



# **Ombudsman Western Australia Annual Report 2012-13**



Serving  
Parliament

Serving  
Western  
Australians

**The President of  
the Legislative Council**



**The Speaker of the  
Legislative Assembly**

In accordance with Section 63 of the *Financial Management Act 2006*, I submit to Parliament the Annual Report for the Parliamentary Commissioner for Administrative Investigations for the year ended 30 June 2013. The report has been prepared in accordance with the provisions of the *Financial Management Act 2006* and the *Parliamentary Commissioner Act 1971*.

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

Chris Field  
**Western Australian Ombudsman**

26 September 2013

## About this Report

This report describes the functions and operations of the Ombudsman Western Australia for the year ending 30 June 2013.

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

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## Contact Details

See inside back cover.

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## Overview

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

- [Executive Summary](#)
  - [Ombudsman's Foreword](#)
  - [The Year in Brief for 2012-13](#)
- [Operational Structure](#)
- [Performance Management Framework](#)



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Independent  
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## Ombudsman's Foreword

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

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



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

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

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

This year, we continued to undertake a significant level of work in relation to our child death review role including, reviewing child deaths, identifying patterns and trends arising from these reviews and seeking to improve public administration to prevent or reduce child deaths. Our review of child deaths also led to two major own motion investigations into issues, patterns and trends arising from our reviews.

The first major own motion investigation, *Investigation into ways that State Government departments can prevent or reduce sleep-related infant deaths*, was tabled in Parliament in November 2012. The investigation found that the Department of Health has undertaken a range of work to contribute to safe sleeping practices in Western Australia, however, there is still important work to be done. This work particularly includes establishing a comprehensive statement on safe sleeping that will form the basis for safe sleeping advice to parents. The report included 23 recommendations for improvement, all of which were agreed to by the agencies involved and we are actively monitoring the implementation and effectiveness of these recommendations. The second own motion investigation in relation to suicide by young people will be tabled in Parliament in 2014.

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

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

In 2007-08, we commenced a new program aimed at addressing the historical under-representation of regional and Aboriginal Western Australians in terms of complaints to the Office. The program aims to significantly enhance awareness of, and accessibility to, the Office and involves a range of strategies, including seminars for public authorities and community groups, liaison activities with Aboriginal communities, complaint clinics for the general public, and visits to regional prisons. The program has continued this year with visits to the Pilbara and South West regions.

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

The Office is an accessible source of administrative justice for Western Australians and also contributes to improving public administration through recommendations that arise from investigating complaints and from undertaking major own motion investigations. The Office also undertakes an important range of reviews, inspections and additional functions, such as the Energy Ombudsman. In undertaking all of these functions, the Office is committed to providing services to the Parliament and the people of Western Australia that are of the highest quality and efficiency. This is a commitment that I strongly believe we have fulfilled this year.



Chris Field  
**Western Australian Ombudsman**

## The Year in Brief for 2012-13

### Resolving Complaints

#### Complaints and Enquiries

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

#### Timely Complaint Handling

Timely complaint handling in 2012-13 meant that:

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

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

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

#### Efficient Complaint Handling

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

### Child Death Reviews

- There were 37 investigable child deaths.
- Timely review processes have resulted in 68% of reviews completed within 3 months.
- Important patterns and trends in relation to child deaths have been identified.
- As a result of child death reviews, improvements to public administration, designed to prevent or reduce child deaths, have been achieved.

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

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

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

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

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

## **Collaboration and Access to Services**

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

## Operational Structure

### The Role of the Ombudsman

The Parliamentary Commissioner for Administrative Investigations – more commonly known as the Ombudsman – is an independent officer of the Western Australian Parliament. The Ombudsman is responsible to the Parliament rather than to the government of the day or a particular Minister. This allows the Ombudsman to be completely independent in undertaking the Ombudsman's functions.

### Functions of the Ombudsman

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

#### Principal Functions

<b>Investigating and resolving complaints</b>	Receiving, investigating and resolving complaints about State Government agencies, local government and universities.
<b>Reviewing certain deaths</b>	Reviewing certain child deaths and family and domestic violence fatalities.
<b>Undertaking own motion investigations and promoting administrative improvements</b>	Improving public administration for the benefit of all Western Australians through own motion investigations, and education and liaison programs with public authorities.
<b>Other functions</b>	Undertaking a range of additional functions as detailed under 'Other Functions of the Ombudsman'.

## Other Functions of the Ombudsman

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

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

## Our Vision, Mission and Values

### Our Vision

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

### Our Mission

To serve Parliament and Western Australians by:

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

### Our Values

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

## Our Strategic Focus

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

## Executive Management

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

The role of executive management is to:

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

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

## Our Corporate Executive

Chris has held the position of Ombudsman since March 2007. He concurrently holds the roles of Energy Ombudsman and State Records Commissioner. Prior to his appointment as Ombudsman, Chris held a number of senior roles in Western Australia and Victoria in the public and private sectors.



**Chris Field, Ombudsman**



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

**Peter Wilkins, Deputy Ombudsman**

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



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



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

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

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



### **Kim Lazenby, Principal Assistant Ombudsman Own Motion Investigations**



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

### **Sarah Cowie, Assistant Ombudsman Complaint Resolution**

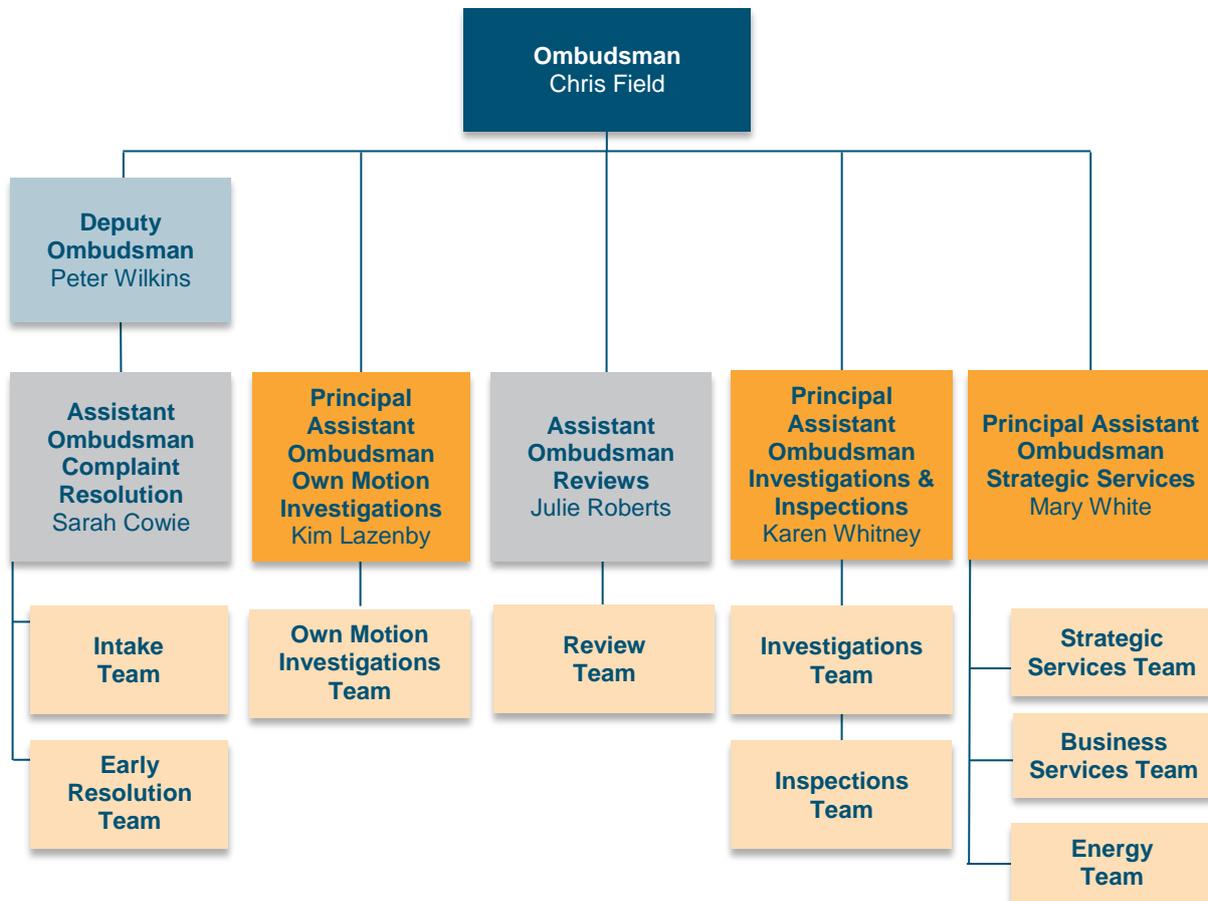
Julie joined the Office in 2005 and commenced her current role as an Assistant Ombudsman in June 2009. Julie has more than 25 years' experience in the Commonwealth and State public sectors and the non-government community services sector.



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

## Our Structure and Teams

Organisational Structure as at 30 June 2013



### Team Responsibilities

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

## Performance Management Framework

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

### Desired Outcomes of the Ombudsman’s Office

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



### Key Effectiveness Indicators

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

### Service Provided by the Ombudsman’s Office

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



### Key Efficiency Indicators

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

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## Our Performance in 2012-13

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

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

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



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## Summary of Performance

### Key Effectiveness Indicators

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

Key Effectiveness Indicators	2012-13 Target	2012-13 Actual	Variance
Of allegations where the Ombudsman made recommendations to improve practices or procedures, percentage of recommendations accepted by agencies	100%	<b>100%</b>	Nil
Number of improvements to practices or procedures as a result of Ombudsman action	100	<b>72</b>	-28

Another important role of the Ombudsman is to enable remedies to be provided to people who make complaints to the Office where service delivery by a public authority may have been inadequate. The remedies may include reconsideration of decisions, more timely decisions or action, financial remedies, better explanations and apologies. In 2012-13, there were 139 actions taken by public authorities to provide a remedy for people making complaints to the Office.

### Comparison of Actual Results and Budget Targets

In 2007-08, the Office commenced a program to ensure that its work increasingly contributed to improvements to public administration. Consistent with this program, the number of improvements to practices and procedures of public authorities, as a result of Ombudsman action, have risen significantly since the commencement of the program, but there may be fluctuations from year to year.

For the fifth consecutive year, public authorities have accepted every recommendation made by the Ombudsman, matching the 2011-12 actual result and meeting the 2012-13 target.

## 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 child deaths and family and domestic violence fatalities.

Key Efficiency Indicators	2012-13 Target	2012-13 Actual	Variance
Percentage of allegations finalised within 3 months	85%	<b>83%</b>	-2%
Percentage of allegations finalised within 12 months	99%	<b>99%</b>	Nil
Percentage of allegations on hand at 30 June less than three months old	70%	<b>94%</b>	+24%
Percentage of allegations on hand at 30 June less than 12 months old	99%	<b>96%</b>	-3%
Average cost per finalised allegation	\$1,875	<b>\$1,821</b>	-\$54
Average cost per finalised notification of death	\$9,600	<b>\$12,281</b>	+\$2,681

## Comparison of Actual Results and Budget Targets

The timeliness and efficiency of complaint handling has substantially improved over the past five years due to a major complaint handling improvement program introduced in 2007-08. Building on the program, the Office developed and commenced a new organisational structure and processes in 2011-12 to promote and support early resolution of complaints. As a result of the program, the Office has reduced the average age of complaints from 173 days on 30 June 2007 to 33 days on 30 June 2013 while at the same time reducing the average cost per finalised allegation for five consecutive years. These improvements are in the context of a significant increase in the number of complaints across all sectors that occurred in 2009-10, that has been maintained for the last three financial years.

In 2012-13, substantially improved complaint handling has resulted in the following actual results compared to budget targets. The percentage of allegations finalised within three months (83%) is the highest figure in the past five years, very significantly improving on the 2011-12 actual result (72%), and only slightly less than the target (85%). The percentage of allegations finalised within 12 months (99%), has matched the target. The percentage of allegations on hand at 30 June less than three months old (94%) has improved very significantly from the 2011-12 actual result (45%) and has significantly bettered the 2012-13 target (70%). The percentage of allegations on hand at 30 June less than 12 months old (96%) has not matched the 2011-12 actual result (99%) or met the 2012-13 target (99%), however, it is anticipated that, early in 2013-14, the Office will achieve, and then maintain, not having any complaints on hand over 12 months. The average cost per finalised allegation bettered the 2011-12 actual result and the 2012-13 target.

The Ombudsman reviews certain child deaths and family and domestic violence fatalities. This involves:

- Reviewing the circumstances in which and why child deaths and family and domestic violence fatalities occur;
- Identifying patterns and trends that arise from reviews of child deaths and family and domestic violence fatalities; and
- Making recommendations to public authorities about ways to prevent or reduce child deaths and family and domestic violence fatalities.

The average cost per finalised notification of death exceeded the 2011-12 actual result and the 2012-13 target, reflecting the complexity of this function, including the complexity of reviews of family and domestic violence fatalities, that commenced in 2012-13.

### Summary of Financial Performance

The majority of expenses for the Office (70%) relate to staffing costs. The remainder is primarily for accommodation, communications and office equipment.

Financial Performance	2012-13 Target ('000s)	2012-13 Actual ('000s)	Variance ('000s)
Total cost of services (expense limit) (sourced from <a href="#">Statement of Comprehensive Income</a> )	\$10,311	<b>\$10,398</b>	+\$87
Income other than income from State Government (sourced from <a href="#">Statement of Comprehensive Income</a> )	\$2,368	<b>\$2,615</b>	+\$247
Net cost of services (sourced from <a href="#">Statement of Comprehensive Income</a> )	\$7,943	<b>\$7,782</b>	-\$161
Total equity (sourced from <a href="#">Statement of Financial Position</a> )	\$1,245	<b>\$1,783</b>	+\$538
Net increase in cash held (sourced from <a href="#">Statement of Cash Flows</a> )	\$18	<b>-\$204</b>	-\$222
<b>Staff Numbers</b>	<b>Number</b>	<b>Number</b>	<b>Number</b>
Full time equivalent (FTE) staff level	63	<b>62</b>	-1

## Comparison of Actual Results and Budget Targets

There was no significant variation between the actual results and the budget target for the Office's total cost of services.

For income, the increase in the actual result compared to the budget target and, for net cost of services, the decrease in the actual result compared to the budget target was mainly due to income recognised in the period to offset prior year uncleared purchase orders.

For total equity, the increase in the actual result compared to the budget target was primarily due to the purchase of a finance system to support the financial operations of the Office, following the decommissioning of the Office of Shared Services, along with higher than anticipated cash assets at the end of the period, due to the timing of capital purchases under the asset investment program and income recognised in the period as outlined above.

For cash held, the decrease in the actual result compared to the budget target reflects the payment of expenditure committed in 2011-12 but not paid until 2012-13.

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

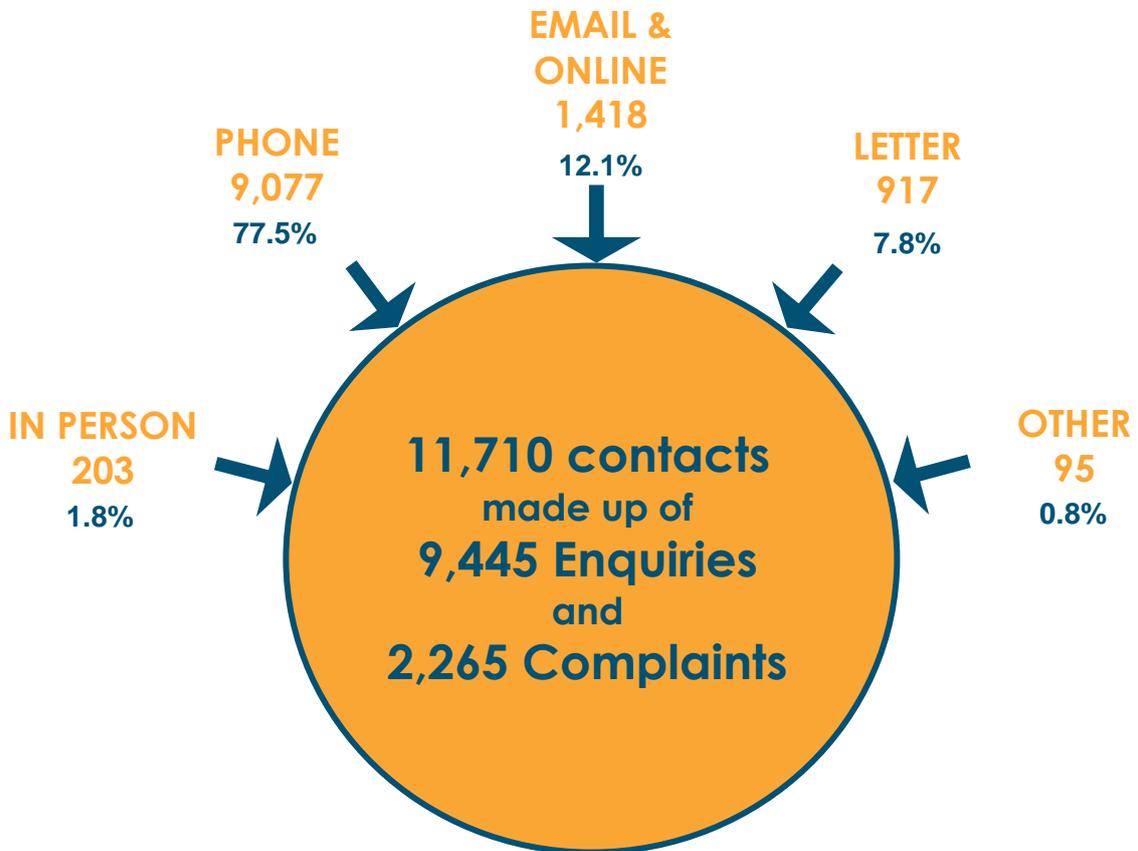
## Complaint Resolution

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

### Contacts

In 2012-13, the Office received 11,710 contacts from members of the public consisting of:

- 9,445 enquiries from people seeking advice about an issue or information on how to make a complaint; and
- 2,265 written complaints from people seeking assistance to resolve their concerns about the decision making and administrative practices of a range of public authorities.



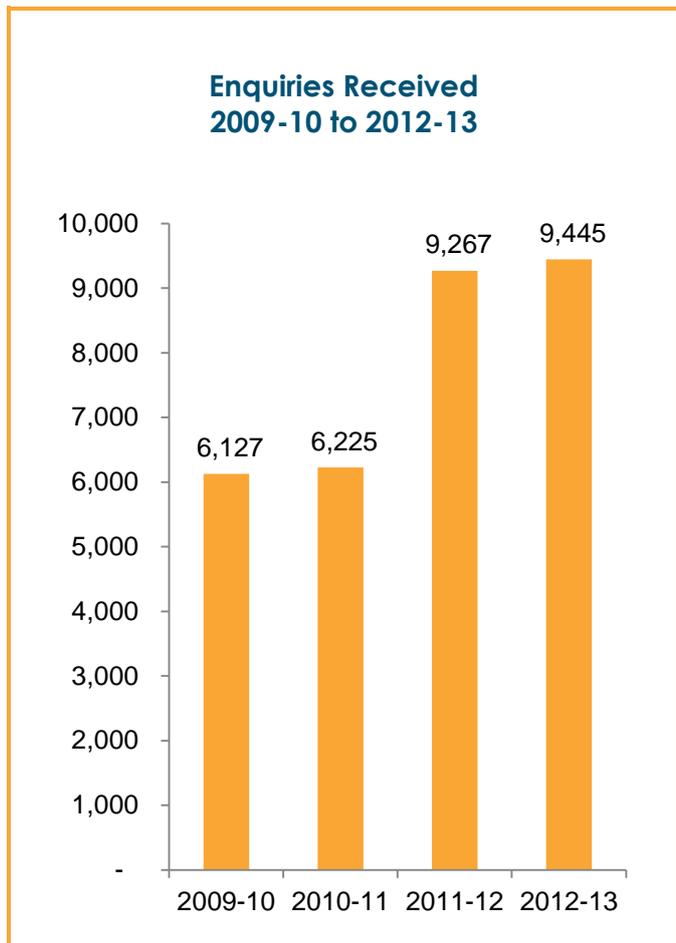
## Enquiries Received

There were 9,445 enquiries received during the year.

For enquiries about matters that are within the Ombudsman’s jurisdiction, staff provide information about the role of the Office and how to make a complaint. For approximately half of these enquiries, the enquirer is referred back to the public authority in the first instance to give it the opportunity to hear about and deal with the issue. This is often the quickest and most effective way to have the issue dealt with. Enquirers are advised that if their issues are not resolved by the public authority, they can make a complaint to the Ombudsman.

For enquiries that are outside the jurisdiction of the Ombudsman, staff assist members of the public by providing information about the appropriate body to handle the issues they have raised.

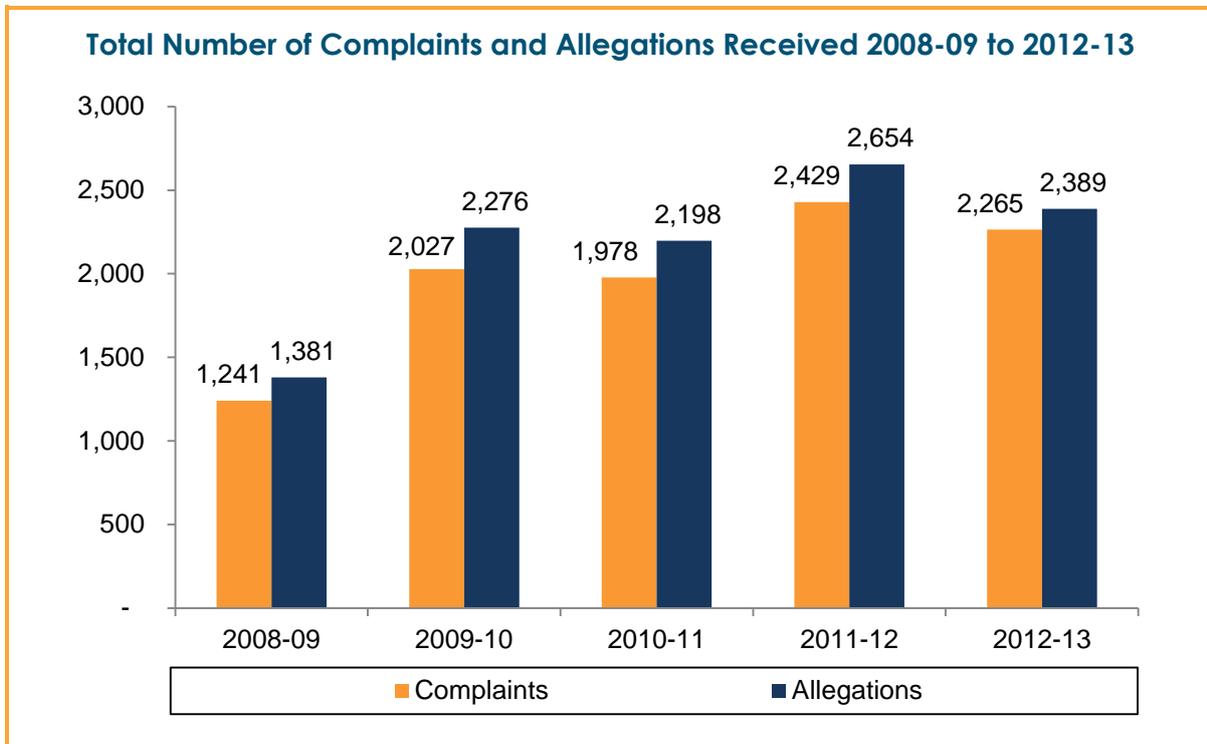
In some cases, Ombudsman staff may be able to assist the person making the enquiry by making informal contact with the public authority.



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

## Complaints Received

In 2012-13, the Office received 2,265 complaints, which included 2,389 separate allegations, and finalised 2,675 complaints. There are more allegations than complaints because one complaint may cover more than one issue.



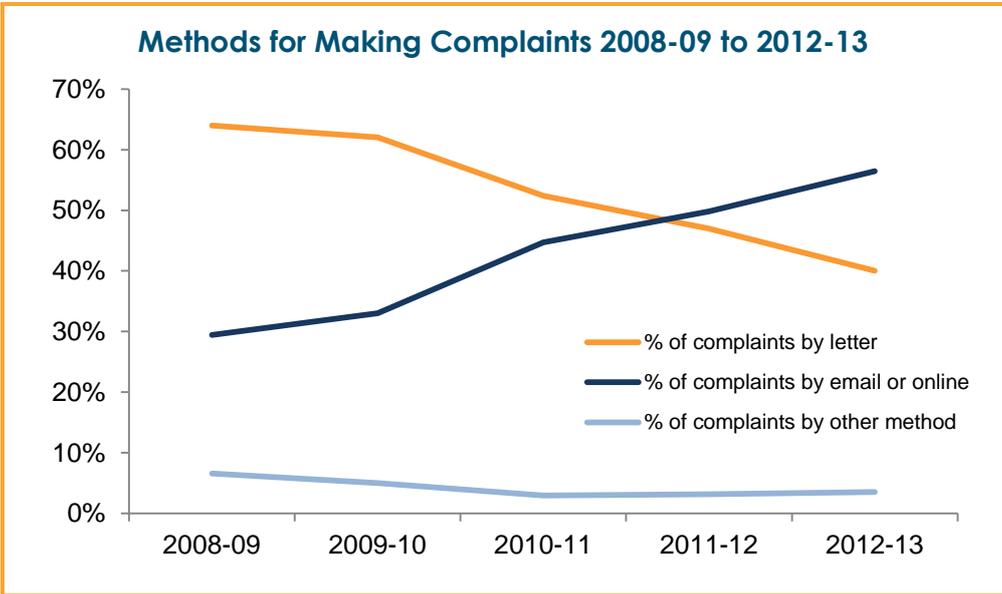
NOTE: The number of complaints and allegations shown for a year may vary, by a small amount, from the number shown in previous annual reports. This occurs because, during the course of an investigation, it can become apparent that a complaint is about more than one public authority or there are additional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

The average number of complaints received in the last four years (2009-10 to 2012-13) was 2,175 compared with the average of 1,171 for the three previous years (from 2006-07 to 2008-09). This represents an increase of 86% in complaint numbers. The increase is across all sectors and is not confined to one public authority.

## How Complaints are made

The increase in the use of email and online facilities to lodge complaints has continued in 2012-13, increasing from 50% in 2011-12 to 56% in 2012-13. The proportion of people using email and online facilities to lodge complaints has nearly doubled since 2008-09 when less than 30% were received in this way.

During the same period, the proportion of people who lodge complaints by letter has reduced from 64% to 40%. The remaining complaints were received by a variety of means including by fax, during regional visits and in person.



### Resolving Complaints

Where it is possible and appropriate, staff use an early resolution approach to investigate and resolve complaints. This approach is highly efficient and effective and results in timely resolution of complaints. It gives public authorities the opportunity to provide a quick response to the issues raised and to undertake timely action to resolve the matter for the complainant and prevent similar complaints arising again. The outcomes of complaints may result in a remedy for the complainant or improvements to a public authority’s administrative practices, or a combination of both. Complaint resolution staff also track recurring trends and issues in complaints and this information is used to inform broader administrative improvement in public authorities and investigations initiated by the Ombudsman (known as [own motion investigations](#)).

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

### Time Taken to Resolve Complaints

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

Timeliness and efficiency of complaint handling has substantially improved over time due to a major complaint handling improvement program introduced in 2007-08. An initial focus of the program was the elimination of aged complaints, including complaints as old as six years. Building on the program, the Office developed and

commenced a new organisational structure and processes in 2011-12 to promote and support early resolution of complaints. Together, these initiatives have resulted in substantial improvements in the timeliness of complaint handling in 2012-13. Over the last year:

- The percentage of allegations finalised within 3 months improved from 72% to 83% and the percentage of allegations on hand less than 3 months old at 30 June significantly improved from 45% to 94%;
- There has been a reduction from 53 days to 46 days (13%) in the average time to finalise complaints and a reduction from 99 days to 33 days (67%) in the average age of complaints on hand at 30 June; and
- The Office has maintained its low level of aged cases with 99% of allegations finalised within 12 months and 96% of allegations on hand less than 12 months old at 30 June.

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

- The percentage of allegations finalised within 3 months improved from 69% in 2006-07 to 83% in 2012-13 and the percentage of allegations on hand less than 3 months old improved from 33% at 30 June 2007 to 94% at 30 June 2013;
- There has been a reduction in the average time to finalise complaints from 92 days in 2006-07 to 46 days in 2012-13 and a reduction in the average age of complaints on hand from 173 days at 30 June 2007 to 33 days at 30 June 2013; and
- Finalised complaints older than 12 months have decreased from 80 to 14 (83%) and complaints on hand more than 12 months old have decreased from 20 at 30 June 2007 to 2 at 30 June 2013 (90%).

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

## Complaints Finalised in 2012-13

There were 2,675 complaints finalised during the year and, of these, 2,001 were about public authorities in the Ombudsman's jurisdiction. Of the complaints about public authorities in jurisdiction, 1,105 were finalised at initial assessment, 855 were finalised after an Ombudsman investigation and 41 were withdrawn.

### Complaints finalised at initial assessment

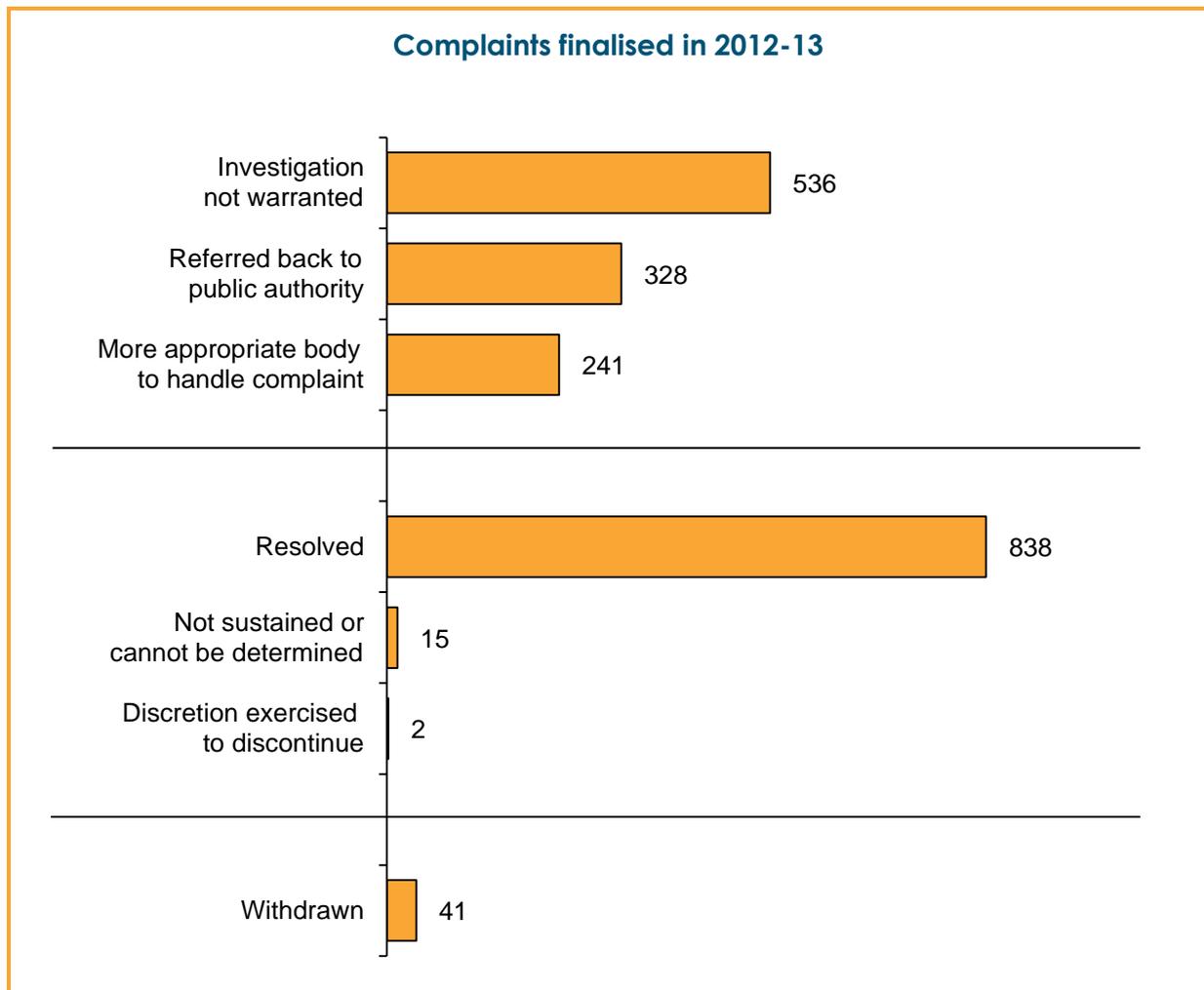
Almost a third (30%) of the 1,105 complaints finalised at initial assessment were referred back to the public authority to provide it with an opportunity to resolve the matter before further involvement of the Ombudsman. This is a common and timely approach and often results in resolution of the matter. The person making the complaint is advised to contact the Office again if their complaint remains unresolved at the end of this referral process. In a further 241 (22%) complaints finalised at the initial assessment, it was determined that there was a more appropriate body to

handle the complaint. In these cases, complainants are provided with contact details of the relevant body to assist them.

### Complaints finalised after investigation

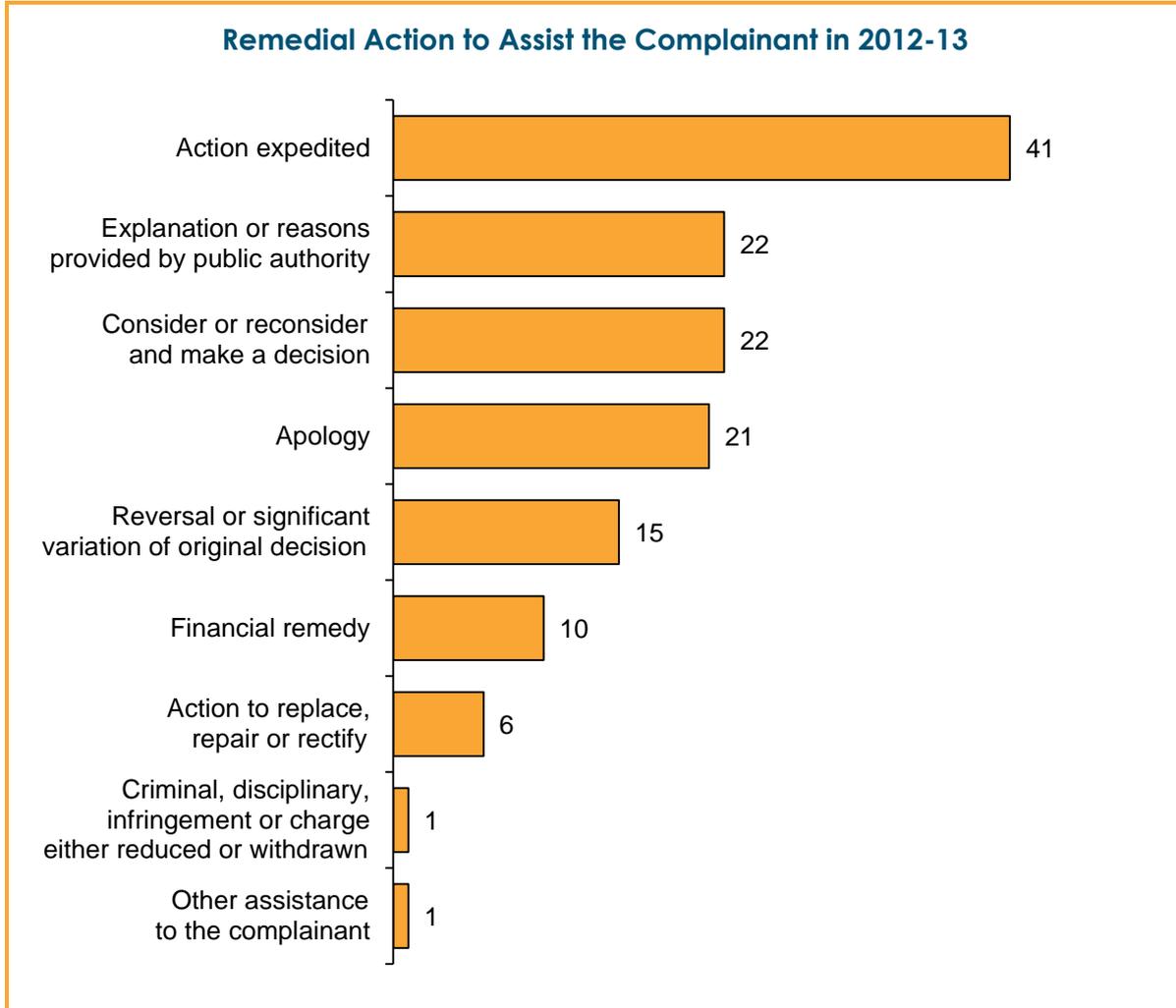
Of the 855 complaints finalised after investigation, 98% were resolved through the Office’s early resolution approach. This involves Ombudsman staff contacting the public authority to progress a timely resolution of complaints that appear to be able to be resolved quickly and easily. Public authorities have shown a strong willingness to resolve complaints using this approach and frequently offer practical and timely remedies to resolve matters in dispute, together with information about administrative improvements to be put in place to avoid similar complaints in the future. There has been an increasing trend in early resolution through the use of this process (from 202 complaints in 2009-10 to 838 in 2012-13).

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



## Outcomes to Assist the Complainant

Complainants look to the Ombudsman to facilitate some form of assistance or action to remedy their complaint. In 2012-13, there were 139 remedies provided by public authorities to assist the individual who made a complaint to the Ombudsman, as shown in the following chart.



Case Study

### Correction of fine and apology for delay

A man was given an infringement that incurred a fine of \$150 and other penalties. The man paid the fine within the required time period because he was going overseas. On his return, he checked his status on-line and saw that he had been fined \$300 and had received a further penalty. The man contacted the relevant public authority but did not receive a reply. He then contacted their complaints section which investigated the matter and informed him that an error had been made.

After three months, the error did not appear to have been corrected and the man complained to the Ombudsman. Following enquiries by the Office about the apparent delay, the correction was made and the man received a letter to confirm his correct status and an apology for any inconvenience caused.

### Outcomes to Improve Public Administration

In addition to providing individual remedies, complaint resolution can also result in improved public administration. This occurs when the public authority takes action to improve its decision making and practices in order to address systemic issues and prevent similar complaints in the future. Administrative improvements include changes to policy and procedures, changes to business systems or practices and staff development and training.

Case Study

### Reversal of fine arising from a notice sent to the wrong address

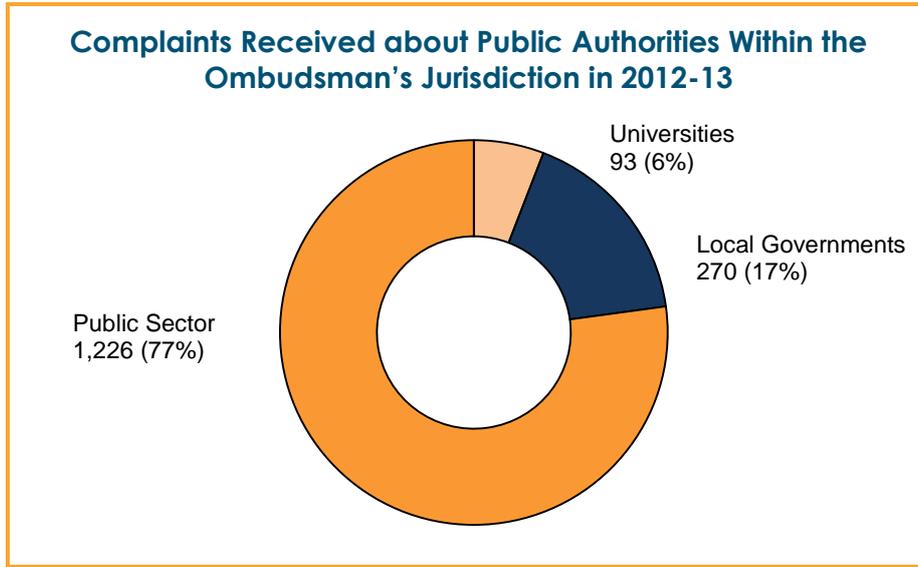
A resident of a rural area complained that a public authority had sent licence renewal notices to her residential address, despite the fact that there was no postal delivery to that address. The resident had a post office box in the nearest town and previous renewals had been successfully delivered to that post office box. As a result of not receiving the renewal notice, the resident had become unregistered and the public authority imposed a fine.

When the Office made inquiries the public authority found that the situation had arisen because of a problem with its database which meant that a previous address had been incorrectly retained and used on renewal notices. The public authority agreed to reverse the fine, assist the resident to obtain a new licence and to take action to rectify the error on its database that had caused the problem.

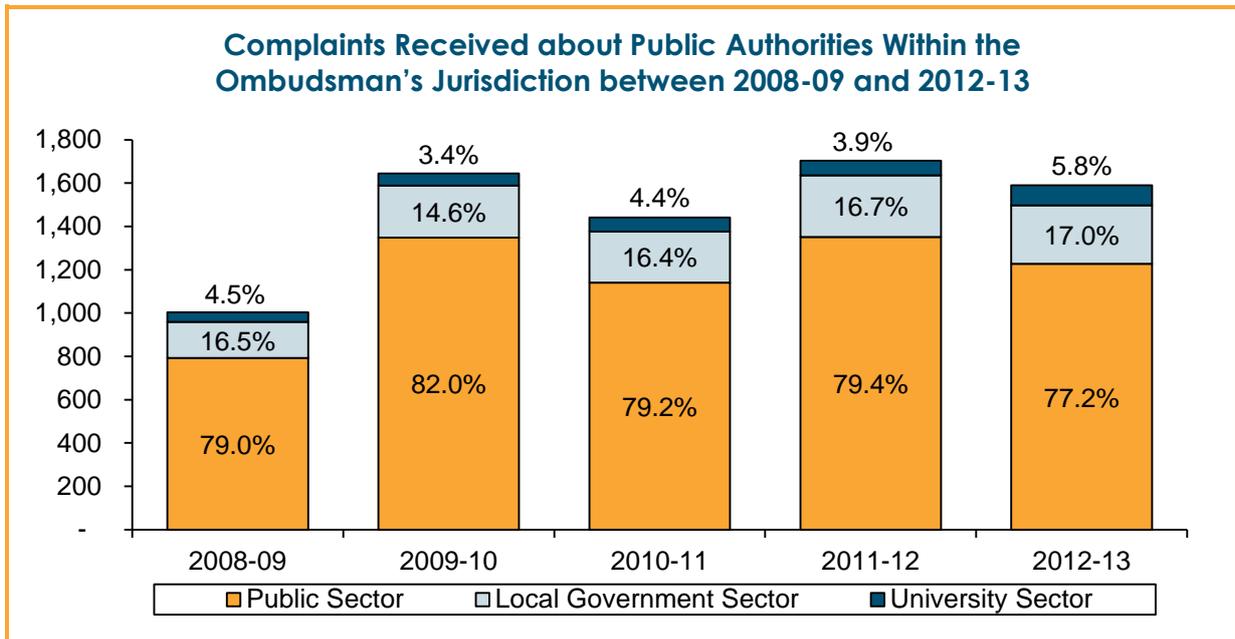
## About the Complaints

Of the 2,265 complaints received, 1,589 were about public authorities that are within the Ombudsman’s jurisdiction. The remaining 676 complaints were about bodies outside the Ombudsman’s jurisdiction. In these cases, Ombudsman staff provided assistance to enable the people making the complaint to take the complaint to a more appropriate body.

Public authorities in the Ombudsman’s jurisdiction fall into three sectors: the public sector (1,226 complaints) which includes State Government departments, statutory authorities and boards; the local government sector (270 complaints); and the university sector (93 complaints).

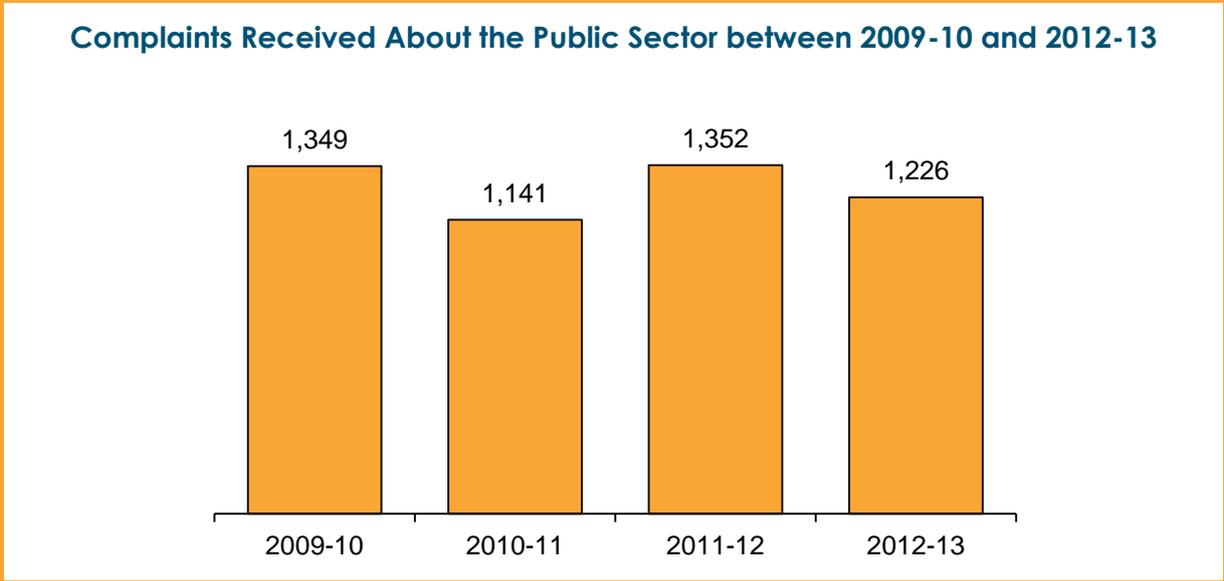


While there has been an increase in complaints in all sectors since 2008-09, the proportion of complaints about each sector has remained relatively steady, as shown in the following chart.

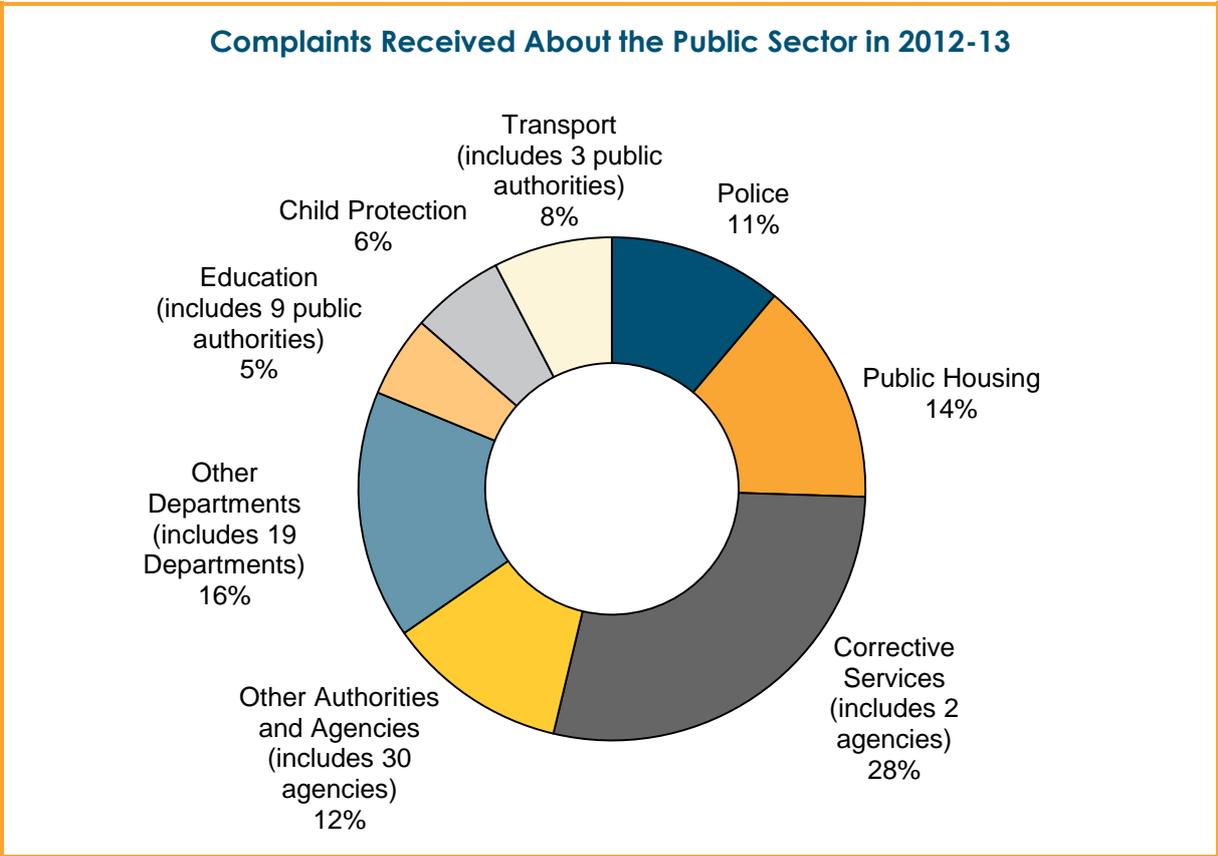


### The Public Sector

In 2012-13, there were 1,226 complaints received about the public sector and 1,593 complaints were finalised. The number of complaints about the public sector as a whole in the last four years is shown in the chart below.



Public sector agencies are very diverse. In 2012-13, complaints were received about 66 agencies as shown in the following chart.



Of the 1,226 complaints received about the public sector in 2012-13, 72% were about six key areas covering:

- Corrective services, in particular prisons (346 or 28%);
- Public housing (177 or 14%);
- Police (136 or 11%);
- Transport (93 or 8%);
- Child protection (73 or 6%); and
- Education - public schools and Technical and Further Education (**TAFE**) colleges (64 or 5%). Information about universities is shown separately under the University Sector.

The remaining complaints about the public sector (337) were about 49 [other State Government departments, statutory authorities and boards](#). For 31 (65%) of these agencies, the Office received five complaints or less.

### **Outcomes of Complaints Received about the Public Sector**

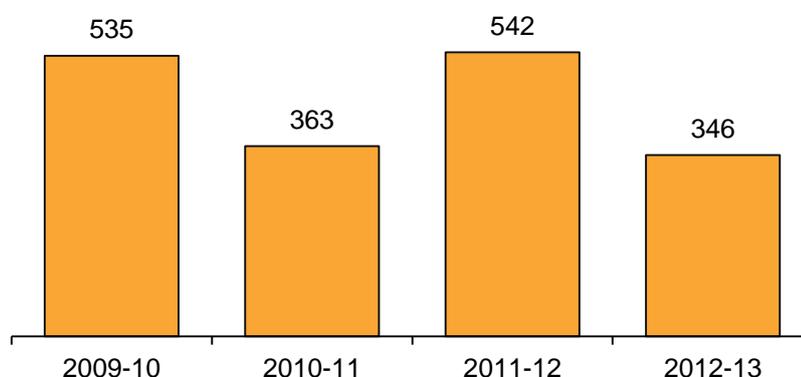
There were 156 actions taken by public sector bodies as a result of complaints finalised in 2012-13. These resulted in 117 remedies being provided to complainants and 39 improvements to public sector practices.

Further information about the issues raised in complaints and the outcomes of complaints is shown in the following tables for each of the six key areas and for the other public sector agencies as a group.

## Public Sector Complaint Issues and Outcomes

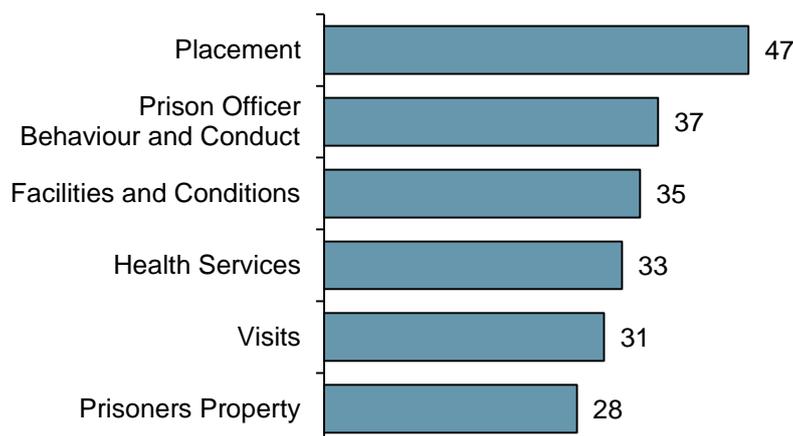
### Corrective Services

#### Complaints received



Fluctuations in the numbers from year to year are primarily due to complaints where an issue is raised by multiple complainants using a petition or identical complaints signed by different people.

#### Most common allegations



#### Other types of allegations

- Prisoner employment;
- Communication;
- Sentencing and parole issues;
- Security classification;
- Discipline;
- Education courses and facilities; and
- Rehabilitation programs.

#### Outcomes achieved

- Consider or reconsider a matter and make a decision;
- Action expedited;
- Change to policy or procedure;
- Change to business system or practices;
- Apology given;
- Explanation given or reasons provided; and
- Staff training.

## Assistance to young people in detention

The Office undertook a proactive approach to the incident that occurred at Banksia Hill Detention Centre (**Banksia Hill**) on 20 January 2013, including attending Banksia Hill and Hakea Prison (**Hakea**) on 31 January and 22 February 2013 to:

- Observe conditions at Banksia Hill and Hakea;
- Meet with staff and detainees; and
- Provide an opportunity for detainees to make complaints to the Office if they wished to do so.

In particular on 22 February 2013, three staff members from the Office, accompanied by an Aboriginal consultant, met with detainees at Banksia Hill and Hakea to receive complaints.

Additionally, the Office also provided relevant information to the Inspector of Custodial Services as part of the Inspector's Directed Review of the incident at Banksia Hill and arranged, in conjunction with the Inspector, the secondment to the Office of the Inspector of Custodial Services, for the duration of the Inspector's inquiry, the Ombudsman's Principal Legal and Investigating Officer.

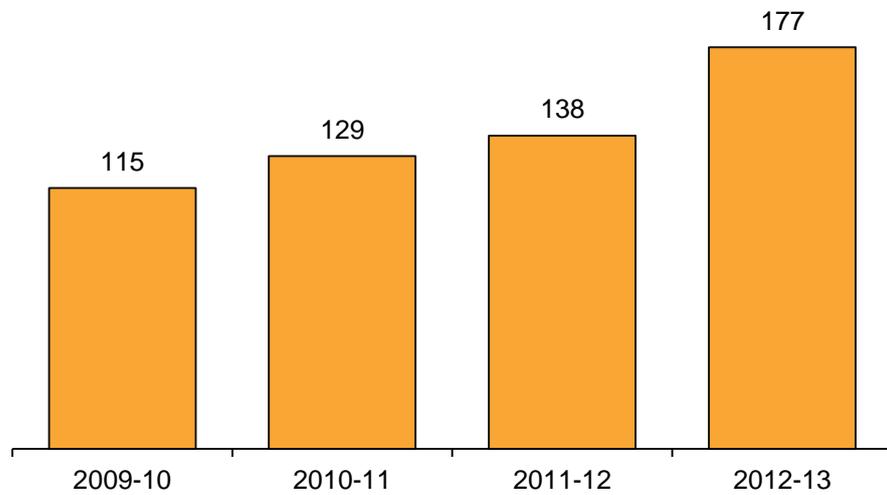
## Temporary transfer meets prisoner's medical needs

A prisoner contacted the Ombudsman complaining that the prison had refused her application for a temporary transfer to a regional prison for a family visit. The prisoner said that the reason she was given by the prison was that she had particular medical needs that could not be met at the regional prison.

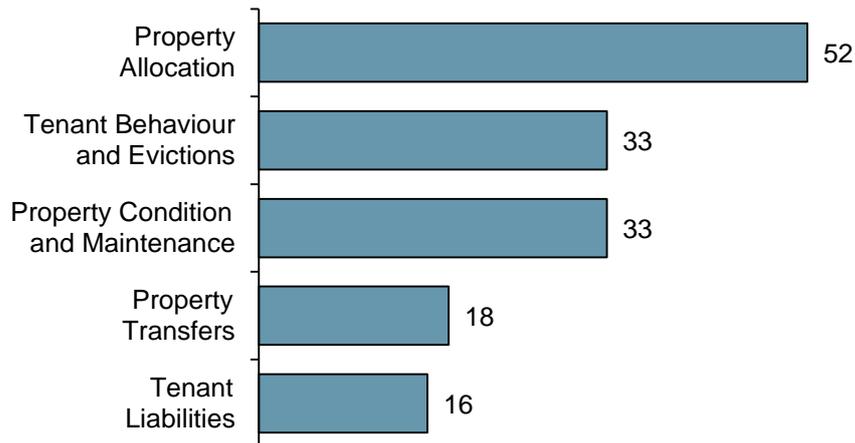
Following contact by the Office, the prison administration agreed to review the complainant's request. The matter was resolved by the prison sending the complainant's medication, in advance, to medical staff at the regional prison, so that they could manage her medical needs when she arrived.

## Public Housing

### Complaints received



### Most common allegations



### Other types of allegations

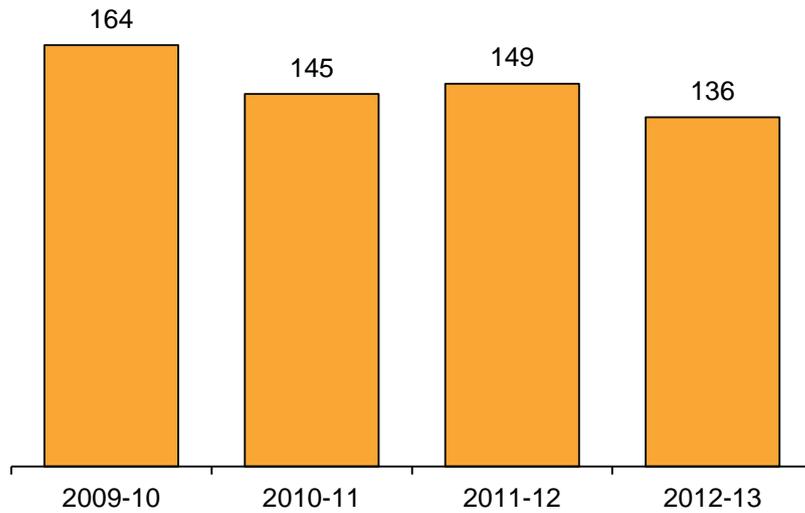
- Rental sales;
- Debt repayments;
- Rental or bond assistance; and
- Construction and development.

### Outcomes achieved

- Consider or reconsider a matter and make a decision;
- Reversal or significant variation of original decision;
- Action expedited;
- Action to replace, repair or rectify a matter;
- Tenant liability waived;
- Change to policy or procedure;
- Improved record keeping;
- Apology given;
- Explanation given or reasons provided; and
- Staff training.

## Police

### Complaints received



### Most common allegations



### Other types of allegations

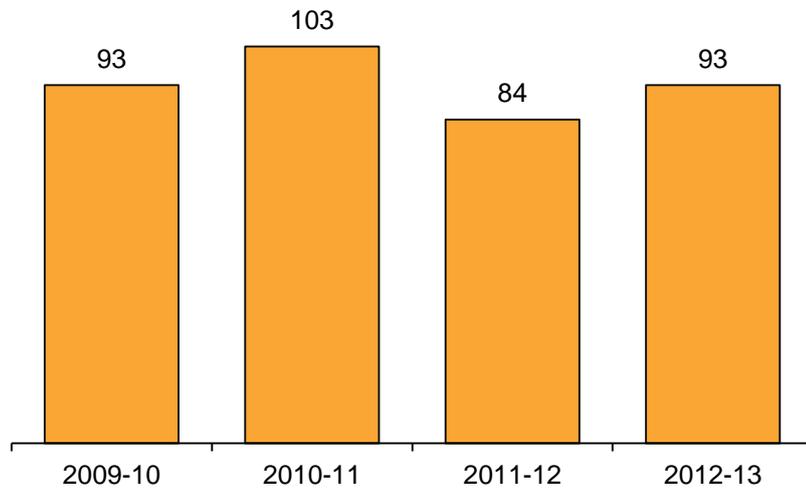
- Internal investigation of complaints;
- Arrest and detention;
- Searching, custody and property; and
- Management issues.

### Outcomes achieved

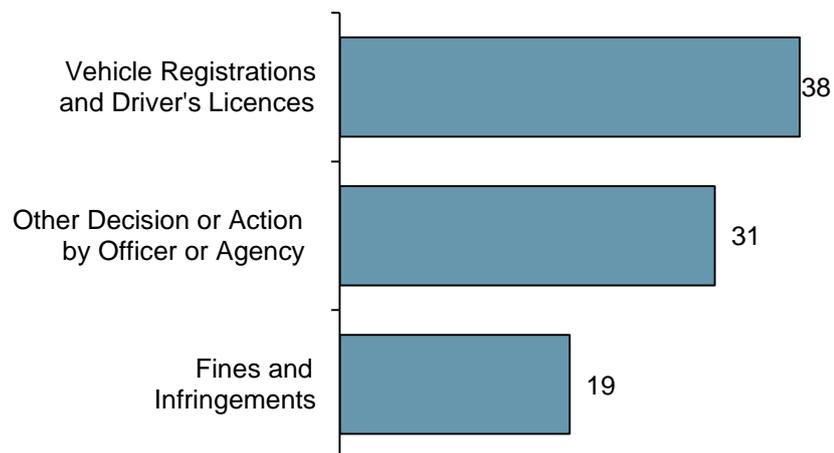
- Reversal or significant variation of original decision;
- Action expedited;
- Apology given; and
- Explanation given or reasons provided.

## Transport

### Complaints received



### Most common allegations



### Other types of allegations

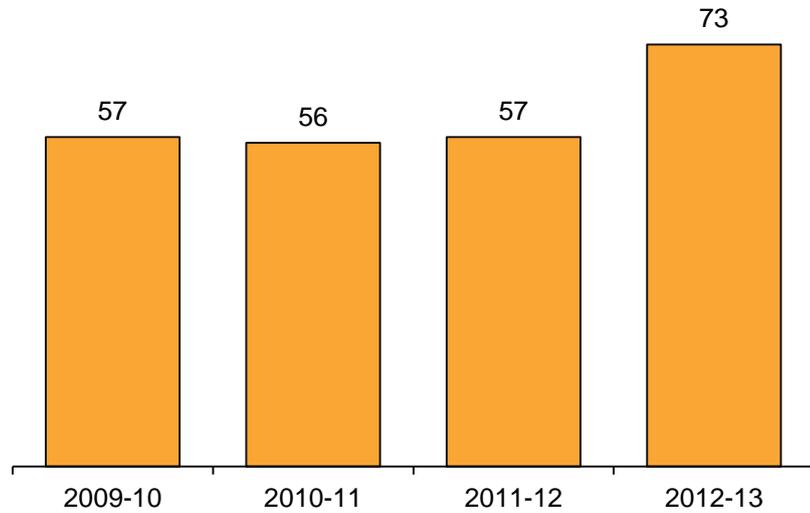
- Conduct of officer;
- Accuracy of personal information; and
- Policies and procedures.

### Outcomes achieved

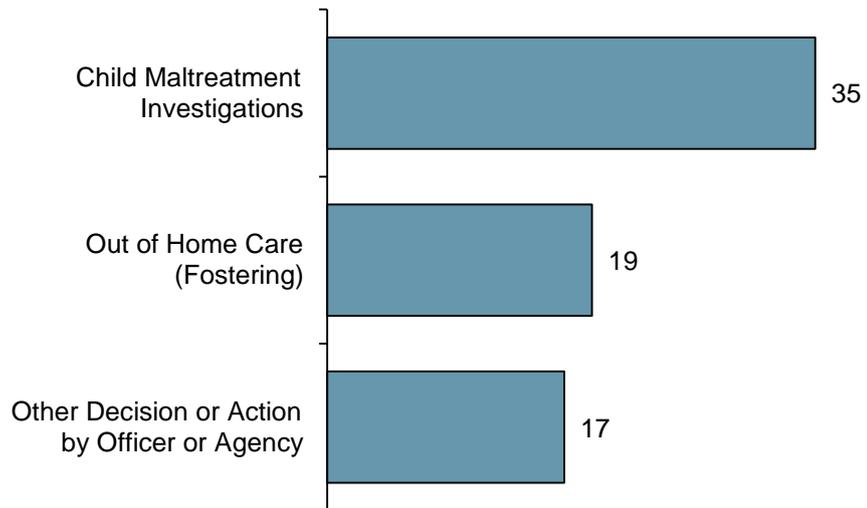
- Consider or reconsider a matter and make a decision;
- Reversal or significant variation of original decision;
- Action expedited;
- Fees waived;
- Act of grace payment;
- Explanation given or reasons provided; and
- Staff training.

## Child Protection

### Complaints received



### Most common allegations



### Other types of allegations

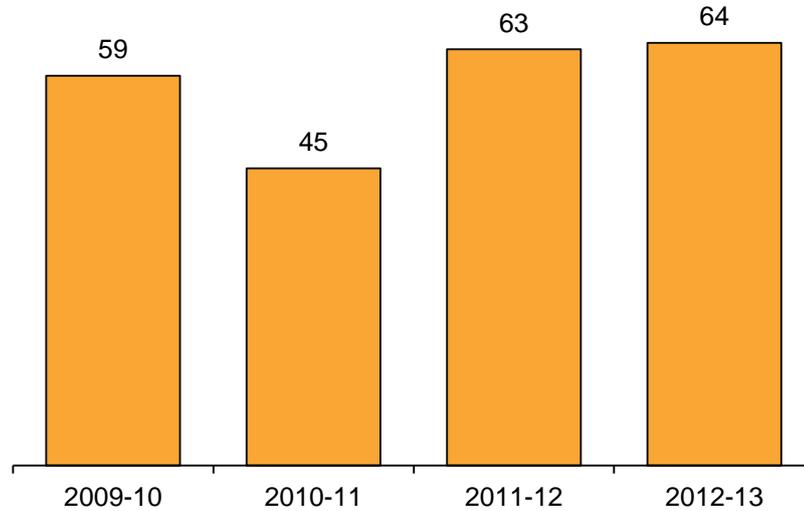
- Special assistance;
- Human resource management issues; and
- Complaint handling.

### Outcomes achieved

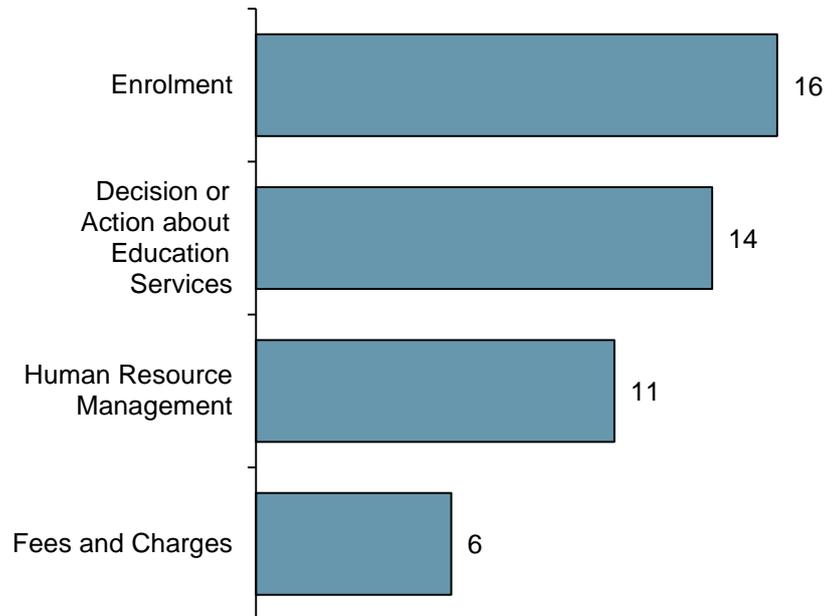
- Consider or reconsider a matter and make a decision;
- Action expedited; and
- Explanation given or reasons provided.

## Education

### Complaints received



### Most common allegations



These figures include appeals by overseas students under the [National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007](#). Further details on these appeals are included later in this section.

### Other types of allegations

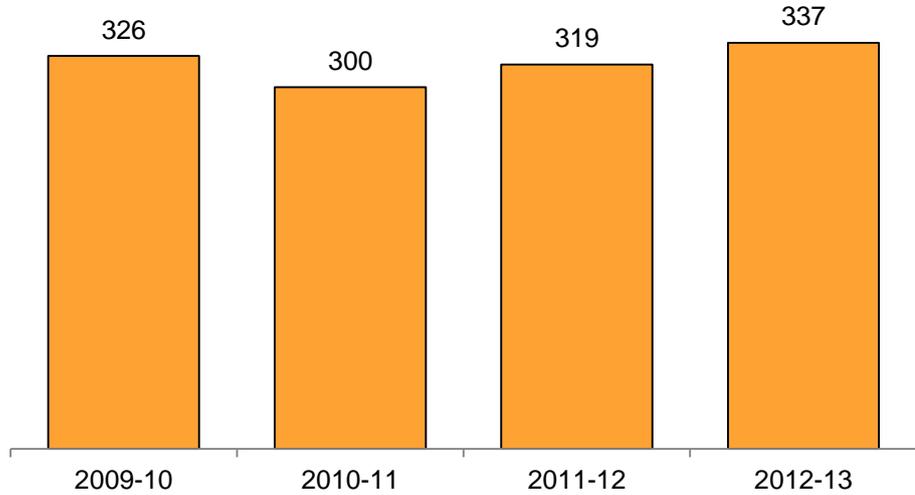
- Examinations, assessments and prizes; and
- Student discipline.

### Outcomes achieved

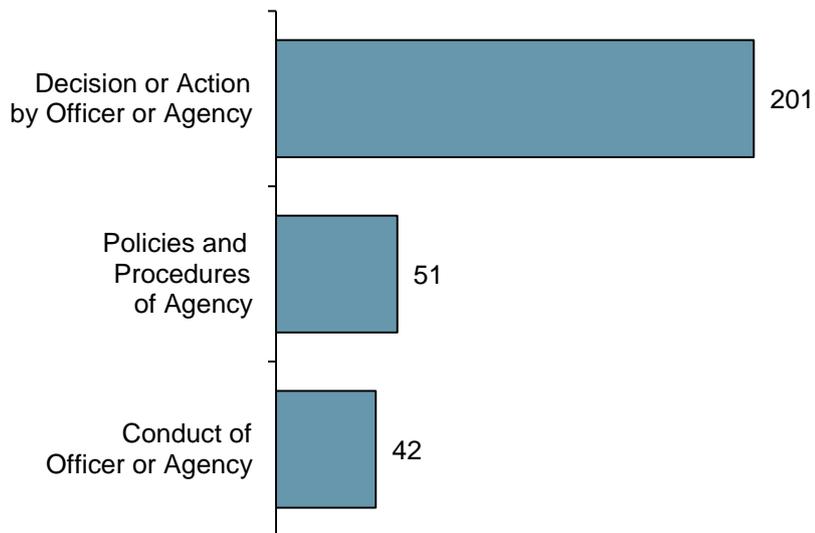
- Action expedited;
- Course fees and other costs refunded;
- Change to policy or procedure;
- Change to business system or practices; and
- Apology given.

## Other Public Sector Agencies

### Complaints received



### Most common allegations



### Other types of allegations

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

### Outcomes achieved

- Consider or reconsider a matter and make a decision;
- Reversal or significant variation of original decisions;
- Action expedited;
- Act of grace payment;
- Change to policy or procedure;
- Change to business system or practices;
- Apology given;
- Explanation given or reasons provided; and
- Staff training.

## Case Study

## Certificate provided to family member

A woman complained that she had been trying for over six months to obtain a certificate relating to a family member but, although she had provided relevant information about her identity and relationship to the family member, the certificate had not been provided.

The Office made enquiries with the public authority and was told that it had replied to the woman on numerous occasions and had asked for family information from the woman to determine whether or not she met the policy for access to the certificate but had not received it.

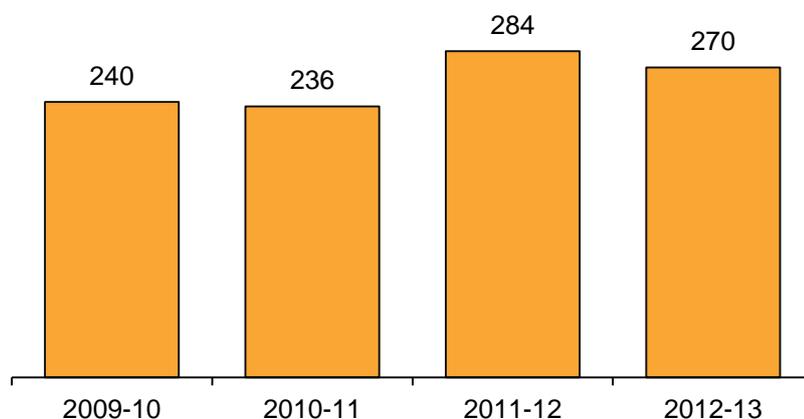
As a result of the Office's enquiries, the public authority reviewed the case and found that the relevant information had been sent by the woman but the certificate had not been issued. The public authority issued the certificate and sent it to the woman by express post. It also undertook staff training to ensure correct procedures were followed in future.

## The Local Government Sector

The following section provides further details about the issues and outcomes of complaints for the local government sector.

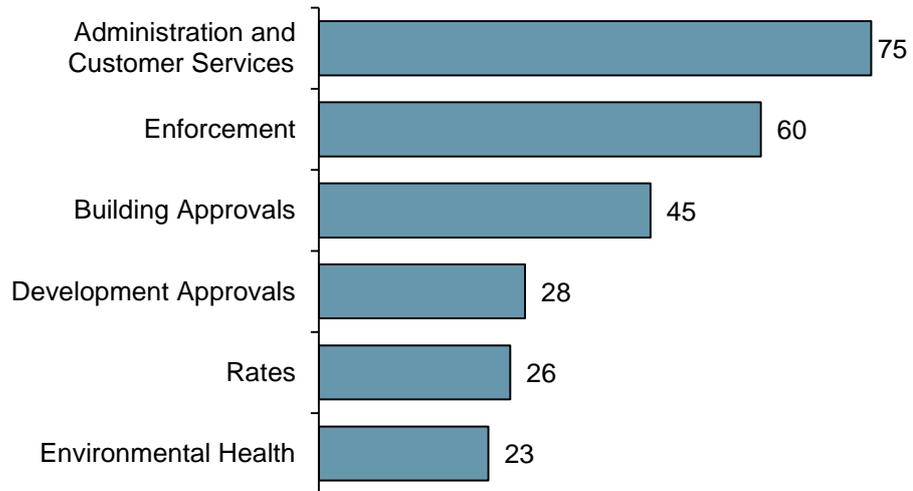
### Local Government

#### Complaints received



## Local Government

### Most common allegations



### Other types of allegations

- Engineering;
- Planning;
- Community Facilities;
- Other approvals and licences; and
- Contracts and property management.

### Outcomes achieved

- Consider or reconsider a matter and make a decision;
- Reversal or significant variation of original decision;
- Action expedited;
- Waiver of fees and charges;
- Change to policy or procedure;
- Change to business system or practices;
- Apology given; and
- Explanation or reasons provided.



## Refund of duplicate fee

A woman complained to the Ombudsman that a local government had made an error regarding an application she lodged for planning approval and as a result she was required to lodge another planning application and pay a second application fee.

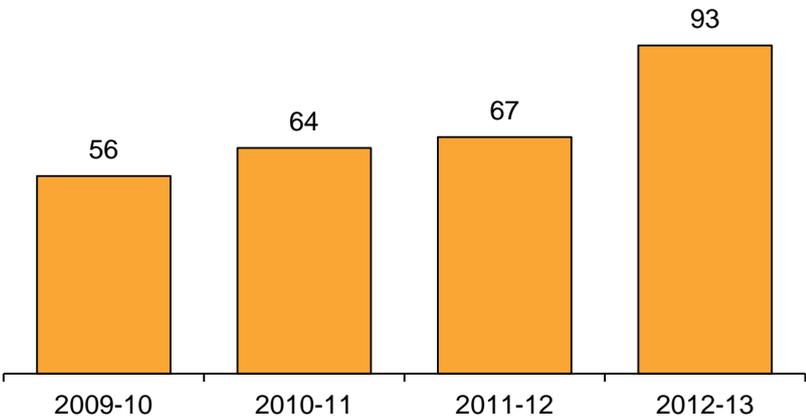
Following enquiries by the Office, the local government found that, in administering its responsibilities under its Planning Scheme, it had made an error to the detriment of the woman. As a result, the local government agreed to provide the woman with a refund in relation to the second application fee.

# The University Sector

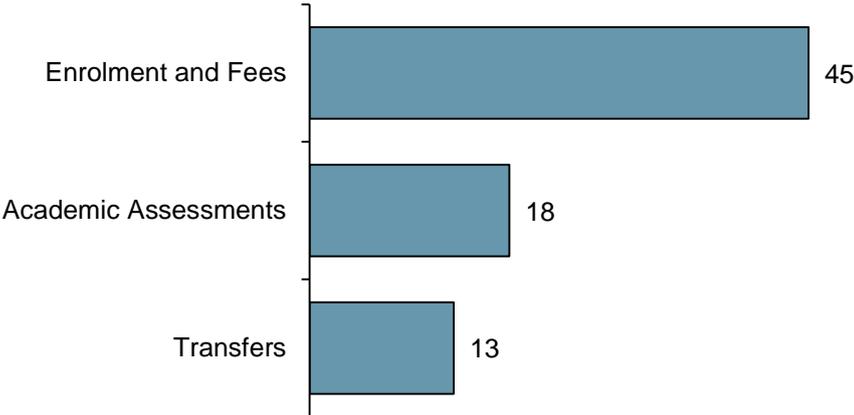
The following section provides further details about the issues and outcomes of complaints for the university sector.

## Universities

### Complaints received



### Most common allegations



These figures include appeals by overseas students under the [National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007](#). Further details on these appeals are included later in this section.

### Other types of allegations

- Human resource management issues;
- Parking infringements; and
- Other dealings with the public.

## Universities

### Outcomes Achieved

- Reversal or significant variation of original decision;
- Completion of units at no charge;
- Change to business system or practices;
- Apology given;
- Explanation given or reasons provided; and
- Staff training.



### Retrospective withdrawal granted

A university student complained about his attempt to withdraw from a practicum teaching unit. Due to a number of disruptions the student decided to withdraw from the unit so that it would not be recorded as a failure on his academic record and he would not be charged the cost of the unit. However, the university did not accept the withdrawal application on the basis that the withdrawal date for the unit had already passed.

From its enquiries, the Office became aware that the deadline for withdrawal had been set as the first day of the unit and, therefore, the student had little opportunity to withdraw without a penalty. The Office raised this issue with the University and the matter was reviewed. Following the University's review, the Office was informed that a change had occurred in the way practicum units were recorded affecting the withdrawal dates for these units and that this had not been applied to this student's case.

The University apologised to the student and granted him a retrospective withdrawal from the unit. The University also removed the unit from the student's academic record and gave him an updated transcript at no charge.

### Other Complaint Related Functions

#### Reviewing Appeals by Overseas Students

The *National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007* (the **National Code**) sets out standards required of registered providers who deliver education and training to overseas students studying in Australian universities. It provides overseas students with rights of appeal to external, independent bodies if the student is not satisfied with the result or conduct of the internal complaint handling and appeals process.

Overseas students studying with both public and private education providers have access to an Ombudsman who:

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

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

### Complaints Lodged with the Office under the National Code

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

During 2012-13, the Office received 51 complaints about public education and training providers from overseas students. Forty five complaints were about universities, four were about TAFEs and two were about other education agencies.

The most common issues raised by overseas students were decisions about:

- Termination of enrolment (15);
- Fees (14); and
- Transfers between education and training providers (13).

During the year, the Office finalised 46 complaints about 48 issues.

## Case Study

### University offers to sponsor student

An overseas student at a Western Australian University was informed by the university that he could not graduate because he had not completed electives at the correct year level. The student complained that the University had changed the structure of the course several times during his period of study and had failed to give him consistent advice as to what was required to complete the course.

As a result of the Office's investigation, the University reviewed the matter and, in acknowledgement of the number of course structural changes that had taken place, offered to sponsor the student to complete two of his three remaining units at no cost to the student.

## Public Interest Disclosures

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

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

During the year, three new disclosures were received.

## 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 no complaints received during the year.

## Terrorism

The Ombudsman can receive complaints from a person detained under the [Terrorism \(Preventative Detention\) Act 2006](#), about administrative matters connected with his or her detention. There were no complaints received during the year.

## Requests for Review

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

Twenty four requests for review were received in 2012-13, less than 1% of the total number of complaints finalised. In all cases where a review was undertaken, the original decision was upheld.

## Child Death Review

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

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

### Background

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

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

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

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

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

## The Role of the Office in Child Death Reviews

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

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

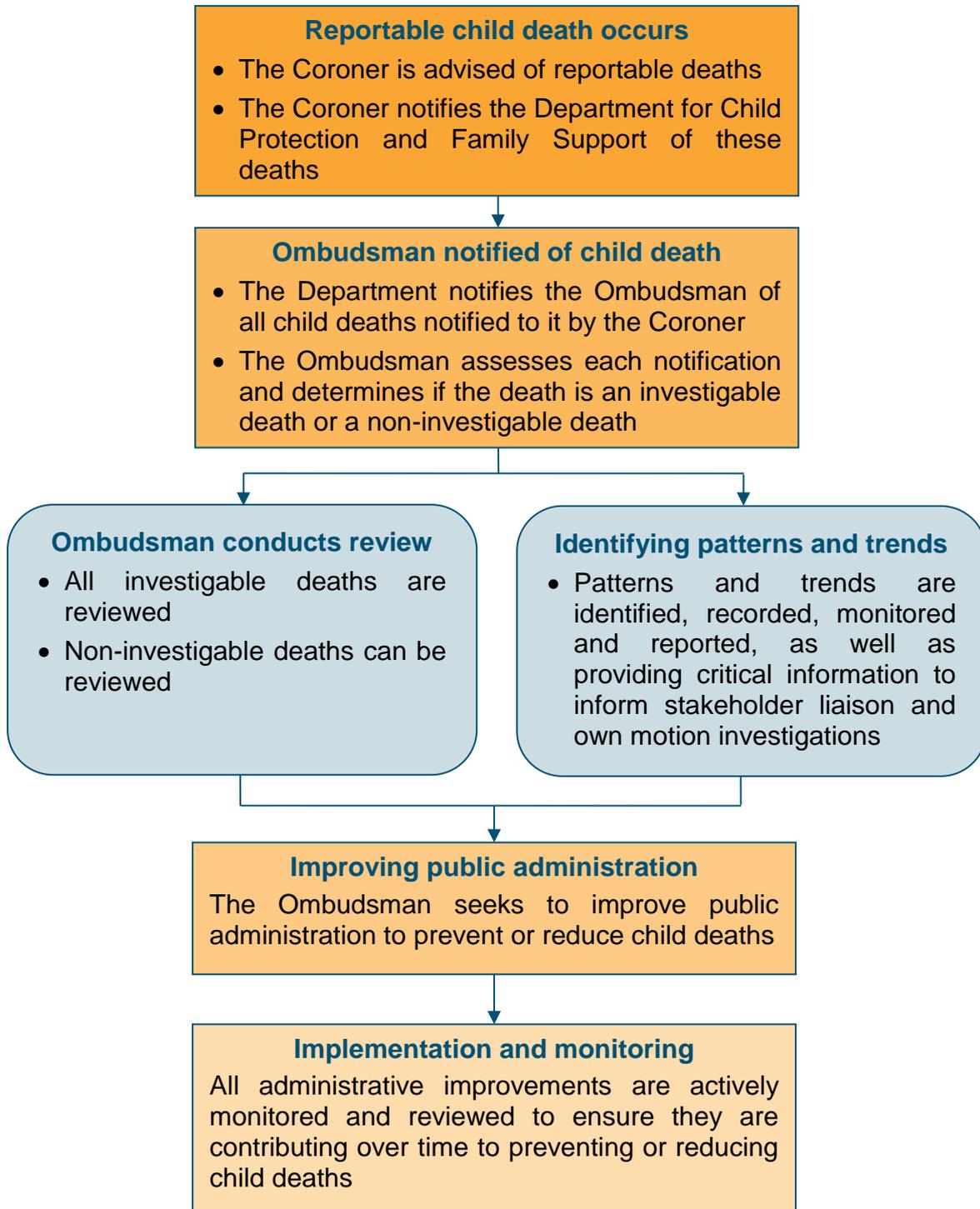
In particular, the Ombudsman reviews the circumstances in which and why child deaths occur, identifies patterns and trends arising from child deaths and seeks to improve public administration to prevent or reduce child deaths.

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

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

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

## The Child Death Review Process



## Notifications and Reviews

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

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

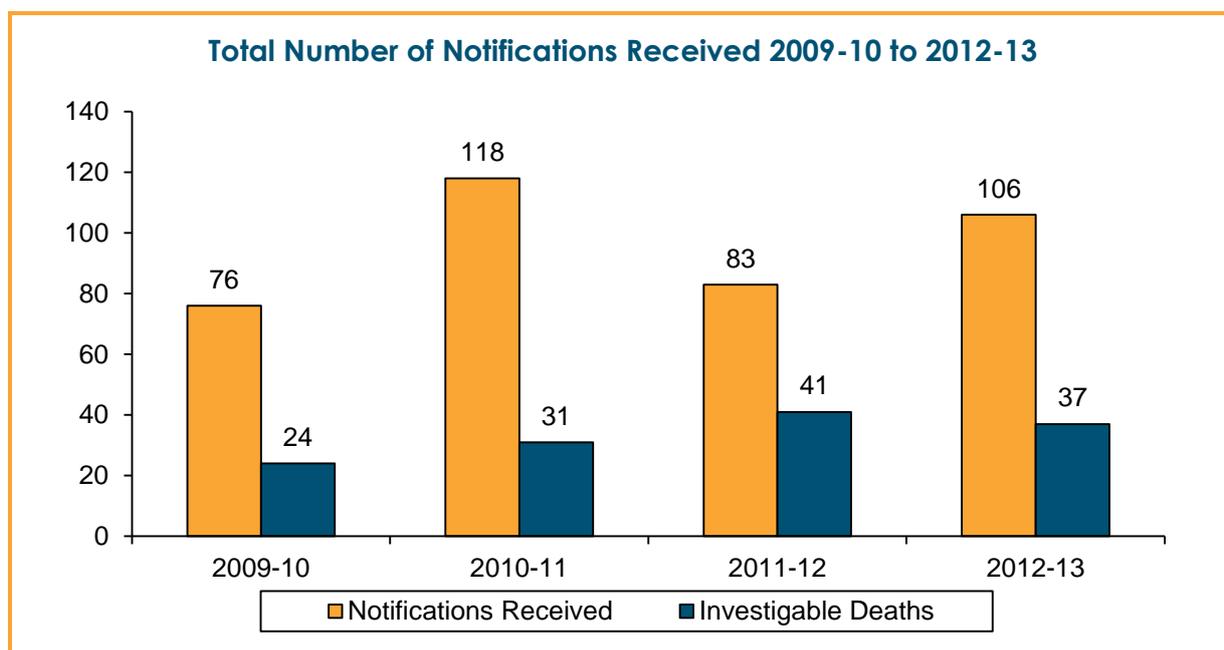
The child death review process is intended to identify key learnings that will positively contribute to ways to prevent or reduce child deaths. The review does not set out to establish the cause of the child's death; this is properly the role of the Coroner.

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

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

### Number of Child Death Notifications and Reviews

During 2012-13, there were 37 child deaths that were investigable and subject to review from a total of 106 child death notifications received.



## Comparison of investigable deaths over time

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

The following table provides the number of deaths that were determined to be investigable by the Ombudsman or reviewable by the CDRC compared to all child deaths in Western Australia for the ten years from 2003-04 to 2012-13. It is important to note that an investigable death is one which meets the legislative criteria and does not necessarily mean that the death was preventable, or that there has been any failure of the responsibilities of the Department.

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

Year	A	B	C	D
	Total WA child deaths (excluding stillbirths) (See Note 1)	Child deaths reported to the Coroner (See Note 2)	Child deaths where the child or a relative of the child was known to the Department (See Note 3)	Reviewable/ investigable child deaths (See Note 4 and Note 5)
2003-04	177	92	42	19
2004-05	212	105	52	19
2005-06	210	96	55	14
2006-07	165	84	37	17
2007-08	187	102	58	30
2008-09	167	84	48	25
2009-10	201	93	52	24
2010-11	199	118	60	31
2011-12	144	76	49	41
2012-13	189	121	62	37

### Abbreviations

Department: Department for Child Protection and Family Support for 2012-13, Department for Child Protection for the years 2006-07 to 2011-12 and Department for Community Development (DCD) prior to 2006-07.

## Notes

1. The data in Column A has been provided by the [Registry of Births, Deaths and Marriages](#). Child deaths within each year are based on the date of death rather than the date of registration of the death. The CDRC included numbers based on dates of registration of child deaths in their Annual Reports in the years 2005-06 through to 2007-08 and accordingly the figures in Column A will differ from the figures included in the CDRC Annual Reports for these years because of the difference between dates of child deaths and dates of registration of child deaths.
2. The data in Column B has been provided by the [Office of the State Coroner](#). Reportable child deaths received by the Coroner are deaths reported to the Coroner of children under the age of 18 years pursuant to the provisions of the [Coroners Act 1996](#). The data in this section is based on the number of deaths of children that were reported to the Coroner during the year.
3. The data in Column C has been provided by the Department and is based on the date the notification was received by the Department. For 2003-04 to 2007-08 this information is the same as that included in the CDRC Annual Reports for the relevant year. In the 2005-06 to 2007-08 Annual Reports, the CDRC counted 'Child death notifications where any form of contact had previously occurred with the Department: recent, historical, significant or otherwise'. In the 2003-04 and 2004-05 Annual Reports, the CDRC counted 'Coroner notifications where the families had some form of contact with DCD'.
4. The data in Column D relates to child deaths considered reviewable by the CDRC up to 30 June 2009 or child deaths determined to be investigable by the Ombudsman from 30 June 2009. It is important to note that reviewable deaths and investigable deaths are not the same, however, they are similar in effect. The definition of reviewable death is contained in the Annual Reports of the CDRC. The term investigable death has the meaning given to it under section 19A(3) of the *Parliamentary Commissioner Act 1971*.
5. The number of investigable child deaths shown in a year may vary, by a small amount, from the number shown in previous annual reports for that year. This occurs because, after the end of the reporting period, further information may become available that requires a reassessment of whether or not the death is an investigable death. Since the commencement of the child death review function this has occurred on one occasion resulting in the 2009-10 number of investigable deaths being revised from 23 to 24.

## Timely Handling of Notifications and Reviews

The Office places a strong emphasis on the timely review of child deaths. This ensures reviews are most relevant and contribute, in the most timely way possible, to the prevention or reduction of future deaths. In 2012-13, timely review processes have resulted in 68% of reviews being completed within three months.

## Patterns and Trends Identified from Child Death Reviews

By examining all child death notifications, the Ombudsman is able to capture data relating to demographics, risk factors and social and environmental characteristics and identify patterns and trends in relation to child deaths. When child death notifications are finalised, all relevant issues are identified and recorded and, over time, indicate relevant patterns and trends in relation to the issues associated with child deaths. These patterns and trends are identified, recorded, monitored, reported and analysed. They also provide critical information for own motion investigations, such as the Ombudsman's report, *Investigation into ways that State Government departments can prevent or reduce sleep-related infants deaths*, which was tabled in Parliament in November 2012 and the current own motion investigation into ways that State Government departments and authorities can prevent or reduce suicide by young people.

### Important Information on Interpretation of Data

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

### Characteristics of Children who have died

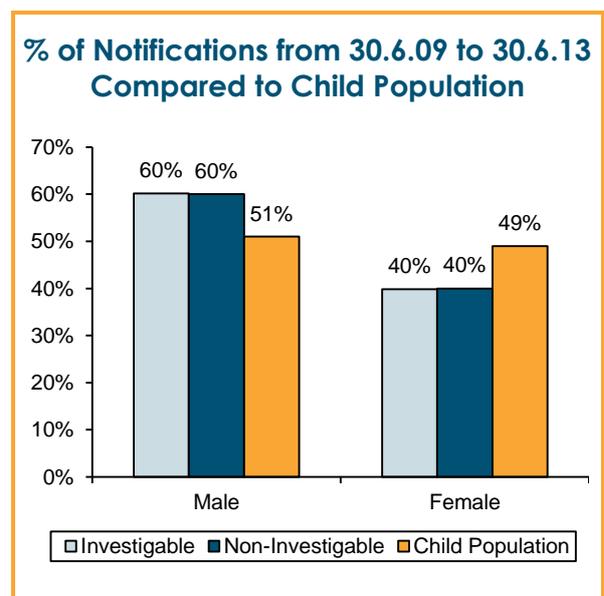
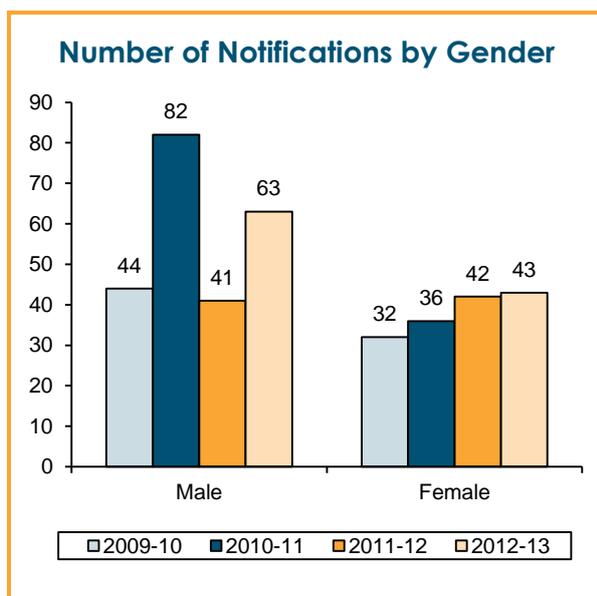
Information is obtained on a range of characteristics of the children who have died including gender, Aboriginal status, age groups and residence in the metropolitan or regional areas. A comparison between investigable and non-investigable deaths can give insight into factors that may be able to be affected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

The following charts show:

- The number of children in each group for each year from 2009-10 to 2012-13; and
- For the period from 30 June 2009 to 30 June 2013, the percentage of children in each group for both investigable deaths and non-investigable deaths, compared to the child population in Western Australia.

### Males and Females

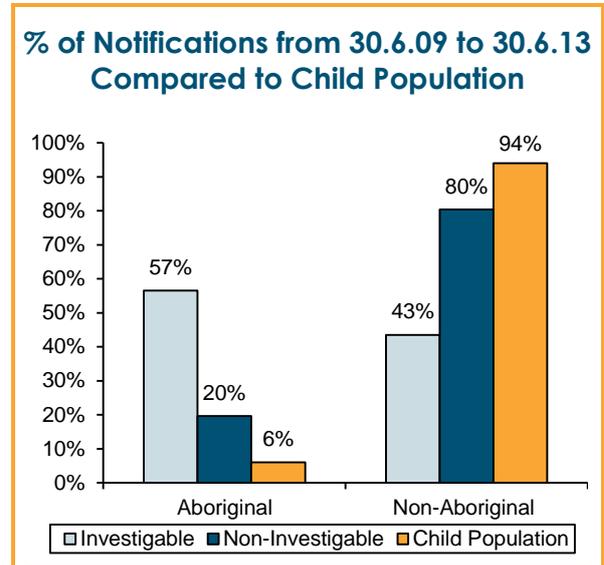
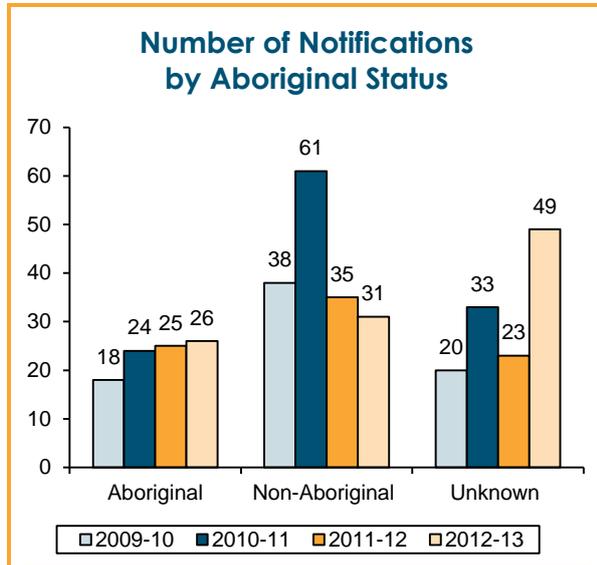
As shown in the following charts, considering all four years, male children are over-represented compared to the population for both investigable and non-investigable deaths.



Further analysis of the data shows that, considering all four years, male children are over-represented for all age groups, but particularly for children under the age of one.

## Aboriginal Status

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

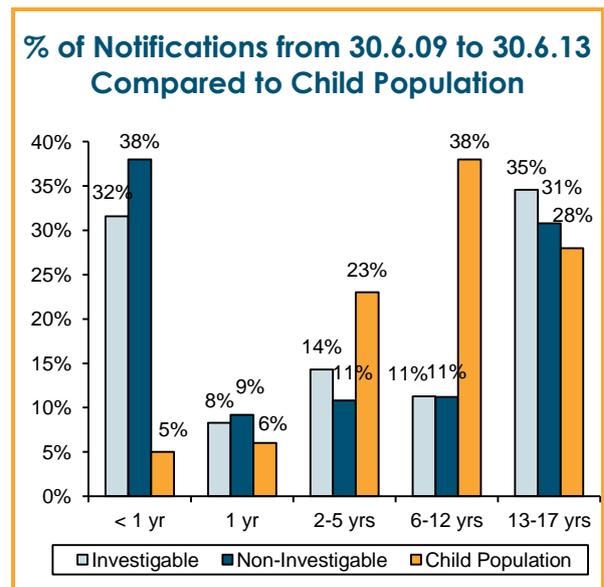
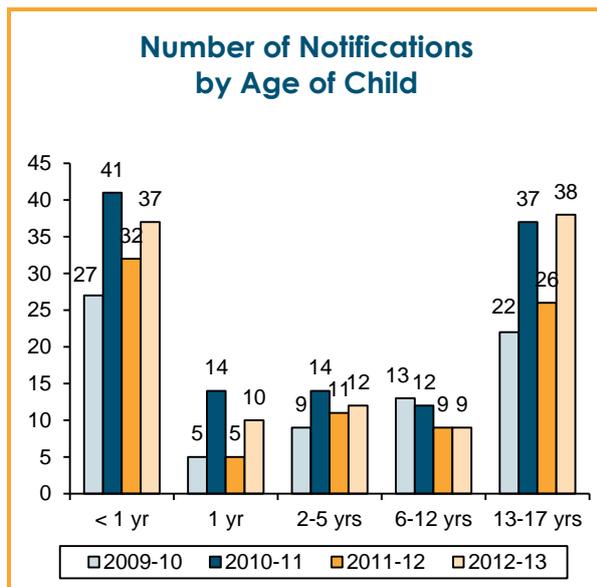


Note: Percentages for each group are based on the percentage of children whose Aboriginal status is known. Numbers may vary slightly from those previously reported as, during the course of a review, further information may become available on the Aboriginal status of the child.

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

## Age Groups

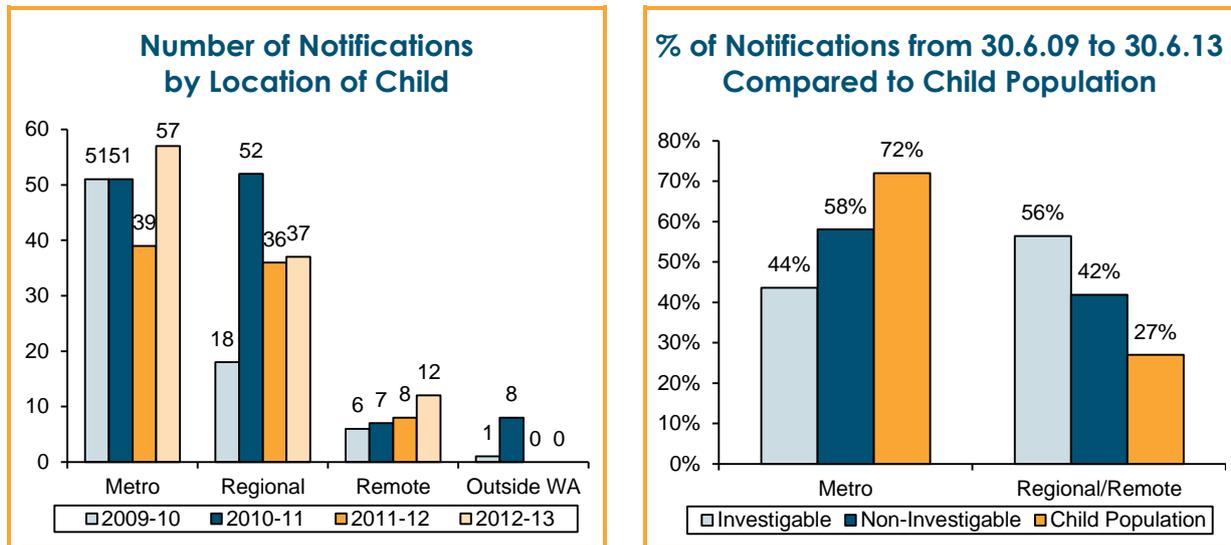
As shown in the following charts, children under two years and children aged between 13 and 17 are over-represented compared to the child population as a whole for both investigable and non-investigable deaths.



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

## Location of Residence

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



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

Further analysis of the data shows that 82% of Aboriginal children who died were living in regional or remote locations when they died. Most non-Aboriginal children who died lived in the metropolitan area but the proportion of non-Aboriginal children who died in regional areas is higher than would be expected based on the child population as a whole.

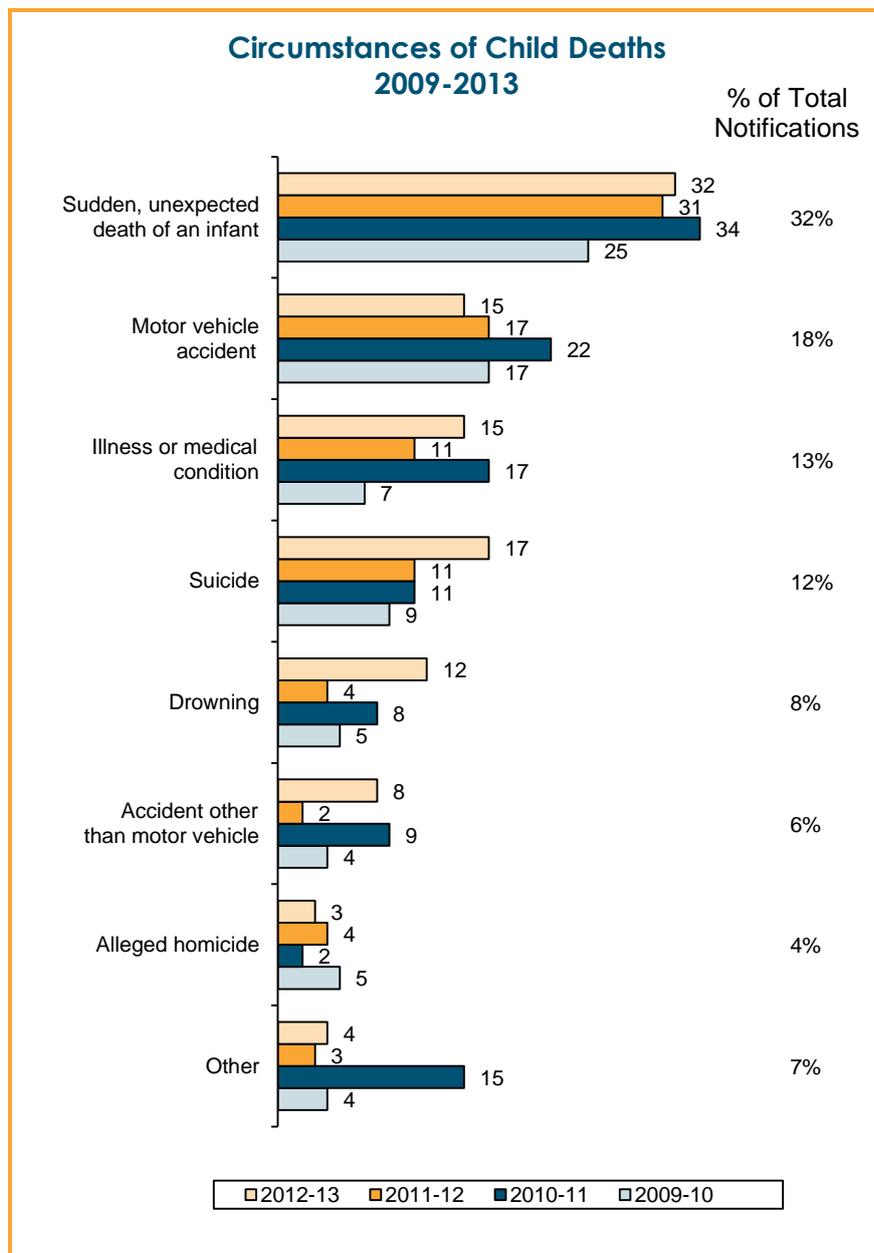
## Circumstances of Child Deaths

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

The circumstances of death are categorised by the Ombudsman as:

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

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



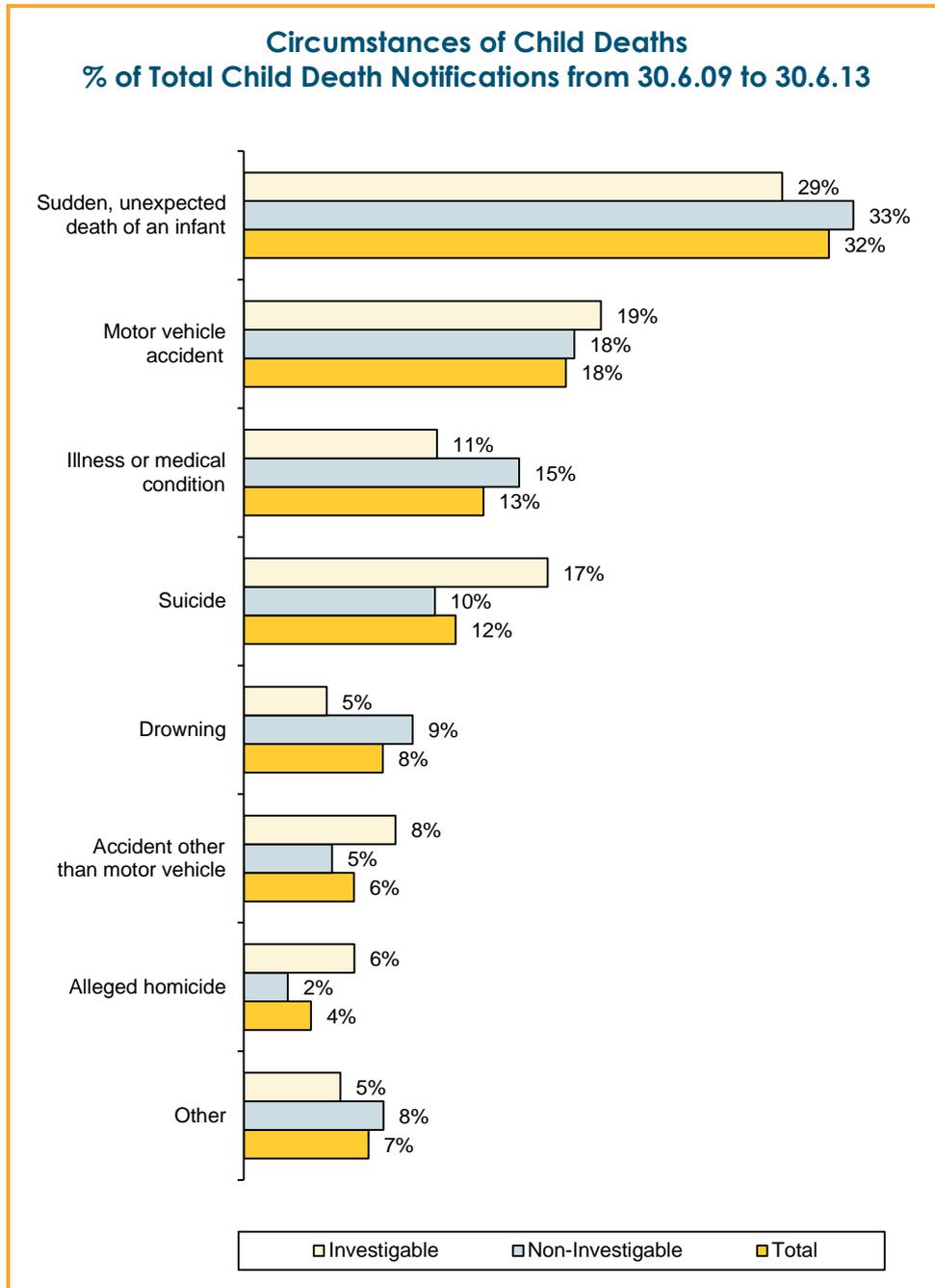
**Note 1:** In 2010-11, the 'Other' category includes eight children who died in the SIEV (Suspected Illegal Entry Vessel) 221 boat tragedy off the coast of Christmas Island in December 2010.

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

The two main circumstances of death for the 383 child death notifications received in the four years from 30 June 2009 to 30 June 2013 are:

- Sudden, unexpected deaths of infants, representing 32% of the total child death notifications from 30 June 2009 to 30 June 2013 (33% of the child death notifications received in 2009-10, 29% in 2010-11, 37% in 2011-12 and 30% in 2012-13); and
- Motor vehicle accidents, representing 18% of the total child death notifications from 30 June 2009 to 30 June 2013 (22% of the child death notifications received in 2009-10, 19% in 2010-11, 20% in 2011-12 and 14% in 2012-13).

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



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

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

## Longer Term Trends in the Circumstances of Death

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

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

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

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

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

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

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

Year	Accident other than motor vehicle	Motor Vehicle Accident	Illness or medical condition	Asphyxiation /Suffocation	Alleged Homicide	Drowning	SUDI *	Suicide	Other
2009-10	4	17	7		5	5	25	9	4
2010-11	9	22	17		2	8	34	11	15
2011-12	2	17	11		4	4	31	11	3
2012-13	8	15	15		3	12	32	17	4

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

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

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

## Social and Environmental Factors Associated with Investigable Deaths

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

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

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

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

Social or Environmental Factor	% of Finalised Investigable Deaths
Family and domestic violence	69%
Parenting/supervision	56%
Drug or substance use	33%
Alcohol use	31%
Homelessness	24%
Parental mental health issues	22%

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

- Where family and domestic violence was present:
  - Alcohol use was a co-existing factor in over a third of the cases;
  - Parental mental health issues were a factor in almost a third of the cases; and
  - Parenting/supervision was a co-existing factor in over two thirds of the cases.
- Where alcohol use was present:
  - Family and domestic violence was a co-existing factor in over three quarters of the cases;
  - Homelessness was a factor in almost half of the cases;
  - Parenting/supervision was a co-existing factor in over three quarters of the cases; and
  - Drug or substance use was a co-existing factor in over a quarter of the cases.

## Reasons for Contact with the Department

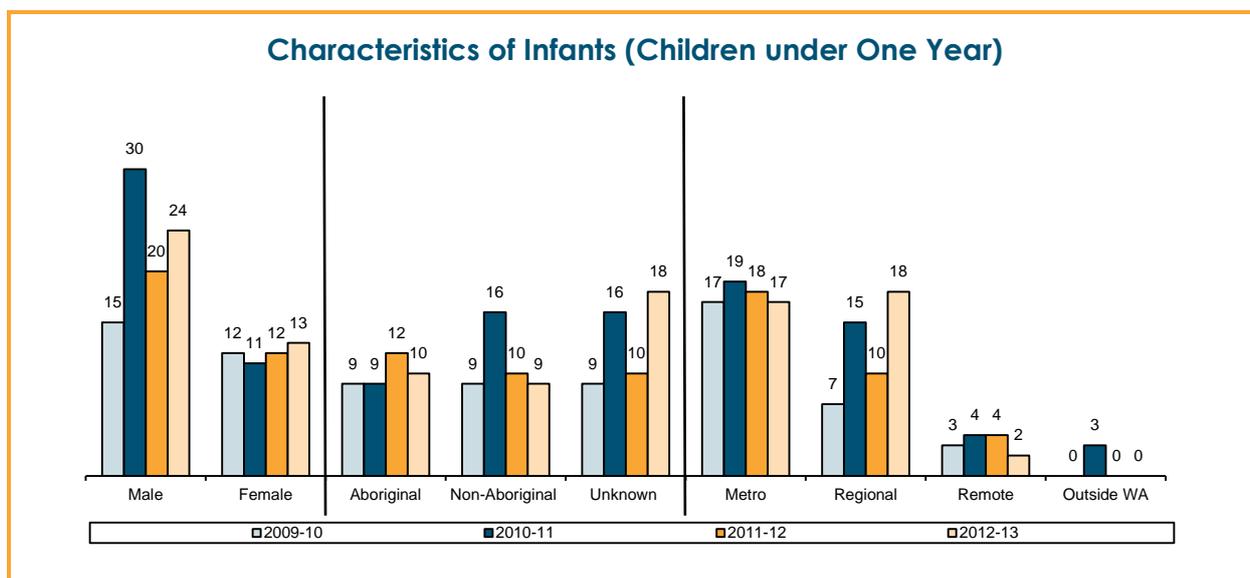
In 2012-13, the majority of children who were known to the Department were known because of contact relating to them or their family for financial problems or concerns for a child's wellbeing. Other reasons included family and domestic violence, parental support and access, foster or adoption enquiries.

## Patterns and Trends of Children in Particular Age Groups

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

### Deaths of Infants

Of the 383 child death notifications received by the Ombudsman from 30 June 2009 to 30 June 2013, 137 (36%) related to deaths of infants. The characteristics of infants who died are shown in the following chart.

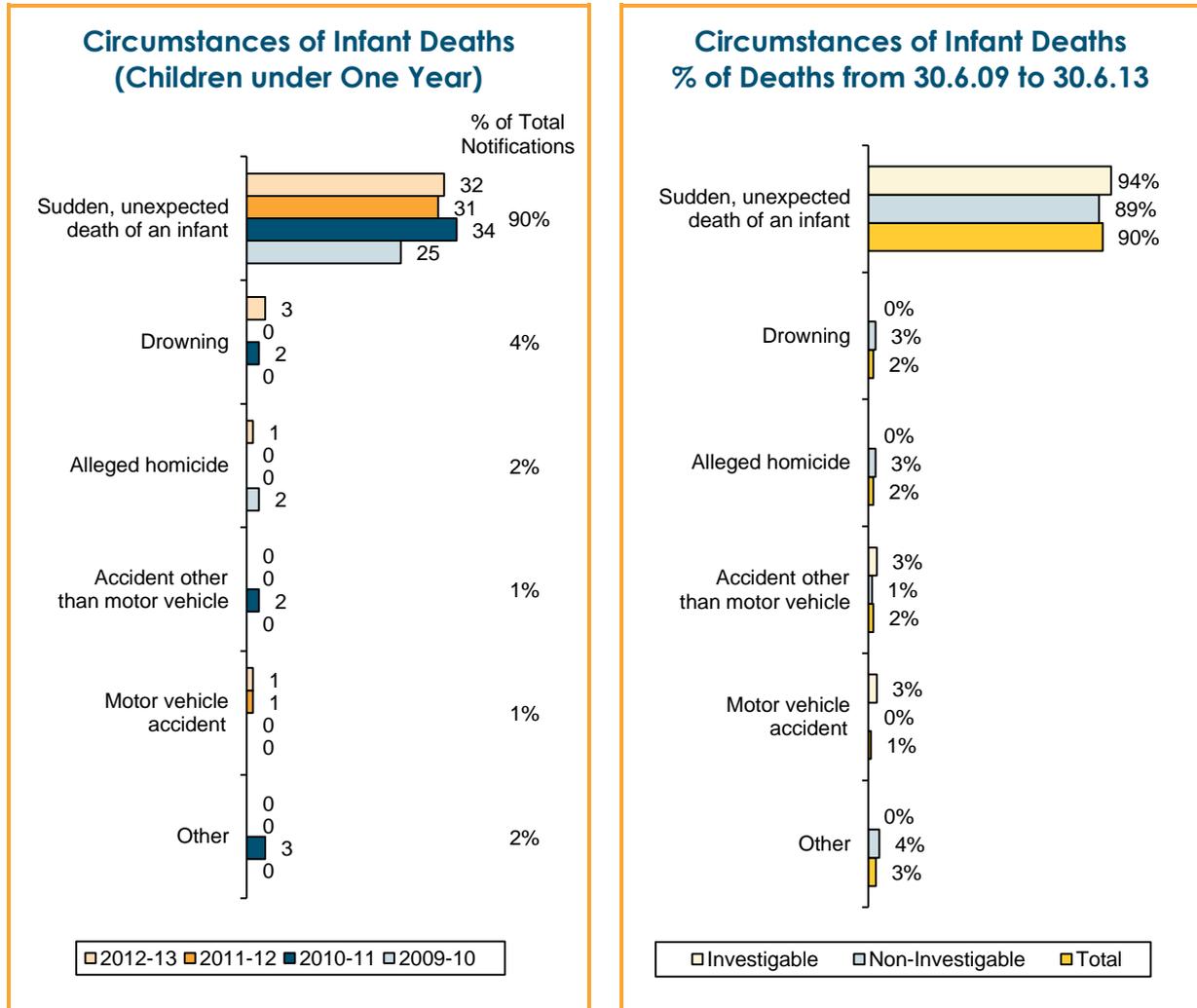


Further analysis of the data showed that, for these infant deaths, there was an over-representation compared to the child population for:

- Males – 81% of investigable infant deaths and 58% of non-investigable infant deaths were male compared to 51% in the child population;
- Aboriginal children – 68% of investigable deaths and 34% of non-investigable deaths were Aboriginal children compared to 6% in the child population; and
- Children living in regional or remote locations – 57% of investigable infant deaths and 42% of non-investigable deaths of infants, living in Western Australia, were children living in regional or remote locations compared to 27% in the child population.

An examination of the patterns and trends of the circumstances of infant deaths showed that of the 137 infant deaths, 122 (89%) were categorised as sudden, unexpected deaths of an infant and the majority of these (80) appear to have occurred while the infant had been placed for sleep.

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

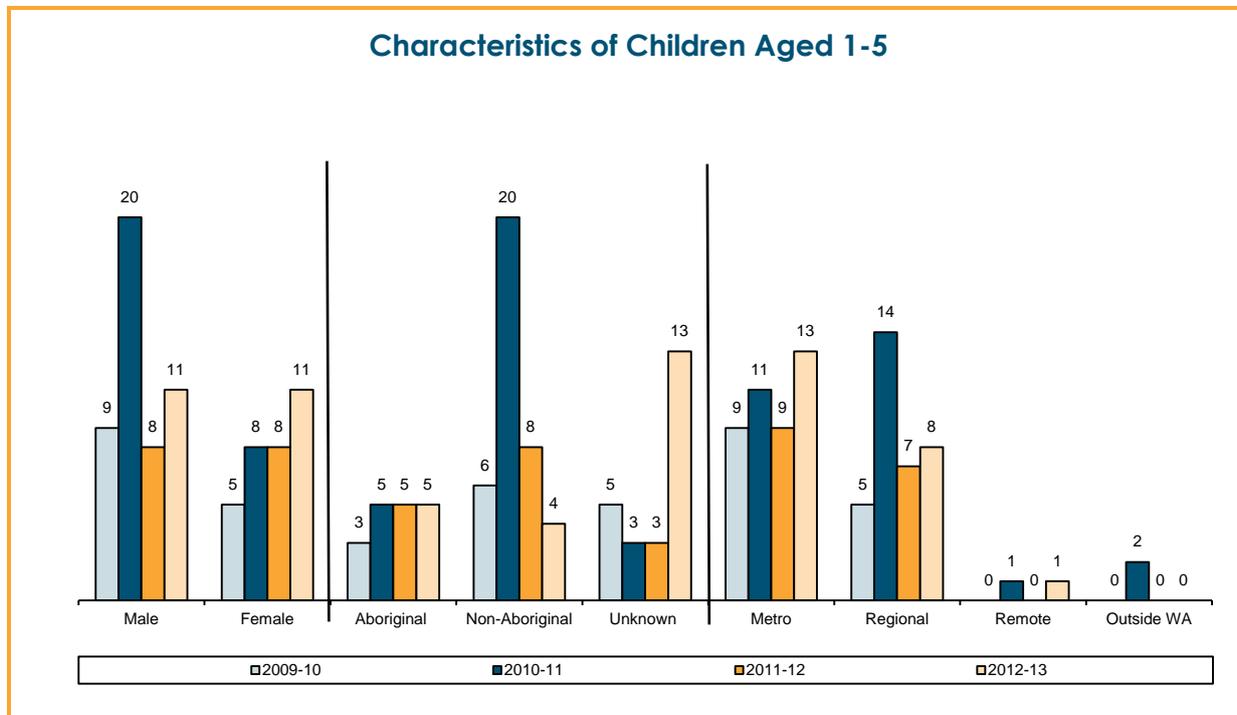


Forty two infant death notifications received from 30 June 2009 to 30 June 2013 were determined to be investigable deaths.

## Deaths of Children Aged 1 to 5 Years

Of the 383 child death notifications received by the Ombudsman from 30 June 2009 to 30 June 2013, 80 (21%) related to children aged from 1 to 5 years.

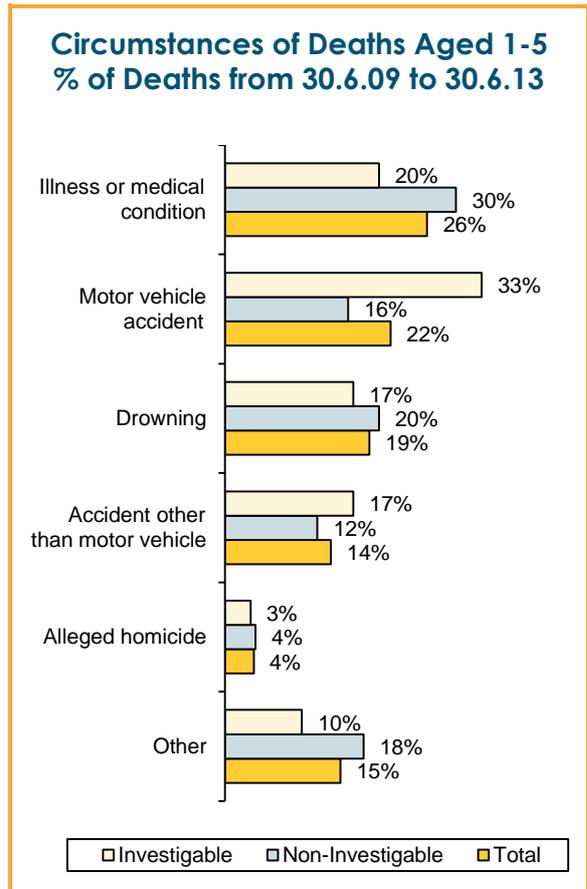
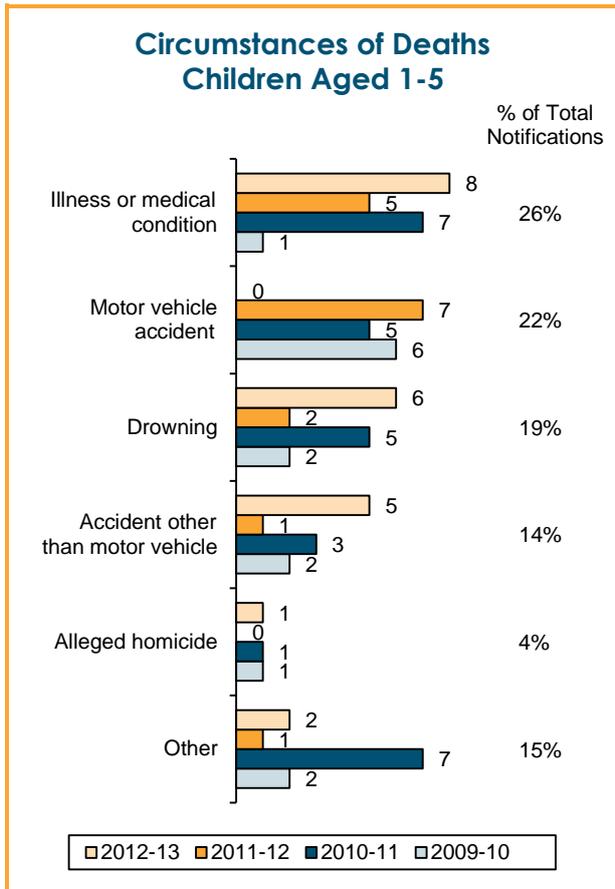
The characteristics of children aged 1 to 5 are shown in the following chart.



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

- Males – 60% of investigable deaths and 60% of non-investigable deaths of children aged 1 to 5 were male compared to 51% in the child population;
- Aboriginal children – 56% of investigable deaths and 10% of non-investigable deaths of children aged 1 to 5 were Aboriginal children compared to 6% in the child population; and
- Children living in regional or remote locations – 50% of investigable deaths and 42% of non-investigable deaths of children aged 1 to 5, living in Western Australia, were children living in regional or remote locations compared to 27% in the child population.

As shown in the following chart, illness or medical condition is the most common circumstance of death for this age group (26%), particularly for investigable deaths, followed by motor vehicle accidents (22%) and drowning (19%).

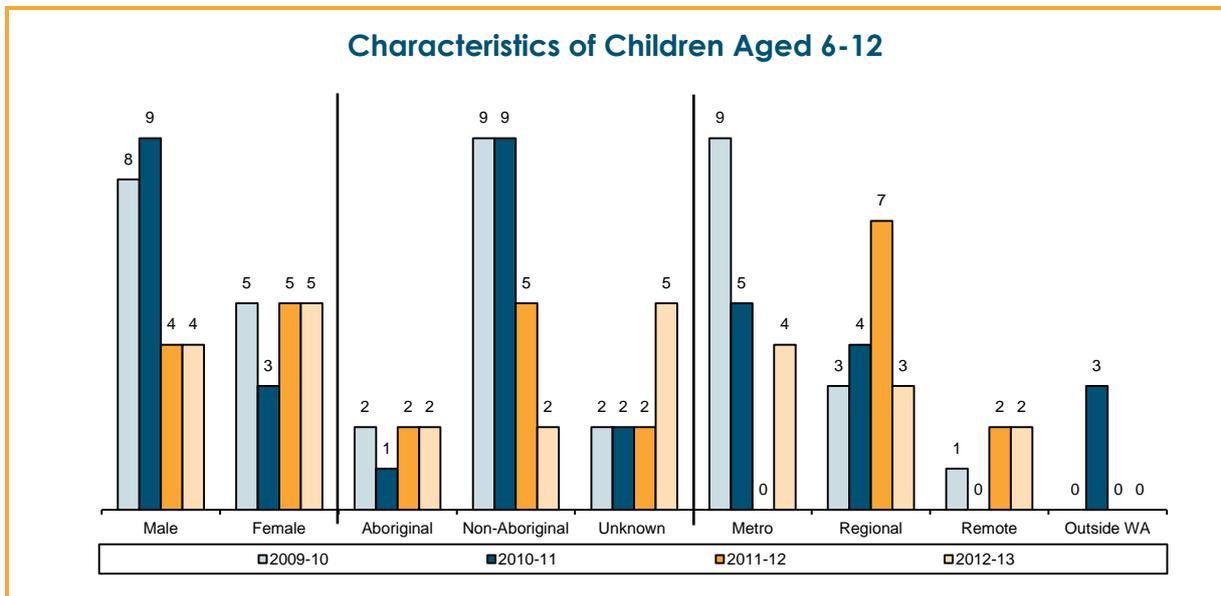


Thirty deaths of children aged 1 to 5 years were determined to be investigable deaths.

### Deaths of Children Aged 6 to 12 Years

Of the 383 child death notifications received by the Ombudsman from 30 June 2009 to 30 June 2013 there were 43 (11%) related to children aged from 6 to 12 years.

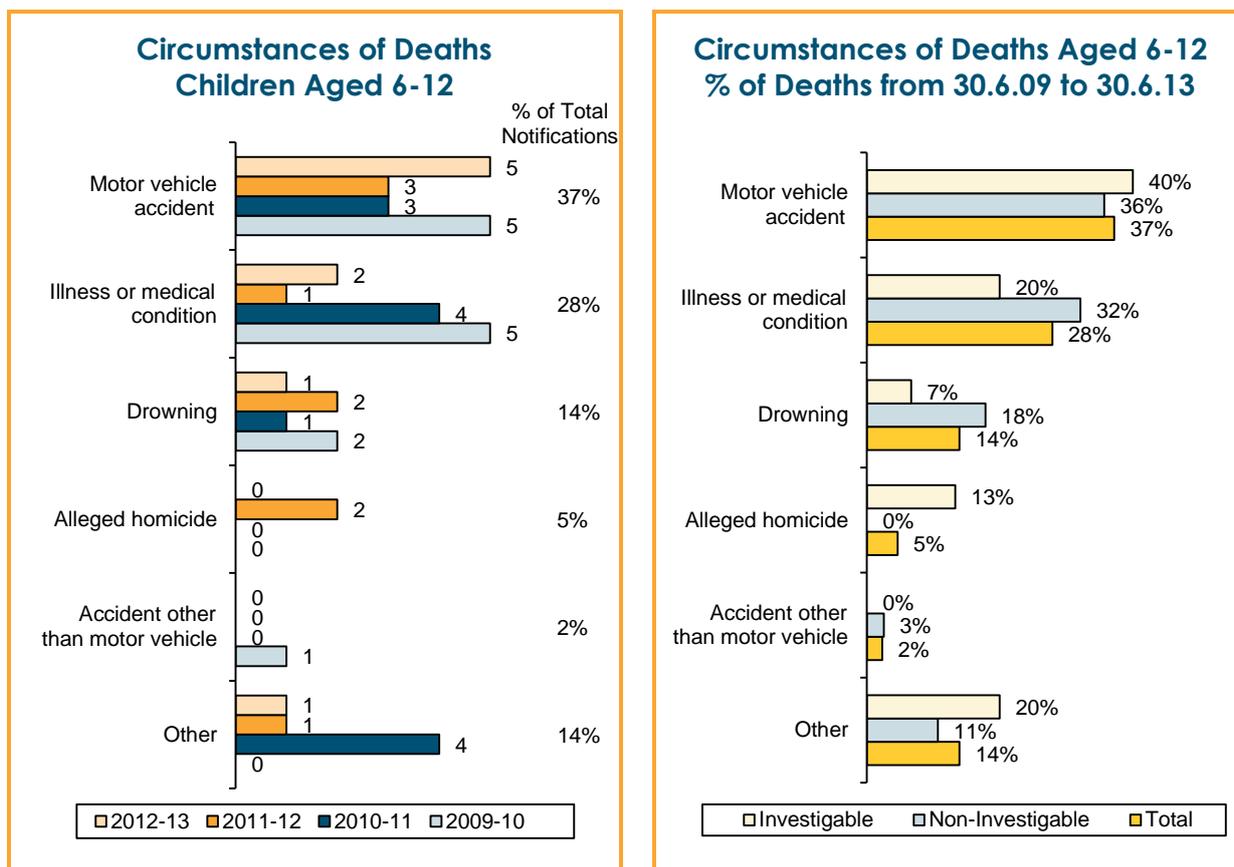
The characteristics of children aged 6 to 12 are shown in the following chart.



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

- Males – 68% of non-investigable deaths of children aged 6 to 12 were male compared to 51% in the child population. However, this over-representation is not present in investigable deaths as 40% of investigable deaths were male;
- Aboriginal children – 31% of investigable deaths and 16% of non-investigable deaths of children aged 6 to 12 were Aboriginal children compared to 6% in the child population. However, the discrepancy for Aboriginal children is less in this age group than in other age groups; and
- Children living in regional or remote locations – 67% of investigable deaths and 48% of non-investigable deaths of children aged 6 to 12, living in Western Australia, were children living in regional or remote locations compared to 27% in the child population.

As shown in the following chart, motor vehicle accidents are the most common circumstance of death for this age group (37%), particularly for investigable deaths, followed by illness or medical conditions (28%) and drowning (14%).

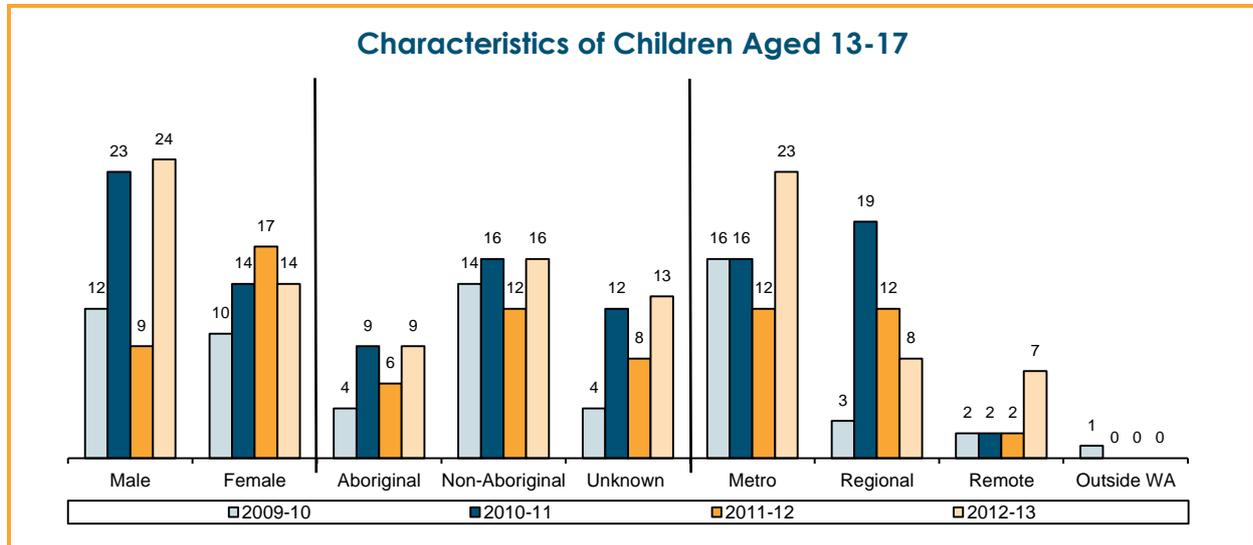


Fifteen deaths of children aged 6 to 12 years were determined to be investigable deaths.

## Deaths of Children Aged 13 – 17 Years

Of the 383 child death notifications received by the Ombudsman from 30 June 2009 to 30 June 2013, 123 (32%) related to children aged from 13 to 17 years.

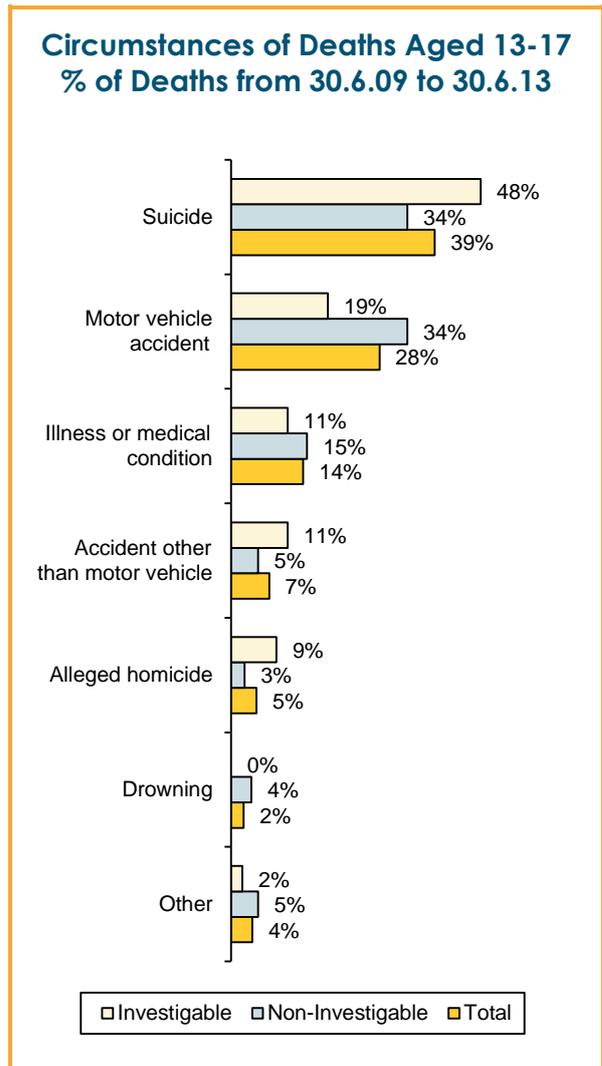
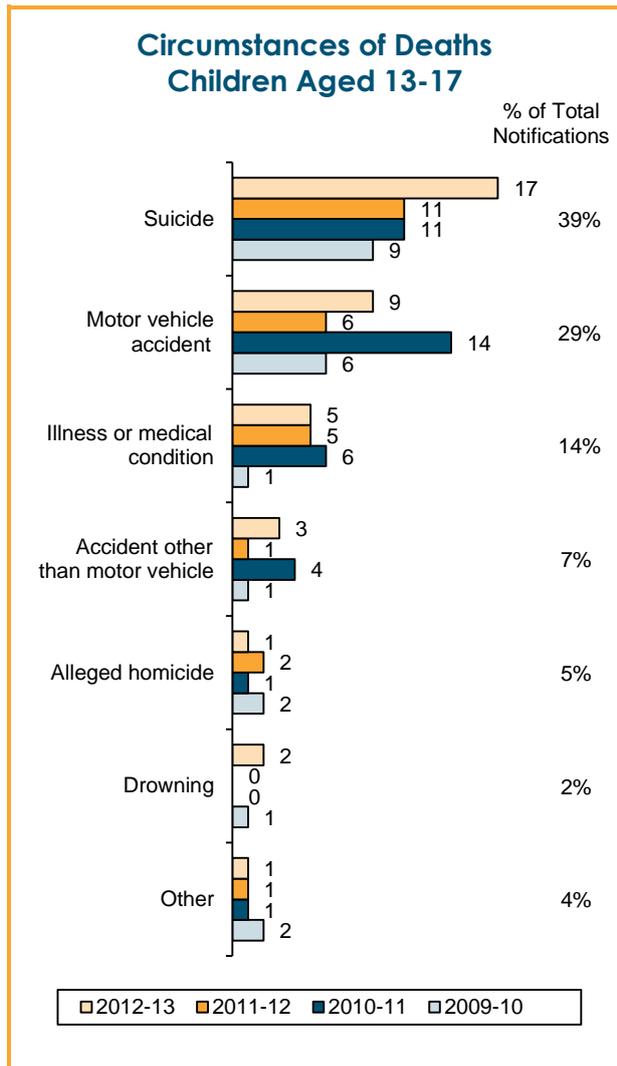
The characteristics of children aged 13 to 17 are shown in the following chart.



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

- Aboriginal children – 56% of investigable deaths and 11% of non-investigable deaths of children aged 13 to 17 were Aboriginal compared to 6% in the child population; and
- Children living in regional or remote locations – 57% of investigable deaths and 38% of non-investigable deaths of children aged 13 to 17, living in Western Australia, were living in regional or remote locations compared to 27% in the child population.

As shown in the following chart, suicide is the most common circumstance of death for this age group (39%), particularly for investigable deaths, followed by motor vehicle accidents (28%) and illness or medical conditions (14%).



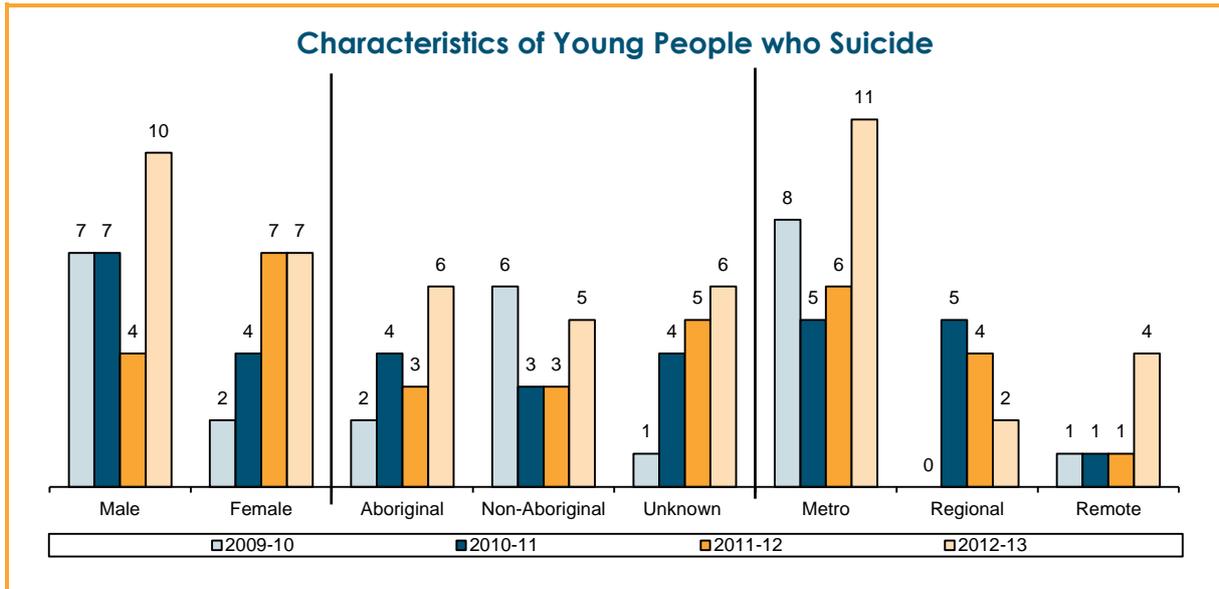
Forty six deaths of children aged 13 to 17 years were determined to be investigable deaths.

All children who apparently took their own lives were in the 13 to 17 year age cohort.

Of the 48 young people who apparently took their own lives from 30 June 2009 to 30 June 2013:

- One was 13 years old;
- Four were 14 years old;
- Fourteen were 15 years old;
- Twelve were 16 years old; and
- Seventeen were 17 years old.

The characteristics of the young people who took their own lives are shown in the following chart.



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

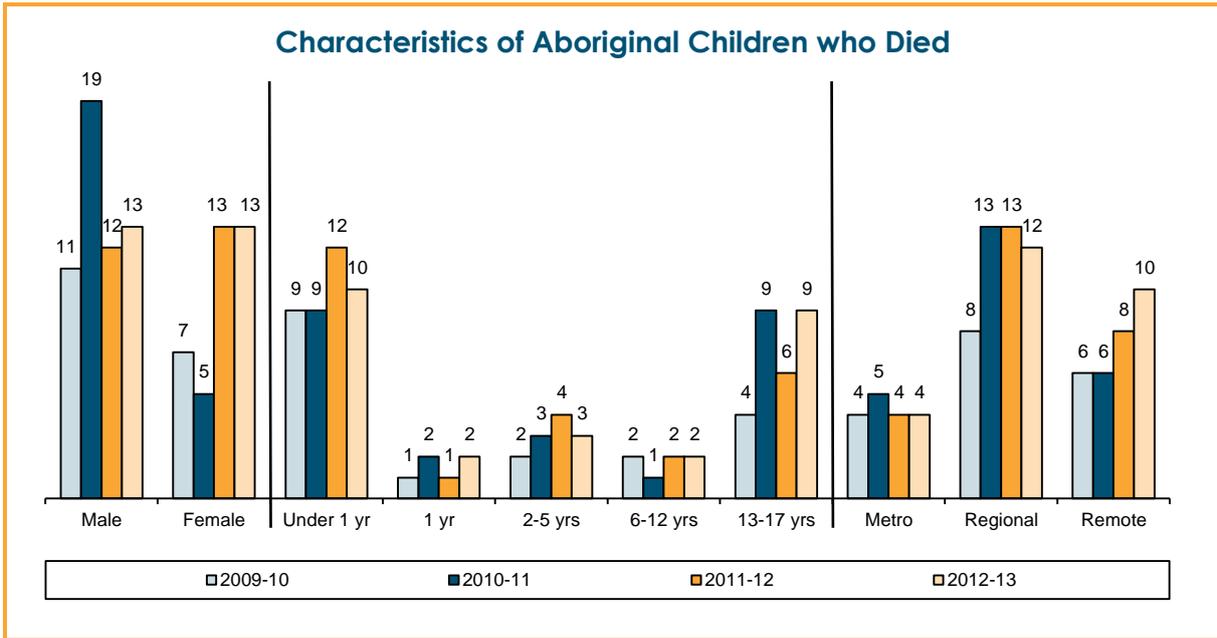
- Males – 50% of investigable deaths, and 65% of non-investigable deaths were male compared to 51% in the child population;
- Aboriginal young people - For the 32 apparent suicides by young people where information on the Aboriginal status of the young person was available, 12 (60%) of the investigable deaths and 25% of non-investigable deaths were Aboriginal young people compared to 6% in the child population; and
- Young people living in regional and remote locations - The majority of apparent suicides by young people occurred in the metropolitan area, but 55% of investigable youth suicides and 23% of non-investigable youth suicides were young people who were living in regional or remote locations compared to 27% in the child population.

### Deaths of Aboriginal Children

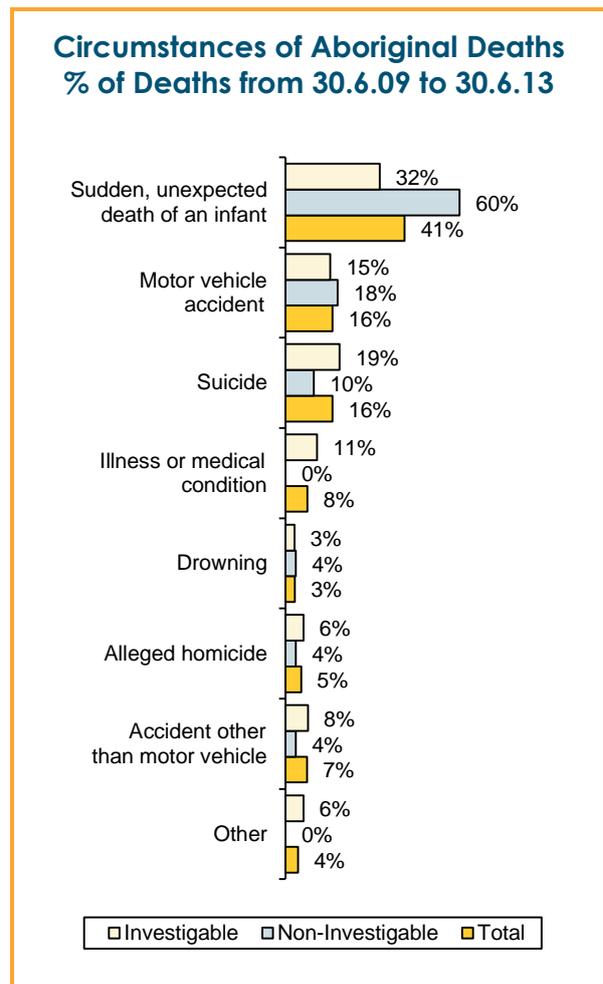
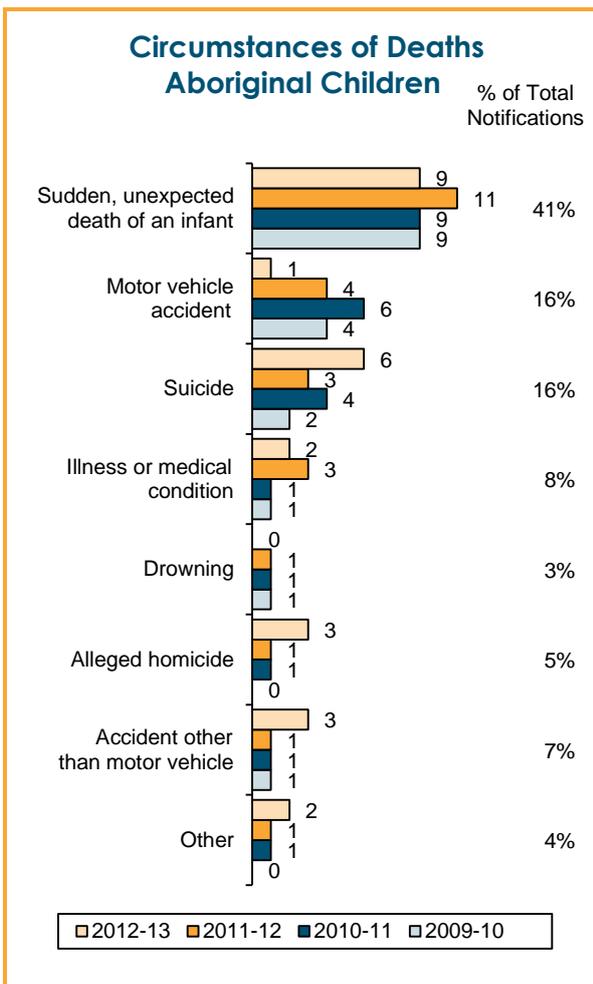
Of the 258 child death notifications received from 30 June 2009 to 30 June 2013, where the Aboriginal status of the child was known, 93 (36%) of the children were identified as Aboriginal.

For the notifications received, the following chart demonstrates:

- Over the four year period from 30 June 2009 to 30 June 2013, the majority of Aboriginal children who died were male (59%) but for 2012-13 the numbers of male and female Aboriginal children who died are the same;
- The infant and youth groupings are the largest age range categories; and
- Regional and remote Aboriginal child deaths far outnumber the deaths of the Aboriginal children living in the metropolitan area. Over the four year period, 82% of Aboriginal children who died lived in regional or remote communities.



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



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

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

- Issues identified in child death reviews;
- Administrative improvements to address issues;
- Outcomes of reviews by age cohort;
- Major own motion investigations arising from child death reviews (including future own motion investigations arising from the monitoring of reviews); and
- Other mechanisms to prevent or reduce child deaths.

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

### Issues Identified in Child Death Reviews

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

It is important to note that:

- Issues are not identified in every child death review; and
- When an issue has been identified, it does not necessarily mean that the issue is related to the death of a child.

- Not conducting a thorough Safety and Wellbeing Assessment and as a result potentially not identifying future risks and working to reduce risks.
- Not using a trained Specialist Child Interviewer when conducting an interview related to an allegation of sexual abuse.
- Not undertaking an assessment of, and planning for support for, family placement arrangements.
- Not providing effective supervision and training to support staff in implementing policy requirements.
- Not meeting policies and procedures relating to Safety and Wellbeing Assessments.
- Not meeting policies and procedures relating to the Signs of Safety Framework.
- Missed opportunity to actively promote the parenting capacity of an adolescent parent, and as a result, promoting the safety and wellbeing of the unborn child.
- Missed opportunities to provide interagency responses.
- Not meeting record keeping requirements.

## Administrative Improvements to Address Issues

To address the types of issues identified during the Ombudsman's reviews, the agencies involved undertook to carry out a range of actions. The following are the types of administrative improvements arising from child death reviews:

- Developing policy to formalise the process for interviewing children following disclosure of sexual abuse.
- Enhancing practice guidelines to clarify the requirements for conducting Safety and Wellbeing Assessments.
- Establishing a fulltime 'Team Leader' position in a District Office to create effective and efficient supervision and support to staff including prioritising workload and embedding new practice requirements.
- Reiterating requirements, for reports of alleged sexual abuse, in relation to examining cumulative knowledge from past contacts when undertaking Safety and Wellbeing Assessments, and planning for reducing the risk of potential future abuse.
- Providing staff with guidance for working with pregnant adolescents, where there may be child protection concerns, to promote the safety and wellbeing of that adolescent and her future child.
- Improving record keeping practices.

## Outcomes of Reviews by Age Cohort

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

### Deaths of Infants

The Ombudsman's review of infant deaths has again highlighted that promoting safe sleeping practices is a key issue. This issue was examined in depth by the Ombudsman's major own motion investigation in relation to sleep-related infant deaths, the details of which are set out in the [Own Motion Investigations and Administrative Improvement section](#).

### Promoting safe sleeping and wellbeing practices for vulnerable infants

The Ombudsman's examination of the reviews of infant deaths has highlighted the importance of public authorities, working collaboratively to address social and environmental risk factors, to promote the wellbeing of, and safe sleeping practices for, vulnerable infants. This issue was examined in depth by the Ombudsman's major own motion investigation in relation to sleep-related infant deaths, the details of which are set out in the [Own Motion Investigations and Administrative Improvement section](#).

## Deaths of Children Aged 1 to 5 Years

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

### Supervision of young children

[Kidsafe WA](#), an Australian non-government organisation dedicated to preventing unintentional childhood injuries and reducing deaths from childhood accidents in children under the age of 15 years, identifies that most injuries happen to children under the age of five, as this age group is curious and mobile but has little awareness of danger. Kidsafe WA has identified supervision as an important factor in reducing the risk of injury and death for this age group.

## Deaths of Children Aged 6 to 12 Years

The Ombudsman's examination of reviews of deaths of children aged 6 to 12 years has identified the critical nature of certain core health and education needs. Where these children are in the CEO's care, interagency cooperation between the Department, the Department of Health and the Department of Education in care planning is necessary to ensure the child's health and education needs are met.

### Care planning for children in the CEO's care

The Ombudsman's major own motion investigation into care planning for these children was completed in 2011-12 and the report, [\*Planning for children in care: An Ombudsman's own motion investigation into the administration of the care planning provisions of the Children and Community Services Act 2004\*](#), was tabled in Parliament in November 2011.

The implementation of the recommendations in the report, and improvement in care planning, is actively monitored in individual child death reviews, as outlined in the following case study.



## Child A

Child A had been physically harmed as an infant, which had resulted in an acquired brain injury. Child A had subsequently been taken into the CEO's care and placed with a foster carer. Child A had high care needs associated with her physical and intellectual disabilities and complex medical history. Child A died, aged 7 years, from her complex medical condition.

Regular communication and collaboration with the foster carers, and with Child A's school, medical and therapy services was documented. Child A's care planning included a health care plan and an education plan. It was clear from the review of this case that there was a positive interagency partnership working to promote Child A's quality of life and wellbeing.

## Deaths of Children Aged 13 to 17 Years

Youth suicide has been identified as the primary circumstance of death for young people aged 13 to 17. The Ombudsman has commenced a major own motion investigation into youth suicide in 2012-13, which will be finalised in 2013-14. Details of own motion investigations are provided in the [Own Motion Investigations and Administrative Improvement section](#).

The Ombudsman's examination of reviews of deaths of young people aged 13 to 17 has identified a range of risk factors including criminal behaviours, school truancy, homelessness and isolation from supports.



### Adolescent B

Adolescent B came from a home environment of alleged family and domestic violence and alcohol abuse. From an early age, Adolescent B moved around regional Western Australia, staying with different family members. Adolescent B died from apparent suicide.

Adolescent B was enrolled at four different schools in the last three years of his life, but his attendance was poor. At the school Adolescent B was enrolled in, during the last year of his life, school attendance had been identified as a broader community issue and the school was actively working with the community to develop strategies to improve attendance. Suicide was also an issue for the community and the school had developed a plan and actions to reduce the risk of suicide. These actions were still being implemented at the time of Adolescent B's death.

This case highlighted that a child's poor school attendance may indicate the existence of child wellbeing concerns, requiring a multi-agency and community response.

## Identification of Good Practice

Reviews may identify examples of good practice by agencies as shown in the following case study.



### Adolescent C

Adolescent C's death in a motor vehicle accident was associated with risk taking behavior (speeding and alcohol consumption). Adolescent C grew up in a home environment where there was alleged family and domestic violence, and alcohol and drug abuse. Adolescent C had a history of conflict with his mother, and chose not to remain living at home. Adolescent C would stay with friends, where he was allegedly exposed to drug taking and criminal activity.

Adolescent C was enrolled at a regional high school, but it was noted that he was regularly absent. The review found that Adolescent C's school undertook a number of actions to re-engage Adolescent C in school and provide support. This included meetings with Adolescent C, liaison with Adolescent C's family, liaison with other agencies (including juvenile justice services, Centrelink and community accommodation agencies) and referral to the Department of Education's retention and participation services. The school explored traineeship options with Adolescent C and tried to engage him with counselling support but he declined. The school also identified that Adolescent C's truancy and behavioural issues were a result of underlying child protection risks, and referred their concerns appropriately.

Though Adolescent C did not attend class, he would attend school to speak with student support services, to discuss issues he was experiencing and seek help. It was clear from the review that Adolescent C was provided with a great deal of support from the school.

## Major Own Motion Investigations Arising from Child Death Reviews

In addition to taking action on individual child deaths, the Office identifies patterns and trends arising out of child death reviews to inform major own motion investigations that examine the practices of public authorities that provide services to children and their families. During the year, the Ombudsman undertook significant work on a major own motion investigation into suicide by young people and the report of this investigation is to be tabled in Parliament in 2013-14. Additionally, the Ombudsman tabled in Parliament the [report of a major own motion investigation into sleep-related infant deaths](#).

The Ombudsman also monitored the completion of the recommendations from the own motion investigation on planning for children in care.

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

## Other Mechanisms to Prevent or Reduce Child Deaths

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

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

## Stakeholder Liaison

### The Department for Child Protection and Family Support

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

### The Ombudsman's Advisory Panel

The Ombudsman's Advisory Panel (**the Panel**) is an advisory body established to provide independent advice to the Ombudsman on:

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

The Panel met four times in 2012-13 and during the year, the following members provided a range of expertise:

- Professor Steve Allsop (Director, National Drug Research Institute of Curtin University);

- Ms Sue Ash (Chief Executive Officer, Uniting Care West);
- Professor Donna Chung (School of Population Health, University of Western Australia);
- Ms Cissy Cox (Group Coordinator, Social Outreach and Advocacy, St John of God Health Care);
- Ms Angela Hartwig (Women’s Council for Domestic and Family Violence Services WA);
- Ms Vicky Hovane (Consultant);
- Ms Jocelyn Jones ( Health Sciences, Curtin University); and
- Professor Helen Milroy (Director, Centre for Aboriginal Medical and Dental Health, University of Western Australia).

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

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

- An investigation into ways that State Government departments can prevent or reduce sleep-related infant deaths; and
- An investigation into ways State Government departments and authorities can prevent or reduce suicide by young people.

### Other Key Stakeholder Relationships

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

- The Coroner;
- Public authorities that have involvement with children and their families including:
  - Department of Housing;
  - Department of Health;
  - Department of Education;
  - Department of Corrective Services;
  - Department of Aboriginal Affairs;
  - Western Australia Police; and
  - Other accountability and similar agencies including the Commissioner for Children and Young People;
- Non-government agencies; and
- Research institutions including universities.

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

### **Aboriginal and Regional Communities**

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

- Key public authorities that work in regional areas;
- Non-government agencies that provide key services; such as health services to Aboriginal people; and
- Aboriginal community leaders to increase the awareness of the child death review function and its purpose.

Additional networks and contacts have been established to support effective and efficient child death reviews. This has strengthened the Office's understanding and knowledge of the issues faced by Aboriginal and regional communities that impact on child and family wellbeing and service delivery in diverse and regional communities.

As part of this work, Ombudsman staff met with a number of Aboriginal community leaders, Aboriginal Health Services, local governments, Western Australia Police and Department staff and community advocates in these regions.

## Family and Domestic Violence Fatality Review

On 1 July 2012, the Office commenced an important new function to review family and domestic violence fatalities. This section sets out the work of the Office in its first year of operation in relation to its family and domestic violence fatality review function. During the first year of operation of this new function, significant work has been undertaken to develop structures and processes to ensure the function is undertaken effectively and efficiently. Information on this work has been divided as follows:

- Background;
- The role of the Office in family and domestic violence fatality reviews;
- The family and domestic violence fatality review process;
- Notifications and reviews;
- Patterns and trends identified from family and domestic violence fatality reviews;
- Issues arising from family and domestic violence fatality reviews;
- Major own motion investigations;
- Other mechanisms to prevent or reduce family and domestic violence fatalities; and
- Stakeholder liaison.

It is important to note that the annual reporting of the work of the Office on its family and domestic violence fatality review function will, in a very similar manner to annual reporting of the child death review function undertaken by the Office, develop over future annual reports, in accordance with information identified from undertaking reviews over multiple years. This will include case studies and further information and analysis on underlying patterns and trends over time arising from family and domestic violence fatality reviews.

Additionally, in 2013-14 the Office will commence its first major own motion investigation into family and domestic violence fatalities to be tabled in Parliament in 2014. This own motion investigation, the first of a series of major own motion investigations to be undertaken by the Office as part of its family and domestic violence fatality review function, will comprehensively examine critical issues, patterns or trends arising from individual reviews of family and domestic violence fatalities undertaken by the Office.

## Background

The *National Plan to Reduce Violence against Women and their Children 2010-2022* (**the National Plan**) identifies six key national outcomes:

- Communities are safe and free from violence;
- Relationships are respectful;
- Indigenous communities are strengthened;
- Services meet the needs of women and their children experiencing violence;
- Justice responses are effective; and
- Perpetrators stop their violence and are held to account.

The National Plan is endorsed by the Council of Australian Governments. The *WA Strategic Plan for Family and Domestic Violence 2009-13* (**WA Strategic Plan**) includes the following principles:

1. Family and domestic violence and abuse is a fundamental violation of human rights and will not be tolerated in any community or culture.
2. Preventing family and domestic violence and abuse is the responsibility of the whole community and requires a shared understanding that it must not be tolerated under any circumstance.
3. The safety and wellbeing of those affected by family and domestic violence and abuse will be the first priority of any response.
4. Perpetrators of family and domestic violence and abuse will be held accountable for their behaviour and acts that constitute a criminal offence will be dealt with accordingly.
5. Responses to family and domestic violence and abuse can be improved through the development of an all-inclusive approach in which responses are integrated and specifically designed to address safety and accountability.
6. An effective system will acknowledge that to achieve substantive equality, partnerships must be developed in consultation with specific communities of interest including people with a disability, people from diverse sexualities and/or gender, people from Aboriginal and Torres Strait Islander communities and people from culturally and linguistically diverse backgrounds.
7. Victims of family and domestic violence and abuse will not be held responsible for the perpetrator's behaviour.
8. Children have unique vulnerabilities in family and domestic violence situations, and all efforts must be made to protect them from short and long term harm.

The associated *Annual Action Plan 2009-10*, identified a range of strategies including a 'capacity to systematically review family and domestic violence deaths and improve the response system as a result'. The Annual Action Plan set out 10 key actions to progress the development and implementation of the integrated response in 2009-10, including the need to 'research models of operation for family and domestic violence fatality review committees to determine an appropriate model for Western Australia' (also see *Western Australia's Family and Domestic Violence Prevention Strategy to 2022*).

Following a Government working group process examining models for a family and domestic violence fatality review process, the Government requested that the Ombudsman undertake responsibility for the establishment of a family and domestic violence fatality review function.

On 1 July 2012 the Office commenced its family and domestic violence fatality review function.

### Establishment of the Family and Domestic Violence Fatality Review Role

It was essential to the success of the establishment of the family and domestic violence fatality review role that the Office identified and engaged with a range of key stakeholders in the implementation and ongoing operation of the role. It was important that stakeholders understood the role of the Ombudsman, and the Office was able to understand the critical work of all key stakeholders.

Working arrangements were established to support implementation of the role with Western Australia Police (**WAPOL**) and the Department for Child Protection and Family Support (**DCPFS**) and with other agencies, such as the Department of Corrective Services (**DCS**) and the Department of the Attorney General (**DOTAG**), and relevant courts.

The Office's Child Death Review Advisory Panel was expanded to include the new family and domestic violence fatality review role. Through the Ombudsman's Advisory Panel (**the Panel**), and regular liaison with key stakeholders, the Office gains valuable information to ensure its review processes are timely, effective and efficient.

The Office has also accepted invitations to speak at relevant seminars and events to explain its role in regard to family and domestic violence fatality reviews, engaged with other family and domestic violence fatality review bodies in Australia and New Zealand and, since 1 July 2012, has met regularly via teleconference with the Australian Domestic and Family Violence Death Review Network.

## The Role of the Office in Family and Domestic Violence Fatality Reviews

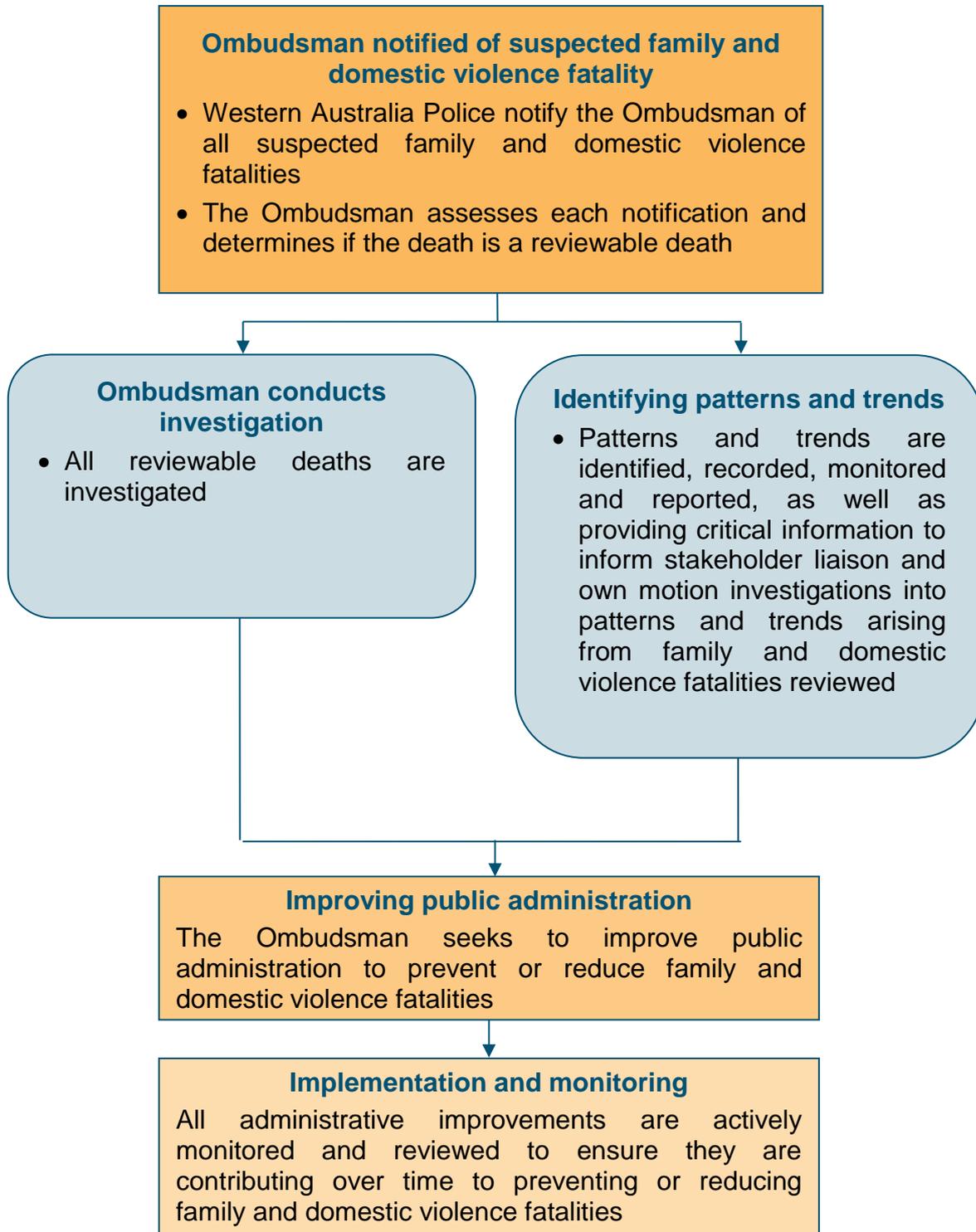
### Overview

The Office reviews certain deaths suspected to have occurred in the context of family and domestic violence to:

- identify the circumstances in which and why a person died;
- identify patterns and trends arising from fatalities; and
- to improve public administration to prevent or reduce family and domestic violence fatalities.

Where WAPOL suspects that a fatality has arisen in circumstances of family and domestic violence, the fatality is reported to the Ombudsman who conducts a review pursuant to his own motion investigation powers.

## The Family and Domestic Violence Fatality Review Process



## Notifications and Reviews

Information in relation to those fatalities that are suspected by WAPOL to have occurred in circumstances of family and domestic violence are described in this report as family and domestic violence fatalities. For the purposes of this report the person who has died due to family and domestic violence will be referred to as 'the person who died'.

Upon the finalisation of Coronial and court proceedings, the Ombudsman can, and will, report upon the demographics, risk factors and social and environmental characteristics, patterns and trends of the perpetrators of family and domestic violence as part of this report.

Additionally, following Coronial and court proceedings, it may be necessary to adjust relevant previously reported information if the outcome of such proceedings is that the death did not occur in the context of a family and domestic relationship.

WAPOL notify the Office of all suspected family and domestic violence fatalities. The notification provides the Ombudsman with information about the circumstances of the death together with any relevant information of prior WAPOL contact with the person who died.

The Ombudsman assesses all family and domestic violence fatality notifications to determine if the relationship between the deceased person and the suspected perpetrator is a family and domestic relationship, as defined by section 4 of the *Restraining Orders Act 1997*. More precisely, the Office considers whether the fatality involves persons apparently in a 'family and domestic relationship', being a relationship between two people:

- (a) Who are, or were, married to each other;
- (b) Who are, or were, in a de facto relationship with each other;
- (c) Who are, or were, related to each other;
- (d) One of whom is a child who —
  - (i) Ordinarily resides, or resided, with the other person; or
  - (ii) Regularly resides or stays, or resided or stayed, with the other person;
- (e) One of whom is, or was, a child of whom the other person is a guardian; or
- (f) Who have, or had, an intimate personal relationship, or other personal relationship, with each other.

'Other personal relationship' means a personal relationship of a domestic nature in which the lives of the persons are, or were, interrelated and the actions of one person affects, or affected the other person. Related, in relation to a person, means a person who —

- (a) Is related to that person taking into consideration the cultural, social or religious backgrounds of the two people; or
- (b) Is related to the person's —
  - (i) Spouse or former spouse; or
  - (ii) De facto partner or former de facto partner.

If the relationship meets these criteria, it is determined to be a reviewable death, and an investigation is conducted. The extent of an investigation depends on a number of factors, including the circumstances surrounding the death and the level of involvement of relevant public authorities in the life of the person who died or other relevant people in a family and domestic violence relationship with a person who died, including the suspected perpetrator. Confidentiality of all parties involved with the case is strictly observed.

The family and domestic violence fatality review process is intended to identify key learnings that will positively contribute to ways to prevent or reduce family and domestic violence fatalities. The review does not set out to establish the cause of death of the deceased person; this is properly the role of the Coroner. Nor does the review seek to determine whether a suspected perpetrator has committed a criminal offence; this is only a role for a relevant court.

### Number of Family and Domestic Violence Fatality Notifications and Reviews

During 2012-13, there were 20 reviewable family and domestic violence fatalities from a total of 22 notifications.

### Patterns and Trends Identified from Family and Domestic Violence Fatality Reviews

#### Important Information on Interpretation of Data

Information in this section is presented for the commencement year of the operation of the Ombudsman's family and domestic violence fatality review function. As the information in the following charts is based on one year of data only, very significant care should be undertaken in interpreting the data. In subsequent reporting years, information will be presented across multiple years and include analysis of underlying patterns and trends.

By examining family and domestic violence fatalities, the Ombudsman is able to capture data relating to demographics, risk factors and social and environmental characteristics and identify patterns and trends in relation to these deaths. When family and domestic violence fatality reviews are finalised, all relevant issues are identified and recorded and, over time, these issues indicate relevant patterns and trends in relation to family and domestic violence fatalities.

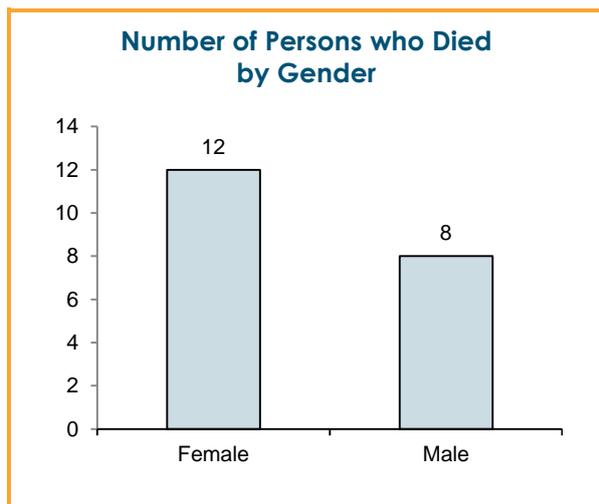
These patterns and trends are identified, recorded, monitored, reported and analysed. The patterns and trends also inform the Ombudsman’s own motion investigations relating to family and domestic violence fatalities.

It is important to note that the Office, as part of undertaking its family and domestic violence fatality review function, will report information about demographics, risk factors, social and environmental characteristics and patterns and trends in relation to perpetrators of family and domestic violence following the finalisation of relevant Coronial and criminal proceedings.

### Characteristics of the persons who died

Information is obtained on a range of characteristics of the person who died, including gender, Aboriginal status, age group and location of the incident in the metropolitan or regional areas.

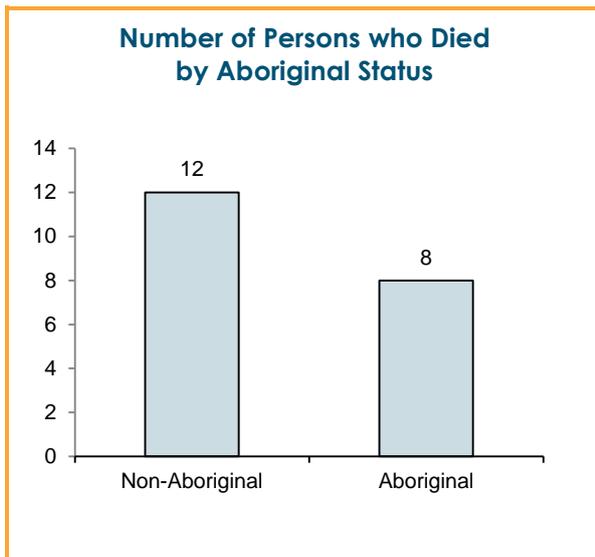
The following charts show characteristics for the persons who died for the 20 family and domestic violence fatality reviews in 2012-13.



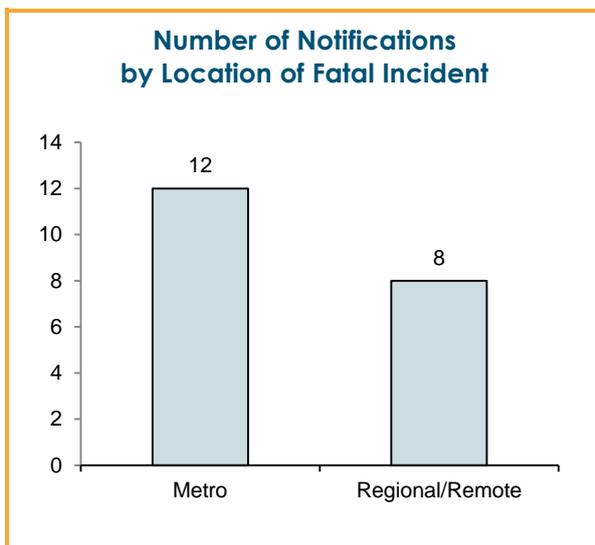
Compared to the Western Australian population, females who died were over-represented, with 60% of persons who died being female compared to 50% in the population.



Compared to the Western Australian adult population, the age group 40-49 is over-represented, with 30% of people who died in this age group compared to 19% in the population.



Compared to the Western Australian population, Aboriginal persons who died were over-represented, with 40% of persons who died being Aboriginal compared to 3.1% in the population.



Compared to the Western Australian population, incidents in regional locations were over-represented, with 40% of fatal incidents occurring in regional or remote locations compared to 27% of the population living in those locations.

The WA Strategic Plan notes that:

*While there has been debate about the reliability of research that quantifies the incidence of family and domestic violence, there is general agreement that ...*

- *An overwhelming majority of people who experience family and domestic violence are women, and*
- *Aboriginal women are more likely than non-Aboriginal women to be victims of family violence.*

More specifically, with respect to the impact on Aboriginal women in Western Australia, the WA Strategic Plan notes that:

*Family and domestic violence is particularly acute in Aboriginal communities. In Western Australia, it is estimated that Aboriginal women are 45 times more likely to be the victim of family violence than non-Aboriginal women, accounting for almost 50 per cent of all victims.*

In 2012-13, the Office reviewed 20 family and domestic violence fatalities. From information provided by WAPOL as part of their notification of the fatality:

- 12 (or 60%) were females (compared with 50% of the Western Australian population);
- 8 (or 40%) of persons who died were identified as Aboriginal (compared to 3.1% of the Western Australian population); and
- 8 (or 40%) of family and domestic violence fatalities occurred in regional areas (compared to 27% of the Western Australian population living in regional areas).

In its work, the Office will place a focus on ways that government agencies can prevent or reduce family and domestic violence fatalities for women, including Aboriginal women. In undertaking this work, specific consideration will also be given to issues relevant to regional and remote Western Australia.

### **Circumstances of Family and Domestic Violence Fatalities**

Family and domestic violence fatality notifications received by the Ombudsman include general information on the circumstances of death. This is an initial indication of how the death may have occurred but is not the cause of death, which can only be determined by the Coroner.

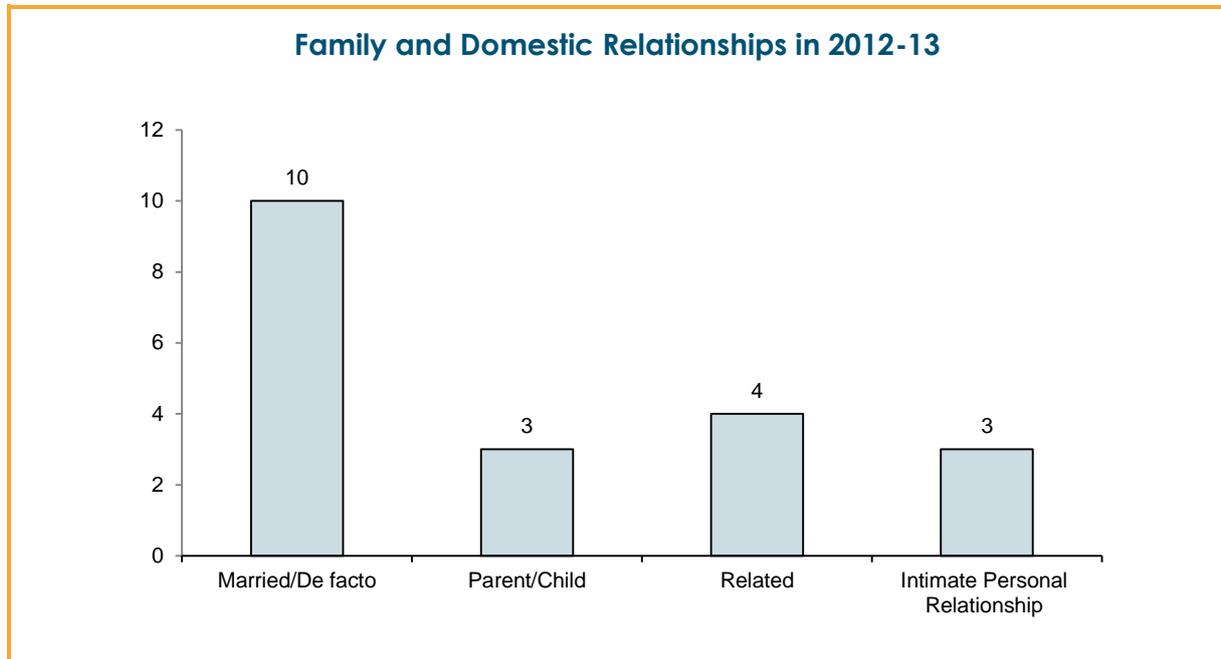
Family and domestic violence fatalities may occur through alleged homicide or apparent suicide and the circumstances of death are categorised by the Ombudsman as:

- Alleged homicide, including:
  - Stabbing;
  - Physical assault;
  - Gunshot wound;
  - Asphyxiation/suffocation;
  - Drowning; and
  - Other.
- Apparent suicide, including:
  - Overdose of prescription or other drugs;
  - Motor vehicle accident;
  - Hanging; and
  - Drowning.
- Other, including fatalities where it is not clear whether the circumstances of death are alleged homicide or apparent suicide.

The principal circumstances of death in 2012-13 were stabbing and physical assault.

## Family and Domestic Relationships

As shown in the following chart, married/de facto relationships are the most common relationship involved in family and domestic violence fatalities.



## Issues Identified in Family and Domestic Violence Fatalities

The following are the types of issues identified when undertaking family and domestic violence fatality reviews:

It is important to note that:

- Issues are not identified in every family and domestic violence fatality review; and
- When an issue has been identified, it does not necessarily mean that the issue is related to the death.

- Management of people who are subject to Community Based Orders.
- Rehabilitation of people with a history of convictions for family and domestic violence and non-family and domestic violence offences.
- Identification and management of repeated alleged family and domestic violence incidents.
- Responses to breaches of Violence Restraining Orders.
- Multiple agency cooperation and collaboration in the management of responses to family and domestic violence.

## Major Own Motion Investigations

In addition to investigations of individual family and domestic violence fatalities, the Office identifies patterns and trends arising out of reviews to inform major own motion investigations that examine the practice of public authorities that provide services to children, their families and their communities.

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

In 2013-14, the Ombudsman will commence a major own motion investigation in relation to family and domestic violence fatalities.

## Other Mechanisms to Prevent or Reduce Family and Domestic Violence Fatalities

In addition to reviews of individual family and domestic violence fatalities and major own motion investigations, the Office uses a range of other mechanisms to improve public administration with a view to preventing or reducing family and domestic violence fatalities. These include:

- Assisting public authorities by providing information about issues that have arisen from family and domestic violence fatality reviews, and enquiries and complaints received, that may need their immediate attention, including issues relating to the safety of other parties;
- Through the Panel, and other mechanisms, working with public authorities and communities where individuals may be at risk of family and domestic violence to consider safety issues and potential areas for improvement, and to highlight the critical importance of effective liaison and communication between and within public authorities and communities;
- Exchanging information, where appropriate, with other accountability and oversight agencies including Ombudsmen and family and domestic violence fatality review bodies in other States to facilitate consistent approaches and shared learning;
- Undertaking or supporting research that may provide an opportunity to identify good practices that may assist in the prevention or reduction of family and domestic violence fatalities; and
- Taking up opportunities to inform service providers, other professionals and the community through presentations.

## Stakeholder Liaison

Efficient and effective liaison has been established with WAPOL to develop and support the implementation of the family and domestic violence fatality notification process. Regular liaison occurs at senior officer level between the Office and WAPOL.

## The Ombudsman's Advisory Panel

The Panel established for child death reviews has been expanded to provide independent advice to the Ombudsman on:

- Issues and trends that fall within the scope of the family and domestic violence fatality review function;
- Contemporary professional practice relating to the safety and wellbeing of people impacted by family and domestic violence; and
- Issues that impact on the capacity of public authorities to ensure the safety and wellbeing of individuals and families.

The Panel met four times in 2012-13 and during the year the following members provided a range of expertise:

- Professor Steve Allsop (Director, National Drug Research Institute, Curtin University);
- Ms Sue Ash (Chief Executive Officer, Uniting Care West);
- Professor Donna Chung (School of Population Health, University of Western Australia);
- Ms Cissy Cox (Group Coordinator, Social Outreach and Advocacy, St John of God Health Care);
- Ms Angela Hartwig (Women's Council for Domestic and Family Violence Services WA);
- Ms Vicky Hovane (Consultant);
- Ms Jocelyn Jones (Health Sciences, Curtin University); and
- Professor Helen Milroy (Director, Centre for Aboriginal Medical and Dental Health, University of Western Australia).

Observers from WAPOL, DCPFS, Department of Health (**DOH**), Department of Education (**DOE**), DCS and the Department of Aboriginal Affairs (**DAA**) and a representative of the Minister for Child Protection also attended the meetings.

In 2013-14, among other things, the Panel will be asked to provide advice to the Ombudsman regarding the first major own motion investigation in relation to family and domestic violence fatalities.

## Other Key Stakeholder Relationships

There are a number of public authorities and other organisations that interact with or deliver services to those who are at risk of family and domestic violence or who have experienced family and domestic violence. Important stakeholders, with which the Office liaises as part of the family and domestic violence fatality review function, include:

- The Coroner;
- Relevant public authorities including:
  - WAPOL;
  - The DOH;
  - The DOE;
  - The DCS;
  - The DCPFS;
  - The Department of Housing;
  - The DAA; and
  - Other accountability and similar agencies including the Commissioner for Children and Young People;
- The Women's Council for Domestic and Family Violence Services WA and relevant non-government organisations; and
- Research institutions, including universities.

## Aboriginal and Regional Communities

Through the Panel and outreach activities, work was undertaken through the year to build relationships relating to the family and domestic violence fatality review function with Aboriginal and regional communities, including by communicating with:

- Key public authorities that work in metropolitan and regional areas;
- Non-government agencies that provide key services; such as health services to Aboriginal people; and
- Aboriginal community leaders to increase the awareness of the family and domestic violence fatality review function and its purpose.

Building on the work already undertaken by the Office, as part of its other functions, including its child death review function, networks and contacts have been established to support effective and efficient family and domestic violence fatality reviews.

## Own Motion Investigations and Administrative Improvement

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

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

### Improvements from Complaints and Reviews

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

Child death and family and domestic violence fatality reviews also result in improvements to administrative practices as a result of the review of individual child deaths and family and domestic violence fatalities. Further details of the improvements arising from reviews are shown in the [Child Death Review section](#) and the [Family and Domestic Violence Fatality Review section](#).

### Own Motion Investigations

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

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

Own motion investigations that arise out of child death and family and domestic violence fatality reviews focus on the practices of agencies that interact with children and families and aim to improve the administration of these services to prevent or reduce child deaths and family and domestic violence fatalities.

### Selecting Topics for Own Motion Investigations

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

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

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

### Monitoring the implementation of recommendations

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

### Own Motion Investigations in 2012-13

In 2012-13, a major own motion investigation relating to the sleep-related deaths of infants was conducted and two further own motion investigations were commenced relating to:

- Suicide by young people; and
- Local government collection of outstanding rates.

## Sleep-related Infant Deaths Report

In November 2012, the Ombudsman tabled in Parliament a report of an own motion investigation entitled *Investigation into ways that State Government departments can prevent or reduce sleep-related infant deaths*. The report is available on the [Ombudsman's website](#).

### Reasons for the investigation

Infant deaths formed a significant proportion of the child deaths notified to the Ombudsman as part of the Ombudsman's child death review function. Over the period 1 July 2009 to 31 December 2011, the Chief Executive Officer of the Department for Child Protection and Family Support notified the Ombudsman of 242 child deaths. Ninety one (38%) of these deaths concerned infants (children under the age of 12 months).



Through the review of the circumstances in which and why child deaths occurred, the Ombudsman identified a pattern of cases in which infants appeared to die suddenly and unexpectedly during their sleep. This occurred in 54 (59%) of the 91 cases of infant death notified to the Ombudsman.

For this reason, the Ombudsman decided to undertake an investigation of these sleep-related infant deaths (**the Ombudsman's cases**) with a view to determining whether it was appropriate to make recommendations to any State Government department about ways to prevent or reduce such deaths.

### Objectives of the investigation

The objectives of the investigation were to:

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

## Key findings and messages from the investigation

In summary, the investigation found that the Department of Health has undertaken a range of work to contribute to safe sleeping practices in Western Australia, however, there is still important work to be done. This work includes, in particular, establishing a comprehensive statement on safe sleeping that will form the basis for safe sleeping advice to parents, including advice on modifiable risk factors, that is sensitive and appropriate to both Aboriginal and culturally and linguistically diverse communities and is consistently applied state-wide by health care professionals and non-government organisations at the ante-natal, hospital-care and post-hospital stages. This statement and concomitant policies and practices should also be adopted, as relevant, by the Department for Child Protection (as it then was) and the Department of Communities (as it then was).

**The Department of Health has undertaken work to contribute to safe sleeping practices but there is still important work to be done.**

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

- The most frequent cause of sleep-related infant deaths is likely to be Sudden Infant Death Syndrome (commonly referred to as SIDS). SIDS is a classification of the cause of death used by medical practitioners and coroners. A definition of SIDS that is widely accepted in Australia is:

The sudden and unexpected death of an infant, with onset of the fatal episode apparently occurring during sleep, that remains unexplained after a thorough investigation, including performance of a complete autopsy and review of the circumstances of death and the clinical history.

- The research literature identifies that certain factors increase the risk of SIDS, and refers to these as 'risk factors' for SIDS. Some of the identified risk factors concern infant characteristics (**infant risk factors**). It is important to note that these risk factors are correlative, not necessarily causal. The infant risk factors are:
  - Infant is aged older than one month and less than four months;
  - Infant is male;
  - Infant was born prematurely;
  - Infant had low birth weight; and
  - Infant's mother smoked during pregnancy.

These infant risk factors for SIDS have also been found to be relevant to other types of sleep-related infant deaths. Our analysis found that these infant risk factors were also prominent among the Ombudsman's cases.

- Other identified risk factors for SIDS concern characteristics of the infant's sleeping environment (**environmental risk factors**). These environmental risk factors are:

- Prone sleeping position;
- Unsafe sleeping surface;
- Unsafe bedding; and
- Environmental tobacco smoke (within the infant's sleeping environment).

These environmental risk factors for SIDS have been found to be relevant to other types of sleep-related infant deaths. Our analysis found that these environmental risk factors were also prominent among the Ombudsman's cases.

- Forty eight (89%) of the Ombudsman's cases involved risk factors that are potentially modifiable. This indicates that, by assisting parents and carers in relation to the possible modification of these risk factors, there are potential opportunities for State Government departments and authorities to prevent or reduce the number of sleep-related infant deaths beyond that action which is currently undertaken.
- Thirty (56%) of the Ombudsman's cases involved one or more of the environmental risk factors that safe sleeping advice has traditionally and still commonly recommends should be avoided. These findings point to the continued relevance of the four key messages common to safe sleeping advice and the importance of continuing to assist parents and carers to follow this advice when placing their infants to sleep. The four key messages about how to avoid the environmental risk factors were:
  - Place an infant on its back to sleep;
  - Use a safe sleeping surface;
  - Use safe bedding, keep infant's head uncovered, and avoid soft toys and other items in the infant's sleeping environment; and
  - Avoid environmental tobacco smoke.
- In eight (15%) of the Ombudsman's cases, the infants were placed to sleep in a cot or bed somewhere other than their usual sleep location. Recent research has suggested that the risk of SIDS is higher when the infant sleeps in a different location than their usual place of sleep, particularly if at a friend or relative's house.
- Twenty nine (54%) of the Ombudsman's cases reportedly involved co-sleeping, and in all of these cases infant and/or environmental risk factors were also involved. Infant risk factors were involved in 28 (97%) of the 29 cases, and environmental risk factors were involved in 16 (55%) of the 29 cases. In 15 (52%) of the 29 Ombudsman's cases in which the infant was reportedly co-sleeping at the time of death, both infant and environmental risk factors featured in the circumstances of the infant's death.
- Twenty eight (52%) of the Ombudsman's cases involved infants whose mothers reported smoking during pregnancy. The Department of Health already has in place a range of policies and strategies designed to inform pregnant women of the dangers of smoking and to assist them to give up smoking where they choose to do so. Our analysis points to the continued importance of these policies and strategies, as well as to the importance of linking strategies to deliver safe

sleeping advice with the range of existing programs designed to assist people to give up smoking.

- Nineteen (35%) of the Ombudsman's cases involved Aboriginal infants, even though Aboriginal infants comprise only 6% of WA infants. This finding reflects the research literature, which has identified that Aboriginal infants are over-represented among infants whose death is diagnosed as SIDS, and that the decline in the rate of SIDS has not been as significant in the Aboriginal population as it has been in the non- Aboriginal population.
- At least three (6%) of the Ombudsman's cases involved infants from culturally and linguistically diverse backgrounds, and all of these cases involved modifiable risk factors. All three cases involved modifiable risk factors (apart from maternal smoking during pregnancy), and all three deaths occurred in circumstances that safe sleeping advice commonly recommends should be avoided.
- Twenty (37%) of the Ombudsman's cases involved infants from families whose children had already been the subject of concerns raised with the (then) Department for Child Protection. In 15 of these 20 cases, the Department for Child Protection had determined that some action should be taken in regard to the child or a child relative of the child, and that action was taken. These concerns and actions were not necessarily related to modifiable risk factors associated with sleep-related infant deaths.
- In 14 (26%) of the Ombudsman's cases, fathers or grandparents were immediately present at the time of the infant's death. In two of these 14 cases, the infant was in the primary care of the father, and in another two cases, the infant was in the primary care of a grandparent. The research literature and our consultations with stakeholders also identify that as well as playing the role of direct carer, fathers and grandparents may influence how mothers place infants to sleep.

The report identified 23 recommendations about ways to prevent or reduce sleep-related infant deaths and set out opportunities for the Departments involved to put the recommendations into practice. The Departments have agreed to the recommendations and were highly co-operative and positively engaged with the investigation.

**All 23 recommendations for administrative improvement arising from the sleep-related infant deaths report were accepted by the Departments.**

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

Each of the recommendations arising from own motion investigations is actively monitored by the Office to ensure its implementation and effectiveness in relation to the observations made in the investigation including, through:

- Whether child death reviews undertaken by the Office show evidence of improved practice in relation to the areas subject to own motion investigations (for further details see the [Child Death Review section](#)); and
- Reports by the relevant agencies on progress to date in the implementation of the recommendations made by the Ombudsman.

Further monitoring by the Office will be undertaken through an own motion investigation, commencing in 2013-14, to review the implementation and effectiveness of recommendations made by the Ombudsman.

### **Own Motion Investigations in 2013-14**

During 2012-13, the Ombudsman undertook two own motion investigations:

- Ways that State Government departments and authorities can prevent or reduce suicide by young people; and
- Local Government collection of outstanding rates.

Reports of each investigation will be tabled in Parliament in 2013-14.

In 2013-14, the Ombudsman will commence own motion investigations relating to:

- Family and domestic violence fatality reviews; and
- Implementation and effectiveness of recommendations made by the Ombudsman as a result of own motion investigations, and complaints and reviews.

### **Continuous Administrative Improvement**

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

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

#### **Guidance for Public Authorities**

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

#### **Publications**

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

#### **Workshops for Public Authorities**

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

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

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

- Various presentations on the role of the Ombudsman to:
  - New public sector officers at the Public Sector Commission's Ethics and Integrity Induction Program;
  - Members of the Bunbury Youth Advisory Council; and
  - Officers of the Health Complaints Advisory Group.
- *The Role of the Ombudsman and Ensuring your complaint handling system is accessible to children and young people* at the Commissioner for Children and Young People's *Making Complaints Processes Child-Friendly Seminars*;
- *The Ombudsman and Local Government - Resolving Complaints and Promoting Good Administrative Practice* at the Local Government Managers Australia Finance Conference; and
- *The Role of the Ombudsman* and training on *Good Decision Making* and *Effective Complaint Handling* for public authorities during the Office's Pilbara and Bunbury Regional Awareness and Accessibility Programs (see further details in the [Collaboration and Access to Services section](#)).

## Working Collaboratively

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

## Inspection and Monitoring Functions

### Telecommunications Interception Inspections

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

## Collaboration and Access to Services

Engagement with key stakeholders is essential to the Office’s achievement of the most efficient and effective outcomes. The Office does this through:

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

### Working Collaboratively

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

#### Integrity Coordinating Group

##### Members:

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

#### Background:

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

#### The Office’s involvement:

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

#### 2012-13 initiatives:

The Ombudsman joined his ICG colleagues in Geraldton during May for the inaugural ICG Regional Forum. More than 50 representatives from State Government agencies and local governments attended the Forum. The Forum provided attendees with information on the roles of each of the ICG members as well as discussion on conflicts of interest and the offer, acceptance and provision of gifts, benefits and hospitality.

The Office was involved in the Group’s graduate program, which involves a graduate working in each of the member agencies over a two year period in total.

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

**Background:**

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

**2012-13 initiatives:**

As a key integrity agency, the Office presented on seven occasions during the year. The Office provides information to new public sector employees on *The Role of the Ombudsman* and how the Office may be able to assist them in their work. This program will continue into 2013-14.

**Australia and New Zealand Ombudsman Association**

**Members:**

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

**Background:**

The Australia and New Zealand Ombudsman Association (**the Association**) is a peak body industry group for Parliamentary and industry-based Ombudsmen in Australia and New Zealand. It acts as a network for consultation and discussion for Ombudsmen on matters of common interest.

**The Office's involvement:**

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

**2012-13 initiatives:**

The Ombudsman was involved in four meetings via teleconference during the year, and attended the Association's Annual General Meeting and Executive Committee meeting.

**Information sharing with Ombudsmen from other jurisdictions**

**Background:**

Where appropriate, the Office shares information and insights about its work with Ombudsmen from other jurisdictions, as well as with other accountability and integrity agencies.

**2012-13 initiatives:**

The Ombudsman hosted the Australian and New Zealand Energy and Water Ombudsman Network (**ANZEWON**) meeting in April 2013 and met, and exchanged information with, a number of Parliamentary Ombudsmen and industry-based Ombudsmen during the year.

**International  
Ombudsman  
Institute**

**Background:**

The International Ombudsman Institute (IOI), established in 1978, has over 150 institutions as members.

**The Office’s involvement:**

In November 2012 the Ombudsman was elected President of the Australasian and Pacific Ombudsman Region and a Director of the Board of the IOI. The Australasian and Pacific Ombudsman Region is comprised of Australia, China/Hong Kong, Cook Islands, New Zealand, Papua New Guinea, Samoa, Taiwan, Tonga and Vanuatu. The Ombudsman was joined on the Board of the IOI by Ombudsmen drawn from around the world, including the Chief Ombudsman of New Zealand, the National Ombudsman of the Netherlands, the Parliamentary Ombudsman of Sweden, the Public Services Ombudsman for Wales and the Ombudsman for Namibia.

**2012-13 initiatives:**

The Ombudsman attended, and delivered an address titled, *The Western Australian Integrity Coordinating Group* at the 10<sup>th</sup> IOI World Conference in November 2012. The Ombudsman also attended the IOI Board of Directors mid-term meeting in April 2013.

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

**Members:**

- Western Australian Ombudsman
- Commonwealth Ombudsman
- New South Wales Ombudsman
- Ombudsmen of the Republik 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.

**2012-13 initiatives:**

In January 2013, the Assistant Ombudsman Complaint Resolution visited Indonesia. The purpose of the visit was to provide training in more effective and sustainable ombudsman and complaint management services to the Office of the Ombudsman Republik Indonesia. The program covered modules on conducting investigations, dealing with complaints and complainants as well as agency relationships.

## Providing Access to Key Stakeholders

### Communicating with Complainants

The Office provides a range of information and services to assist specific groups, and the public more generally, to understand the role of the Ombudsman and the complaint process. Many people find the Office's enquiry service assists them to make their complaint. Other initiatives in 2012-13 include:

- Ongoing promotion of the role of the Office and the type of complaints the Office handles through 'Ask the Ombudsman' on 6PR's Nightline Program; and
- Regular updating and simplification of the Ombudsman's website to provide easy access to information for people wishing to make a complaint and those undertaking the complaint process.

### Access to the Ombudsman's Services

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

- Access to the Office through a toll free number for country callers;
- Access to the Office through email and online services. The importance of email and online access is demonstrated by its further increased use this year from 50% to 56% of all complaints received;
- Information on how to make a complaint to the Ombudsman is available in 15 languages and features on the homepage of the Ombudsman's website. People may also contact us with the assistance of an interpreter by using the Translating and Interpreting Service;
- The Office's accommodation and building access provide access for people with disabilities, including lifts that accommodate wheelchairs and feature braille on the access buttons and people with hearing and speech impairments can contact the Office using the National Relay Service;
- The Office's Regional Awareness and Accessibility Program targets awareness and accessibility for regional and Aboriginal Western Australians; and
- Significant work was undertaken in relation to a series of new measures to ensure that the Office's services are as accessible as possible to children and young people including activities such as a presentation on the *Role of the Ombudsman* for members of the Bunbury Youth Advisory Council and a presentation on making our services more accessible to children and young people at a workshop hosted by the Commissioner for Children and Young People.

## Liaison with Public Authorities

The Office liaises with a wide range of departments and authorities throughout the year.

### Liaison with the Public Sector

#### Corrective Services

Regular meetings were held between senior representatives of the Office and the Department of Corrective Services.

In addition, the Office attended regular meetings with representatives of the Office of the Inspector of Custodial Services. These meetings have proved useful in allowing both offices to become better informed of issues affecting the corrective services sector in Western Australia.

#### Department of Health

During the year, meetings were held with senior staff of the Department of Health, including in relation to the Office's own motion investigations on sleep-related infant deaths and suicide by young people.

#### Department for Child Protection and Family Support

Regular meetings were held between the Office and the Department for Child Protection and Family Support, including in relation to the Office's own motion investigations on sleep-related infant deaths and suicide by young people.

### Liaison with the Local Government Sector

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

- A meeting with representatives of the Finance Committee of the Local Government Managers Australia in February 2013; and
- A range of meetings in relation to the Office's own motion investigation into local government collection of outstanding rates.

### Liaison with the University Sector

A number of meetings were held with senior representatives of universities.

### 'Ask the Ombudsman' on Nightline

The Office continues to provide access to its services through the Ombudsman's regular appearances on Radio 6PR's *Nightline* program. Listeners who have complaints about public authorities or want to make enquiries have the opportunity to call in and speak with the Ombudsman live on air. The segment allows the public to communicate a range of concerns with the Ombudsman. The segment also allows the Office to communicate key messages about the State Ombudsman and Energy Ombudsman jurisdictions, the outcomes that can be achieved for members of the public and how public administration can be improved. The Ombudsman appeared on the 'Ask the Ombudsman' segment in October and December 2012 and March and June 2013.

## Ombudsman Website

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

- Members of the public on the complaint handling services provided by the Office as well as links to other complaint bodies for issues outside the Ombudsman's jurisdiction;
- Public sector agencies on decision making, complaint handling and conducting investigations;
- Access to the Ombudsman's investigation reports such as the *Investigation into ways that State Government departments can prevent or reduce sleep-related infant deaths*;
- The latest news on events and collaborative initiatives such as the Regional Awareness and Accessibility Program; and
- Links to other key functions undertaken by the Office such as the Energy Ombudsman website and other related bodies including other Ombudsmen and other Western Australian accountability agencies.



The website continues to be a valuable resource for the community and public sector as shown by the increased use of the website this year. In 2012-13:

- The total number of hits has increased by more than 20% compared to 2011-12, with the number on hits peaking at 154,415 in May 2013, the greatest number of hits in a month ever recorded.
- The number of visitors also increased, particularly around the time of publication of news of public interest such as the *Guidelines on the Management of Personal Information* in May 2013;
- The top two most visited pages (besides the homepage) on the site were *What you can complain about* and *How to make a complaint*, and
- The Office's guidelines, *Procedural fairness* and *Effective handling of complaints* were the two most viewed documents.



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

## Regional Awareness and Accessibility Program

The Office continued the Regional Awareness and Accessibility Program (**the Program**) during 2012-13. Two regional visits were conducted to the Pilbara in August 2012 and to the South West in March 2013, and included the following activities:

- A seminar for regionally-based public sector agencies and local governments to discuss good administrative practice, effective complaint resolution and appropriate access to information;
- An expo for community groups to discuss the role of each of the accountability agencies and how they can assist in complaint resolution;
- Complaints clinics, which provided an opportunity for members of the local community to raise their concerns face-to-face with the staff of the Office. The Office resolved many of the complaints made during the time of the visits;
- Individual meetings with Aboriginal community members to discuss government service delivery and where the Office may be able to assist; and
- Training and workshops for regionally-based public sector agencies and local governments.



Participants engage in an activity as part of a workshop on Effective Decision Making hosted by the Office of the Ombudsman.

Preparation is underway for a visit to Kununurra in November 2013. The Program is an important way for the Office to raise awareness of, access to, and use of, its services, for regional and Aboriginal Western Australians.

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

The Program enables the Office to:

- deliver key services directly to regional communities, particularly through complaints clinics;
- increase awareness and accessibility among regional and Aboriginal Western Australians (who were historically under-represented in complaints to the Office); and
- deliver key messages about the Office's work and services.

The Program also provides a valuable opportunity for staff to strengthen their understanding of the issues affecting people in regional and Aboriginal communities.

The collaboration with other integrity and accountability agencies during regional visits and complaints clinics also assists in ensuring regional Western Australians can be easily referred to the most appropriate body to assist them.

## Presentations and Publications

### Speeches and Presentations

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

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

- A presentation, titled *The fourth branch of government: the evolution of integrity agencies and enhanced government accountability*, at the Australian Institute of Administrative Law National Forum in July 2012;
- A lecture, titled *UWA Public Policy Unit Accountability*, at the University of Western Australia in August 2012;
- A lecture at the University of Western Australia as part of the Public Sector Management Program in August 2012;
- A presentation on handling unreasonable complainant conduct at the Australasian Conference of Planning and Environment Courts and Tribunals in August 2012;
- A presentation, titled *Making your complaint handling system robust and child friendly*, at a workshop hosted by the Commissioner for Children and Young People in September 2012;
- A public lecture, titled *The integrity branch of government*, at La Trobe University in September 2012;
- A presentation, titled *The Western Australian Integrity Coordinating Group*, to the 10th International Ombudsman Institute World Conference in November 2012;
- A lecture, titled *Performance Reporting in the Public Sector*, at the School of Accounting at Curtin University in September 2012;
- An opening presentation, titled *Governance and Accountability in Government Departments*, to The Law Society of Western Australia's Government Lawyer's Conference in September 2012;
- A presentation on the role of the Ombudsman to University of Western Australia Administrative Law Students in October 2012;
- A presentation on the role of the Ombudsman to newly elected Members of Parliament in March 2013;

- A presentation, titled *Ensuring your complaint handling system is accessible to children and young people*, at a workshop hosted by the Commissioner for Children and Young People in March 2013;
- A co-presentation of a session, titled *The Post-Kirk Ouster Debates and the Changing Face of Accountability*, at an Australian Institute of Administrative Law WA Chapter Seminar, with Professor Simon Young of the University of Western Australia, in May 2013 ; and
- Presentations to, and information exchange with, a number of agencies about the Office's own motion investigations into sleep-related infant deaths, suicide by young people and local government collection of outstanding rates.

The Ombudsman also delivered presentations in his role as the Energy Ombudsman including a keynote speech, titled *The role of the Energy Ombudsman and its relationship with regulators, industry and consumers*, to the Energy in Western Australia Conference in October 2012, and the opening of the afternoon session of the Economic Regulation Authority Consumer Consultative Committee Biennial Seminar in April 2013.

Speeches by the Ombudsman are available on the [Ombudsman's website](#).

## Western Australian Ombudsman Newsletter

The *Western Australian Ombudsman Newsletter* is a key publication used by the Office to communicate information to its stakeholders about the Office's performance, achievements, events and resources. Newsletters were issued in August and December 2012.

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



## Publications

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



### Guidelines on the Management of Personal Information

Following an own motion investigation of the management of personal information in three State Government agencies, the Ombudsman published a new guideline detailing good practice principles to assist agencies on how to effectively manage personal information.

The good practice principles in the guidelines detail how and when personal information can be collected, how it should be used and disclosed, and storage and security of electronic, paper and sensitive information.



The good practice principles also detail how individuals should be able to access that information and have it corrected if it is wrong and how agencies can ensure transparent management of personal information. The self-assessment checklist assists agencies to check their own management of personal information against the good practice principles.

The *Guidelines for the Management of Personal Information* are available on the [Ombudsman's website](#).

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## Significant Issues Impacting the Office



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## Significant Issues Impacting the Office

The significant issues affecting the Office are:

- The Office has reduced the average age of complaints from 173 days on 30 June 2007 to 33 days on 30 June 2013 and, for the fifth consecutive year, reduced the cost per complaint. This is in the context of a significant increase in the number of complaints across all sectors that occurred in 2009-10 that has been maintained for the last three financial years.
- The Office undertakes own motion investigations aimed at improving administration across the public sector. In 2012-13, the Office tabled in Parliament a report of an own motion investigation into ways that State Government departments can prevent or reduce sleep-related infant deaths. The report contained 23 recommendations about ways to prevent or reduce sleep-related infant deaths.
- The Office has continued with its program to enhance awareness of, and accessibility to, its services by Indigenous and regional Western Australians through a range of strategies, including the Office's Regional Awareness and Accessibility Program. The Office also continues to engage effectively with public authorities to strengthen their capacity in complaint handling and decision-making through a range of mechanisms including guidelines and training.
- In addition to investigating complaints, reviewing certain child deaths and family and domestic violence fatalities and undertaking own motion investigations, the Office undertakes a range of additional functions, including the inspection of telecommunication interceptions and overseas student appeals. In recent years, the trend has been for an increasing range of functions to be undertaken by the Office.

### Increased Demand for Complaint Resolution Services

Complaint numbers continue at the increased levels that commenced in 2009-10. Overall, the Office has experienced an 86% increase in the average number of complaints received in the last four years (2009-10 to 2012-13), compared to the average for the previous three years (2006-07 to 2008-09).

In this context, the timeliness and efficiency of complaint handling has substantially improved due to a major complaint handling improvement program introduced in 2007-08. Building on the program, the Office developed and commenced a new organisational structure and processes in 2011-12 to promote and support early resolution of complaints. As a result of the program, the Office has reduced the average age of complaints from 173 days on 30 June 2007 to 33 days on 30 June 2013 while at the same time reducing the average cost of finalised allegation for five consecutive years. The delivery of a high quality, timely and efficient complaint handling service will continue to be a principal area of focus in 2013-14.

## Own Motion Investigations

One of the ways that the Office endeavours to improve public administration is to undertake investigations of systemic and thematic patterns and trends arising from complaints made to the Ombudsman and from the review of child deaths and family and domestic violence fatalities. These investigations are referred to as own motion investigations. Own motion investigations are intended to result in improvements to public administration that are evidence-based, proportionate, practical and consider the costs, as well as the benefits, of proposed improvements.

In 2012-13, the Office tabled in Parliament a report of an own motion investigation into ways that State Government departments can prevent or reduce sleep-related infant deaths. The report contained 23 recommendations designed to prevent or reduce sleep-related infant deaths, all of which were agreed to by the agencies involved. The Office will monitor the implementation and effectiveness of these recommendations. Significant work was also done on own motion investigations relating to suicide by young people and local government collection of outstanding rates.

## Providing Awareness of, and Access to, Ombudsman Services

The Office continues to seek to ensure its services are accessible to all Western Australians, with a particular focus on Aboriginal and regional Western Australians, through a range of strategies including the Office's Regional Awareness and Accessibility Program. The Office also has a number of other strategies to promote awareness of, and access to, the Ombudsman's services, as shown in the [Collaboration and Access to Services section](#) of the report, including undertaking significant work in relation to a series of new measures to ensure the Office's services are as accessible as possible to children and young people.

The Office is continuing to undertake a range of strategies to engage effectively with public authorities to strengthen their capacity in complaint handling and decision-making through a range of mechanisms, as shown in the [Own Motion Investigations and Administrative Improvement section](#) of the report.

## Increasing Diversity of Functions

In recent years the Office has increased the diversity of functions it undertakes. In addition to complaint resolution and own motion investigations, the Office's functions currently include a child death review function, a new family and domestic violence fatality review function, which commenced on 1 July 2012, an inspection function for telecommunications interception activities, dealing with complaints from overseas students and undertaking the role of the Western Australian Energy Ombudsman.

Other functions to be undertaken by the Office arise from the [Criminal Code Amendment \(Infringement Notices\) Act 2011](#), which introduces a new scheme into Western Australia for the issue of Criminal Penalty Infringement Notices by Western Australia Police for certain offences and the [Criminal Organisation Control Act 2012](#).

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## Disclosures and Legal Compliance

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

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



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## Independent Audit Opinion



### Auditor General

#### INDEPENDENT AUDITOR'S REPORT

To the Parliament of Western Australia

#### PARLIAMENTARY COMMISSIONER FOR ADMINISTRATIVE INVESTIGATIONS

##### Report on the Financial Statements

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

The financial statements comprise the Statement of Financial Position as at 30 June 2013, 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, and Notes comprising a summary of significant accounting policies and other explanatory information.

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

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

##### *Auditor's Responsibility*

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

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

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

##### **Opinion**

In my opinion, the financial statements are based on proper accounts and present fairly, in all material respects, the financial position of the Parliamentary Commissioner for Administrative Investigations at 30 June 2013 and its financial performance and cash flows for the year then ended. They are in accordance with Australian Accounting Standards and the Treasurer's Instructions.

**Report on Controls**

I have audited the controls exercised by the Parliamentary Commissioner for Administrative Investigations during the year ended 30 June 2013.

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

*Parliamentary Commissioner's Responsibility for Controls*

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

*Auditor's Responsibility*

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

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

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

**Opinion**

In my opinion, the controls exercised by the Parliamentary Commissioner for Administrative Investigations are sufficiently adequate to provide reasonable assurance that the receipt, expenditure and investment of money, the acquisition and disposal of property, and the incurring of liabilities have been in accordance with legislative provisions during the year ended 30 June 2013.

**Report on the Key Performance Indicators**

I have audited the key performance indicators of the Parliamentary Commissioner for Administrative Investigations for the year ended 30 June 2013.

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

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

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

*Auditor's Responsibility*

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

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

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

**Opinion**

In my opinion, the key performance indicators of the Parliamentary Commissioner for Administrative Investigations are relevant and appropriate to assist users to assess the Parliamentary Commissioner's performance and fairly represent indicated performance for the year ended 30 June 2013.

**Independence**

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

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

This auditor's report relates to the financial statements and key performance indicators of the Parliamentary Commissioner for Administrative Investigations for the year ended 30 June 2013 included on the Parliamentary Commissioner's website. The Parliamentary Commissioner is responsible for the integrity of the Parliamentary Commissioner's website. This audit does not provide assurance on the integrity of the Parliamentary Commissioner's website. The auditor's report refers only to the financial statements and key performance indicators described above. It does not provide an opinion on any other information which may have been hyperlinked to/from these financial statements or key performance indicators. If users of the financial statements and key performance indicators are concerned with the inherent risks arising from publication on a website, they are advised to refer to the hard copy of the audited financial statements and key performance indicators to confirm the information contained in this website version of the financial statements and key performance indicators.



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

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## Financial Statements

### Certification of Financial Statements

For the year ended 30 June 2013

The accompanying financial statements of the Parliamentary Commissioner for Administrative Investigations have been prepared in compliance with the provisions of the *Financial Management Act 2006* from proper accounts and records to present fairly the financial transactions for the financial year ended 30 June 2013 and the financial position as at 30 June 2013.

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



Mary White  
Chief Finance Officer

8 August 2013



Chris Field  
Accountable Authority

8 August 2013

## Statement of Comprehensive Income

For the year ended 30 June 2013

	Note	2013 \$	2012 \$
<b>COST OF SERVICES</b>			
<b>Expenses</b>			
Employee benefits expense	<u>6.</u>	7,285,808	6,306,890
Supplies and services	<u>7.</u>	1,366,280	1,260,339
Depreciation and amortisation expense	<u>8.</u>	193,698	250,933
Accommodation expenses	<u>9.</u>	1,508,533	1,096,401
Net Loss on disposal of non-current asset	<u>12.</u>	12	485,598
Other expenses	<u>10.</u>	43,284	23,587
<b>Total cost of services</b>		<b>10,397,615</b>	<b>9,423,748</b>
<b>Income</b>			
<i>Revenue</i>			
Other revenue	<u>11.</u>	2,615,119	2,371,609
<b>Total Revenue</b>		<b>2,615,119</b>	<b>2,371,609</b>
<b>Total income other than income from State Government</b>		<b>2,615,119</b>	<b>2,371,609</b>
<b>NET COST OF SERVICES</b>		<b>7,782,496</b>	<b>7,052,139</b>
<b>Income from State Government</b>			
	<u>13.</u>		
Service appropriation		7,262,000	6,630,000
Services received free of charge		423,461	275,945
<b>Total income from State Government</b>		<b>7,685,461</b>	<b>6,905,945</b>
<b>SURPLUS/(DEFICIT) FOR THE PERIOD</b>		<b>(97,035)</b>	<b>(146,194)</b>
<b>OTHER COMPREHENSIVE INCOME</b>			
		-	-
<b>TOTAL COMPREHENSIVE INCOME FOR THE PERIOD</b>		<b>(97,035)</b>	<b>(146,194)</b>

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

## Statement of Financial Position

As at 30 June 2013

	Note	2013 \$	2012 \$
<b>ASSETS</b>			
<b>Current Assets</b>			
Cash and cash equivalents	<u>23.</u>	923,439	1,191,108
Prepayments	<u>33.</u>	94,417	-
Receivables	<u>15.</u>	125,536	255,893
Amounts receivable for services	<u>16.</u>	157,000	190,000
<b>Total Current Assets</b>		<b>1,300,392</b>	<b>1,637,001</b>
<b>Non-Current Assets</b>			
Restricted cash and cash equivalents	<u>14.</u> <u>23.</u>	215,784	152,461
Amounts receivable for services	<u>16.</u>	1,891,000	1,847,000
Plant and equipment	<u>17.</u>	137,137	113,718
Intangible assets	<u>18.</u>	420,254	88,172
<b>Total Non-Current Assets</b>		<b>2,664,175</b>	<b>2,201,351</b>
<b>TOTAL ASSETS</b>		<b>3,964,567</b>	<b>3,838,352</b>
<b>LIABILITIES</b>			
<b>Current Liabilities</b>			
Payables	<u>20.</u>	307,589	652,711
Provisions	<u>21.</u>	1,395,467	1,234,858
Other	<u>34.</u>	20,736	-
<b>Total Current Liabilities</b>		<b>1,723,792</b>	<b>1,887,569</b>
<b>Non-Current Liabilities</b>			
Provisions	<u>21.</u>	385,164	346,313
Other	<u>34.</u>	72,177	-
<b>Total Non-Current Liabilities</b>		<b>457,341</b>	<b>346,313</b>
<b>TOTAL LIABILITIES</b>		<b>2,181,133</b>	<b>2,233,882</b>
<b>NET ASSETS</b>		<b>1,783,435</b>	<b>1,604,470</b>
<b>EQUITY</b>			
	<u>22.</u>		
Contributed equity		1,206,000	930,000
Accumulated surplus/(deficit)		577,435	674,470
<b>TOTAL EQUITY</b>		<b>1,783,435</b>	<b>1,604,470</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 2013

	Note	Contributed equity	Reserves	Accumulated surplus/(deficit)	Total equity
<b>Balance at 1 July 2011</b>	<u>22.</u>	<b>930,000</b>	-	<b>821,114</b>	<b>1,751,114</b>
Changes in accounting policy or correction of prior period error (a)				(450)	(450)
<b>Restated balance as at 1 July 2011</b>		<b>930,000</b>	-	<b>820,664</b>	<b>1,750,664</b>
Total comprehensive income for the year		-	-	(146,194)	(146,194)
<b>Balance at 30 June 2012</b>		<b>930,000</b>	-	<b>674,470</b>	<b>1,604,470</b>
<b>Balance at 1 July 2012</b>		<b>930,000</b>	-	<b>674,470</b>	<b>1,604,470</b>
Changes in accounting policy or correction of prior period error					
Transactions with owners in their capacity as owners:					
Capital appropriations		<b>276,000</b>	-	-	276,000
Total comprehensive income for the year		-		(97,035)	(97,035)
<b>Balance at 30 June 2013</b>		<b>1,206,000</b>	-	<b>577,435</b>	<b>1,783,435</b>

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

(a) Correction to fixed asset

## Statement of Cash Flows

For the year ended 30 June 2013

	Note	2013 \$	2012 \$
<b>CASH FLOWS FROM STATE GOVERNMENT</b>			
Service appropriation		7,061,000	6,337,000
Capital appropriation		276,000	
Holding account drawdowns		190,000	125,000
<b>Net cash provided by State Government</b>		<b>7,527,000</b>	<b>6,462,000</b>
Utilised as follows:			
<b>CASH FLOWS FROM OPERATING ACTIVITIES</b>			
<b>Payments</b>			
Employee benefits		(7,064,773)	(6,227,563)
Supplies and services		(1,579,735)	(982,903)
Accommodation		(1,267,207)	(952,012)
GST payments on purchases		(311,154)	(240,492)
GST payments to taxation authority		-	(39,548)
Other payments		(43,296)	(23,587)
<b>Receipts</b>			
User charges and fees		2,790,173	2,200,597
GST receipts on sales		180,340	284,657
GST receipts from taxation authority		80,511	-
<b>Net cash provided by/(used in) operating activities</b>	<u>23.</u>	<u>(7,215,141)</u>	<u>(5,980,851)</u>
<b>CASH FLOWS FROM INVESTING ACTIVITIES</b>			
<b>Payments</b>			
Purchase of non-current physical assets		(516,205)	(113,768)
<b>Receipts</b>			
		-	-
<b>Net cash provided by/(used in) investing activities</b>		<u>(516,205)</u>	<u>(113,768)</u>
Net increase/(decrease) in cash and cash equivalents		(204,346)	367,381
Cash and cash equivalents at the beginning of period		1,343,569	976,188
<b>CASH AND CASH EQUIVALENTS AT THE END OF PERIOD</b>	<u>23.</u>	<u>1,139,223</u>	<u>1,343,569</u>

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 2013

	2013 Estimate \$	2013 Actual \$	Variance \$	2013 Actual \$	2012 Actual \$	Variance \$
<u>Delivery Services</u>						
Item 4 Net amount appropriated to deliver services	7,240,000	6,665,000	(575,000)	6,665,000	6,052,000	613,000
Amount Authorised by Other Statutes						
- Parliamentary Commissioner Act 1971	597,000	597,000	-	597,000	578,000	19,000
<u>Capital</u>						
Item 118 Capital appropriations	-	276,000	276,000	276,000	-	276,000
<b>Total appropriations provided to deliver services</b>	<b>7,837,000</b>	<b>7,538,000</b>	<b>(299,000)</b>	<b>7,538,000</b>	<b>6,630,000</b>	<b>908,000</b>
<b>GRAND TOTAL</b>	<b>7,837,000</b>	<b>7,538,000</b>	<b>(299,000)</b>	<b>7,538,000</b>	<b>6,630,000</b>	<b>908,000</b>

### Details of Expenses by Service

Resolving complaints about decision making of public authorities and improving the standard of public administration	10,311,000	10,397,615	86,615	10,397,615	9,423,748	973,867
<b>Total Cost of Services</b>	<b>10,311,000</b>	<b>10,397,615</b>	<b>86,615</b>	<b>10,397,615</b>	<b>9,423,748</b>	<b>973,867</b>
Less Total Income	(2,368,000)	(2,615,119)	(247,119)	(2,615,119)	(2,371,609)	(243,510)
<b>Net Cost of Services</b>	<b>7,943,000</b>	<b>7,782,496</b>	<b>(160,504)</b>	<b>7,782,496</b>	<b>7,052,139</b>	<b>730,357</b>
Adjustment <sup>(a)</sup>	(106,000)	(244,496)	(138,496)	(244,496)	(422,139)	177,643
<b>Total appropriations provided to deliver services</b>	<b>7,837,000</b>	<b>7,538,000</b>	<b>(299,000)</b>	<b>7,538,000</b>	<b>6,630,000</b>	<b>908,000</b>
<u>Capital Expenditure</u>						
Purchase of non-current physical assets	190,000	516,205	326,205	516,205	113,768	402,437
Adjustments for other funding sources	(190,000)	(240,205)	(50,205)	(240,205)	(113,768)	(126,437)
<b>Capital appropriations</b>	<b>-</b>	<b>276,000</b>	<b>276,000</b>	<b>276,000</b>	<b>-</b>	<b>276,000</b>

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

[Note 27 'Explanatory statement'](#) provides details of any significant variations between estimates and actual results for 2013 and between the actual results for 2012 and 2013.

## Notes to the Financial Statements for the year ended 30 June 2013

### Note 1. Australian Accounting Standards

#### General

The Office's financial statements for the year ended 30 June 2013 have been prepared in accordance with Australian Accounting Standards. The term 'Australian Accounting Standards' includes Standards and Interpretations issued by the Australian Accounting Standards Board (**AASB**).

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

#### Early adoption of standards

The Office cannot early adopt an Australian Accounting Standard unless specifically permitted by *TI 1101 Application of Australian Accounting Standards and Other Pronouncements*. There has been no early adoption of Australian Accounting Standards that have been issued or amended (but not operative) by the Office for the annual reporting period ended 30 June 2013.

### Note 2. Summary of significant accounting policies

#### (a) General statement

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

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

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

#### (b) Basis of preparation

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

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

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

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

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

### (c) Reporting entity

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

#### Mission

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

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

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

#### Services

The Office provides the following service:

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

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

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

### (d) Contributed equity

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

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

## **(e) Income**

### Revenue recognition

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

#### *Provision of services*

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

#### *Service appropriations*

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

#### *Net Appropriation Determination*

The Treasurer may make a determination providing for prescribed receipts to be retained for services under the control of the Office. In accordance with the determination specified in the 2012-2013 Budget Statements, the Office retained **\$2,615,137** in 2013 (**\$2,371,609** in 2012) from the following:

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

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

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

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

### Gains

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

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

### Capitalisation/expensing of assets

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

### Initial recognition and measurement

Plant and equipment are initially recognised at cost.

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

### Subsequent measurement

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

### Depreciation

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

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

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

### **(g) Intangible assets**

#### Capitalisation/expensing of assets

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

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

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

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

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

Software (a)	3 years
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(a) Software that is not integral to the operation of any related hardware.

## Computer software

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

### **(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. Where an asset is written down to recoverable amount, an impairment loss is recognised in profit and loss. Where a previously revalued asset is written down to recoverable amount, the loss is recognised as a revaluation decrement in other comprehensive income. As the Office is a not-for-profit entity, unless an asset has been identified as a surplus asset, the recoverable amount is the higher of an asset's fair value less costs to sell and depreciated replacement cost.

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

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

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

**(i) Leases**

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

**(j) Financial instruments**

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

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

Financial instruments have been disaggregated into the following classes:

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

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

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

**(k) Cash and cash equivalents**

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

**(l) Accrued salaries**

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

The accrued salaries suspense consists of amounts paid annually into a suspense account over a period of 10 financial years to largely meet the additional cash outflow in each eleventh year when 27 pay days occur instead of the normal 26. No interest is received on this account.

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

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

### **(n) Receivables**

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

### **(o) Payables**

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

### **(p) Provisions**

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

#### Provisions - employee benefits

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

#### *Annual leave*

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

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

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

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

### *Long service leave*

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

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

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

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

### *Superannuation*

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

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

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

The GSS is a defined benefit scheme for the purposes of employees and whole-of-government reporting. However, it is a defined contribution plan for agency purposes because the concurrent contributions (defined contributions) made by the

Office to GESB extinguishes the agency's obligations to the related superannuation liability.

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

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

#### Provisions - other

##### *Employment on-costs*

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

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

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

#### **(r) Asset and services received free of charge or for nominal cost**

Assets and services received free of charge or for nominal cost that can be reliably measured are recognised as income at fair value of the assets and/or the fair value of those services that the Office would otherwise pay for. A corresponding expense is recognised for services received. Receipts of assets are recognised in the Statement of Financial Position.

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

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

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

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

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

## Operating lease commitments

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

### Note 4. Key sources of estimation uncertainty

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

## Long Service Leave

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

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

#### Initial application of an Australian Accounting Standard

The Office has applied the following Australian Accounting Standards effective for annual reporting periods beginning on or after 1 July 2012 that impacted on the Authority.

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

This Standard requires to group items presented in other comprehensive income on the basis of whether they are potentially reclassifiable to profit or loss subsequently (reclassification adjustments). There is no financial impact.

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

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

AASB 9	<i>Financial Instruments</i>	1 Jan 2015
	<p>This Standard supersedes <i>AASB 139 Financial Instruments: Recognition and Measurement</i>, introducing a number of changes to accounting treatments.</p> <p><i>AASB 2012-6 Amendments to Australian Accounting Standards – Mandatory Effective Date of AASB 9 and Transition Disclosures</i> amended the mandatory application date of this Standard to 1 January 2015. The Office has not yet determined the application or the potential impact of the Standard.</p>	
AASB 13	<i>Fair Value Measurement</i>	1 Jan 2013
	<p>This Standard defines fair value, sets out a framework for measuring fair value and requires disclosures about fair value measurements. The Office has liaised with the Western Australian Land Information Authority (Valuation Services) to ensure that sufficient information will be provided to meet the disclosure requirements of this Standard. There is no financial impact.</p>	
AASB 119	<i>Employee Benefits</i>	1 Jan 2013
	<p>This Standard supersedes <i>AASB 119</i> (October 2010), making changes to the recognition, presentation and disclosure requirements.</p> <p>The Office does not have any defined benefit plans, and therefore the financial impact will be limited to the effect of discounting annual leave and long service leave liabilities that were previously measured at the undiscounted amounts.</p>	
AASB 2010-2	<i>Amendments to Australian Accounting Standards arising from Reduced Disclosure Requirements [AASB 1, 2, 3, 5, 7, 8, 101, 102, 107, 108, 110, 111, 112, 116, 117, 119, 121, 123, 124, 127, 128, 131, 133, 134, 136, 137, 138, 140, 141, 1050 &amp; 1052 and Int 2, 4, 5, 15, 17, 127, 129 &amp; 1052]</i>	1 Jul 2013
	<p>This Standard makes amendments to Australian Accounting Standards and Interpretations to introduce reduced disclosure requirements for certain types of entities. There is no financial impact.</p>	

Operative for  
reporting periods  
beginning on/after

AASB 2010-7	<p><i>Amendments to Australian Accounting Standards arising from AASB 9 (December 2010) [AASB 1, 3, 4, 5, 7, 101, 102, 108, 112, 118, 120, 121, 127, 128, 131, 132, 136, 137, 139, 1023 &amp; 1038 and Int 2, 5, 10, 12, 19 &amp; 127]</i></p> <p>This Standard makes consequential amendments to other Australian Accounting Standards and Interpretations as a result of issuing AASB 9 in December 2010.</p> <p>AASB 2012-6 amended the mandatory application date of this Standard to 1 January 2015. The Office has not yet determined the application or the potential impact of the Standard.</p>	1 Jan 2015
AASB 2011-2	<p><i>Amendments to Australian Accounting Standards arising from the Trans-Tasman Convergence Project – Reduced Disclosure Requirements [AASB 101 &amp; 1054]</i></p> <p>This Standard removes disclosure requirements from other Standards and incorporates them in a single Standard to achieve convergence between Australian and New Zealand Accounting Standards for reduced disclosure reporting. There is no financial impact.</p>	1 Jul 2013
AASB 2011-8	<p><i>Amendments to Australian Accounting Standards arising from AASB 13 [AASB 1, 2, 3, 4, 5, 7, 101, 102, 108, 110, 116, 117, 118, 119, 120, 121, 128, 131, 132, 133, 134, 136, 138, 139, 140, 141, 1004, 1023 &amp; 1038 and Int 2, 4, 12, 13, 14, 17, 19, 131 &amp; 132]</i></p> <p>This Standard replaces the existing definition and fair value guidance in other Australian Accounting Standards and Interpretations as the result of issuing AASB 13 in September 2011. There is no financial impact.</p>	1 Jan 2013
AASB 2011-10	<p><i>Amendments to Australian Accounting Standards arising from AASB 119 (September 2011) [AASB 1, 8, 101, 124, 134, 1049 &amp; 2011-8 and Int 14]</i></p> <p>This Standard makes amendments to other Australian Accounting Standards and Interpretations as a result of issuing AASB 119 in September 2011. There is no financial impact.</p>	1 Jan 2013

AASB 2011-11	<i>Amendments to AASB 119 (September 2011) arising from Reduced Disclosure Requirements</i>	1 Jul 2013
	This Standard gives effect to Australian Accounting Standards – Reduced Disclosure Requirements for AASB 119 (September 2011). There is no financial impact.	
AASB 2012-1	<i>Amendments to Australian Accounting Standards - Fair Value Measurement - Reduced Disclosure Requirements [AASB 3, 7, 13, 140 &amp; 141]</i>	1 Jul 2013
	This Standard establishes and amends reduced disclosure requirements for additional and amended disclosures arising from AASB 13 and the consequential amendments implemented through AASB 2011-8. There is no financial impact.	
AASB 2012-2	<i>Amendments to Australian Accounting Standards – Disclosures – Offsetting Financial Assets and Financial Liabilities [AASB 7 &amp; 132]</i>	1 Jan 2013
	This Standard amends the required disclosures in AASB 7 to include information that will enable users of an entity's financial statements to evaluate the effect or potential effect of netting arrangements, including rights of set-off associated with the entity's recognised financial assets and recognised financial liabilities, on the entity's financial position. There is no financial impact.	
AASB 2012-3	<i>Amendments to Australian Accounting Standards – Offsetting Financial Assets and Financial Liabilities [AASB 132]</i>	1 Jan 2014
	This Standard adds application guidance to AASB 132 to address inconsistencies identified in applying some of the offsetting criteria, including clarifying the meaning of “currently has a legally enforceable right of set-off” and that some gross settlement systems may be considered equivalent to net settlement. There is no financial impact.	

Operative for  
reporting periods  
beginning on/after

AASB 2012-5	<i>Amendments to Australian Accounting Standards arising from Annual Improvements 2009-11 Cycle [AASB 1, 101, 116, 132 &amp; 134 and Int 2]</i>	1 Jan 2013
	This Standard makes amendments to the Australian Accounting Standards and Interpretations as a consequence of the annual improvements process. There is no financial impact.	
AASB 2012-6	<i>Amendments to Australian Accounting Standards – Mandatory Effective Date of AASB 9 and Transition Disclosures [AASB 9, 2009-11, 2010-7, 2011-7 &amp; 2011-8]</i>	1 Jan 2013
	This Standard amends the mandatory effective date of AASB 9 Financial Instruments to 1 January 2015. Further amendments are also made to consequential amendments arising from AASB 9 that will now apply from 1 January 2015 and to consequential amendments arising out of the Standards that will still apply from 1 January 2013. There is no financial impact.	
AASB 2012-7	<i>Amendments to Australian Accounting Standards arising from Reduced Disclosure Requirements [AASB 7, 12, 101 &amp; 127]</i>	1 Jul 2013
	This Standard adds to or amends the Australian Accounting Standards to provide further information regarding the differential reporting framework and the two tiers of reporting requirements for preparing general financial statement. There is no financial impact.	
AASB 2012-10	<i>Amendments to Australian Accounting Standards – Transition Guidance and Other Amendments [AASB 1, 5, 7, 8, 10, 11, 12, 13, 101, 102, 108, 112, 118, 119, 127, 128, 132, 133, 134, 137, 1023, 1038, 1039, 1049, &amp; 2011-7 and Int 12]</i>	1 Jan 2013
	This Standard makes amendments to AASB 10 and related Standards to revise the transition guidance relevant to the initial application of those Standards, and to clarify the circumstances in which adjustments to an entity's previous accounting for its involvement with other entities are required and the timing of such adjustments.	

The Standard was issued in December 2012. The Office has not yet determined the application or the potential impact of the Standard.

AASB 2012-11

*Amendments to Australian Accounting Standards – Reduced Disclosure Requirements and Other Amendments [AASB 1, 2, 8, 10, 107, 128, 133, 134 & 2011-4]*

1 Jul 2013

This Standard makes various editorial corrections to Australian Accounting Standards – Reduced Disclosure Requirements (Tier 2). These corrections ensure that the Standards reflect decisions of the AASB regarding the Tier 2 requirements.

This Standard also extends the relief from consolidation and the equity method (in the new Consolidation and Joint Arrangements Standards) to entities complying with Australian Accounting Standards – Reduced Disclosure Requirements. There is no financial impact.

**Note 6. Employee benefits expense**

	2013 \$	2012 \$
Wages and salaries <sup>(a)</sup>	6,621,688	5,665,417
Superannuation - defined contribution plans <sup>(b)</sup>	612,972	574,054
Other related expenses	51,148	67,419
	<b>7,285,808</b>	<b>6,306,890</b>

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

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

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

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

**Note 7. Supplies and services**

	2013 \$	2012 \$
Travel	45,719	39,762
Communications	99,673	80,293
Consumables	162,022	210,397
Services and contracts	745,189	566,126
Services received free of charge	89,218	131,556
Other	224,459	232,205
	<b>1,366,280</b>	<b>1,260,339</b>

**Note 8. Depreciation and amortisation expense**

	2013 \$	2012 \$
<u>Depreciation</u>		
Furniture fixtures and fittings	681	53,077
Computer hardware	25,287	17,463
Communications	41,820	29,567
Office equipment	8,214	6,784
Plant and machinery	-	2,124
<b>Total depreciation</b>	<b>76,002</b>	<b>109,015</b>
<u>Amortisation</u>		
Intangible assets	117,696	141,918
<b>Total amortisation</b>	<b>117,696</b>	<b>141,918</b>
<b>Total depreciation and amortisation</b>	<b>193,698</b>	<b>250,933</b>

**Note 9. Accommodation expenses**

	2013 \$	2012 \$
Lease rentals	1,163,144	951,030
Repairs and maintenance	11,146	982
Services received free of charge <sup>(a)</sup>	334,243	144,389
	<b>1,508,533</b>	<b>1,096,401</b>

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

**Note 10. Other expenses**

	2013 \$	2012 \$
Employment on-cost <sup>(a)</sup>	84	34
Audit Fee <sup>(b)</sup>	43,200	20,000
Other Miscellaneous Expenses	-	3,553
	<b>43,284</b>	<b>23,587</b>

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

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

**Note 11. Other revenue**

	2013 \$	2012 \$
Other revenue - general	2,568,247	2,313,272
Other recoup	46,872	58,337
	<b>2,615,119</b>	<b>2,371,609</b>

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

	2013 \$	2012 \$
<u>Proceeds from disposal of non-current asset</u>		
Plant and Equipment	18	-
<u>Cost of disposal of non-current assets</u>		
Plant and Equipment	30	485,598
Net gain/(loss)	<b>(12)</b>	<b>(485,598)</b>

**Note 13. Income from State Government**

	2013 \$	2012 \$
Appropriation received during the year:		
Service appropriations <sup>(a)</sup>		
- Recurrent	6,665,000	6,052,000
- Special Acts	597,000	578,000
	<b>7,262,000</b>	<b>6,630,000</b>
Resources received free of charge <sup>(b)</sup>		
Determined on the basis of the following estimates provided by agencies:		
- State Solicitors Office	2,908	9,323
- Department of the Premier and Cabinet Corporate and Business Services	86,310	122,233
- Department of Finance - Building Management and Works	334,243	144,389
	<b>423,461</b>	<b>275,945</b>
	<b>7,685,461</b>	<b>6,905,945</b>

- (a) Service appropriations funds the net cost of services delivered. Appropriation revenue comprises a cash component and a receivable (asset). The receivable (holding account) comprises the depreciation expense for the year and any agreed increase in leave liability during the year.
- (b) Assets or services received free of charge or for nominal cost are recognised as revenue at fair value of the assets and/or services that can be reliably measured and which would have been purchased if they were not donated. Contributions of assets or services in the nature of contributions by owners are recognised direct to equity.

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

	2013 \$	2012 \$
<u>Non-current</u>		
Accrued salaries suspense account <sup>(a)</sup>	215,784	152,461
	<b>215,784</b>	<b>152,461</b>

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

**Note 15. Receivables**

	2013 \$	2012 \$
<u>Current</u>		
Receivables	52,883	227,937
GST receivable	72,653	27,956
<b>Total current</b>	<b>125,536</b>	<b>255,893</b>

There were no allowances made in the current year for the impairment of receivables (2011/12: nil)

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

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

	2013 \$	2012 \$
Current	157,000	190,000
Non-Current	1,891,000	1,847,000
	<b>2,048,000</b>	<b>2,037,000</b>

Represents the non-cash component of service appropriations. It is restricted in that it can only be used for asset replacement or payment of leave liability.

**Note 17. Plant and Equipment**

	2013 \$	2012 \$
<u>Furniture fixtures and fittings</u>		
At cost	6,814	6,814
Accumulated depreciation	(851)	(170)
Accumulated impairment losses	-	-
	<b>5,963</b>	<b>6,644</b>
<u>Computer Hardware</u>		
At Cost	186,076	194,543
Accumulated depreciation	(146,511)	(175,801)
Accumulated impairment losses	-	-
	<b>39,564</b>	<b>18,742</b>
<u>Office equipment</u>		
At cost	64,054	41,418
Accumulated depreciation	(29,499)	(21,285)
Accumulated impairment losses	-	-
	<b>34,555</b>	<b>20,133</b>

	2013 \$	2012 \$
<u>Communications</u>		
At cost	193,670	162,995
Accumulated depreciation	(136,615)	(94,796)
Accumulated impairment losses	-	-
	<b>57,055</b>	<b>68,199</b>
	<b>137,137</b>	<b>113,718</b>

### Reconciliation

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

	Furniture and Fittings	Computer hardware	Office Equipment	Plant and Machinery	Communications	Total
<b>2013</b>	\$	\$	\$	\$	\$	\$
Carrying amount at start of period	6,644	18,742	20,133	-	68,199	113,718
Additions	-	46,304	22,636	-	28,638	97,578
Transfers	-	(195)	-	-	2,038	1,843
Retirements	-	-	-	-	-	-
Correction prior period error	-	-	-	-	-	-
Depreciation	(681)	(25,287)	(8,214)	-	(41,820)	(76,002)
Carrying amount at end of period	<b>5,963</b>	<b>39,564</b>	<b>34,555</b>	-	<b>57,055</b>	<b>137,137</b>
	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>
<b>2012</b>						
Carrying amount at start of period	523,639	34,167	19,420	16,989	85,238	679,453
Additions	6,814	2,038	7,497	-	12,978	29,327
Retirements	(470,732)	-	-	(14,865)	-	(485,597)
Correction prior period error	-	-	-	-	(450)	(450)
Depreciation	(53,077)	(17,463)	(6,784)	(2,124)	(29,567)	(109,015)
Carrying amount at end of period	<b>6,644</b>	<b>18,742</b>	<b>20,133</b>	-	<b>68,199</b>	<b>113,718</b>

**Note 18. Intangible assets**

	2013 \$	2012 \$
<b>Computer Software</b>		
At cost	929,138	454,235
Accumulated amortisation	(508,884)	(391,188)
Accumulated impairment losses	-	-
	<b>420,254</b>	<b>63,047</b>
Work in Progress	-	25,125
	-	<b>25,125</b>
<b>Total intangible assets</b>	<b>420,254</b>	<b>88,172</b>
<b>Reconciliation:</b>		
<b>Computer Software</b>		
Carrying amount at start of year	63,047	85,731
Additions	476,747	119,234
Transfer	(1,843)	-
Amortisation expense	(117,696)	(141,918)
<b>Carrying amount at end of year</b>	<b>420,254</b>	<b>63,047</b>

**Note 19. Impairment of assets**

There were no indications of impairment to plant and equipment or intangible assets at 30 June 2013.

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 2013 have either been classified as assets held for sale or written-off.

**Note 20. Payables**

	2013 \$	2012 \$
<b>Current</b>		
Trade payables	91,847	44,685
Accrued Expenses	45,186	226,536
Accrued Salaries	155,144	138,472
Accrued Superannuation	15,402	10,499
Other payables	10	232,519
<b>Total current</b>	<b>307,589</b>	<b>652,711</b>

## Note 21. Provisions

	2013 \$	2012 \$
<b>Current</b>		
<i>Employee benefits provision</i>		
Annual leave <sup>(a)</sup>	593,973	571,482
Long service leave <sup>(b)</sup>	786,251	662,816
Purchased leave scheme <sup>(c)</sup>	14,615	-
	<b>1,394,839</b>	<b>1,234,298</b>
<i>Other provisions</i>		
Employment on-costs <sup>(d)</sup>	628	560
	<b>628</b>	<b>560</b>
	<b>1,395,467</b>	<b>1,234,858</b>
<b>Non-current</b>		
<i>Employee benefits provision</i>		
Long service leave <sup>(b)</sup>	384,990	346,155
	<b>384,990</b>	<b>346,155</b>
<i>Other provisions</i>		
Employment on-costs <sup>(d)</sup>	174	158
	<b>174</b>	<b>158</b>
	<b>385,164</b>	<b>346,313</b>

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

	2013 \$	2012 \$
Within 12 months of the end of the reporting period	389,724	331,867
More than 12 months after the end of the reporting period	204,249	239,615
	<b>593,973</b>	<b>571,482</b>

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

	2013 \$	2012 \$
Within 12 months of the end of the reporting period	205,214	291,633
More than 12 months after the end of the reporting period	966,027	717,337
	<b>1,171,241</b>	<b>1,008,970</b>

- (c) Purchase leave liabilities have been classified as current as they must be cleared or paid out within 12 months.
- (d) The settlement of annual and long service leave liabilities gives rise to the payment of employment on-costs including worker's compensation insurance. The provision is the present value of expected future payments. The associated expense, apart from the unwinding of the discount (finance cost), is disclosed in [Note 10 'Other expenses'](#).

### Movement in other provisions

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

	2013 \$	2012 \$
<u>Employment on-cost provision</u>		
Carrying amount at start of year	718	684
Additional provisions recognised	84	34
<b>Carrying amount at end of year</b>	<b>802</b>	<b>718</b>

### Note 22. Equity

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

#### Contributed equity

	2013 \$	2012 \$
Balance at start of period	930,000	930,000
<u>Contributions by owners</u>		-
Capital Contributions	276,000	-
<b>Total contributions by owners</b>	<b>276,000</b>	<b>-</b>
<b>Balance at the end of period</b>	<b>1,206,000</b>	<b>930,000</b>

#### Accumulated surplus/(deficit)

	2013 \$	2012 \$
Balance at start of period	674,470	820,664
Result for the period	(97,035)	(146,194)
<b>Balance at end of period</b>	<b>577,435</b>	<b>674,470</b>
<b>Total Equity at the end of period</b>	<b>1,783,435</b>	<b>1,604,470</b>

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

### Reconciliation of cash

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

	2013 \$	2012 \$
Cash and cash equivalents	923,439	1,191,108
Restricted cash and cash equivalents	215,784	152,461
	<b>1,139,223</b>	<b>1,343,569</b>

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

	2013 \$	2012 \$
Net cost of services	<b>(7,782,496)</b>	<b>(7,052,139)</b>
<u>Non-cash items:</u>		
Depreciation and amortisation expense	193,698	250,933
Resources received free of charge	423,461	275,945
Net gain/(loss) on disposal of non-current assets		485,598
<u>(Increase)/decrease in assets:</u>		
Current receivables <sup>(a)</sup>	175,054	(143,478)
Other current assets	(94,417)	-
<u>Increase/(decrease) in liabilities:</u>		
Accrued salaries	16,672	(1,356)
Accrued superannuation	4,903	7,574
Accrued expenses	(153,243)	12,627
Current payables <sup>(a)</sup>	(153,536)	133,902
Current provisions	160,609	54,390
Non-current provisions	38,851	18,719
Net GST receipts/(payments) <sup>(b)</sup>	(50,303)	(22,917)
Change in GST in receivables/payables <sup>(c)</sup>	5,606	(649)
<b>Net cash provided by/(used in) operating activities</b>	<b>(7,215,141)</b>	<b>(5,980,851)</b>

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

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

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

**Note 24. Commitments**

The commitments below are inclusive of GST where relevant.

**Lease commitments**

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

**Non-cancellable operating leases commitments**

	2013	2012
	\$	\$
Commitments for minimum leases payments are payable as follows:		
Within 1 year	931,761	916,087
Later than 1 year and not later than 5 years	965,031	1,835,450
	<b>1,896,792</b>	<b>2,751,537</b>

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

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

**Note 25. Contingent liabilities and contingent assets**

The Office is not aware of any contingent liabilities or contingent assets at the end of the reporting period.

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

The Office is not aware of any events after the end of the reporting period that may have an impact on the financial statements.

## Note 27. Explanatory statement

Significant variations between estimates and actual results for income and expense as presented in the financial statement titled '[Summary of Consolidated Account Appropriations and Income Estimates](#)' are shown below. Significant variations are considered to be those greater than 10% or \$100,000.

### Total appropriations provided to deliver services

#### Significant variances between estimate and actual for 2013

Although there was no significant variation from the total appropriation, there were significant offsetting variances in the following expenditure.

	2013 Estimate \$	2013 Actual \$	Variance \$
Employee benefits expense	7,482,000	7,285,808	(196,192)
Supplies and services	875,000	1,366,280	491,280
Accommodation expenses	1,184,000	1,508,533	324,533
Other expenses	569,000	43,284	(525,716)
Other revenue	2,368,000	2,615,119	247,119
Service appropriation	7,837,000	7,262,000	(575,000)
Resources received free of charge	106,000	423,461	317,461

#### Employee benefits expense

Employee benefits appropriations have decreased due to the deferral of the Criminal Penalty Infringement Notices function, from 2012-13 to 2013-14 and an efficiency dividend of \$110,000. This is partially offset by an increase in employee benefits due to the transfer of finance functions from the Office of Shared Services.

#### Supplies and services

The increase is primarily due to some expenses, included in the estimate as other expenses, being included in supplies and services for actual expenses.

#### Accommodation Expenses

This increase is primarily due to higher resources received free of charge for the depreciation of the fit-out of office accommodation provided through the Department of Finance (Building Management and Works).

#### Other expenses

The decrease in other expenses is primarily due to the deferral of the Criminal Penalty Infringement Notices function, from 2012-13 to 2013-14, and some expenses, included in the estimate as other expenses, being included in supplies and services for actual expenses.

Other revenue

This increase is primarily due to an increase in funding, approved by the Board of the Energy Ombudsman Western Australia, to cover additional expenses associated with a significant increase in complaints proceeding to investigation under the Energy jurisdiction, and revenue to offset past period errors resulting in uncleared purchase orders being retained in the system.

Service Appropriation

The decrease is primarily due to the deferral of the Criminal Penalty Infringement Notices function, from 2012-13 to 2013-14 and an efficiency dividend of \$110,000. This is partially offset by an increase in employee benefits due to the transfer of finance functions from the Office of Shared Services.

Resources received free of charge

This increase is primarily due to the higher resources received free of charge for the depreciation of the fit-out of office accommodation provided through the Department of Finance (Building Management and Works).

**Service Expenditure**Significant variances between actual results for 2013 and 2012

The increase in expenses in 2013 has been primarily due to the commencement of a new function to review family and domestic violence fatalities and the transfer of the finance function to the Office as a result of the decommissioning of the Office of Shared Services. This has been funded by an increase in appropriation to deliver services from \$6,630,000 in 2012 to \$7,262,000 in 2013. The significant variances from 2012 to 2013 are set out below.

	2013 \$	2012 \$	Variance \$
<u>Expenses</u>			
Employee benefits expense	7,285,808	6,306,890	978,918
Supplies and Services	1,366,280	1,260,339	105,941
Depreciation and amortisation expense	193,698	250,933	(57,235)
Accommodation expense	1,508,533	1,096,401	412,132
Loss on disposal of non-current asset	12	485,598	(485,586)
Other expenses	43,284	23,587	19,697
Other revenue	2,615,119	2,371,609	243,510
Resources received free of charge	423,461	275,945	147,516

Employee benefits expense

The increase is primarily due to additional staffing requirements associated with the new function of family and domestic violence fatality reviews and the transfer of finance functions to the Office due to the decommissioning of Office of Shared Services.

### Supplies and Services

The increase is primarily due to services required to support the new family and domestic violence fatality review function and the transition of the finance function to the Office from the Office of Shared Services.

### Depreciation and amortisation

The decrease is primarily due to a reduction in assets requiring depreciation following disposal of an office fit out in 2011-12 as a result of the transfer to new accommodation.

### Accommodation expense

The increase is primarily due to the higher resources received free of charge for the depreciation of the fit-out of office accommodation provided through the Department of Finance (Building Management and Works).

### Loss on disposal of non-current asset

The decrease is primarily due to a one off loss due to the disposal of an office fit out in 2011-12 arising from the transfer to new accommodation.

### Other expenses

The increase is due to the payment of audit fees for the 2011-12 in 2012-13 and the accrual for the 2012-13 audit fee.

### Other revenue

The increase is primarily due to revenue to offset past period errors resulting in uncleared purchase orders being retained in the system.

### Resources received free of charge

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

## **Capital contribution**

### Significant variances between estimate and actual for 2013 are shown below

There were significant variations between estimate and actual capital contributions as outlined below.

	2013 Estimate \$	2013 Actual \$	Variance \$
Capital contribution	-	276,000	276,000

### Capital contribution

The increase in capital contribution from the estimate to the actual 2013 was due to the purchase of a finance system to support the financial operations of the Office following the decommissioning of the Office of Shared Services provided through a transfer of funds from the Department of Finance.

## Capital contribution

### Significant variances between actuals for 2013 and 2012

There were significant variations between actual 2012 and actual 2013 capital contributions as outlined below.

	2013 Actual \$	2012 Actual \$	Variance \$
Capital appropriation	276,000	-	(276,000)

### Capital contribution

This increase was due a one off capital contribution for the purchase of a finance system to support the financial operations of the Office following the decommissioning of the Office of Shared Services.

## Note 28. Financial instruments

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

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

#### Credit risk

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

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

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

**(b) Categories of financial instruments**

The carrying amounts of each of the following categories of financial assets and financial liabilities at the end of the reporting period are:

	2013 \$	2012 \$
<u>Financial Assets</u>		
Cash and cash equivalents	923,439	1,191,108
Restricted cash and cash equivalents	215,784	152,461
Receivables <sup>(a)</sup>	52,883	227,937
Amount receivable for service	2,048,000	2,037,000
<u>Financial Liabilities</u>		
Financial liabilities measured at amortised cost	307,589	652,711
Other liabilities	92,913	-

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

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

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

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

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

Aged analysis of financial assets <sup>(a)</sup>									
	Carrying Amount	Not past due and not impaired	Past due but not impaired					Impaired financial assets	
			Up to 1 month	Up to 3 months	3 to 12 months	1 - 2 Years	2 - 5 Years		More than 5 Years
	€	€	€	€	€	€	€	€	€
<b>2013</b>									
Cash and cash equivalents	923,439	923,439	-	-	-	-	-	-	-
Restricted cash and cash equivalent	215,784	215,784	-	-	-	-	-	-	-
Receivables <sup>(a)</sup>	52,883	52,883	-	-	-	-	-	-	-
Amount receivable for service	2,048,000	2,048,000	-	-	-	-	-	-	-
	<b>3,240,106</b>	<b>3,240,106</b>	-	-	-	-	-	-	-
<b>2012</b>									
Cash and cash equivalents	1,191,108	1,191,108	-	-	-	-	-	-	-
Restricted cash and cash equivalent	152,461	152,461	-	-	-	-	-	-	-
Receivables <sup>(a)</sup>	227,937	153,530	33,926	-	40,481	-	-	-	-
Amount receivable for service	2,037,000	2,037,000	-	-	-	-	-	-	-
	<b>3,608,506</b>	<b>3,534,099</b>	<b>33,926</b>	-	<b>40,481</b>	-	-	-	-

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

#### Liquidity risk and interest rate exposure

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

Interest rate exposure and maturity analysis of financial assets and financial liabilities											
2013	Interest rate exposure					Nominal Amount	Maturity date				
	Weighted average effective interest rate %	Carrying Amount	Fixed interest rate	Variable interest rate	Non-interest bearing		Up to 1 month	Up to 3 months	3 to 12 Months	1 – 5 Years	More than 5 Years
€	€	€	€	€	€	€	€	€	€	€	
<b>Financial Assets</b>											
Cash and cash equivalents		923,439	-	-	923,439	923,439	923,439	-	-	-	-
Restricted cash and cash equivalent		215,784	-	-	215,784	215,784	-	-	215,784	-	
Receivables (a)		52,883	-	-	52,883	52,883	52,883	-	-	-	
Amount receivable for service		2,048,000	-	-	2,048,000	2,048,000	-	-	157,000	612,000	1,279,000
		<b>3,240,106</b>	-	-	<b>3,240,106</b>	<b>3,240,106</b>	<b>976,322</b>	-	<b>157,000</b>	<b>827,784</b>	<b>1,279,000</b>
<b>Financial liabilities</b>											
Payables		307,589	-	-	307,589	307,589	307,589	-	-	-	-
Other liabilities		92,913	-	-	92,913	92,913	-	-	20,736	72,177	-
		<b>400,501</b>	-	-	<b>400,501</b>	<b>400,501</b>	<b>307,589</b>	-	<b>20,736</b>	<b>72,177</b>	-

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

Interest rate exposure and maturity analysis of financial assets and financial liabilities											
2012	Interest rate exposure					Nominal Amount	Maturity date				
	Weighted average effective interest rate %	Carrying Amount	Fixed interest rate	Variable interest rate	Non-interest bearing		Up to 1 months	1 to 3 months	3 to 12 Months	1 – 5 Years	More than 5 Years
€	€	€	€	€	€	€	€	€	€	€	
<b>Financial Assets</b>											
Cash and cash equivalents		1,191,108	-	-	1,191,108	1,191,108	1,191,108	-	-	-	-
Restricted cash and cash equivalent		152,461	-	-	152,461	152,461	-	-	-	152,461	-
Receivables (a)		227,937	-	-	227,937	227,937	227,937	-	-	-	-
Amount receivable for service		2,037,000	-	-	2,037,000	2,037,000	-	-	190,000	561,000	1,286,000
		<b>3,608,506</b>	-	-	<b>3,608,506</b>	<b>3,608,506</b>	<b>1,419,045</b>	-	<b>190,000</b>	<b>713,461</b>	<b>1,286,000</b>
<b>Financial liabilities</b>											
Payables		652,711	-	-	652,711	652,711	652,711	-	-	-	-
Other Liabilities		-	-	-	-	-	-	-	-	-	-
		<b>652,711</b>	-	-	<b>652,711</b>	<b>652,711</b>	<b>652,711</b>	-	-	-	-

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

Interest rate sensitivity analysis

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

Fair values

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

**Note 29. Remuneration of senior officers**

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

\$	2013	2012
70,001 - 80,000	-	1
80,001 - 90,000	-	1
120,001 - 130,000	1	-
150,001 - 160,000	-	1
160,001 - 170,000	1	-
170,001 - 180,000	1	1
180,001 - 190,000	1	-
200,001 - 210,000	2	1
230,001 - 240,000	-	1
360,001 - 370,000	-	1
430,001 - 440,000	1	-
Base remuneration and superannuation	1,223,986	1,069,658
Annual leave and long service leave accruals	49,308	113
Other benefits	223,786	230,883
	<b>\$</b>	<b>\$</b>
<b>Total remuneration of senior officers</b>	<b>1,497,081</b>	<b>1,300,654</b>

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

**Note 30. Remuneration of auditor**

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

	2013 \$	2012 \$
Auditing the accounts, financial statements and performance indicators	22,000	21,200
	<b>22,000</b>	<b>21,200</b>

### Note 31. Indian Ocean Territories

The Indian Ocean Territories Reimbursement Fund was established in March 1996 and became operational in July 1996.

The purpose of the Fund is to meet the cost of the services of the Office in relation to complaints involved the Indian Ocean Territories.

The balance of the Fund at the end of the financial year is included in the Office's Operating Account.

The figures presented below for the Fund have been prepared on a cash basis.

	2013 \$	2012 \$
Opening Balance	(3,891)	(9,599)
Receipts	31,304	31,330
Payments	(23,418)	(25,622)
<b>Closing Balance</b>	<b>3,995</b>	<b>(3,891)</b>

### Note 32. Supplementary financial information

#### (a) Write-offs

There was no write-off during the period.

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

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

#### (c) Gifts of public property

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

### Note 33. Other Assets

	2013 \$	2012 \$
<u>Current</u>		
Prepayments	94,417	-
	<b>94,417</b>	<b>-</b>

### Note 34. Other Liabilities

	2013 \$	2012 \$
Current	20,736	-
Non Current	72,177	-
	<b>92,913</b>	<b>-</b>

## Key Performance Indicators

### Certification of Key Performance Indicators for year ended 30 June 2013

We hereby certify that the key performance indicators are based on proper records, are relevant and are appropriate for assisting users to assess performance and fairly represent the performance of the Parliamentary Commissioner for Administrative Investigations for the financial year ended 30 June 2013.



Mary White  
**Chief Finance Officer**

8 August 2013



Chris Field  
**Accountable Authority**

8 August 2013

## Key Performance Indicators

### Key Effectiveness Indicators

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

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

Key Effectiveness Indicators	2008-09	2009-10	2010-11	2011-12	2012-13 Target	2012-13 Actual
Of allegations where the Ombudsman made recommendations to improve practices or procedures, percentage of recommendations accepted by agencies (a)	100%	100%	100%	100%	<b>100%</b>	<b>100%</b>
Number of improvements to practices or procedures as a result of Ombudsman action (b)	29	49	57	<b>96</b>	<b>100</b>	<b>72</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

For the fifth consecutive year, public authorities have accepted every recommendation made by the Ombudsman, matching the 2011-12 actual result and meeting the 2012-13 Target.

In 2007-08, the office of the Ombudsman (**the Office**) commenced a program to ensure that its work increasingly contributed to improvements to public administration. Consistent with this program, the number of improvements to practices and procedures of public authorities as a result of Ombudsman action, has risen significantly since the commencement of the program but there may be fluctuations from year to year.

## Key Efficiency Indicators

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

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

Key Efficiency Indicators	2008-09	2009-10	2010-11	2011-12	2012-13 Target	2012-13 Actual
Percentage of allegations finalised within three months	82%	82%	78%	72%	85%	83%
Percentage of allegations finalised within 12 months	96%	99%	96%	99%	99%	99%
Percentage of allegations on hand at 30 June less than three months old	71%	63%	68%	45%	70%	94%
Percentage of allegations on hand at 30 June less than 12 months old	96%	97%	98%	99%	99%	96%
Average cost per finalised allegation (a)	\$2,759	\$1,999	\$1,899	\$1,866	\$1,875	\$1,821
Average cost per finalised notification of death (b)	NA	\$9,377	\$9,651	\$10,410	\$9,600	\$12,281

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

(b) This is the net cost of undertaking the function to review certain child deaths and family and domestic violence fatalities divided by the number of notifications finalised.

### Comparison of Actual Results and Budget Targets

The timeliness and efficiency of complaint handling has substantially improved over the past five years due to a major complaint handling improvement program introduced in 2007-08. An initial focus of the program was the elimination of aged complaints, including complaints as old as six years. Building on the program, the Office developed and commenced a new organisational structure and processes in 2011-12 to promote and support early resolution of complaints. As a result of the program, the Office has reduced the average age of complaints from 173 days on 30 June 2007 to 33 days on 30 June 2013 while at the same time reducing the average cost of finalised allegation for five consecutive years. These improvements are in the context of a significant increase in the number of complaints across all sectors that occurred in 2009-10, that has been maintained for the last three financial years.

In 2012-13, substantially improved complaint handling has resulted in the following actual results compared to budget targets. The percentage of allegations finalised within three months (83%) is the highest figure in the past five years, very significantly improving on the 2011-12 actual result (72%), and only slightly less than the 2012-13 target (85%). The percentage of allegations finalised within 12 months (99%), has matched the 2011-12 actual result and the 2012-13 Target. The

percentage of allegations on hand at 30 June less than three months old (94%) has improved very significantly from the 2011-12 actual result (45%) and has significantly bettered the 2012-13 Target (70%). The percentage of allegations on hand at 30 June less than 12 months old (96%) has not matched the 2011-12 actual result (99%) or met the 2012-13 Target (99%), however, it is anticipated that, early in 2013-14, the Office will achieve, and then maintain, not having any complaints on hand over 12 months. Accordingly, the 2013-14 Target for allegations on hand at 30 June less than 12 months old has been adjusted to 100%. The average cost per finalised allegation bettered the 2011-12 actual result and the 2012-13 Target.

The Ombudsman reviews certain child deaths and family and domestic violence fatalities. This involves:

- Reviewing the circumstances in which and why child deaths and family and domestic violence fatalities occur;
- Identifying patterns and trends that arise from reviews of child deaths and family and domestic violence fatalities; and
- Making recommendations to public authorities about ways to prevent or reduce child deaths and family and domestic violence fatalities.

The average cost per finalised notification of death exceeded the 2011-12 actual result and the 2012-13 Target, reflecting the complexity of this function, including the complexity of reviews of family and domestic violence fatalities, that commenced in 2012-13. The 2013-14 Target has been adjusted accordingly.

## Other Disclosures and Legal Compliance

### Ministerial Directives

The Ombudsman reports directly to the Western Australian Parliament rather than to the government of the day, or a particular Minister, and Ministers cannot issue directives to the Ombudsman.

### Other Financial Disclosures

#### Pricing Policies of Services Provided

The Office currently receives revenue for the following functions:

- 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 costs of particular operational expenses.
- Under an arrangement with the Australian Government, the Office handles enquiries and complaints from the Indian Ocean Territories (**the 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 the Territories. Cost recovery is based on the average cost per complaint in the last two years as published in the Office's annual reports. Administrative costs and the costs of any travel to the Territories by the Ombudsman or staff and any promotional materials are also recouped in full.
- The Office is a partner with the Commonwealth Ombudsman and the New South Wales Ombudsman in an AusAID funded program in Indonesia (funded under the AusAID Government Partnership Fund), the principal goal of which is to provide greater access across Indonesia to more effective and sustainable Ombudsman services. The Office recoups costs for these activities from the Commonwealth Ombudsman's Office in accordance with the Australia Indonesia Partnership for Reconstruction and Development Government Partnership Fund Guidelines.

### Capital Works

During 2012-13, the Office undertook a major capital project to implement a finance system as a result of the decommissioning of the Office of Shared Services and the transfer of finance related functions to the Office. The total budget of the project is \$276,000 and, as at 30 June 2013, the outstanding amount required to complete the project was \$57,000.

The development of a database for case management of child death reviews commenced in 2010-11. Further development was undertaken in 2011-12 and 2012-13 including to provide for case management of the reviews of family and domestic violence fatalities which commenced in 2012-13. The total budget of the project is \$150,000 and, as at 30 June 2013, the outstanding amount required to complete the project was \$12,000, \$6,000 of which was already committed. The remaining \$6,000 will be used in 2013-14 to complete the project.

There were no other major capital projects in 2012-13.

## Employment and Industrial Relations

### Employment of Staff

Staff numbers at the Office increased in 2012-13 due to the commencement of the family and domestic violence fatality review function and the transfer of finance functions to the Office as a result of the decommissioning of the Office of Shared Services.

Over the full year for 2012-13 there was an average of 60 full-time equivalent positions (**FTEs**). There were also additional staff seconded into the Office and people employed through recruitment agencies to cover short term vacancies and work requirements.

As at 30 June 2013 there were 72 staff (65.6 FTEs) undertaking the work of the Office. There were 69 people (62.4 FTEs) directly employed by the Office, including 55 full-time employees and 14 part-time employees. This includes people on unpaid leave, contract staff providing short term expertise and backfilling staff during extended leave periods and people seconded out of the Office. The net total is adjusted for people seconded into and out of the Office and people employed through a recruitment agency to cover short term vacancies.

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

### Staff numbers as at 30 June 2013

Employee Category	2010-11	2011-12	2012-13
Full-time permanent	40	40	46
Full-time contract	9	12	9
Part-time permanent	11 (7 FTEs)	11 (5.3 FTEs)	13 (6.85 FTEs)
Part-time contract	2 (0.9 FTEs)	1 (0.5 FTEs)	1 (0.5 FTEs)
<b>TOTAL</b>	<b>62 (56.9 FTEs)</b>	<b>64 (57.8 FTEs)</b>	<b>69 (62.4 FTEs)</b>
Employees seconded out (included in numbers above)	-2 (2 FTEs)	-2 (2 FTEs)	-1 (0.8 FTEs)
Employees seconded in (not included in numbers above)	2 (2 FTEs)	3 (3 FTEs)	2 (2 FTEs)
Temporary staff employed through recruitment agencies	4 (3.4 FTEs)	5 (5 FTEs)	2 (2 FTEs)
<b>NET TOTAL (FTE)</b>	<b>60.3</b>	<b>63.8</b>	<b>65.6</b>
<b>NET TOTAL (Head Count)</b>	<b>66</b>	<b>70</b>	<b>72</b>

## Human Resources Strategy 2009-12

The Office continued with the implementation of the Human Resources Strategy 2009-12 (**the Strategy**) during the year. The Strategy aims to support the attraction and retention of staff and staff development through performance management and continuous professional development, through:

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

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

- **Accounting for Performance**

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

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

- **Continual Learning**

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

## Workforce Plan

In 2011-12, the *Workforce Plan 2012-14* was developed in accordance with the *Public Sector Commissioner's Circular 2010-02: Workforce Planning And Diversity In The Public Sector*, Part IX of the *Equal Opportunity Act 1984*, and *Strategic Directions for the Public Sector Workforce 2009-14*. The Office has four key focus areas for 2012-14 covering:

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

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

### Induction

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

Staff recruited in 2012-13 have provided feedback that the induction process is welcoming and useful in assisting new employees to understand the Office's direction, expectations and processes. The product has also proved valuable for existing staff members to keep them informed and updated about policy and governance issues within the Office.

## Governance Disclosures

<b>Shares in Statutory Authorities</b>
This is not relevant as the Office is not a statutory authority and does not have shares.
<b>Shares in Subsidiary Bodies</b>
This is not relevant as the 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> define conflict of interest and appropriate action to take where a conflict arises between the employee's public duty and their private interests, including during tender and purchasing processes.</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 the Executive Management Group and Corporate Executive Group are asked to declare any interests at each meeting of these Groups.</p> <p>The Office's policy on identifying and addressing conflict of interest includes any interest of a senior officer, or an organisation of which a senior officer is a member, or an entity in which the senior officer has a substantial financial interest, in any existing or proposed contract made with the Office.</p> <p>There have been no declarations of an interest in any existing or proposed contracts by senior officers.</p>

### Benefits to Senior Officers through Contracts

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

### Insurance Paid to Indemnify Directors

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

## Other Legal Requirements

### Advertising and Sponsorship Expenditure

During 2012-13 the Office incurred the following expenditure in relation to advertising, market research, polling, direct mail and media advertising that requires disclosure under s.175ZE of the *Electoral Act 1907*.

Total expenditure was \$7,203 for advertising vacant positions and promoting regional visits.

Category of Expenditure	Total	Company
Advertising agencies	Nil	Nil
Market research organisations	Nil	Nil
Polling organisations	Nil	Nil
Direct mail organisations	Nil	Nil
Media advertising organisations	\$7,203	Adcorp

### Disability Access and Inclusion Plan Outcomes

The Office is committed to providing optimum access and service to people with disabilities, their families and carers and maintains a Disability Access and Inclusion Plan (DAIP). Current initiatives to address desired DAIP outcomes are shown below.

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

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

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

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

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

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

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

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

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

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

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

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

## Compliance with Public Sector Standards and Ethical Codes

In the administration of the Office, the Ombudsman has complied with the *Public Sector Standards in Human Resource Management*, the *Code of Ethics* and the Office's *Code of Conduct*.

Procedures, designed to ensure such compliance, have been put in place, and appropriate internal assessments are conducted to satisfy the Ombudsman that the above statement is correct.

The following table identifies action taken to monitor and ensure compliance with public sector standards and ethical codes.

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

Managers and staff are aware of, and are required to comply with, the *Public Sector Standards in Human Resource Management*. This is supported by policies, and procedures relating to public sector standards, regular professional development for managers and staff about the standards and related policies, and the inclusion of the policies in the induction process. Monitoring provisions include:

- For recruitment, selection and appointment, an individual review of each process is undertaken prior to the final decision to ensure compliance with the Employment Standard;
- A review process to ensure that, for acting opportunities and secondments, a merit-based process is used and there are no inadvertent extensions that result in long-term opportunities without expressions of interest or a full merit selection process;
- A monitoring process to ensure there are current performance management processes in place for all employees; and
- The continuous development of policies and procedures in accordance with the public sector standards in human resource management to ensure compliance and relevancy.

**Compliance issues:** Internal reviews have shown compliance with the Standards is achieved before any final decision is made. There have been no breaches found of the public sector standards.

### Significant Action to Monitor and Ensure Compliance with the *Code of Ethics* and the Office's *Code of Conduct* (the ethical codes)

The ethical codes are available on the Office's intranet and are part of the Online Induction for new staff. Guidelines for *Ethical and Accountable Decision Making* have been developed as a ready reference for staff when dealing with a difficult situation related to the *Code of Ethics* and the Office's *Code of Conduct*. The Guidelines are based on the *Accountable and Ethical Decision Making in the WA Public Sector* training materials provided by the Public Sector Commissioner.

The Office's *Code of Conduct* supports the *Code of Ethics* and links the Office's corporate values with expected standards of personal conduct. All staff, contractors and consultants who carry out work for, or on behalf of, the Office are required to comply with the spirit of the *Code of Conduct*. On appointment, all staff sign the *Code of Conduct* to confirm their understanding of its application in the workplace and swear an oath or make an affirmation about maintaining appropriate confidentiality.

Ethics and conduct related policies have been developed, including policies and procedures for declaring and managing conflicts of interest and gifts and there is regular professional development for managers and staff about the ethical codes and related policies. The ethical codes and related policies are included in the induction process.

The Office has procedures in place for reporting unethical behaviour and misconduct. The Office also has a *Public Interest Disclosure Policy* and strongly supports disclosures being made by staff.

Monitoring provisions for ethical codes include:

- High level review, and Ombudsman sign off, for management of conflicts of interest and gifts;
- High level consideration and sign off of requests for review of the Office's handling of a complaint and any complaints about the conduct of staff; and
- Seeking opportunities to improve current practices through internal auditing and reviewing policies and procedures to ensure compliance and relevancy. Internal audits conducted each year are referred to the Office's Audit and Risk Management Committee.

**Compliance issues:** There has been no evidence of non-compliance with the ethical codes.

## Corporate Governance Framework

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

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

The Ombudsman is an independent officer appointed by the Governor of Western Australia. The Ombudsman is responsible directly to the Parliament rather than to the government of the day or a particular Minister. The [Parliamentary Commissioner Act 1971](#) regulates the operations of the Office.

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

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

The Office's *Strategic Plan 2009-2012 (Strategic Plan)* provides a framework for the strategic direction of the Office with identifiable key measures of success. The Office's operational planning identifies how the key strategies in the *Strategic Plan* will be achieved through a detailed list of key projects, measures and targets. A review of the *Strategic Plan* is currently being finalised to incorporate a range of new functions coming to the Office.

Chief Executive Officer delegations are set out in the Office's *Instrument of Delegation – Chief Executive Officer Functions*. Statutory delegations under the *Parliamentary Commissioner Act 1971* and administrative arrangements for statutory roles are set out in the *Ombudsman Western Australia, Statutory Delegations and Administrative Arrangements* document.

The Office has a strong organisational policy framework covering governance, conduct, communications, information technology, human resources, finance and procurement. Policies and guidelines are available to staff through the Office's intranet and as part of the Online Induction.

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

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

Decision making responsibilities for the Office lie with the Executive Management Group, comprising the Ombudsman, Deputy Ombudsman, the Principal Assistant Ombudsman Strategic Services and the Principal Assistant Ombudsman Investigations and Inspections. The Office's Corporate Management Group also includes the leaders of the Complaint Resolution, Administrative Improvement and Review teams.

The Office's organisational structure has been created in line with its operations and reflects its key strategic direction. The Office undertakes continuous improvement to the structure to ensure it remains relevant and effective with changes linked to the Strategic Plan and redirection of resources within the structure to respond to workload priorities. A detailed organisational chart provides a reference for staff on the intranet.

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

The organisational structure, operational planning, business processes and key performance indicators are linked to the strategic goals and outcomes in the Strategic Plan. Progress toward key performance indicators and major strategic projects is monitored through reports to the Executive Management Group and the Corporate Management Group and is reported in the annual report each year.

Effective achievement of goals is supported by an Online Complaint Handling Toolkit, available to all enquiry and investigating staff for the purpose of achieving consistent, efficient and effective complaint handling. In addition, a Panel provides independent advice to the Ombudsman on matters relevant to child deaths and family and domestic violence fatalities and, for the role of Energy Ombudsman, the Office prepares a Business Plan and Budget for approval by the Board of the governing body each year.

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

The Office's values are to be fair, independent and accountable (including being rigorous, responsible and efficient). In line with these values, the Ombudsman observes an independent and impartial approach to the conduct of investigations as well as observing procedural fairness at all times. Ethics and integrity are contained within the *Code of Conduct* and *Guidelines for Ethical and Accountable Decision Making*. Staff are required to sign a Conduct Agreement to confirm their understanding of the application of the Code.

Staff are made aware of the [Public Interest Disclosure Act 2003](#) during induction. The Office's Public Interest Disclosure Officers and the protections that apply. Staff are also made aware of the Office's *Conflict of Interest and Gift Policies* and registers and how they should be declared. When declarations are made, the Ombudsman assesses the appropriate action to be taken.

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

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

The Office continues to implement its *Human Resources Strategy 2010-2012*, which focuses on the recruitment, retention and engagement of staff; individual performance and development; and continual learning. The Human Resources Strategy is currently being reviewed and will be finalised in early 2014. For more information see [Human Resources Strategy 2010-2012](#). The *Workforce Plan 2012-2014* provides a strong workforce planning framework to support the achievement of the goals in the strategy.

The Office has a strong human resources policy framework covering employment of staff, conditions of employment, flexible work arrangements, staff development, study assistance, employee relations (including grievance resolution) and occupational safety and health.

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

The Office produces an annual budget which is approved by the Ombudsman. Financial integrity and accountability is secured through reporting to the Executive Management Group. The Office also has a *Financial Management Manual*, designed to assist employees to perform their tasks efficiently and effectively. The processes in the manual are consistent with relevant Treasurer's Instructions and State Supply Commission policies.

An Internal Audit and Risk Management Committee reviews an audit of financial management, including procurement, each year against the policies and procedures in the *Financial Management Manual*. Specific audits are also conducted for key projects as required. The audits in 2012-13 showed a good level of internal control is being maintained over financial management functions to ensure compliance with financial legislation and policies.

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

To ensure services are accessible, open and responsive, the Office communicates with its key stakeholders using a range of communication channels, adapted to suit the audience. Further information is included in the [Collaboration and Access to Services section](#) of the report. The Office also provides guidance for dealing with people with disabilities and people from culturally and linguistically diverse backgrounds. Policies covering record keeping, records management and communications ensure the Office safeguards the confidentiality and integrity of information, preventing unauthorised or false disclosure.

Bi-monthly Staff Meetings and separate team meetings provide a forum for sharing information internally and the Staff Consultative Committee has input into Office policies and procedures that affect staff. The Committee is made up of management and staff representatives from all teams in the Office.

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

The Office identifies and manages its risk through a *Risk Management Plan* that has been created in line with the Office's Strategic Plan. A review of the *Risk Management Plan* was finalised during 2012-13 to ensure it continues to be relevant. The Office also has a *Business Continuity Plan* to ensure it can respond to, and recover from, any business disruption.

Under the *Risk Management Plan*, controls have been identified for significant risks and any action required is assigned to a relevant member of Corporate Management Group. The internal audit plan is based on the areas of risk identified in the *Risk Management Plan* and the Audit and Risk Management Committee oversees these audits and the *Audit Plan* for each year.

## Record Keeping Plans

The Office is committed to maintaining a strong records management framework and aims for best practice record keeping practices. The Office is continuously improving record keeping practices to ensure they are consistent with the requirements of the [State Records Act 2000](#) and meet the needs of the Office for high quality record keeping. The Office's framework includes:

- A Record Keeping Plan, a Retention and Disposal Schedule, a Records Keeping Policy, a Records Classification Plan and Security Framework and a Records Disaster Recovery Plan;
- An electronic document records management system (**EDRMS**) called Tower Records Information Management (**TRIM**), which was implemented in 2005 and upgraded in 2011-12; and
- A series of guidelines and user manuals for staff.

## Electronic Document Records Management System (EDRMS)

All incoming, outgoing and significant internal documents are saved electronically into the EDRMS. Staff are required to save their final electronic documents into the EDRMS as well as saving electronic mail and facsimiles directly into the EDRMS.

The complaints management system, RESOLVE, which was installed in April 2008 for the State Ombudsman jurisdiction and in June 2007 for the Energy Ombudsman jurisdiction, continues to perform effectively with TRIM. It increases efficiency as all records created in RESOLVE are saved automatically into the EDRMS and records saved directly to the EDRMS are able to be accessed through RESOLVE. A further RESOLVE complaints management system has been installed for the child death review function and this system is currently being upgraded to include the family and domestic violence fatality review function.

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

During 2012-13, the Office's record keeping processes were reviewed to ensure compliance with the Records Management Framework and promote best practice record keeping. The efficiency and effectiveness of the record keeping training program is reviewed regularly through monitoring staff use of the EDRMS to ensure that staff are following the record keeping requirements of the Office.

## Induction and Training

All records related plans, policies, guidelines and manuals are available on the Office's intranet to assist staff to comply with their record keeping requirements and include user friendly guides for training staff. The Office's Online Induction mini-site, developed in 2010-11, includes a section on record keeping. This is part of the induction process for new staff and is also available as a resource for existing staff members. The induction process also includes individual training sessions with new staff members conducted by the Customer Service and Records Manager soon after appointment. Follow up training and help desk assistance are provided as required.

Record keeping roles and responsibilities are also included in accountability and ethical decision making training and the code of conduct.

## Government Policy Requirements

### Substantive Equality

The Office does not currently have obligations under the Framework for Substantive Equality. However, the Office is committed to the intent and substance of the policy, including the elimination of systemic racial discrimination in the delivery of public services, and the promotion of sensitivity to the different needs of key stakeholders.

The Office understands the importance of appropriate service delivery for people from culturally and linguistically diverse backgrounds. To ensure that services provided by the Office are as accessible as possible:

- Information on how to make a complaint to the Ombudsman is available in 15 languages and features on the homepage of the Office's website;

- All publications are available in alternative formats and can be translated on request and information published on the Office website can be viewed and printed in alternative formats;
- TTY phone access is available, and promoted to, people with a hearing impairment;
- Details for Translating and Interpreting Services are promoted on the website and in publications for people with English as a second language; and
- Interpreters and translators are regularly used when resolving complaints. Complaints can be written in the person's first language and the Office arranges translators for the incoming complaint and outgoing response and staff use interpreters, either face to face or by telephone, when discussing complaints with people whose first language is a language other than English.

## Occupational Safety, Health and Injury Management

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

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

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

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

All employees and contractors are made aware of their OSH responsibilities through an Online Induction that includes a component on OSH as well as safe work practices in an office environment. This is also used as an information source for existing staff. The Office's policies and guidelines are also accessible to employees through the Office's intranet.

There is a strong executive commitment to the health and safety of staff. Hazards and other issues relating to health and safety can be raised with OSH representatives or directly with the Principal Assistant Ombudsman, Strategic Services, and key issues are brought to the attention of the Ombudsman, who is committed to their prompt and effective resolution.

### Consultation

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

- The Office has OSH responsibilities within its tenancy and also works closely with the building management at Albert Facey House to ensure a safe working environment is maintained;
- The Office has two OSH Representatives who act as an important link between management and staff, so that they can work together and arrive at solutions to make the workplace safe.
- The Staff Consultative Committee has OSH responsibilities and the Office's OSH Representatives are standing members of the Committee. OSH matters are a standing item on the agenda to allow Committee members to refer matters raised by staff to the Committee for resolution and inform their team of issues and safe working practices raised at Committee meetings;
- There is dissemination of OSH information and discussion at bi-monthly Staff Meetings;
- There is regular training on OSH matters for both management and staff. In 2012-13 an OSH session was held for staff in September 2012 in which a St John Ambulance Representative demonstrated how to use the defibrillator that is located in the foyer of Albert Facey House.

### Statement of Compliance

The Office complies with the injury management requirements of the [\*Workers' Compensation and Injury Management Act 1981\*](#) and is committed to providing injury management support to all workers who sustain a work related injury or illness with a focus on a safe and early return to their pre-injury/illness position. Rehabilitation support is also provided to employees with non-work related injuries or when recovering from a protracted illness.

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

### Audit of OSH Systems

An audit of the Office's OSH systems was conducted internally in 2013 against the elements of the WorkSafe Plan. The results of the audit were used to develop an OSH Management Plan and associated guidelines detailing OSH roles and responsibilities within the Office and outlining the approach taken to identifying, assessing and controlling hazards and the associated risks.

Internal evaluation of the new accommodation at Albert Facey House is ongoing and any OSH changes required are promptly addressed. There is ongoing review of the Office's emergency procedures for dealing with unreasonable conduct by visitors to the Office. During 2012-13 there were trial evacuations of Albert Facey House, where the fire alarms were sounded and all staff within the building were evacuated for drill purposes.

### Annual Performance

During 2012-13, there were no workers' compensation claims recorded within the Office.

The Office's OSH and injury management statistics for 2012-13 are shown below.

<b>Occupational Safety and Health Statistics</b>	<b>2012-13 Target</b>	<b>2012-13 Actual</b>
Number of fatalities	0	Target achieved, 0
Lost time injury/disease (LTI/D) incidence rate	0	Target achieved, 0
Lost time injury severity rate	0	Target achieved, 0
Percentage of injured workers returned to work within (i) 13 weeks; and (ii) 26 weeks	Greater than or equal to 80% return to work within 26 weeks	Not applicable - no lost time injuries
Percentage of managers and supervisors trained in occupational safety, health and injury management responsibilities	> 80%	Target achieved, 83%

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## Appendices

This section provides additional information to assist readers.

- [Appendix 1 – Complaints Received and Finalised](#)
- [Appendix 2 – Legislation](#)
- [Appendix 3 – Publications](#)



Fair  
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## Appendix 1 – Complaints Received and Finalised

	Total Complaints Received in 2012-13	Complaints finalised at assessment				Complaints finalised at investigation				Total Complaints Finalised in 2012-13
		Issue not in jurisdiction	More appropriate body to handle complaint	Referred back to the public authority	Investigation not warranted	Resolved	Sustained	Not sustained or cannot be determined	Discontinued	
<b>PUBLIC SECTOR</b>										
Aboriginal Affairs, Department of	13				7	2				9
Agriculture and Food, Department of	3		1	2						3
Attorney General, Department of the	42	6	9	5	13	9			1	43
Building Disputes Tribunal						1				1
Bunbury Water Board	1			1						1
Busselton Water Board		1								1
Central Institute of Technology	9	1	1	1	2	1			1	7
Challenger Institute of Technology	4			1	2	1				4
Child Protection and Family Support, Department for	73	2	9	27	15	30	1		1	85
Commerce, Department of	36	2	4	6	13	13			3	41
Communities, Department for	5			3	2	2	1			8
Corrective Services, Department of	314	27	33	79	64	389	3		4	599
Council of Official Visitors	1			1						1
Culture and the Arts, Department of	1	1								1
Disability Services Commission	4		1	1	3					5
Education Services, Department of	2			1	1	2				4
Education, Department of	38	2	4	13	14	8	1		1	43
Environment and Conservation, Department of	11	2	2	4	2	2				12
Environmental Protection Authority, Office of the	2			1		3				4
Equal Opportunity Commission	2	2								2
Finance, Department of	14		1	1	3	12				17
Fire and Emergency Services, Department of	1					1	1			2
Fisheries, Department of	1		1		1					2
Forest Products Commission	2		2							2
Geraldton Cemetery Board	2			1		1				2
Gold Corporation	2			1		1				2
Government Employees Housing Authority	1		1							1
Government Employees Superannuation Board	4		3	1						4
Health and Disability Services Complaints Office	7		1	2	2	1	1			7
Health, Department of	48	5	21	6	10	5	1		3	51
Heritage Council						1				1
Housing, Department of	177	5	10	21	60	86	1	1	6	190
Insurance Commission of Western Australia	7	1	2	1	3					7
Land Surveyors Licensing Board		1								1
Landcorp (WA Land Authority)	1				1					1
Landgate	3	2		1	1	1				5
Legal Aid WA	3		2	1		1				4
Legal Profession Complaints Committee	6		1	2		3			1	7

	Total Complaints Received in 2012-13	Complaints finalised at assessment				Complaints finalised at investigation				Total Complaints Finalised in 2012-13	
		Issue not in jurisdiction	More appropriate body to handle complaint	Referred back to the public authority	Investigation not warranted	Resolved	Sustained	Not sustained or cannot be determined	Discontinued		Withdrawn
Local Government, Department of	6			1	3	2					6
Lotteries Commission	1			1							1
Main Roads WA	8	1	2		3	4			1		11
Metropolitan Cemeteries Board	2					2					2
Mines and Petroleum, Department of	1				1						1
Occupational Therapists Registration Board			1								1
Planning, Department of	6	1			3	4					8
Plumbers Licensing Board				1							1
Polytechnic West	5			1	2	2					5
Premier and Cabinet, Department of	1		1								1
Prisoners Review Board	7		1	1	6						8
Public Advocate	9	1	2	1	2	3					9
Public Sector Commission	3	2			1						3
Public Transport Authority	12	1	3	2		2					8
Public Trustee	20		2	4	8	11					25
Racing, Gaming and Liquor, Department of	3	1	1		1	2					5
Regional Development and Lands, Department of	4	3				1					4
Rottneest Island Authority	1					1					1
School Curriculum and Standards Authority	2	1	1			2					4
SERCO - Acacia Prison	32		1	12	11	13			1		38
Teachers Registration Board	1				1						1
Training and Accreditation Council	1			1	1						2
Training and Workforce Development, Department of	2			1				1		1	3
Transport, Department of	73	3	8	20	13	30			1		75
Treasury, Department of	1					1					1
Veterinary Surgeons' Board	2		1		1						2
Water Corporation	29		3	10	5	10			2		30
Water, Department of	5		1		1	3					5
West Coast Institute of Training	1							1			1
Western Australia Police	136	8	33	48	33	15			3		140
Western Australian Planning Commission	4		2			2					4
Western Power Corporation	1		1								1
Workcover	7				3	2			1		6
<b>TOTAL PUBLIC SECTOR COMPLAINTS</b>	<b>1226</b>	<b>82</b>	<b>173</b>	<b>288</b>	<b>318</b>	<b>688</b>	<b>8</b>	<b>5</b>		<b>31</b>	<b>1593</b>

	Total Complaints Received in 2012-13	Complaints finalised at assessment				Complaints finalised at investigation				Total Complaints Finalised in 2012-13
		Issue not in jurisdiction	More appropriate body to handle complaint	Referred back to the public authority	Investigation not warranted	Resolved	Sustained	Not sustained or cannot be determined	Discontinued	
<b>LOCAL GOVERNMENT</b>										
Albany, City of	3		2			2				4
Armadale, City of	5			1	1	3				5
Ashburton, Shire of	1		1							1
Augusta / Margaret River, Shire of	5		1	1	1	2				5
Bassendean, Town of	1			1						1
Bayswater, City of	4		1		2	3				6
Belmont, City of	3				2	1				3
Beverley, Shire of	2		1			1				2
Boddington, Shire of	10		9			1				10
Brookton, Shire of	1		1		1					2
Broome, Shire of	3					2				2
Broomehill, Shire of	1									
Bunbury, City of	5		2		1					3
Busselton, City of	4		1		3					4
Cambridge, Town of	1					1				1
Canning, City of	5		1		2	4				7
Capel, Shire of	1				1					1
Carnarvon, Shire of						2				2
Chapman Valley, Shire of						1				1
Chittering, Shire of			1							1
Claremont, Town of	2			1					1	2
Cockburn, City of	7		1	1	2	3			1	8
Collie, Shire of	2				2					2
Coolgardie, Shire of	1					1				1
Cottesloe, Town of	6		1		3	3				7
Cranbrook, Shire of	1	1								1
Cue, Shire of	2				2					2
Cunderdin, Shire of	1				1					1
Dalwallinu, Shire of	1					1				1
Dandaragan, Shire of	1				1					1
Dardanup, Shire of	2				2	1				3
Denmark, Shire of	1					1				1
Donnybrook / Balingup, Shire of	1					2				2
Dowerin, Shire of	1				1					1
Dumbleyung, Shire of	1				1					1
Exmouth, Shire of	1					1				1
Fremantle, City of	10		2	2	5	2				11
Gingin, Shire of	3				1	2				3
Gosnells, City of	10		1	2	4	6				13
Greater Geraldton, City of	3		2		1					3
Harvey, Shire of						1				1
Joondalup, City of	10	2	3	1	5	3				14
Kalamunda, Shire of	6		1	1	1	6				9
Kalgoorlie / Boulder, City of			1							1
Katanning, Shire of	1				1					1

	Total Complaints Received in 2012-13	Complaints finalised at assessment				Complaints finalised at investigation				Total Complaints Finalised in 2012-13	
		Issue not in jurisdiction	More appropriate body to handle complaint	Referred back to the public authority	Investigation not warranted	Resolved	Sustained	Not sustained or cannot be determined	Discontinued		Withdrawn
Kwinana, City of	1	1				1					2
Mandurah, City of	8		2	1	2	2					7
Manjimup, Shire of	1		1								1
Melville, City of	15		1		4	12					17
Merredin, Shire of	1			1							1
Mt. Magnet, Shire of	1					1					1
Mundaring, Shire of	1		1			2					3
Murray, Shire of	2		1			1					2
Narrogin, Town of	1	1									1
Nedlands, City of	1				1						1
Northam, Shire of	1					1					1
Northampton, Shire of						1					1
Perenjori, Shire of	1					1					1
Perth, City of	7	1	2	2	1		1				7
Pingelly, Shire of	1			1							1
Rockingham, City of	6		1	2	1	2					6
Roebourne, Shire of	20				20						20
Serpentine / Jarrahdale, Shire of	4			1	2	1					4
South Perth, City of	1		1			3					4
Stirling, City of	22		4	3	7	12				1	27
Subiaco, City of	9	2	2	1	4				1		10
Swan, City of	10	1	3	1	3	4				1	13
Toodyay, Shire of			1								1
Victoria Park, Town of	3					3		1			4
Vincent, Town of	4	1			2	2					5
Wandering, Shire of	1		1								1
Wanneroo, City of	9		2	2	1	3				1	9
Westonia, Shire of	1		2								2
Woodanilling, Shire of	1										
Wyndham / East Kimberley, Shire of	1										
York, Shire of	7	1	2	1	2	1					7
<b>TOTAL LOCAL GOVERNMENT COMPLAINTS</b>	<b>270</b>	<b>11</b>	<b>60</b>	<b>27</b>	<b>97</b>	<b>109</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>5</b>	<b>312</b>

	Total Complaints Received in 2012-13	Complaints finalised at assessment				Complaints finalised at investigation				Total Complaints Finalised in 2012-13	
		Issue not in jurisdiction	More appropriate body to handle complaint	Referred back to the public authority	Investigation not warranted	Resolved	Sustained	Not sustained or cannot be determined	Discontinued		Withdrawn
<b>UNIVERSITIES</b>											
Curtin University	32		1	7	5	9		6		1	29
Edith Cowan University	33	2	3	2	9	13		2	1	3	35
Murdoch University	18		1	2	8	7		1			19
University of Notre Dame	2				3	2					5
University of Western Australia	8		3	2	1	1				1	8
<b>TOTAL UNIVERSITIES</b>	<b>93</b>	<b>2</b>	<b>8</b>	<b>13</b>	<b>26</b>	<b>32</b>		<b>9</b>	<b>1</b>	<b>5</b>	<b>96</b>
<b>AGENCIES OUT OF JURISDICTION</b>											
Organisation not identified	68	34	19	4	13					1	71
Agencies out of jurisdiction	608	184	408	5	3					3	603
<b>TOTAL AGENCIES OUT OF JURISDICTION</b>	<b>676</b>	<b>218</b>	<b>427</b>	<b>9</b>	<b>16</b>					<b>4</b>	<b>674</b>
<b>TOTAL COMPLAINTS</b>											
Total complaints about agencies in jurisdiction	1589	95	241	328	441	829	9	15	2	41	2001
Total complaints about agencies out of jurisdiction	676	218	427	9	16					4	674
<b>GRAND TOTAL</b>	<b>2265</b>	<b>313</b>	<b>668</b>	<b>337</b>	<b>457</b>	<b>829</b>	<b>9</b>	<b>15</b>	<b>2</b>	<b>45</b>	<b>2675</b>

## Appendix 2 – Legislation

### Principal Legislation

- [Parliamentary Commissioner Act 1971](#)

### Legislation and Other Instruments Governing Other Functions

<b>Telecommunications Interception</b>	<ul style="list-style-type: none"> <li>• <u><a href="#">Telecommunications (Interception and Access) Act 1979 (Commonwealth)</a></u></li> <li>• <u><a href="#">Telecommunications (Interception and Access) Western Australia Act 1996</a></u></li> </ul>
<b>Reviewing appeals by overseas students</b>	<ul style="list-style-type: none"> <li>• <u><a href="#">National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007</a></u></li> </ul>
<b>Public Interest Disclosure</b>	<ul style="list-style-type: none"> <li>• <u><a href="#">Public Interest Disclosure Act 2003</a></u></li> </ul>
<b>Indian Ocean Territories</b>	<ul style="list-style-type: none"> <li>• <u><a href="#">Indian Ocean Territories (Administration of Laws) Act 1992</a></u></li> <li>• <u><a href="#">Christmas Island Act 1958</a></u></li> <li>• <u><a href="#">Cocos (Keeling) Islands Act 1955</a></u></li> </ul>
<b>Terrorism</b>	<ul style="list-style-type: none"> <li>• <u><a href="#">Terrorism (Preventative Detention) Act 2006</a></u></li> </ul>
<b>Energy Ombudsman</b>	<ul style="list-style-type: none"> <li>• <u><a href="#">Parliamentary Commissioner Act 1971 (section 34)</a></u></li> <li>• <u><a href="#">Economic Regulation Authority Act 2003</a></u></li> <li>• <u><a href="#">Electricity Industry Act 2004</a></u></li> <li>• <u><a href="#">Energy Coordination Act 1994</a></u></li> </ul>

### Other Key Legislation Impacting on the Office’s Activities

- *Auditor General Act 2006;*
- *Corruption and Crime Commission Act 2003;*
- *Disability Services Act 1993;*
- *Equal Opportunity Act 1984;*
- *Financial Management Act 2006;*
- *Industrial Relations Act 1979;*
- *Minimum Conditions of Employment Act 1993;*
- *Occupational Safety and Health Act 1984;*
- *Public Sector Management Act 1994;*
- *Salaries and Allowances Act 1975;*
- *State Records Act 2000;* and
- *State Supply Commission Act 1991*

## Appendix 3 – Publications

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

### Brochures and Posters

#### About the Ombudsman

- Ombudsman Western Australia Brochure
- Ombudsman Western Australia Summary Posters
- Ombudsman Western Australia Summary Flyer

### Guidelines and Information Sheets for Members of the Public

#### Making a Complaint

- How to complain to the Ombudsman (translated into 15 community languages)
- Making a complaint to the Ombudsman (summary information sheet)
- Complaining to the Ombudsman - Information for prisoners
- Complaints by overseas students
- Making a complaint to a State Government agency

#### How Complaints are Handled

- Overview of the complaint management process - Information for complainants
- How we assess complaints
- Assessment of complaints checklist
- Being interviewed by the office of the Ombudsman
- Requesting the review of a decision

### Guidelines and Information Sheets for Public Authorities

#### General Information

- Information for agencies – About the Ombudsman
- Information for local governments – About the Ombudsman
- Information for universities – About the Ombudsman
- Overview of the complaint management process - Information for public authorities
- Information for boards and tribunals

### Information Packages for Public Authorities

The following publications are available as individual documents and as a suite of documents under the headings listed:

#### Decision Making

- Exercising discretion in administrative decision making
- Procedural Fairness
- Giving reasons for decisions
- Good record keeping

#### Effective Complaint Handling

- The principles of effective complaint handling
- Effective handling of complaints made to your organisation – An overview
- Complaint handling system checklist
- Making your complaint handling system accessible
- Guidance for complaint handling officers
- Investigation of complaints
- Conducting administrative investigations
- Procedural Fairness
- Good record keeping
- Remedies and Redress
- Dealing with unreasonable complainant conduct
- Managing unreasonable complainant conduct practice manual

#### Conducting Investigations

- Conducting administrative investigations
- Investigation of complaints
- Procedural fairness (natural justice)
- Giving reasons for decisions
- Good record keeping

#### Management of Personal Information

- Management of Personal Information
- Checklist - Management of Personal Information
- Good practice principles for the management of personal information

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Serving Parliament - Serving Western Australians

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