

Division 2: Parliamentary Commissioner for Administrative Investigations, \$12 855 000 —

Mr S.J. Price, Chair.

Mrs M.H. Roberts, Speaker of the Legislative Assembly.

Mr C. Field, Parliamentary Commissioner for Administrative Investigations.

Ms M. White, Deputy Parliamentary Commissioner for Administrative Investigations.

Ms M. Marsh, Senior Assistant Ombudsman, Operations.

Ms R. Poole, Head, Office of the Ombudsman and President.

[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 the 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 be examined only 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, 2 June 2023. If a minister suggests that a matter be put on notice, members should use the online questions on notice system to submit their questions.

Do we have any questions? The Leader of the Liberal Party.

Ms L. METTAM: I refer to page 49 and paragraph 4 under “Significant Issues Impacting the Agency”. On average, how many own-motion investigations are undertaken each year?

The SPEAKER: Mr Field.

Mr C. Field: I thank the chair and the honourable Leader of the Liberal Party for her question, and an excellent question it is. It will vary from year to year, but it will be somewhere around two to four a year. In fact, when I first commenced as Ombudsman, we did not have own-motion investigations; in Europe they were called “own initiative” investigations, and I made the decision some years ago for a capacity to do these very significant, systemic investigations into public administration, so we established that team and we have an outstanding team that does those. We will generally undertake around two to four a year, but we have an additional role that that team undertakes, a commitment I made to Parliament many years ago to the then Leader of the Opposition and shadow Treasurer that we would, 12 months after tabling one of those own-motion investigations, examine the implementation of those recommendations as well. I think we may still be one of the only ombudsmen in the world that does that. We table those reports in this Parliament—they can be three or four volumes long; they are significant pieces of work—with recommendations at the end. Twelve months later we report back to the Parliament, directly from me to the Parliament, and we brief parliamentarians outside this chamber, on how those recommendations have been implemented and what positive effect they are having on public administration in Western Australia.

That is a long way of saying around two to four a year!

Ms L. METTAM: How many are currently occurring?

The SPEAKER: Mr Field.

Mr C. Field: Leader of the Liberal Party, we are currently examining our next two investigations. We have just finished a series, late last year and early this year, and we are looking at our next two investigations areas. We take a very broad range of feedback, which can be from any member of Parliament; the public, of course; our own surveys of the interest of other public through various public reporting sources; and complaints. We look at what systemic issues are coming through. Over the last several years we have tended to look at issues that might be of most effect for women, children and other marginalised and vulnerable populations in the community, such as Aboriginal Western Australians and their communities. We will announce another two investigations; they are always publicly reported and I will always keep Parliament up to date and briefed about the progress of those investigations.

Mr R.S. LOVE: I have a question, but I must admit that I am struggling to hear the commissioner’s answers. It would be much better if he could speak a little louder.

Mr C. Field: I am so sorry; I am relying too much on the microphone!

Mr R.S. LOVE: It does not matter; I am sure Hansard got it all!

Mr C. Field: I need to rely more on projection, honourable Leader of the Opposition, so I will do that from now on!

Mr R.S. LOVE: It is okay; I am not an “honourable”, so that is fine!

Mr D.R. MICHAEL: Hear, hear!

Mr R.S. LOVE: Okay, yes, thank you!

The SPEAKER: Everyone heard that!

Mr R.S. LOVE: I heard the commissioner mentioning something about the outreach programs. I am talking here about paragraph 5 under “Significant Issues Impacting the Agency”. Could the commissioner explain what he is doing to enhance the awareness of the service and exactly what programs he is running to do so?

Mr C. Field: Leader of the Opposition, it is a really good question, and once again a question that goes to the fundamental nature of the office of the Ombudsman and our commitment to providing access to justice to all Western Australians. We do a range of things. We certainly look to make sure that people are aware of our services in the metropolitan region through a range of outreach and other mechanisms, but we have a particular focus on rural and regional Western Australia. Some many years ago we started a process of visiting, over the course of years, every single region in the state. I do not need to tell the Leader of the Opposition what a vast and significant state this is geographically and, of course, in terms of the diversity of people’s interests and what affects them in a way that would make them want to come and use an office like mine. I think, over the course of that regional program, we have undertaken more than 30 visits and visited every single region at least once and many regions multiple times. There have been two visits over the last year; next year we will be looking at up to four. We are sending out a team of four or five staff who are very expert in these areas, usually with an Aboriginal Western Australian, and we are going out on local radio, meeting local governments and local community support people, and holding complaints clinics and advertising them. We write to local members and say, “This is when we’re coming. Would you like to send your constituents? Would you like to advertise these posters we have?” We find that take-up has been really outstanding. We have had many people come through to us through those complaints clinics and, pleasingly, we are often able to solve their complaints, their concerns with local government, on that day they are with us. If not, we certainly treat them as a priority. It is a very important area to us. It is an excellent question the Leader of the Opposition asks for a matter that is personally important to me. We have a really profound commitment to access, particularly for regional and remote Western Australia.

[9.50 am]

Mr R.S. LOVE: I refer to page 51 and the services and key efficiency indicators. The table lists employees, or full-time equivalents, and shows a growth to 91 in the current budget year. Is that because of the introduction of programs such as the reportable conduct scheme and other activities, such as the work under the Charitable Trusts Act 2022? How will those extra personnel be used?

Mr C. Field: The Leader of the Opposition is precisely correct; that is where the growth in staff comes from—from that number to the number quoted, around 90. It comes from those new jurisdictions that we have commenced in relation to reportable conduct and charitable trusts, and one or two others in there as well, with not quite as many staff involved. The bulk of those staff are for reportable conduct and that jurisdiction is now well-established in Australia and arises out of the Royal Commission into Institutional Responses to Child Sexual Abuse. The Australian Capital Territory, New South Wales and Victoria have those jurisdictions. We now have a similar jurisdiction courtesy of the significant and excellent deliberation of this place and the other place to create that legislation and give us that function. Our office will take reports about all allegations around child abuse. That is where a significant number of those staff are. However, as the Leader of the Opposition says, there are some other functions as well—insignia law, protected precincts and charitable trusts. They are our four major new functions of the past period and that is where that staff growth comes from.

Mr R.S. LOVE: I refer to page 48. Under “New Initiatives” in the spending changes table is a line item for investigations by the parliamentary commissioner under the Charitable Trusts Act 2022. How have those estimates been arrived at—namely, the \$198 000 budgeted this year and \$303 000 for the following year? What is the expectation of the number of investigations that will be required and how is something like that estimated when a new act will bring in a process that did not exist before?

Mr C. Field: If I may say so, that is another excellent question from the Leader of the Opposition. We basically have two processes when we are asked to consider a new jurisdiction. Of course, when Parliament passes legislation, I must execute that jurisdiction, and I am delighted to do so. Normally, we examine very carefully the experiences of other jurisdictions with either exactly the same or very similar legislation. We will often have the benefit that they may have been doing that sort of role for many years. The New South Wales Ombudsman had been undertaking the reportable conduct jurisdiction for a decade-plus, so it gave us a great sense of what we would have. Similarly, with charitable trusts, we will look at what has been done up until the time that function was given to us by this Parliament under legislation. We will then make an estimate based on the expertise of our staff, which these days is strong in terms of investigations. We have what the economists would call a scale-and-scope efficiency because we have a number of staff now. It will not cost us as much as it would if it were given to a standalone or very small agency, so we factor in all those economics. We will consider the depth and breadth of the investigations.

To take charitable trusts as an example, those investigations tend to be somewhat more complex. There will tend to be slightly greater resources required for that sort of investigation in terms of both the level of person we will employ and the depth and length an investigation may go. Last of all, and something I was very keen to achieve—it is only a modest amount of money in the overall scheme of things—I wanted the small amount of money to also be able to visit regional Western Australia as part of the charitable trusts function, as an example, because so many of those charitable trusts affect Aboriginal Western Australians, particularly in remote and regional areas. I get concerned about making decisions for those living regionally and remotely, particularly Aboriginal people, without having the chance for my staff to speak to them and listen to them on land as opposed to doing that completely remotely. We will consider a raft of things. However, I will say this—my staff know this by repetition over many years: I am aware that every time I spend money, I am walking up to someone at Forrest Place and I am taking money out of their wallet and putting it into my pocket, so as much as possible we try to reduce the amount of money for every function we do. We are not profligate in our budget estimating; I give the Leader of the Opposition that promise.

Mr R.S. LOVE: I sincerely hope the parliamentary commissioner is not literally pocketing the money! I understand what he means.

Ms M. BEARD: I refer to page 50 and the outcomes and key effectiveness indicators. I note that for 16 years, 100 per cent of recommendations from the Ombudsman have been accepted. However, it seems from that table that only 57 per cent were implemented in 2021 and only 72 per cent were forecast to be implemented in 2022–23. The budget states that this is due to a fluctuation in improvements. Can the parliamentary commissioner elaborate on this point and explain why we are not seeing the same 100 per cent improvement in recommendations?

The SPEAKER: I note that the number of improvements to practices is not actually a percentage; it is a number. I will ask Mr Field to respond.

Mr C. Field: Yes, lest it be, and for the permanent record of *Hansard*, I was talking very much about metaphorical pockets; if it were literal pockets, I would not be sitting here today!

We have a record of having 100 per cent of our recommendations accepted over the 16-year term that I have had the great privilege of holding the office of Ombudsman, which is an unusually high figure. The office is one of the few in the world that holds that figure. Of course, we must remember, too, that we have a process of every year following through to see what has been the outcome of the acceptance of those recommendations. It is not just about making the recommendations and having them accepted, but about seeing what quality improvements they are making in this state for the wellbeing of Western Australians.

The member is absolutely correct about those numbers. Those numbers are not percentages, but numbers of improvements that have been achieved through the Ombudsman's practices. They will fluctuate from year to year. They are not a percentage, but an actual number. The member will see that 57 were achieved in 2021–22, and we estimate 72 in 2022–23. We have a budget figure of 100. Those figures will vary from year to year depending on what matters we are examining in that year. They are the figures for when we have achieved a clear improvement to practices or procedures as a result of the Ombudsman undertaking an investigation. They are a number as opposed to a percentage. It is still an excellent question, but that is the difference.

[10.00 am]

The CHAIR: We are just about out of time. Is there a quick question, Leader of the Opposition? You will have to be really quick.

Mr R.S. LOVE: Very quickly, on page—now I have lost my page because I closed my book. I think it was on page 53. It refers to other revenue in the income statement. What other revenue sources does the parliamentary commissioner's office have other than the public purse?

The SPEAKER: Mr Field, you will have to be very brief in the amount of time.

The CHAIR: Sorry, commissioner; we are actually out of time.

The appropriation was recommended.