

Division 2: Parliamentary Commissioner for Administrative Investigations —

Mrs L.A. Munday, Chair.

Mr S.J. Price, Deputy Speaker of the Legislative Assembly.

Mr D. Robinson, Deputy Ombudsman.

Ms L. Nowbakht, Director, Finance and Governance.

[Witnesses introduced.]

The CHAIR: The estimates committees will be reported by Hansard and the daily proof will be available online as soon as possible within two business days. The chair will allow as many questions as possible. Questions and answers should be short and to the point. Consideration is restricted to items for which a vote of money is proposed in the consolidated account. Questions must relate to a page number, item or amount related to the current division, and members should preface their questions with these details. Some divisions are the responsibility of more than one minister. Ministers shall only be examined in relation to their portfolio responsibilities.

A minister may agree to provide supplementary information to the committee. I will ask the minister to clearly indicate what information they agree to provide and will then allocate a reference number. Supplementary information should be provided to the principal clerk by noon on Friday, 31 May 2024. If a minister suggests that a matter be put on notice, members should use the online questions on notice system to submit their questions.

I give the call to the Leader of the Opposition.

Mr R.S. LOVE: Hello. Budget paper No 2, volume 1, page 48, “Significant Issues Impacting the Agency”, refers to major own-motion investigations being a significant issue that can impact the agency. How many own-motion investigations are undertaken each year? Is that something that fluctuates? Is this year expected to be any different from the norm? How many are currently being undertaken?

The DEPUTY SPEAKER: I ask Mr Robinson to respond, please.

Mr D. Robinson: I do only a very small number of own-motion investigations—generally, one or two a year. I recently approved a proposal that considered four or five topics, and we approved one of those. It depends on the scope of the project and the resources available to undertake the project. For example, the own-motion investigation into the relationship between suicide and family and domestic violence was quite a lengthy process and took up a lot of resources to complete. It really depends on the nature of the own-motion investigation undertaken.

Mr R.S. LOVE: Is the availability of staff one of the key considerations in deciding whether those types of investigations can be undertaken? If they are, how does the agency go about the normal day-to-day operations of the role?

Mr D. Robinson: We have an own-motion team that is set up to consider these matters. Yes; what resources are available is always a consideration in terms of the number of own-motion investigations that we can take on—and also the timeframe. We have to look at the skill set and the number of people available to undertake a particular project. We have only a very small team, which is why we do only a small number of own-motion investigations each year.

Mr R.S. LOVE: A new question. Page 47 refers to the introduction of the alternative electricity services regulatory framework. There are increases in the full-time equivalence in staff—reported on page 50—which I assume is related? Could he perhaps run through what the office will be and how it will be structured under those new arrangements?

The DEPUTY SPEAKER: Mr Robinson.

Mr D. Robinson: The funding referred to in the budget papers is for interim measures to support the development of the new function. Legislation was recently passed to provide, amongst other things, the office with jurisdiction over alternative energy schemes—that is, behind-the-metre electricity schemes such as strata properties, shopping centres, commercial centres and so on. As part of that scheme, each of the providers will need to be registered with the Economic Regulation Authority, which is expected to take place, I think, from the middle of 2025. There will then be a period of six months for the providers to be registered once the regulations have been drafted. Once those companies are registered as part of the scheme, the complaint scheme will commence from January 2026. That funding we have received is to assist us in establishing the process for managing complaints that we might or will receive as part of the alternative energy scheme.

Mr P.J. RUNDLE: Page 48, paragraph 6 under “Significant Issues Impacting the Agency”, refers to the response to recommendations from the Royal Commission into Institutional Responses to Child Sex Abuse and how the Ombudsman has been funded to establish a legislated reportable conduct scheme. How is that program going and how many people in the office are involved in it?

[9.40 am]

The DEPUTY SPEAKER: I will ask Mr Robinson to respond.

Mr D. Robinson: We have 15 full-time equivalents allocated to that function. The function involves the oversight of how government and other agencies deal with allegations of child abuse. The scheme was recently expanded, as of January 2024, to include religious organisations and disability service providers. The position that we have taken on the legislation over the last 16 months or so is really to educate the sector about requirements under the act. The act places the onus on government agencies and others to properly investigate and consider risks around child safety and child abuse issues. The focus of our work is making sure that agencies and others have the capacity and ability to conduct investigations as required under the reportable conduct scheme, but, just as importantly, to make sure that they consider the risks and that they put appropriate measures in place to mitigate those risks. Our focus over the last 16 months has really been on education and making sure that that capacity exists. Members might notice from our website that we have made available a lot of material to guide agencies and others in how they can work with the scheme. We recognise that it is an additional regulatory burden on agencies, but we think it is a very important one, and we have been pleased with the responses we have had from agencies so far. However, it is still in its early stages of rollout.

Mr P.J. RUNDLE: Obviously, we had the statute of limitations legislation go through. How long does the office think it will take for this program to be rolled out and how long will the 15 FTEs remain on it? Will it scale down over time? What is the office's prediction of how it will play out?

The DEPUTY SPEAKER: Mr Robinson.

Mr D. Robinson: I think it will only expand over the next several years. Certainly, our experience over the first 12 months of operation of the scheme is that government agencies, particularly the larger government agencies—Education, Communities, Justice and others—have systems in place for identifying and dealing with these issues. The reportable conduct scheme provides an additional oversight mechanism. However, they have some capability there. I think it is potentially more challenging for some of the private sector providers, such as religious organisations and so on, but, as I say, it is early days in the scheme. I expect that the number of notifications and reports that we get would continue to increase. Obviously, ideally, we would like to reduce the number involved, but where we are in the rollout or effectiveness of the legislation means we are going to see a continual increase in only the first two, three or four years of the scheme. I think 15 FTEs is sufficient for this time. It is difficult to say what the future holds, but I cannot imagine the numbers going down significantly.

Mr P.J. RUNDLE: I have a further question in relation to the public sector versus the private sector. What is the percentage that the office deals with? Is it mainly the public sector? Is there a breakdown of the agencies that the office deals with?

Mr D. Robinson: The vast majority of notifications we have received are from public sector agencies. That is largely because the scheme was not expanded to register other organisations such as disability service providers prior to 1 January. The figures I have are really in relation to public sector agencies. Twenty-four per cent of the notifications came from the Department of Education, 25 per cent came from early childhood education providers, 20 per cent came from the Department of Communities and three per cent came from private schools. They are the figures we have at the moment. I do not have figures on the private sector notifications.

Dr D.J. HONEY: Are there any reporting protocols around this response in terms of the transparency of how it is progressing and how effective the program is?

Mr D. Robinson: Information available on the Ombudsman's website details the reporting obligations for agencies and for religious and other organisations in how they need to interact with the scheme and what their obligations are in conducting investigations and considering risks. There are no plans at this point to consider the performance of the Ombudsman's office in these matters. I would say that it is probably too early at this point to consider that, but it is certainly something we would want to look at in the longer term. As with any major function, it is important to consider how effective it is and whether the resources and processes applied to it are appropriate. We do not have any plans to do that at the moment. Hopefully, that answers the question.

Mr R.S. LOVE: I have a couple of questions about the table at the top of page 47 and the delivery of services. The total cost of services is outlined and then the net cost, which I assume had some revenues applied to it. Could the Deputy Speaker explain what the revenue sources are for the office?

The DEPUTY SPEAKER: Mr Robinson.

Mr D. Robinson: Our main source of revenue is through the Energy and Water Ombudsman scheme. That is an industry-funded scheme in essence, and the income from that has been \$2.8 million in the current financial year. The scheme operates by way of a board that has been appointed. There are certain members put to the scheme and

they contribute depending on the number of cases and complaints, and the complexity of those matters that the office deals with. That is the main source of our revenue. I might ask Ms Nowbakht whether there is anything additional.

The DEPUTY SPEAKER: Ms Nowbakht.

Ms L. Nowbakht: The energy and water scheme is \$2.7 million. We have another minor revenue source, which is to do with the service delivery arrangements between the Ombudsman and the Australian government for the Ombudsman to investigate complaints about its public authorities and provide service to the Indian Ocean territories.

Mr R.S. LOVE: I am not sure I picked that up, but I assume it will be in *Hansard*.

Ms L. Nowbakht: There are three components on the revenue side of things. One is the Energy and Water Ombudsman, which is \$2.7 million of the revenue. Another component is to do with the Indian Ocean territories, which is commonwealth funded. A very small portion of that is to do with the employee contribution.

Mr R.S. LOVE: What was the final one, sorry?

Ms L. Nowbakht: It is the employee contribution for the fleet cars.

The CHAIR: It is the employee contribution for motor vehicles.

Mr R.S. LOVE: The Ombudsman's office has been highlighted as having a lot of travel costs in the last year and, I assume, in this year as well. Could we have some detail around the travel expenses that have been incurred for travel by the Ombudsman's office?

The DEPUTY SPEAKER: Mr Robinson.

Mr D. Robinson: On travel generally, there are no plans for any international travel over the next 12 months or so. I might ask Ms Nowbakht to comment on the amount we have expended on travel over the last 12 months, if we have that figure available.

The DEPUTY SPEAKER: Ms Nowbakht.

Ms L. Nowbakht: I do not have the exact figure, but it would be around \$20 000 to \$30 000, because travel was cancelled for this financial year. There has been minor expenditure on travel this year.

[9.50 am]

Mr D. Robinson: The only expenditure that we have incurred in relation to travel in the period that I have been in the office is for the regional outreach program that we run, so it has been intrastate travel.

Mr R.S. LOVE: The substantive office holder, the Ombudsman, has been travelling a fair bit. Is it possible to get some detail about the level of cost involved in that, perhaps by supplementary information if not available now?

Mr D. Robinson: Yes.

The DEPUTY SPEAKER: Yes will be the response to that.

The CHAIR: Leader of the Opposition, can you specifically state what information you require?

Mr R.S. LOVE: We are looking for information pertaining to the costs of travel incurred by the Ombudsman in the current year, which is part of the discussion here—that is, the travel by the office holder.

The CHAIR: Deputy Speaker, are you happy to provide that information?

The DEPUTY SPEAKER: Yes, I am.

[*Supplementary Information No A1.*]

The DEPUTY SPEAKER: I will provide the financial costs of the Ombudsman's travel for the 2023–24 financial year.

Dr D.J. HONEY: This is heading back to a more general question about the number of allegations made to the Ombudsman's office. More particularly, are there any particular areas that dominate in those complaints or allegations?

Mr D. Robinson: Each year, we receive over 10 000 inquiries to the office. Over the last three years, we have received approximately 2 500 complaints each year that are within jurisdiction, and that contains a similar number of allegations. I am sorry but I do not have a breakdown of complaints. I will be able to provide it by way of supplementary information. There are no particular trends that come to mind. We receive complaints across a range of different agencies, including local government.

The CHAIR: Member for Cottesloe, do you not want any supplementary information?

Dr D.J. HONEY: No.

Mr P.J. RUNDLE: I am curious about a rough breakdown of the types of complaints your office receives. Is there any general information about that?

Mr W.J. JOHNSTON: It is actually on the website.

Mr D. Robinson: It is a whole range of different matters essentially about government decision-making. It could be about someone's entitlements or a decision made by local government or it could be a decision about a whole range of issues that government agencies make on a day-to-day basis. There are no particular trends that I can talk about, but we get a whole range of complaints over the year.

Mr P.J. RUNDLE: What would be the 10 000 complaints? How many would the office pick up, investigate and follow through to the end compared with how many it would push off to the side or however we want to talk about it?

Mr D. Robinson: We receive about 11 000 inquiries each year and about 2 500 are complaints. Many of the inquiries do not relate to our jurisdiction. People ring the office because they think we can assist with a whole range of matters. Of those 2 500 matters that we receive as complaints, roughly 20 per cent end up as investigations. The investigation can be as simple as obtaining some further information from an agency or obtaining some further information from the complainant, and then providing a response to the complainant and the agency; or it could be an investigation that involves the Ombudsman's office using the full range of powers available to it—for example, using its royal commission powers to issue orders to produce documents. Roughly 20 per cent of the 2 500 would result in some form of investigation ranging from relatively simple to more complex.

Dr D.J. HONEY: I am looking at the income statement on page 51 of volume 1 of budget paper No 2. The average full-time equivalent figure for employee benefits rises from about \$119 000 to \$124 500 a year, which is a rise of around 4.6 per cent. That is well ahead of the three per cent wages policy the government has in place. Can the Deputy Speaker explain why we have the higher rise in wages?

The DEPUTY SPEAKER: No, I cannot, but I will ask Mr Robinson to.

Mr D. Robinson: That would be to do with the additional resources that we have been approved in relation to things like the alternative energy scheme. In addition to salary rises as part of the general scheme, we also have additional resources that would be incorporated in that. I may ask Ms Nowbakht whether that is correct.

Ms L. Nowbakht: The main increase in employee benefits has to do with the Salaries and Allowances Tribunal determination, so we have an increase in salaries for the SAT positions. We have alternative electricity services and the general wages and salary increase across the years.

Dr D.J. HONEY: I refer to the income statement on page 51 of budget paper No 2. There is roughly a tripling of expenditure under "Supplies and services". It goes from \$928 000 in 2022–23 to \$2.28 million and then up to \$2.61 million in the next financial year. Perhaps that increase could be explained.

Mr D. Robinson: I may ask Ms Nowbakht to address that.

Ms L. Nowbakht: It has to do with some of the new jurisdiction functions that increase supply and services. In the budget for 2023–24, between the line items "Supplies and services" and "Accommodation", we did some changes in the expenditure category, so accommodation is going up in the same way as services and supplies. It is mainly to do with the general escalation to the budget and the movement for various functions.

Dr D.J. HONEY: It is quite a significant increase, and I just wonder how that significant increase can be explained. It is not a general increase. The figure for "Supplies and services" jumps from \$928 000 in 2022–23 to an estimated actual of \$2.2 million.

The CHAIR: Member for Cottesloe, we have about one minute to get an answer.

Ms L. Nowbakht: Is the member comparing it with the actuals? We had lower expenditure in the previous financial year compared with our budget for the out years.

Dr D.J. HONEY: That was not the question, but that is fine; we have to move on.

The appropriation was recommended.