector Standards  
 Corruption and Crime Commissioner  
 Auditor General

**Background:**  
 The Group was formed to promote and strengthen integrity in Western Australia public bodies.

**The office’s involvement:**  
 The Ombudsman is currently the Chair of the Group and the office provides executive support for this role. Senior Ombudsman staff members also sit on the Group’s joint working party.

**2009-10 initiatives:**  
 In November 2009 the Group held its forum for public authorities featuring Commonwealth Ombudsman Professor John McMillan. The Western Australian Ombudsman and other Group members sat on the expert panel and answered questions from some of the 250 attendees. The session was positively received by those who attended.

**Australia and New Zealand Ombudsman Association**

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

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

**The office’s involvement:**  
 The Ombudsman currently sits on the Association’s Executive. The office regularly reports on its activities to the Association and also has nominated representatives who sit on interest groups in the areas of, policy and research, first contact, human resources and public relations and communications.

**2009-10 initiatives:**  
 In May 2010 the Ombudsman attended and presented at the biennial Australian and New Zealand Ombudsman Association 2010 Conference in Wellington New Zealand. The Ombudsman presented *Independence – A Key Principle*. Other meetings were held in New South Wales and New Zealand with key industry stakeholders.

**Indonesian Australian Ombudsman Linkages and Strengthening Program**

**Members:**

Western Australian Ombudsman  
 Commonwealth Ombudsman  
 New South Wales Ombudsman  
 Ombudsman of the Republic of Indonesia

**Background:**

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

**The office's involvement:**

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

**2009-10 initiatives:**

In June 2010 the office hosted a delegation from the Ombudsman of the Republic of Indonesia. The one day program included an overview of the Western Australian and Energy Ombudsmen's role and functions. It provided an excellent opportunity to share and exchange information about mutual experiences and to strengthen linkages between the offices.

**Managing Unreasonable Complainant Conduct Project**

**Members:**

Western Australian Ombudsman  
 Led by New South Wales Ombudsman, involving Parliamentary Ombudsmen from all other jurisdictions.

**Background:**

The Project aims to develop better strategies for managing complainants whose behaviour is challenging and is led by the New South Wales Ombudsman.

**The office's involvement:**

The office has been involved with the Project since 2006 and has had input into the interim and final practice manuals, developed in the first phase of the Project. The office will continue involvement with the Project into the future.

**2009-10 initiatives:**

In November 2009, the [Managing Unreasonable Complainant Conduct Practice Manual](#) was re-branded and made available on the office's website. During the year, the office also ran training for all staff on the principles of best practice management of challenging behaviour. In June 2010, the office hosted a training session and focus group for Western Australian public authorities run by the New South Wales Ombudsman's office. Unreasonable complainant conduct workshops are also part of the office's [Regional Awareness and Accessibility Program](#).

**Good Public Administration Workshop**

**Background:**

The training modules aim to promote good public administration among public authorities.

**2009-10 Initiatives:**

The office collaborated with the New South Wales and Queensland Ombudsman offices to deliver the workshop at the Australian Public Sector Anti-Corruption Conference 2009.

# Disclosures and Legal Compliance

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

- **Financial Statements and Key Performance Indicators**
  - Independent Audit Opinion
  - Statement of Certification
  - Financial Statements and Notes
  - Key Performance Indicators
  
- **Other Disclosures and Legal Compliance**
  - Other Financial and Staffing Disclosures
  - Governance Disclosures
  - Other Legal Requirements
  - Government Policy Requirements



Good  
Governance

# Financial Statements and Key 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 2010

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

The financial statements comprise the Statement of Financial Position as at 30 June 2010, and the Statement of Comprehensive Income, Statement of Changes in Equity, Statement of Cash Flows 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 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. This document is available on the OAG website under "How We Audit".

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

**Parliamentary Commissioner for Administrative Investigations  
Financial Statements and Key Performance Indicators for the year ended 30 June 2010**

**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 2010 and its financial performance and cash flows for the year ended on that date. They are in accordance with Australian Accounting Standards 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 2010.



COLIN MURPHY  
AUDITOR GENERAL  
7 September 2010

## Statement of Certification



### CERTIFICATION OF FINANCIAL STATEMENTS AND KEY PERFORMANCE INDICATORS

#### Certification of Financial Statements for the year ended 30 June 2010

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 2010 and the financial position as at 30 June 2010.

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.

#### Certification of Key Performance Indicators for the year ended 30 June 2010

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 2010.

Mary White  
**Chief Finance Officer**

30 August 2010

Chris Field  
**Accountable Authority**

30 August 2010

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## Financial Statements

### Statement of Comprehensive Income

For the year ended 30 June 2010

	Note	2010 \$	2009 \$
<b>COST OF SERVICES</b>			
<b>Expenses</b>			
Employee benefits expense	<u>6.</u>	5,028,391	3,886,648
Supplies and services	<u>7.</u>	982,862	864,163
Depreciation and amortisation expense	<u>8.</u>	192,616	120,517
Accommodation expenses	<u>9.</u>	737,327	618,159
Other expenses	<u>10.</u>	24,278	19,344
Loss on disposal of non-current asset	<u>12.</u>	-	3,418
<b>Total cost of services</b>		<b>6,965,474</b>	<b>5,512,249</b>
<b>Income</b>			
<b>Revenue</b>			
Other revenue	<u>11.</u>	953,475	823,376
<b>Total Revenue</b>		<b>953,475</b>	<b>823,376</b>
<b>Total income other than income from State Government</b>		<b>953,475</b>	<b>823,376</b>
<b>NET COST OF SERVICES</b>		<b>6,011,999</b>	<b>4,688,873</b>
<b>Income from State Government</b>			
Service Appropriation	<u>13.</u>	5,753,000	4,564,000
Resources received free of charge	<u>13.</u>	106,231	42,546
<b>Total income from State Government</b>		<b>5,859,231</b>	<b>4,606,546</b>
<b>SURPLUS/(DEFICIT) FOR THE PERIOD</b>		<b>(152,768)</b>	<b>(82,327)</b>
<b>OTHER COMPREHENSIVE INCOME</b>			
		-	-
<b>TOTAL COMPREHENSIVE INCOME FOR THE PERIOD</b>		<b>(152,768)</b>	<b>(82,327)</b>

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

## Statement of Financial Position

For the year ended 30 June 2010

	Note	2010 \$	2009 \$
<b>ASSETS</b>			
<b>Current Assets</b>			
Cash and cash equivalents	<u>23.</u>	447,023	420,570
Receivables	<u>15.</u>	180,126	424,814
Amounts receivable for services	<u>16.</u>	87,000	67,000
<b>Total Current Assets</b>		<b>714,149</b>	<b>912,384</b>
<b>Non-Current Assets</b>			
Restricted cash and cash equivalents	<u>14.,23.</u>	86,271	52,498
Amounts receivable for services	<u>16.</u>	1,445,000	1,033,000
Plant and equipment	<u>17.</u>	674,383	716,538
Intangible assets	<u>18.</u>	81,166	147,965
<b>Total Non-Current Assets</b>		<b>2,286,820</b>	<b>1,950,001</b>
<b>TOTAL ASSETS</b>		<b>3,000,969</b>	<b>2,862,385</b>
<b>LIABILITIES</b>			
<b>Current Liabilities</b>			
Payables	<u>20.</u>	315,708	304,102
Provisions	<u>21.</u>	1,081,805	852,981
<b>Total Current Liabilities</b>		<b>1,397,513</b>	<b>1,157,083</b>
<b>Non-Current Liabilities</b>			
Provisions	<u>21.</u>	302,481	251,559
<b>Total Non-Current Liabilities</b>		<b>302,481</b>	<b>251,559</b>
<b>TOTAL LIABILITIES</b>		<b>1,699,994</b>	<b>1,408,642</b>
<b>NET ASSETS</b>		<b>1,300,975</b>	<b>1,453,743</b>
<b>EQUITY</b>			
Contributed Equity	<u>22.</u>	930,000	930,000
Accumulated surplus/(deficit)	<u>22.</u>	370,975	523,743
<b>TOTAL EQUITY</b>		<b>1,300,975</b>	<b>1,453,743</b>

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

## Statement of Changes in Equity

For the year ended 30 June 2010

	Note	Contributed Equity	Reserves	Accumulated surplus/ (deficit)	Total Equity
<b>Balance at 1 July 2008</b>	<b><u>22.</u></b>	<b>732,000</b>	-	<b>606,070</b>	<b>1,338,070</b>
Total comprehensive income for the year		-	-	(82,327)	(82,327)
Transactions with owners in their capacity as owners					
Capital appropriations		198,000	-	-	198,000
<b>Balance at 30 June 2009</b>		<b>930,000</b>	-	<b>523,743</b>	<b>1,453,743</b>
<b>Balance at 1 July 2009</b>		<b>930,000</b>	-	<b>523,743</b>	<b>1,453,743</b>
Total comprehensive income for the year		-	-	(152,768)	(152,768)
<b>Balance at 30 June 2010</b>		<b>930,000</b>	-	<b>370,975</b>	<b>1,300,975</b>

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

## Statement of Cash Flow

For the year ended 30 June 2010

	Note	2010 \$	2009 \$
<b>CASH FLOWS FROM STATE GOVERNMENT</b>			
Service appropriations		5,254,000	4,123,000
Capital appropriations		-	198,000
Holding account drawdowns		67,000	84,000
<b>Net cash provided by State Government</b>		<b>5,321,000</b>	<b>4,405,000</b>
Utilised as follows:			
<b>CASH FLOWS FROM OPERATING ACTIVITIES</b>			
<b>Payments</b>			
Employee benefits		(4,716,300)	(3,579,582)
Supplies and services		(975,169)	(898,985)
Accommodation		(737,328)	(618,159)
GST payments on purchases		(185,285)	(135,750)
GST payments to taxation authority		(85,986)	(23,555)
Other payments		(24,278)	(19,343)
<b>Receipts</b>			
User charges and fees		1,254,492	721,978
GST receipts on sales		129,023	82,331
GST receipts from taxation authority		142,315	76,974
<b>Net cash provided by/(used in) operating activities</b>	<b>23.</b>	<b>(5,198,516)</b>	<b>(4,394,091)</b>
<b>CASH FLOWS FROM INVESTING ACTIVITIES</b>			
Date: 31 August 2010		-	150
Purchase of non-current physical assets		(62,258)	(163,141)
<b>Net cash provided by/(used in) investing activities</b>		<b>(62,258)</b>	<b>(162,991)</b>
Net increase/(decrease) in cash and cash equivalents		60,226	(152,082)
Cash and cash equivalents at the beginning of period		473,068	625,150
<b>CASH AND CASH EQUIVALENTS AT THE END OF PERIOD</b>	<b>23.</b>	<b>533,294</b>	<b>473,068</b>

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

## Summary of Consolidated Account Appropriations and Income Estimates

For the year ended 30 June 2010

	2010 Estimate \$	2010 Actual \$	Variance \$	2010 Actual \$	2009 Actual \$	Variance \$
<u>Delivery Services</u>						
Item 4 Net amount appropriated to deliver services	4,675,000	5,217,000	542,000	5,217,000	4,067,000	1,150,000
Amount Authorised by Other Statutes - <i>Parliamentary Commissioner Act 1971</i>	536,000	536,000	-	536,000	497,000	39,000
<b>Total appropriations provided to deliver services</b>	<b>5,211,000</b>	<b>5,753,000</b>	<b>542,000</b>	<b>5,753,000</b>	<b>4,564,000</b>	<b>1,189,000</b>
<u>Capital</u>						
Capital Contribution	-	-	-	-	198,000	(198,000)
<b>GRAND TOTAL</b>	<b>5,211,000</b>	<b>5,753,000</b>	<b>542,000</b>	<b>5,753,000</b>	<b>4,762,000</b>	<b>991,000</b>
<u>Details of Expenses by Service</u>						
Resolving complaints about decision making of public authorities and improving the standard of public administration	5,913,000	6,965,474	1,052,474	6,965,474	5,512,249	1,453,225
<b>Total Cost of Services</b>	<b>5,913,000</b>	<b>6,965,474</b>	<b>1,052,474</b>	<b>6,965,474</b>	<b>5,512,249</b>	<b>1,453,225</b>
Less total income	(639,000)	(953,475)	(314,475)	(953,475)	(823,376)	(130,099)
<b>Net Cost of Services</b>	<b>5,274,000</b>	<b>6,011,999</b>	<b>737,999</b>	<b>6,011,999</b>	<b>4,688,873</b>	<b>1,323,126</b>
Adjustment <sup>(a)</sup>	(63,000)	(258,999)	(195,999)	(258,999)	(124,873)	(134,126)
<b>Total appropriations provided to deliver services</b>	<b>5,211,000</b>	<b>5,753,000</b>	<b>542,000</b>	<b>5,753,000</b>	<b>4,564,000</b>	<b>1,189,000</b>
<u>Capital Expenditure</u>						
Purchase of non-current physical assets	67,000	62,258	(4,742)	62,258	163,141	(100,883)
Adjustments for other funding sources	(67,000)	(62,258)	4,742	(62,258)	34,859	(97,117)
<b>Capital appropriations</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>198,000</b>	<b>(198,000)</b>

(a) Adjustments compromise movements in cash balances and other accrual items such as receivables, payables and superannuation.

**Note 28** 'Explanatory statement' provides details of any significant variations between estimates and actual results for 2010 and between the actual results for 2009 and 2010. Refer **2(c)** with respect to the combination of services provided in 2009-2010.

## Notes to the Financial Statements

### For the year ending 30 June 2010

#### Note 1. Australian Accounting Standards

##### General

The office's financial statements for the year ended 30 June 2010 have been prepared in accordance with Australian Accounting Standards. The terms 'Australian Accounting Standards' refers to Standards and Interpretations issued by the Australian Accounting Standard Board (AASB).

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

##### Early adoption of standards

The office cannot early adopt an Australian Accounting Standard unless specifically permitted by TI 1101 Application of Australian Accounting Standards and Other Pronouncements. No Australian Accounting Standards that have been issued or amended but not operative have been early adopted by the office for the annual reporting period ended 30 June 2010.

#### Note 2. Summary of significant accounting policies

##### (a) General statement

The financial statements constitute general purpose financial statements that have been prepared in accordance with Australian Accounting Standards, the Framework, Statements of Accounting Concepts and other authoritative pronouncements of the AASB 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 2006* and the Treasurer's instructions are legislative provisions governing the preparation of financial statements and take precedence over Australian Accounting Standards, the Framework, Statements of Accounting Concepts and other authoritative pronouncements of the AASB.

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

##### (b) Basis of preparation

The financial statements have been prepared on the accrual basis of accounting using the historical cost convention except for 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 3](#) 'Judgements made by management in applying accounting policies'.

The key assumptions made concerning the future, and other key sources of estimation uncertainty at the end of the reporting period that have a significant risk of causing a

material adjustment to the carrying amounts of assets and liabilities within the next financial year are disclosed at [note 4](#) “Key sources of estimation uncertainty”.

### (c) Reporting entity

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

#### Mission

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

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

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

#### Services

The office provides the following service:

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

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

In 2008-09 there were two services provided by the office. These were Service 1: Investigating Complaints about the Administrative Actions of Public Sector Organisations and Service 2: Inspection of Eligible Authorities to Ensure Compliance with Statutory Provisions When They Intercept Telecommunications. However, the office has combined these two services to form a single service in 2009-10.

As there will only be one service reported in 2009-10 the ‘Schedule of Income and Expenses’ and ‘Schedule of Assets and Liabilities’ are no longer prepared for 2009-10.

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

### (d) Contributed equity

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

Transfer of net assets to/from other agencies, other than as a result of a restructure of administrative arrangements, 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:

*Provision 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 at nominal value in the period in which the office gains control of the appropriated funds. The office gains control of appropriated funds at the time those funds are deposited into the bank account or credited to the 'Amount receivable for service' (holding account) held at Treasury.

*Net Appropriation Determination*

The Treasurer may make a determination providing for prescribed receipts to be retained for services under the control of the office. In accordance with the determination specified in the 2009-2010 Budget Statements, the office retained **\$953,475** in 2010 (**\$823,376** in 2009) from the following:

- GST Input Credits;
- Proceeds from fees and charges; and
- Other office Receipts.

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

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

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

Gains

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) Plant and equipment**Capitalisation/expensing of assets

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

Initial recognition and measurement

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

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

Subsequent measurement

At this time, the office does not hold land, buildings or infrastructure assets. As such, items of plant and equipment are stated 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 surplus relating to that asset is retained in the asset revaluation surplus.

Depreciation

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

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

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

**(g) Intangible assets**

Capitalisation/expensing of assets

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

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 (a)	3 Years
--------------	---------

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

Computer software

Software that is an integral part of the related hardware is 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.

Website costs

Website costs are charged as expenses when they are incurred unless they relate to the acquisition or development of an asset when they may be capitalised and

amortised. Generally, costs in relation to feasibility studies during the planning phase of a website, and ongoing costs of maintenance during the operating phase are expensed. Costs incurred in building or enhancing a website, to the extent that they represent probable future economic benefits that can be reliably measured, are capitalised.

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

Plant and equipment and intangible assets are tested for any indication of impairment at the end of each reporting period. Where there is an indication of impairment, the recoverable amount is estimated. Where the recoverable amount is less than the carrying amount, the asset is considered impaired and is written down to the recoverable amount and an impairment loss is recognised.

As the office is a not-for-profit entity, unless an asset has been identified as a surplus asset, the recoverable amount is the higher of an asset's fair value less costs to sell and depreciated replacement cost.

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

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

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

#### **(i) Leases**

The office holds operating leases for its office buildings and motor vehicles. Lease payments are expensed on a straight line basis over the lease term as this represents 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.

Financial instruments have been disaggregated into the following classes:

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

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

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

#### **(k) Cash and cash equivalents**

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

#### **(l) Accrued salaries**

Accrued salaries [refer [note 20](#) '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.

The accrued salaries suspense account [refer [note 14](#) '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.

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

The office receives 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 leave entitlements and asset replacement.

#### **(n) Receivables**

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

#### **(o) Payables**

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

#### **(p) Provisions**

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

##### Provisions - employee benefits

##### *Annual leave and long service leave*

The liability for annual and long service leave expected to be settled within 12 months after the reporting period 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 reporting period 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 end of the reporting period.

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 end of the reporting period 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 reporting period.

#### *Superannuation*

The Government Employees Superannuation Board (GESB) in accordance with legislative requirements administers public sector superannuation arrangements in Western Australia.

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 under the Pension or the GSS Scheme. The liability for the unfunded Pension Scheme and the unfunded GSS transfer benefits due to members who transferred from the Pension Scheme, are assumed by the Treasurer. All other GSS obligations are funded by concurrent contributions made by the office to the GESB. The concurrently funded part of the GSS is a defined contribution scheme as these contributions extinguish all liabilities in respect of the concurrently funded GSS obligations.

Employees commencing employment prior to 16 April 2007 who are not members of either the Pension or the GSS became non-contributory members of the West State Superannuation Scheme (WSS). Employees commencing employment on or after 16 April 2007 became members of the GESB Super Scheme (GESBS). 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.

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

#### Provisions - other

##### *Employment on-costs*

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

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

The superannuation expense in the Statement of Comprehensive Income comprises of employer contributions paid to the GSS (concurrent contributions), the WSS, and

the GESBS. Note that the employer contribution paid to the GESB in respect of the GSS are paid back into the Consolidated Account by the GESB.

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

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

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

Where assets or services are received from another State Government agency, these are separately disclosed under Income from State Government in the Statement of Comprehensive Income.

**(s) Comparative Figures**

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

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

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

**Note 4. Key sources of estimation uncertainty**

There were no estimates or assumptions made concerning the future, or other key sources of estimation uncertainty at the end of the reporting period 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.

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

**Initial application of an Australian Accounting Standard**

The office has applied the following Australian Accounting Standards effective for annual reporting periods beginning on or after 1 July 2009 that impacted on the office:

AASB 101	<i>Presentation of Financial Statements</i> (September 2007). This Standard has been revised and introduces a number of terminology changes as well as changes to the structure of the Statement of Changes in Equity and the Statement of Comprehensive Income. It is now a requirement that owner changes in equity be presented separately from non-owner changes in equity. There is no financial impact resulting from the application of this revised Standard.
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AASB 2007-10	<i>Further Amendments to Australian Accounting Standards arising from AASB 101</i> . This Standard changes the term 'general purpose financial report' to 'general purpose financial statements', where appropriate in Australian Accounting Standards and the Framework to better align with IFRS terminology. There is no financial impact resulting from the application of this Standard.
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AASB 2008-13 *Amendments to Australian Accounting Standards arising from AASB Interpretation 17 – Distributions of Non-cash Assets to Owners [AASB 5 & AASB 110].* This Standard amends AASB 5 Non-current Assets Held for Sale and Discontinued Operations in respect of the classification, presentation and measurement of 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 of Regional Development and Lands (formerly Department for Planning and Infrastructure). The Department does not expect any financial impact when the Standard is first applied prospectively.

AASB 2009-2 *Amendments to Australian Accounting Standards – Improving Disclosures about Financial Instruments AASB 4, AASB 7, AASB 1023 & AASB 1038.* This Standard amends AASB 7 and will require enhanced disclosures about fair value measurements and liquidity risk with respect to financial instruments. There is no financial impact resulting from the application of this Standard.

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

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

		<b>Operative for reporting periods beginning on/after</b>
AASB 2009-11	<i>Amendments to Australian Accounting Standards arising from AASB 9 [AASB 1, 3, 4, 5, 7, 101, 102, 108, 112, 118, 121, 127, 128, 131, 132, 136, 139, 1023 &amp; 1038 and Interpretations 10 &amp; 12].</i>	1 Jan 2013
	The amendment to AASB 7 requires modification to the disclosure of categories of financial assets. The Authority does not expect any financial impact when the Standard is first applied. The disclosure of categories of financial assets in the notes will change.	

**Note 6. Employee benefits expense**

	2010 \$	2009 \$
Wages and salaries <sup>(a)</sup>	4,287,870	3,197,834
Superannuation - defined contribution plans <sup>(b)</sup>	370,428	314,642
Long service leave <sup>(c)</sup>	179,989	180,857
Annual leave <sup>(c)</sup>	99,224	112,912
Other related expenses	90,880	80,403
	<b>5,028,391</b>	<b>3,886,648</b>

- (a) Includes the value of the fringe benefit to the employee plus the fringe benefit tax component.
- (b) Defined contribution plans include West State, Gold State and GESB Super Scheme (contributions paid).
- (c) Includes a superannuation contribution component.

Employment on-costs such as workers' compensation insurance are included at **note 10** 'Other Expenses'. The employment on-costs liability is included in **note 21** 'Provisions'.

**Note 7. Supplies and services**

	2010 \$	2009 \$
Travel	68,852	31,318
Communications	52,267	54,353
Consumables	108,672	185,380
Services and contracts	416,180	351,782
Resources received free of charge (see <b>note 13</b> )	106,231	33,244
Other	230,660	208,086
	<b>982,862</b>	<b>864,163</b>

**Note 8. Depreciation and amortisation expense**

Date: 31 August 2010	2010 \$	2009 \$
<u>Depreciation</u>		
Furniture fixtures and fittings	71,173	25,658
Computer equipment	8,939	6,165
Communications	18,217	4,554
Office equipment	4,470	8,610
Plant and machinery	1,593	1,593
<b>Total depreciation</b>	<b>104,392</b>	<b>46,580</b>
<u>Amortisation</u>		
Intangible assets	88,224	73,937
<b>Total amortisation</b>	<b>88,224</b>	<b>73,937</b>
<b>Total depreciation and amortisation</b>	<b>192,616</b>	<b>120,517</b>

**Note 9. Accommodation expenses**

	2010 \$	2009 \$
Lease rentals	734,948	608,200
Repairs and maintenance	2,379	9,959
	<b>737,327</b>	<b>618,159</b>

**Note 10. Other expenses**

	2010 \$	2009 \$
Employment on-cost <sup>(a)</sup>	533	(3,661)
Audit Fee <sup>(b)</sup>	20,700	23,005
Other Miscellaneous Expenses	3,045	-
	<b>24,278</b>	<b>19,344</b>

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

(b) Audit fee, see also **note 31** 'Remuneration of auditor'.

**Note 11. Other revenue**

	2010 \$	2009 \$
Other revenue - general	908,243	823,376
Other recoup	45,232	-
	<b>953,475</b>	<b>823,376</b>

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

	2010 \$	2009 \$
<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
<b>Net gain/(loss)</b>	<b>-</b>	<b>(3,418)</b>

**Note 13. Income from State Government**

	2010 \$	2009 \$
Appropriation received during the year:		
Service appropriations <sup>(a)</sup>		
- Recurrent	5,217,000	4,067,000
- Special Acts	536,000	497,000
	<b>5,753,000</b>	<b>4,564,000</b>
Resources received free of charge <sup>(b)</sup>		
Determined on the basis of the following estimates provided by agencies:		
State Solicitors	-	43
Department of Premier and Cabinet Corporate and Business Services	95,408	33,201
DTF - Building and Management Works	10,823	9,302
	<b>106,231</b>	<b>42,546</b>
	<b>5,859,231</b>	<b>4,606,546</b>

- (a) Service appropriations are accrual amounts reflecting the net 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) Where assets or services have been received free of charge or for nominal cost, the office recognises revenue 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 they were 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.

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

	2010 \$	2009 \$
<u>Non-current</u>		
Accrued salaries suspense account <sup>(a)</sup>	86,271	52,498
	<b>86,271</b>	<b>52,498</b>

- (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.

**Note 15. Receivables**

	2010 \$	2009 \$
<u>Current</u>		
Receivables	99,152	364,400
Accrued revenue	-	35,769
GST receivable	80,974	24,645
<b>Total current</b>	<b>180,126</b>	<b>424,814</b>

There were no allowances made in the current year for the impairment of receivables (2008/09: nil)

The office does not hold any collateral as security or other credit enhancements relating to receivables. See also [note 2\(n\)](#) 'Receivables' and [note 28](#) 'Financial Instruments'.

**Note 16. Amounts receivable for services**

	2010 \$	2009 \$
Current	87,000	67,000
Non-Current	1,445,000	1,033,000
	<b>1,532,000</b>	<b>1,100,000</b>

Represents the non-cash component of service appropriations. It is restricted in that it can only be used for asset replacement or payment of leave liability. See [note 2\(m\)](#) 'Amounts receivable for services (Holding Account)'.

**Note 17. Plant and equipment**

	2010 \$	2009 \$
<u>Furniture fixtures and fittings</u>		
At cost	1,114,048	1,102,766
Accumulated depreciation	(580,556)	(509,383)
	<b>533,492</b>	<b>593,383</b>
<u>Computer Hardware</u>		
At Cost	117,631	78,248
Accumulated depreciation	(81,536)	(72,597)
	<b>36,095</b>	<b>5,651</b>
<u>Office equipment</u>		
At cost	33,921	22,349
Accumulated depreciation	(7,524)	(3,054)
	<b>26,397</b>	<b>19,295</b>
<u>Plant and machinery</u>		
At cost	15,780	15,780
Accumulated depreciation	(5,693)	(4,100)
	<b>10,087</b>	<b>11,680</b>
<u>Communications</u>		
At cost	109,083	109,083
Accumulated depreciation	(40,771)	(22,554)
	<b>68,312</b>	<b>86,529</b>
	<b>674,383</b>	<b>716,538</b>

**Reconciliation**

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

	Furniture & fittings	Computer hardware	Office equipment	Communications	Leasehold improvements WIP	Plant & machinery	Total
	\$	\$	\$	\$	\$	\$	\$
<b>2010</b>							
Carrying amount at start of year	593,382	5,651	19,296	86,529	-	11,680	716,538
Additions	11,282	39,383	11,572	-	-	-	62,237
Transfers	-	-	-	-	-	-	-
Depreciation	(71,172)	(8,939)	(4,471)	(18,217)	-	(1,593)	(104,392)
Carrying amount at end of year	<b>533,492</b>	<b>36,095</b>	<b>26,397</b>	<b>68,312</b>	-	<b>10,087</b>	<b>674,383</b>
	\$	\$	\$	\$	\$	\$	\$
<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	-	-	(3,567)	-	(494,253)	-	(497,820)
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>19,296</b>	<b>86,529</b>	-	<b>11,680</b>	<b>716,538</b>

**Note 18. Intangible assets**

	2010 \$	2009 \$
<u>Computer Software</u>		
At cost	250,500	250,500
Accumulated amortisation	(190,759)	(102,535)
	<b>59,741</b>	<b>147,965</b>
<u>Licences</u>		
At cost	21,425	-
Accumulated amortisation	-	-
	<b>21,425</b>	-
	<b>81,166</b>	<b>147,965</b>
Reconciliation:		
<u>Computer Software</u>		
Carrying amount at start of year	147,965	157,853
Additions	-	158,580
Transfer	-	(94,530)
Amortisation expense	(88,224)	(73,938)
<b>Carrying amount at end of year</b>	<b>59,741</b>	<b>147,965</b>
<u>Licences</u>		
Carrying amount at start of year	-	-
Additions	21,425	-
<b>Carrying amount at end of year</b>	<b>21,425</b>	-

### Note 19. Impairment of assets

There were no indications of impairment to property, plant and equipment and intangible assets at **30 June 2010**.

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

All surplus assets as at **30 June 2010** have either been classified as assets held for sale or written-off.

### Note 20. Payables

	2010 \$	2009 \$
<u>Current</u>		
Trade payables	25,383	35,044
Accrued Expenses	166,710	148,502
Accrued Salaries	73,620	41,275
Other payables	49,995	79,281
<b>Total current</b>	<b>315,708</b>	<b>304,102</b>

### Note 21. Provisions

	2010 \$	2009 \$
<u>Current</u>		
<i>Employee benefits provision</i>		
Annual leave <sup>(a)</sup>	515,697	401,852
Long service leave <sup>(b)</sup>	565,613	451,050
	<b>1,081,310</b>	<b>852,902</b>
<i>Other provisions</i>		
Employment on-costs <sup>(c)</sup>	495	79
	<b>495</b>	<b>79</b>
	<b>1,081,805</b>	<b>852,981</b>
<u>Non-current</u>		
<i>Employee benefits provision</i>		
Long service leave <sup>(b)</sup>	302,340	251,535
	<b>302,340</b>	<b>251,535</b>
<i>Other provisions</i>		
Employment on-costs <sup>(c)</sup>	141	24
	<b>141</b>	<b>24</b>
	<b>302,481</b>	<b>251,559</b>

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

	2010 \$	2009 \$
Within 12 months of the end of the reporting period	276,256	252,814
More than 12 months after the reporting period	239,441	149,038
	<b>515,697</b>	<b>401,852</b>

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

	2010 \$	2009 \$
Within 12 months of the end of the reporting period	347,528	263,635
More than 12 months after the reporting period	520,425	438,950
	<b>867,953</b>	<b>702,585</b>

#### Movement in other provisions

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

	2010 \$	2009 \$
<u>Employment on-cost provision</u>		
Carrying amount at start of year	103	3,765
Additional provisions recognised	533	(3,662)
<b>Carrying amount at end of year</b>	<b>636</b>	<b>103</b>

#### Note 22. 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 surplus represents that portion of equity resulting from the revaluation of non-current assets.

#### Contributed equity

	2010 \$	2009 \$
Balance at the start of the year	930,000	732,000
<u>Contributions by owners</u>	-	198,000
Capital Contributions	-	-
<b>Total Contributions by owners</b>		<b>198,000</b>
<b>Balance at end of period</b>	<b>930,000</b>	<b>930,000</b>

- (a) Under the Treasurer's Instruction TI 955 'Contribution 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'.

**Accumulated surplus/(deficit)**

	2010 \$	2009 \$
Balance at the start of the year	523,743	606,070
Result for the period	(152,768)	(82,327)
<b>Balance at end of the year</b>	<b>370,975</b>	<b>523,743</b>

**Note 23. Notes to the Cash Flow Statement****Reconciliation of cash**

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

	2010 \$	2009 \$
Cash and cash equivalents	447,023	420,570
Restricted cash and cash equivalents (refer to <u>note 14</u> )	6,271	52,498
	<b>533,294</b>	<b>473,068</b>

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

	2010 \$	2009 \$
<b>Net cost of services</b>	<b>(6,011,999)</b>	<b>(4,688,873)</b>
<u>Non-cash items:</u>		
Depreciation and amortisation expense (refer <u>note 8</u> )	192,616	120,517
Resources received free of charge (refer <u>note 13</u> )	106,231	42,546
<u>(Increase)/decrease in assets:</u>		
Current receivables <sup>(c)</sup>	301,017	(101,399)
<u>Increase/(decrease) in liabilities:</u>		
Accrued Salaries	32,345	16,961
Current payables	(80,144 )	(86,259)
Current provisions	228,824	214,528
Non-current provisions	50,922	75,579
Change in GST in receivables/payables <sup>(b)</sup>	(18,328 )	12,309
<b>Net cash provided by/(used in) operating activities</b>	<b>(5,198,516)</b>	<b>(4,394,091)</b>

- (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.

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

**Note 24. Resources provided free of charge**

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

**Note 25. Commitments**

**Capital expenditure commitments**

	2010 \$	2009 \$
Capital expenditure commitments, being contracted capital expenditure additional to the amounts reported in the financial statements, are payable as follows:		
Within 1 year	62,329	-
	<b>62,329</b>	<b>-</b>

**Non-cancellable operating leases commitments**

	2010 \$	2009 \$
Commitments for minimum lease payments are payable as follows:		
Within 1 year	524,040	461,472
Later than 1 year and not later than 5 years	518,684	923,995
	<b>1,042,724</b>	<b>1,385,467</b>

The property lease is a non-cancellable lease with a five year term, with rent payable monthly in advance. Contingent rent provisions within the lease agreement require that the minimum lease payments shall be increased by the lower of CPI or 4% per annum. An option exists to renew the lease at the end of the five year term for an additional term of five years.

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

**Note 26. Contingent liabilities and contingent assets**

**Contingent liabilities**

The office has no contingent liabilities.

**Contingent assets**

The office has no contingent assets.

**Note 27. Events occurring after the end of the reporting period**

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

**Note 28. Explanatory Statement**

Significant variations between estimates and actual results for income and expense as presented in the financial statement titled 'Summary of Consolidated Account Appropriations and Income Estimates' are shown below. Significant variations are considered to be those greater than 10%. Refer [note 2\(c\)](#) with respect to the combination of services provided in 2009-2010.

## Total appropriations provided to deliver services

### Significant variances between estimate and actual for 2010

	2010 Estimate	2010 Actual	Variance
Appropriations to Deliver the Service <sup>(a)</sup>	5,211,000	5,753,000	542,000
Income for the Service <sup>(b)</sup>	639,000	953,475	314,475

- (a) The increase in appropriations to deliver the service is comprised of:
- \$300,000 approved supplementary funding to cover increased expenses associated with a significant increase in complaints during the year;
  - \$144,000 approved budget increase for an adjustment to depreciation associated with previously approved capital funding; and
  - \$98,000 approved budget increase for an adjustment to leave liability due to an increase in staff associated with previously approved budget and staffing increases.
- (b) The increase in income for the service is primarily due to:
- an increase in funding of \$264,000 approved by the Board of the Energy Ombudsman Western Australia to cover additional expenses associated with a significant increase in complaints under the Energy Ombudsman's jurisdiction; and
  - income of \$33,000 recouped from the Commonwealth for expenses associated with handling complaints from the Indian Ocean Territories. In previous years this recoup was reported as a grant.

### Significant variances between actual results for 2009 and 2010

	2010 Estimate	2010 Actual	Variance
Appropriations to Deliver the Service <sup>(a)</sup>	5,753,000	4,564,000	1,189,000
Income for the Service <sup>(b)</sup>	953,475	823,376	130,099

- (a) The increase in appropriations to deliver the service is comprised of:
- \$562,000 increased appropriations due to an approved budget increase for the new child death review function which commenced on 30 June 2009;
  - \$542,000 increased budget appropriations approved during 2009-10 as outlined above; and
  - the remainder is approved funding for normal salary and cost escalation.
- (b) The increase in income for the service is primarily comprised of:
- an increase of \$282,000 for additional funding for the Energy Ombudsman jurisdiction, and
  - a reduction in income in 2009-10 due to a one-off income of \$150,000 in 2008-09 for a recoup of expenses from the Department for Child Protection to cover costs associated with the establishment of the child death review jurisdiction.

## *Service Expenditure*

### Significant variances between estimate and actual for 2010

	2010 Estimate	2010 Actual	Variance
Expenses for Service	5,913,000	6,965,474	1,052,474

The increase in expenses for the service is primarily due to:

- increased employee benefits expenses for additional staff required to handle a significant increase in complaints during the year in both the State jurisdiction and the Energy jurisdiction, funded through supplementary funding of \$300,000, an increase of \$264,000 in income approved by the Board of the Energy Ombudsman Western Australia, and recurrent funds on hand; and
- increased expenses for an adjustment to depreciation and leave liability, associated with previously approved capital purchases and additional staffing budget, funded through a budget adjustment of \$242,000 for depreciation and leave liability.

**Significant variances between actual results for 2009 and 2010**

	2010 Estimate	2010 Actual	Variance
Expenses for Service	6,965,474	5,512,249	1,453,225

**Expenses for Service**

The increase in expenses for the service is primarily due to:

- increased expenses for the new child death review function which commenced on 30 June 2009, and was funded by an approved increase in appropriations of \$562,000; and
- increased expenses for the Energy Ombudsman jurisdiction, due to a substantial increase in complaints, funded by an increase of \$282,000 in income approved by the Board of the Energy Ombudsman Western Australia.

**Capital contribution**

**Significant variances between actual results for 2009 and 2010**

	2010 Estimate	2010 Actual	Variance
Capital contribution	-	198,000	(198,000 )

The reduction in capital contribution is due to a one-off contribution in 2008-09 to cover capital costs associated with the new child death review function.

**Note 29. Financial Instruments**

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

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

Credit risk

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

The maximum exposure to credit risk at the end of the reporting period in relation to each class of recognised financial assets is the gross carrying amount of those assets inclusive of any provisions for impairment, as shown in the table at **note 29(c)** 'Financial instruments disclosures' and **note 15** 'Receivables'.

Credit risk associated with the office's financial assets is minimal because the main receivable is the amounts receivables for services (holding accounts). For receivables other than government, the office trades only with recognised, creditworthy third parties. The office has policies in place to ensure that sales of products and services

are made to customers with an appropriate credit history. In addition, receivable balances are monitored on an ongoing basis with the result that the office's exposure to bad debts is minimal. At the end of the reporting period there were no significant concentrations of credit risk.

Liquidity risk

Liquidity risk arises when the office is unable to meet its financial obligations as they fall due.

The office is exposed to liquidity risk through its trading in the normal course of business.

The office has appropriate procedures to manage cash flows including drawdowns of appropriations by monitoring forecast cash flows to ensure that sufficient funds are available to meet its commitments.

Market risk

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

**(b) Categories of financial instruments**

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

	2010 \$	2009 \$
<u>Financial Assets</u>		
Cash and cash equivalents	447,023	420,570
Restricted cash and cash equivalents	86,271	52,498
Receivables <sup>(a)</sup>	1,631,152	1,500,169
<u>Financial Liabilities</u>		
Date: 31 August 2010	315,708	304,102

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

**(c) Financial Instrument disclosures**

Credit risk and interest rate exposures

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

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

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

Interest rate exposures and ageing analysis of financial assets <sup>(a)</sup>											
Date: 31 August 2010	Interest rate exposure					Past due but not impaired					Impaired financial assets
	Weighted average effective interest rate %	Carrying Amount	Fixed interest rate	Variable interest rate	Non-interest bearing	Up to 3 months	3 – 12 months	1 – 2 Years	2 – 5 Years	More than 5 Years	
	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	
<u>Financial Assets</u>											
<b>2010</b>											
Cash and cash equivalents		447,023	-	-	447,023	-	-	-	-	-	-
Restricted cash and cash equivalent		86,271	-	-	86,271	-	-	-	-	-	-
Receivables <sup>(a)</sup>		99,152	-	-	99,152	37,419	-	-	-	-	-
Amount receivable for service		1,532,000	-	-	1,532,000	-	-	-	-	-	-
		<b>2,164,446</b>	-	-	<b>2,164,446</b>	<b>37,419</b>	-	-	-	-	-
		\$	\$	\$	\$	\$	\$	\$	\$	\$	\$
<b>2009</b>											
Cash and cash equivalents		420,570	-	-	420,570	-	-	-	-	-	-
Restricted cash and cash equivalent		52,498	-	-	52,498	-	-	-	-	-	-
Receivables <sup>(a)</sup>		400,169	-	-	400,169	361,730	-	-	-	-	-
Amount receivable for service		1,100,000	-	-	1,100,000	-	-	-	-	-	-
		<b>1,973,237</b>	-	-	<b>1,973,237</b>	<b>361,730</b>	-	-	-	-	-
		\$	\$	\$	\$	\$	\$	\$	\$	\$	\$

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

#### Liquidity Risk

The following table details the contractual maturity analysis for financial liabilities. The contractual maturity amounts are representative of the undiscounted amounts at the end of the reporting period. The table includes interest and principal cash flows. An adjustment has been made where material.

Interest rate exposures and maturity analysis of financial liabilities												
Date: 31 August 2010	Interest rate exposure						Maturity date					
	Weighted average effective interest rate %	Carrying Amount	Fixed interest rate	Variable interest rate	Non-interest bearing	Adjustment for discounting	Total nominal amount	Up to 3 months	3 – 12 months	1 – 2 Years	2 – 5 Years	More than 5 Years
	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$
<u>Financial Liabilities</u>												
<b>2010</b>												
Payables		315,708	-	-	315,708	-	-	315,708	-	-	-	-
		<b>315,708</b>	-	-	<b>315,708</b>	-	-	<b>315,708</b>	-	-	-	-
		\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$
<b>2009</b>												
Payables		304,102	-	-	304,102	-	-	304,102	-	-	-	-
		<b>304,102</b>	-	-	<b>304,102</b>	-	-	<b>304,102</b>	-	-	-	-
		\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$

The amounts disclosed are the contractual undiscounted cash flows of each class of financial liabilities.

Interest rate sensitivity analysis

None of the office's financial assets and liabilities at the end of reporting 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 Statement of Financial Position, whether they are carried at cost or fair value, are recognised at amounts that represent a reasonable approximation of fair value unless otherwise stated in the applicable notes.

**Note 30. Remuneration of senior officers**

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

	2010 \$	2009 \$
70,001 - 80,000	-	1
100,001 - 110,000	-	1
120,001 - 130,000	-	3
130,001 - 140,000	1	1
140,001 - 150,000	2	-
150,001 - 160,000	1	-
200,001 - 210,000	1	-
280,001 - 290,000	-	1
300,001 - 310,000	1	-
<b>The total remuneration of senior officers</b>	<b>1,088,031</b>	<b>976,632</b>

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

**Note 31. Remuneration of auditor**

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

Date: 31 August 2010	2010 \$	2009 \$
Auditing the accounts, financial statements and performance indicators	21,600	20,700

**Note 32. Related bodies**

The office had no related bodies during the financial year.

**Note 33. Affiliated bodies**

The office had no affiliated bodies during the financial year.

**Note 34. 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.

	2010 \$	2009 \$
Opening Balance	10,034	11,174
Receipts	23,402	-
Payments	(21,804)	(1,140)
<b>Closing Balance</b>	<b>11,632</b>	<b>10,034</b>

**Note 35. Supplementary financial information**

- (a) **Write-offs**  
There was no write-off during the financial year.
- (b) **Losses through theft, defaults and other causes**  
There were no losses of public money and public and other property during the financial year.
- (c) **Gifts of public property**  
There were no gifts of public property provided by the office during the financial year.

## Key Performance Indicators

### Key Effectiveness Indicators

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

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

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 2009-10 there were 2,009 complaints received and 1,848 complaints finalised (including 2,015 separate allegations). During the year agencies responded to 49 recommendations and suggestions for improvement made by the Ombudsman, all of which were accepted. In addition there were a further 45 actions initiated by agencies to improve their practices as well as 111 actions by agencies to provide a remedy for the complainant as a result of the Ombudsman's investigation.

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 100 per cent being accepted by agencies each year from 2007-08 to 2009-10.

Key Effectiveness Indicators	2006-07	2007-08	2008-09	2009-10 Target	2009-10 Actual
Of allegations where Ombudsman made recommendations to improve practices or procedures, percentage of recommendations accepted by agencies (a)	94%	100%	100%	<b>100%</b>	<b>100%</b>
Number of improvements to practices or procedures as a result of Ombudsman action (b)	50	34	29	<b>40</b>	<b>49</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 been maintained over the last three years with 100 per cent of recommendations being accepted in each year from 2007-08 to 2008-09. This meets the target for 2009-10 of 100 per cent and the office has again set a target of 100 per cent for 2010-11.

The number of accepted recommendations and suggestions for improvements to practices or procedures was 49 in 2009-10 and exceeded the target of 40. There has also been a continuation of the very pleasing trend, noted last year, for agencies to initiate improvements to their practices prior to the conclusion of an investigation. In 2009-10 agencies advised the Ombudsman of 45 voluntary actions by agencies, compared to 43 in 2008-09.

## Key Efficiency Indicators

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

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

Key functions included complaint resolution services, reviews of the sudden and unexpected deaths of children and other activities to improve public administration. The key efficiency indicators relate to timeliness of complaint handling, the cost per finalised allegation and the cost per finalised notification of the sudden and unexpected death of a child.

Key Efficiency Indicators	2006-07	2007-08	2008-09	2009-10 Target	2009-10 Actual
Percentage of allegations finalised within three months	69%	78%	82%	<b>80%</b>	<b>82%</b>
Percentage of allegations finalised within 12 months	89%	95%	96%	<b>95%</b>	<b>99%</b>
Percentage of allegations on hand at 30 June less than three months old	33%	51%	71%	<b>50%</b>	<b>63%</b>
Percentage of allegations on hand at 30 June less than 12 months old	78%	85%	96%	<b>85%</b>	<b>97%</b>
Average cost per finalised allegation (a)	\$2,579	\$2,941	\$2,759	<b>\$2,860</b>	<b>\$1,999</b>
Average cost per finalised notification of the sudden or unexpected death of a child (b)	NA	NA	NA	<b>NA</b>	<b>\$9,377</b>

- (a) This is the net cost of complaint resolution services divided by the number of allegations finalised.
- (b) This is a new measure due to the commencement of the child death review function in 2009-10 and is the net cost of undertaking the child death review function divided by the number of notifications finalised.

### Comparison of Actual Results and Budget Targets

The timeliness indicators show the office has continued to build on a substantial improvement over the previous three years due to a strong focus on efficiency of the complaint handling process.

All timeliness indicators exceeded the target for 2009-10 and three of the four exceeded the indicators for 2008-09. There has been a small reduction in the percentage of allegations on hand less than three months old at 30 June 2010 primarily due to a significant increase in the number of complaints received and finalised during the year.

In 2009-10 there were 2,015 allegations finalised compared to 1,478 in 2008-09. As there has been only a modest increase in resources for complaint resolution, the increase in finalised allegations has contributed to a decline in the cost per finalised allegation in 2009-10.

This year the office received additional funding to establish the child death review function to review the deaths of certain children known to the Department for Child Protection, with the aim of identifying strategies to improve public sector administration and collaboration between agencies in relation to preventable child deaths. A new indicator has been introduced, for the first time this year, on the cost per finalised notification of the sudden or unexpected death of a child.

# Other Disclosures and Legal Compliance

## Other Financial and Staffing 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 the Energy Industry Ombudsman (Western Australia) Limited on a full cost recovery basis. These costs are determined by the actual staffing costs involved in delivering the service plus an allowance for overheads and the direct recovery of capital expenditure and particular operational expenses, such as travel.
- Under an Agreement with the Australian Government, the office handles enquiries and complaints from the Indian Ocean Territories about local government and Western Australian public authorities delivering services to the Territories. Each year the office recoups costs from the 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 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

There were no significant capital works during 2009-10.

## Ombudsman Staff

### Employment

Staff numbers at the Ombudsman's office have increased in 2009-10. The increase can be attributed to additional functions, such as the implementation of the child death review jurisdiction, and an increase in the number of enquiries and complaints received by the office.

Over the full year 2009-10 there were 46 full-time equivalent positions (FTEs), and as at 30 June 2010, there were 58 employees, including 45 full time employees and 13 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 four people seconded to the office, and three people employed through a recruitment agency to cover short term vacancies.

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

Employee Category	2007-08	2008-09	2009-10
Full-time permanent	30	30	37
Full-time contract	2	5	8
Part-time permanent	5 (3.2 FTEs)	11 (7.4 FTEs)	13 (8.6 FTEs)
Part-time contract	1 (0.8 FTEs)	0	0
<b>TOTAL</b>	<b>38 (36 FTEs)</b>	<b>46 (42.4 FTEs)</b>	<b>58 (53.6 FTEs)</b>
Employees seconded out (including in numbers above)	0	0	-2 (2 FTEs)
Employees seconded in (not included in numbers above)	2 (1.5 FTEs)	3 (3 FTEs)	4 (4 FTEs)
Temporary staff employed through recruitment agencies	n/a	n/a	3 (3 FTEs)
<b>NET TOTAL (FTE)</b>	<b>37.5</b>	<b>45.4</b>	<b>58.6</b>
<b>NET TOTAL (Head Count)</b>	<b>40</b>	<b>49</b>	<b>63</b>

## Human Resources Strategy 2010-12

One of the key priorities for the office during the year has been the development and implementation of an inaugural *Human Resources Strategy (the Strategy)* to support staff development and aid in the attraction and retention of staff.

Work undertaken on the Strategy has resulted in:

- A *Human Resources Strategic Plan*;
- A *Human Resources Operational Plan* (including attraction and retention strategies);
- A *Training and Development Program*; and
- A revised *Performance Management and Development System*.

## Mission and Values

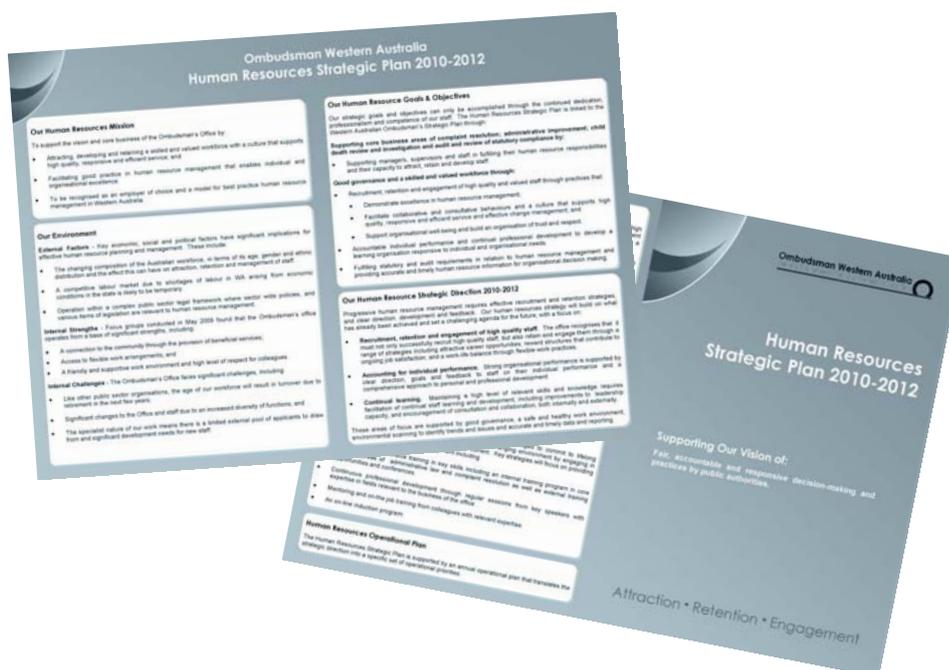
### Our HR Mission

To facilitate best practice human resources management that enables individual and organisational excellence.

### Our HR Strategic Direction

Over the next two years, the focus of human resources activities at the Ombudsman's office will be on the following three areas:

- Recruitment, retention and engagement of high quality staff;
- Accounting for performance; and
- Continual learning.



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

The Ombudsman's office strives to be recognised as an employer of choice, with positive benefits for staff, such as flexible work options, part-time and job-sharing arrangements being promoted in all job advertisements. Many staff utilise flexible work options, and staff in all areas and at all levels have access to, and use, part-time or purchased leave arrangements.

### ***Accounting for Performance***

The office's accountability framework links individual and organisational performance objectives through performance management. The performance management system incorporates identifying expectations as well as performance-based recognition. Managers and staff annually formalise a performance agreement that provides a framework to:

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

### ***Continual Learning***

The office provides staff with access to a range of training and development opportunities to assist their continual learning requirements. Staff are given the opportunity to attend internal and external training to improve their skills and knowledge in areas relevant to their work. During the year, the office launched its inaugural *Training and Continuous Professional Development Program*. This provides strategic, targeted training and development in a range of disciplines, often utilising the expertise of senior Ombudsman staff to deliver the sessions. This continual learning direction assists with positioning the Ombudsman's office as an employer of choice.

## Governance Disclosures

Governance Disclosures	Disclosures in 2009-10
<b>Ministerial Directives</b>	The Ombudsman reports directly to the Western Australian Parliament and is not under the control of a Minister. Ministers cannot issue directives to the Ombudsman in relation to desired outcomes or operational issues.
<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 <i>Code of Conduct</i> and <i>Conflict of Interest Policy</i> 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 <i>Code of Conduct</i> 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 <i>Conflict of Interest Guidelines</i> developed by the Integrity Coordinating Group, of which the Ombudsman 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 <b>no</b> declarations of an interest in any existing or proposed contracts by senior officers.</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 <u><a href="#">Statutory Corporations (Liability of Directors) Act 1996</a></u>

## Other Legal Requirements

### 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.	People with a disability have an equal opportunity to participate in consultation, decision making, events, processes, complaints and other services provided by the office. Venues for events and meetings are assessed for suitable access for people with disabilities.
People with disabilities have the same opportunities as others to access the buildings and other facilities of a public authority.	The Ombudsman's office is located within the St Martins Tower, 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.	All office documents are in plain English. 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. 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 access barriers for people with disabilities and information is available in various formats on request. Staff awareness of their obligations for dealing with people with disabilities is achieved through disability access awareness training and a DVD for induction of new staff.
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. Anyone with a disability has an equal opportunity to make a complaint. Where necessary, the complaint process is modified to meet the needs of a person with a disability. This includes meeting people outside of 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.	Staff and members of the public with a disability have an equal opportunity to participate in any consultation process. Most consultation is handled electronically. The website meets disability access requirements. Documents can be made available in alternative formats to meet the needs of people with disabilities.

## Advertising and Sponsorship Expenditure

During 2009-10, the office incurred the following expenditure in relation to advertising, market research, polling, direct mail or media advertising that requires disclosure under s.175ZE of the [Electoral Act 1907](#).

Total expenditure was \$21,343 for advertising vacant positions, promoting regional visits and conducting a survey of public authorities for an administrative improvement project.

Category of Expenditure	Total	Company
Advertising agencies	Nil	Nil
Market research organisations	\$17,745	Research Solutions
Polling organisations	Nil	Nil
Direct mail organisations	Nil	Nil
Media advertising organisations	\$3,598	Adcorp

## Compliance with Public Sector Standards and Ethical Codes

As a member of the Integrity Coordinating Group, the Ombudsman's office has a strong commitment to promoting integrity in official conduct. The office understands that its good conduct is essential to its reputation, which in turn influences its business activities. The office aspires to lead by example and is committed to achieving high standards of 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 Corporate Executive, which includes the Ombudsman, leads and promotes these guidelines within the office.

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

- The *WA Public Sector Code of Ethics and Code of Conduct*,
- The *Public Sector Standards in Human Resources Management*,
- Part IX of the *Equal Opportunity Act 1984*; and
- A family friendly workplace.

The following table identifies the significant action taken to monitor and ensure compliance and any compliance issues that have arisen in 2009-10 in each of these areas.

### Significant Action to Monitor and Ensure Compliance with 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. One breach claim relating to the *Recruitment Selection and Appointment Standard* was investigated and resulted in 'no finding.'

### Significant Action to Monitor and Ensure Compliance with Western Australian Public Sector Code of Ethics

The *Code of Ethics* is available on the intranet and is part of the induction of new staff.

*Guidelines for Ethical and Accountable Decision Making* have been developed as a ready reference for staff when dealing with a difficult situation related to the *Code of Ethics* and the office's *Code of Conduct*.

The Guidelines are based on the *Accountable and Ethical Decision Making in the WA Public Sector* training materials provided by the Public Sector Commissioner. Ombudsman staff attended this training in July 2009 as part of a public sector wide strategy to improve the awareness and understanding of public sector accountability requirements.

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

### Significant Action to Monitor and Ensure Compliance with Ombudsman Western Australia Code of Conduct

During the year, the Ombudsman's office revised its *Code of Conduct* and developed *Guidelines for Ethical and Accountable Decision Making*. The revised *Code of Conduct* links the office's corporate values with expected standards of personal conduct.

All staff, contractors and consultants who carry out work for or on behalf of the Ombudsman's office are required to comply with the spirit of the *Code of Conduct*, which relies on the notion that everyone accepts personal responsibility for their behaviour, such behaviour being what the office would expect of a person employed to serve the interests of the citizens of Western Australia.

**Compliance issues:** There has been no evidence of non-compliance with the office's *Code of Conduct*. 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 2009-10 there were no public interest disclosures about the activities of the Ombudsman's office.

## Corporate Governance Framework

The office's corporate governance framework is based on the Office of the Public Sector Standards Commissioner's *Good Governance Guide*.

### **Principle 1: Government and public sector relationship (The organisation's relationship with the government is clear)**

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.

The *Parliamentary Commissioner Act 1971* regulates the operations of the office.

Delegations for communication and interaction between Ministers and other Parliamentary representatives are identified in the office's *Instruments of Delegations*, in particular those relating to external communications, and staff are aware of these delegations.

### **Principle 2: Management and oversight (The organisation's management and oversight is accountable and have clearly defined responsibilities)**

The Ombudsman's *Strategic Plan* outlines the office's vision, mission and values, and provides a framework for the strategic direction for 2009 to 2011 with identifiable key measures of success. The office's *Operational Plan* identifies how the key strategies in the *Strategic Plan* will be achieved through a detailed table of key projects, measures and targets.

Chief Executive Officer and statutory delegations and administrative arrangements are set out in the office's *Instruments of Delegations*.

The 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 as part of new staff induction.

The Ombudsman undertakes the role of Energy Ombudsman under a service delivery arrangement with the Energy Industry Ombudsman (Western Australia) Limited (the governing body). The management and oversight arrangements are included in a separate annual report of the Board of the governing body.

The office has an *Internal Audit and Risk Management Charter* and Committee. An external quality assurance review of the Ombudsman's internal audit function has been undertaken to ensure the Ombudsman conforms with the Institute of Internal Auditors international standards for the professional practice of internal auditing.

### **Principle 3: Organisational structure** (The organisation's structure services its operations)

The primary decision making forums for the Ombudsman's office are the Executive Team comprising the Ombudsman, Deputy Ombudsman and Assistant Ombudsman, Strategic Services and the Corporate Executive.

The Ombudsman's organisational structure has been created in line with its operations and reflects the office's key strategic direction covering complaint resolution, improved public administration, child death reviews and investigation, audit and review of statutory compliance, good governance and a skilled and valued workforce.

Structural reviews of the office are linked to the *Strategic Plan* and resources are redirected within the structure to respond to workload priorities.

### **Principle 4: Operations** (The organisation plans its operations to achieve its goals)

The Ombudsman's structure, business processes and key performance indicators are linked to the strategic goals and outcomes in the *Strategic Plan*. The key performance indicators and key strategic projects are monitored through monthly reports to the Corporate Executive and are reported in the Annual Report each year.

An *Operational Plan* is developed each year and linked to the *Strategic Plan*. Progress on projects identified in the *Operational Plan* is reported to Corporate Executive monthly and priorities are altered based on strategic and environmental imperatives.

An online *Complaint Handling Toolkit* is available to all investigating staff for the purpose of achieving consistent, efficient and effective complaint handling.

A Child Death Review Advisory Panel has been established to provide independent advice to the Ombudsman. The Panel is an advisory body, separate from the administrative and policy processes of the Ombudsman, and does not review or investigate child death cases. Terms of appointment apply to all panel members.

**Principle 5: Ethics and Integrity**  
 (Ethics and integrity are embedded in the organisation’s values and operations)

The Ombudsman’s values are to be fair, independent and accountable (including being rigorous, responsible and efficient). In line with these values, the Ombudsman observes an independent and impartial approach to the conduct of investigations as well as observing procedural fairness at all times.

Ethics and integrity are contained within the *Code of Conduct* and *Guidelines for Ethical and Accountable Decision Making*. Staff are required to sign a *Conduct Agreement* to confirm their understanding of the application of the *Code of Conduct* in the workplace.

As a member of the Integrity Coordinating Group, the Ombudsman’s office coordinates activities, fosters consistency in communication and education, and collaborates on shared activities to support integrity throughout the public sector.

As an integrity agency, staff are aware of the *Public Interest Disclosure Act 2003* and the protections that apply. The office has identified Public Interest Disclosure officers who receive public interest disclosure information.

**Principle 6: People**  
 (The organisation’s leadership in people management contributes to individual and organisational achievements)

It is a strategic direction of the office to attract, develop and retain a skilled and valued workforce with a culture that supports high quality, responsive and efficient service; and to treat people professionally, courteously and with appropriate sensitivity.

During the year the office implemented a *Human Resources Strategy (the Strategy)* focusing on recruitment, retention and engagement of staff; individual performance and development; and, continual learning. Two initiatives introduced under the Strategy were a training and development program and a new performance management system.

The office has a strong human resource policy framework covering flexible work arrangements, staff development, study assistance and occupational safety and health.

**Principle 7: Finance**  
(The organisation safeguards financial integrity and accountability)

The office produces an annual budget, by team and by function, which is approved by Corporate Executive to ensure that it is in line with the strategic direction of the office.

Financial integrity and accountability is secured through monthly reporting to Corporate Executive.

The Ombudsman also has a *Financial Management Manual*, designed to assist employees to perform their tasks efficiently and effectively by assisting them to become fully conversant with the financial management aspects of the office's operations, and to ensure disruptions to operations are minimised as a result of staff changes.

An Internal Audit and Risk Management Committee reviews an audit of financial management each year against the policies and procedures in the *Financial Management Manual*.

**Principle 8: Communication**  
(The organisation communicates with all parties in a way that is accessible, open and responsive)

To ensure services are accessible, open and responsive, the Ombudsman's office communicates with its key stakeholders using a range of communication channels, adapted to suit the audience. The office also provides cultural awareness training for all staff.

Communication with external stakeholders occurs through the office's complaint handling service, Regional Awareness and Accessibility Program, workshops, outreach services, advice to public authorities, Integrity Coordinating Group forums, and information on the website. Information about the Ombudsman's office has been translated into 15 languages and is available in other formats as requested.

Monthly whole of staff meetings and separate team meetings provide a forum for sharing information internally. The Joint Consultative Committee has input into office policies and procedures that affect staff, by considering issues and making recommendations to Corporate Executive. The committee is made up of management and staff representatives from within the office.

Policies covering record keeping, records management and communication ensure the office safeguards the confidentiality and integrity of information, preventing unauthorised or false disclosure.

## Principle 9: Risk Management (The organisation identifies and manages its risks)

The Ombudsman's office identifies and manages its risk through the development of a *Risk Management Plan* that has been created in line with the office's *Strategic Plan*.

Under the *Risk Management Plan*, additional controls have been identified for significant risks and an action plan with key responsibilities and timeframes has been developed. Progress on the action plan is monitored through reporting to Corporate Executive.

The office also has a *Business Continuity Plan* to ensure it can respond to, and recover from, any business disruption. The *Risk Management Policy* is currently under review following a recent review of the *Risk Management Plan*.

An Audit and Risk Management Committee oversees this function.

### Record Keeping 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 Tower Records Information Management (**TRIM**) 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 2009-10, the office's record keeping processes continued to undergo reviews to demonstrate compliance with the framework and a commitment to efficient practices. The reviews showed 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 continues to maintain an off-site 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. Staff are required to save their final electronic documents into the EDRMS. This complements the saving of electronic mail and facsimiles directly into the EDRMS.

The complaints management system, RESOLVE, which was installed in April 2008, continues to perform effectively with TRIM, increasing efficiency with all records created in RESOLVE saved automatically into the EDRMS.

### 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 are provided 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

### 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, including the elimination of systemic racial discrimination in the delivery of public services, and the promotion of sensitivity to the different needs of client groups.

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, information

on how to make a complaint to the Ombudsman was translated into 15 languages and is featured on the homepage of the office's website. 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 and translation services to people whose first language is not English.

The office has reviewed and updated its *Equal Employment Opportunity/Diversity Management Plan*.

## Occupational Safety and Health

### Commitment to Occupational Safety, Health and Injury Management

The Ombudsman's office is committed to ensuring a safe and healthy workplace. The goal is for a workplace that is free from work-related injuries and diseases by developing and implementing safe systems of work and by continuing to identify hazards and control risks as far as practicable.

The office maintains an Occupational Safety and Health (OSH) framework that includes:

- Managing and reporting workplace hazards, incidents and injuries;
- Safe work practices;
- Injury management, including a Return to Work Program that extends to non-work related injuries;
- Emergency procedures; and
- General employee health and wellbeing, including an Employee Assistance Program.

All employees and contractors are made aware of their OSH responsibilities through access to OSH information at induction. The office's policies and guidelines are accessible to employees through the intranet.

### Consultation

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

- Management and staff are represented on a committee comprised of independent agencies co-located with the Ombudsman at St Martins Tower (**Co-located Committee**) that meets regularly and incorporates OSH as a standing item;
- A Joint Consultative Committee; and
- Dissemination of information and discussion at whole of staff monthly meetings.

### Statement of Compliance

The Ombudsman's office complies with the injury management requirements of the **Workers' Compensation and Injury Management Act 1981** and is committed to providing injury management support to all workers who sustain a work related injury or illness with a focus on a safe and early return to their pre-injury/illness position.

As part of this approach, the Ombudsman's office encourages early intervention in injury management, and ensures there is early and accurate medical assessment and management of each injury, work related or not.

### Self Evaluation

An annual audit of the Ombudsman's OSH systems was conducted internally in 2009 against the elements of the WorkSafe Plan. The results of the audit were used to develop an OSH framework that was endorsed by the Joint Consultative Committee and approved by Corporate Executive in June 2009.

A review of the office's emergency procedures for dealing with unreasonable complainants was undertaken as a result of an incident in October 2009. Recommendations to strengthen the office's security policy and procedures were discussed at the Co-located Committee meeting. As a result, new safety procedures and modifications to improve staff safety have been implemented.

Initiatives for 2010-11 include undertaking an external accredited assessment of the Ombudsman's OSH management systems.

## Annual Performance

The Ombudsman's office OSH statistics for 2009-10 are shown below.

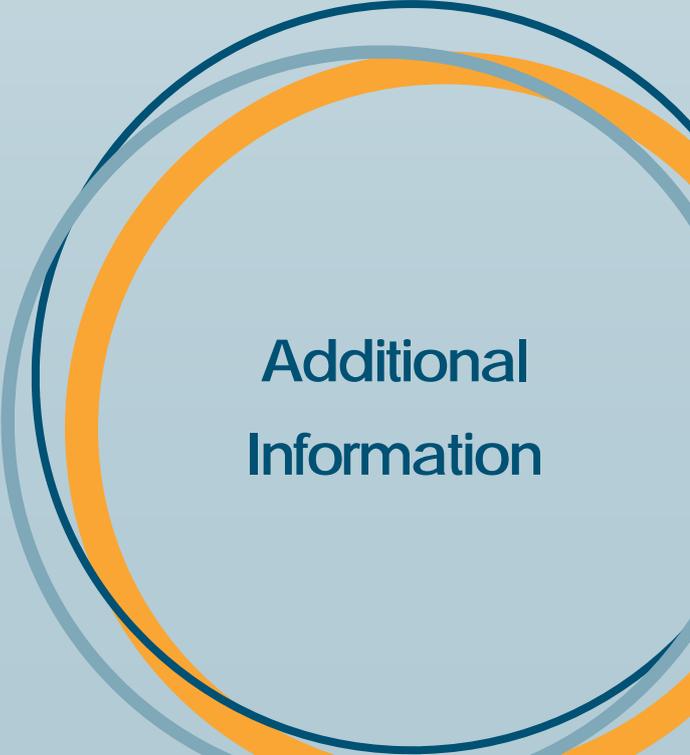
Occupational Safety and Health Statistics	2009-10 Target	2009-10 Actual
Number of fatalities	0	Target achieved, 0
Lost time injury/diseases (LTI/D) incidence rate	0	Target achieved, 0
Lost time injury severity rate	0	Target achieved, 0
Percentage of injured workers returned to work within 28 weeks	Actual % result	No injured workers during the period
Percentage of managers trained in occupational safety, health and injury management responsibilities	Greater than or equal to 50%	Achieved, 60% of managers trained in OSH and injury management responsibilities

The office has achieved targets for the past two consecutive years.

# Appendices

This section provides additional information to assist readers.

- **Appendix 1 – Complaints Received and Finalised**
- **Appendix 2 – Legislation**
- **Appendix 3 – Publications**
- **Appendix 4 – Speeches and Presentations**



**Additional  
Information**

## Appendix 1 – Complaints Received and Finalised

	TOTAL COMPLAINTS RECEIVED IN 2009-10	COMPLAINTS FINALISED									TOTAL COMPLAINTS FINALISED 2009-10
		FINALISED AT INITIAL ASSESSMENT					FINALISED AT INVESTIGATION				
		No jurisdiction	Further investigation not warranted	Withdrawn by complainant	Referred back to the public authority	More appropriate body to handle complaint	Resolved	Sustained	Not sustained	Cannot be determined	
<b>PUBLIC SECTOR</b>											
Agriculture and Food, Department of	4	2		1				1			4
Architects Board of Western Australia	1			1							1
Attorney General, Department of the	18	5	3	1	4		2	2	1		19
Botanic Gardens and Parks Authority	1		1								1
Builders Registration Board	3		1	1							2
Building Disputes Tribunal	2		1								1
Cemetery Boards									1		1
Central TAFE	6				1		2		2		5
Challenger TAFE	3			2					1		3
Child Protection, Department for	56	3	9	1	25	2	2	1	1	1	46
Commerce, Department of	11		3		3				2		8
Communities, Department for	8	3	3		1				1		8
Corrective Services, Department of	493	12	133	11	167	18	97	8	8	3	463
Culture and the Arts, Department of	1					1					1
Director of Public Prosecutions, Office of the	5	4									4
Curriculum Council	1		1								1
Disability Services Commission	7	3	2			2			1		8
East Perth Redevelopment Authority	1								1		1
Education Services, Department of	2	1									1
Education, Department of	38	1	10		6	1	1	4	6		29
Electoral Commission	6	2	1	1			1				5
Energy, Office of	2	1		1	1						3
Environment and Conservation, Department of	9	2					2	1	1		6
Environmental Protection Authority, Office of	4	1				1			1		3
Equal Opportunity Commission	2	1	1								2
Fire and Emergency Services Authority	3	1	1				1				3
Fisheries, Department of	19	6	5		5	1					17
Forest Products Commission	1								1		1
Fremantle Port Authority	1	1									1
Gold Corporation	1										
Government Employees Superannuation Board	4	1				1			1		3
Graylands Hospital	1	1									1
GSL (Aust) Pty Ltd - Courts	1				1						1
GSL (Aust) Pty Ltd - Transport	2				1	1		1			3
Hairdressers Registration Board	1	1									1
Health Review, Office of	3	1			1				2		4
Health, Department of	24	4	2	4	3	8	1				22
Horizon Power	1								1		1
Housing, Department of	114	2	25	6	29	1	15	4	12		98
Indigenous Affairs, Department of	2					1			2		3
Information Commissioner, Office of the	1										
Insurance Commission of WA	4				1						1



PUBLIC SECTOR CONTINUED	TOTAL COMPLAINTS RECEIVED IN 2009-10	COMPLAINTS FINALISED										TOTAL COMPLAINTS FINALISED 2009-10	
		FINALISED AT INITIAL ASSESSMENT					FINALISED AT INVESTIGATION						
		No jurisdiction	Further investigation not warranted	Withdrawn by complainant	Referred back to the public authority	More appropriate body to handle complaint	Resolved	Sustained	Not sustained	Cannot be determined	Complaint withdrawn or not proceeded with		
Landcorp (WA Land Authority)	2		1		1								2
Landgate	7		2	1	2	1	1						7
Legal Aid WA	11		4		5		1	1	1				12
Legal Practice Board	1	1											1
Legal Profession Complaints Committee	2	1		1					2				4
Local Government Advisory Board	1								1				1
Local Government, Department of	18		4		2		1						7
Lotteries Commission	1				1								1
Main Roads WA	9	1	1		2		1				1		6
Medical Board of WA									1				1
Mines and Petroleum, Department of									2				2
Nurses and Midwives Board of WA	1			1									1
Painters Registration Board	1				1								1
Pharmaceutical Council of WA	1	1											1
Pilbara TAFE	1												
Planning, Department of	8	1		3	1								5
Podiatrists Registration Board	2			1									1
Polytechnic West	3			1	1				1				3
Prisoners Review Board	39	4	20	3	3	3	3		1				37
Psychologists Board of WA	2				1	1							2
Public Advocate	3		1	1					1				3
Public Sector Standards Commissioner, Office of the	1	1		1									2
Public Transport Authority	18	2	5		4	4	1			1			17
Public Trustee	15	1	1	1	5		1		3				12
Racing, Gaming and Liquor, Department of	2	1	1										2
Real Estate and Business Agents Supervisory Board	5	1	2		2								5
Regional Development and Lands, Department of	1												
Registry of Births, Deaths & Marriages	1			1									1
Rottneet Island Authority	2					1							1
SERCO - Acacia Prison	35	1	9	2	8	2	4			1			27
Small Business Development Corporation	1							1					1
Training and Workforce Development, Department of	4								1		1		2
Transport, Department of	67	2	9	4	15		15	5	4		3		57
Treasury and Finance, Department of	8		4		3		2	1					10
Valuer General, Office of the	1						1						1
Veterinary Surgeons Board	2								1				1
Water Corporation	24		2	1	4	3	4		2				16
Water, Department of	1												
West Coast TAFE	1			1									1
Western Australia Police	163	11	16	7	73	26	5	2	8	1	1		150
Western Australian College of Teaching	3	1			1		1						3
Western Australian Planning Commission	2								1				1
Western Power Corporation	3		1				2						3
Workcover	5	1	1		1		1						4
<b>TOTAL PUBLIC SECTOR</b>	<b>1345</b>	<b>90</b>	<b>286</b>	<b>60</b>	<b>385</b>	<b>79</b>	<b>168</b>	<b>31</b>	<b>77</b>	<b>7</b>	<b>18</b>	<b>1201</b>	

	TOTAL COMPLAINTS RECEIVED IN 2009-10	COMPLAINTS FINALISED								TOTAL COMPLAINTS FINALISED 2009-10	
		FINALISED AT INITIAL ASSESSMENT				FINALISED AT INVESTIGATION					
		No jurisdiction	Further investigation not warranted	Withdrawn by complainant	Referred back to the public authority	More appropriate body to handle complaint	Resolved	Sustained	Not sustained		Cannot be determined
<b>LOCAL GOVERNMENT</b>											
Albany, City of	4		2		1			1			4
Armadale, City of	3		1				1		1		3
Ashburton, Shire of	2				1						1
Augusta / Margaret River, Shire of	2		1				1	1			3
Bassendean, Town of	3						1		1		2
Bayswater, City of	8		2				2	1	2		7
Belmont, City of	3			1	1						2
Boddington, Shire of	3		1						1		2
Bridgetown / Greenbushes, Shire of	1								1		1
Broome, Shire of	3	1					1	1			3
Bunbury, City of	1		1								1
Busselton, Shire of	1							1			1
Cambridge, Town of	3		1		1	1					3
Canning, City of	9	2	2		3			1			8
Capel, Shire of	2		1					1	2		4
Chittering, Shire of	1		1								1
Claremont, Town of	2	1	1					1			3
Cockburn, City of	8				4		1		3		8
Collie, Shire of	1		1							1	2
Coorow, Shire of	3				1		2				3
Corrigin, Shire of	1								1		1
Cue, Shire of	1		1								1
Dardanup, Shire of	3		1						2		3
Denmark, Shire of	1									1	1
Dumbleyung, Shire of	4		1		1		2				4
East Fremantle, Town of	2								2		2
Esperance, Shire of	1										
Exmouth, Shire of									1		1
Fremantle, City of	6		1		2		1	1	1		6
Geraldton-Greenough, City of	7					2			5		7
Gingin, Shire of	3		2		1						3
Gosnells, City of	6				2	1			1	1	5
Halls Creek, Shire of	1				1						1
Harvey, Shire of	1										
Joondalup, City of	12	1	2			2		2	6		13
Kalamunda, Shire of	12	1	2		1		1	1	3		9
Kalgoorlie / Boulder, City of	1							1		1	2
Kellerberin, Shire of	1								1		1
Kwinana, Town of	1		1								1
Mandurah, City of	7		2		1		2	1	1		7
Melville, City of	8		3		1		1		1		6
Merredin, Shire of	1		1	1							2
Mt. Marshall, Shire of	1		1								1
Mundaring, Shire of	4		1				1		1		3
Murray, Shire of	1						1				1
Nannup, Shire of	1	1									1
Narrogin, Shire of	1						1				1
Nedlands, City of	5		3				1		1		5
Northam, Shire of	1							1			1



	COMPLAINTS FINALISED											TOTAL COMPLAINTS FINALISED 2009-10
	FINALISED AT INITIAL ASSESSMENT						FINALISED AT INVESTIGATION					
	No jurisdiction	Further investigation not warranted	Withdrawn by complainant	Referred back to the public authority	More appropriate body to handle complaint	Resolved	Sustained	Not sustained	Cannot be determined	Complaint withdrawn or not proceeded with		
<b>LOCAL GOVERNMENT CONTINUED</b>	<b>TOTAL COMPLAINTS RECEIVED IN 2009-10</b>											
Peppermint Grove, Shire of	1		1									1
Perth, City of	6		1			3					1	5
Plantagenet, Shire of	1											1
Port Hedland, Town of	1					1						1
Rockingham, City of	5	1	2		1	1		1				6
Roebourne, Shire of	2		1		1							2
Serpentine / Jarrahdale, Shire of	1							1				1
South Perth, City of	10	2		1		1	1		3	1		9
Stirling, City of	23	2	4		6		3		4			19
Subiaco, City of	2	1				1						2
Swan, City of	10		1		1	1	2	1	4		1	11
Three Springs, Shire of	1				1							1
Toodyay, Shire of	3		1				1		1			3
Victoria Park, Town of	2				1							1
Vincent, Town of	4		3			1						4
Wanneroo, City of	5		1				1		1			3
Waroona, Shire of	1						1					1
Wyndham / East Kimberley, Shire of	2		1									1
York, Shire of	3		1				1		1			3
<b>TOTAL LOCAL GOVERNMENT</b>	<b>240</b>	<b>13</b>	<b>54</b>	<b>3</b>	<b>32</b>	<b>16</b>	<b>30</b>	<b>16</b>	<b>54</b>	<b>3</b>	<b>4</b>	<b>225</b>
<b>TERTIARY INSTITUTIONS</b>												
Curtin University	29	2	1	1	1	1		3	24	1		34
Edith Cowan University	14	1	3		4	1	2		2			13
Murdoch University	9		1	1		1	2		1	1		7
University of Western Australia	4				1	1						2
University of Notre Dame Australia		1										1
<b>TOTAL TERTIARY INSTIUTIONS</b>	<b>56</b>	<b>4</b>	<b>5</b>	<b>2</b>	<b>6</b>	<b>4</b>	<b>4</b>	<b>3</b>	<b>27</b>	<b>2</b>	<b>0</b>	<b>57</b>
<b>TOTAL COMPLAINTS ABOUT AGENCIES IN JURISDICTION</b>	<b>1641</b>	<b>107</b>	<b>345</b>	<b>65</b>	<b>423</b>	<b>99</b>	<b>202</b>	<b>50</b>	<b>158</b>	<b>12</b>	<b>22</b>	<b>1483</b>
<b>TOTAL COMPLAINTS ABOUT AGENCIES NOT IN JURISDICTION</b>	<b>368</b>	<b>365</b>										<b>365</b>
<b>GRAND TOTAL</b>	<b>2009</b>	<b>472</b>	<b>345</b>	<b>65</b>	<b>423</b>	<b>99</b>	<b>202</b>	<b>50</b>	<b>158</b>	<b>12</b>	<b>22</b>	<b>1848</b>

## Appendix 2 - Legislation

### Principal Legislation

- [Parliamentary Commissioner Act 1971](#)

### Legislation and Other Instruments Governing Other Functions

- [Public Interest Disclosure Act 2003](#)
- [Terrorism \(Preventative Detention\) Act 2006](#)
- [Indian Ocean Territories \(Administration of Laws\) Act 1992](#)
- [Christmas Island Act 1958](#)
- [Cocos \(Keeling\) Islands Act 1955](#)
- [National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007](#)
- [Economic Regulation Authority Act 2003](#)
- [Electricity Industry Act 2004](#)
- [Energy Coordination Act 1994](#)
- [Parliamentary Commissioner Act 1971 \(section 34\)](#)
- [Telecommunications \(Interception and Access\) Act 1979 \(Commonwealth\)](#)
- [Telecommunications \(Interception\) Western Australia Act 1996](#)

# Appendix 3 – Publications

The following publications are available electronically on the Ombudsman’s website at [www.ombudsman.wa.gov.au](http://www.ombudsman.wa.gov.au) and in hard copy, in various formats, by request to [mail@ombudsman.wa.gov.au](mailto:mail@ombudsman.wa.gov.au):

## Brochures and Posters

### Ombudsman Brochures and Posters

- Ombudsman Western Australia DL
- A3 and A4 Ombudsman Western Australia summary posters
- Ombudsman Western Australia summary DL leaflet

## Guidelines and Information Sheets

### For Complainants

- How to complain to the Ombudsman (with complaints process flow chart)  
- also translated into 15 different community languages
- Making a complaint to the Ombudsman summary sheet
- Ombudsman Western Australia and Energy Ombudsman Western Australia
- Overview of the complaint management process
- Making a complaint to a State Government agency
- How we assess complaints
- Assessment of complaints checklist
- Being formally 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
- Information for local governments – About the Ombudsman

### Complaint Handling

- Effective handling of complaints made to your organisation – An overview
- Complaint handling system checklist
- Making your complaint handling system accessible
- Guidance for complaint handling officers
- Conducting administrative investigations
- Investigation of complaints
- Procedural fairness (natural justice)
- Good record keeping
- Dealing with unreasonable complainant conduct
- Managing unreasonable complainant conduct practice manual
- Remedies and redress
- Information for boards and tribunals

### Making Good Decisions

- Exercising discretion in administrative decision making
- Giving reasons for decisions

## Appendix 4 – Speeches and Presentations

### Speeches and Presentations by Ombudsman, Chris Field in 2009-10

1 July 2009	Presented <b><i>The Ombudsman</i></b> at the Regional Awareness and Accessibility Program visit to the Mid West Region - Geraldton
6 & 7 August 2009	Presented <b><i>Recent Evolutions in Australian Ombudsmen</i></b> at the Australian Institute of Administrative Law National Forum 2009 - Canberra
24 September 2009	Presented <b><i>Recent Evolutions in Australian Ombudsmen</i></b> to the Western Australian chapter of the Australian Institute of Administrative Law - Perth
10 & 11 November 2009	Presented <b><i>The Ombudsman</i></b> at the Regional Awareness and Accessibility Program visit to the Peel Region - Mandurah
19 November 2009	Presented <b><i>Resolving Complaints and Promoting Good Administrative Practice</i></b> at the Local Government Managers Australia (WA) Annual State Conference 2009 - Perth
30 November 2009	Appeared on the expert panel at the <b><i>Integrity Coordinating Group's 2009 Forum, The New Integrity Agenda in Public Administration</i></b> - Perth
19 March 2010	Presented <b><i>The Ombudsman in the Integrity Framework</i></b> at the 25 <sup>th</sup> Australasian and Pacific Ombudsman Regional Conference - Canberra
6 May 2010	Presented <b><i>Independence – A Key Principle</i></b> at the Australian and New Zealand Ombudsman Association (ANZOA) Biennial Conference 2010 - Wellington, New Zealand
3 June 2010	Presented <b><i>Promoting Accountable and Transparent Decision Making in the Public Sector</i></b> at a LegalWise Conference 2010 - Perth

# About this Report

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