

5 December 2018

Hon Matthew Swinbourn MLC
Chair
Standing Committee on Environment and Public Affairs
Legislative Council Committee Office
Parliament House, 4 Harvest Terrace
WEST PERTH WA 6005

By email transmission: env@parliament.wa.gov.au

Dear Mr Swinbourn

Petition No 84 – Integrity oversight bodies

Thank you very much for your letter dated 22 November 2018 regarding *Petition No 84 – Integrity oversight bodies*. The Standing Committee on Environment and Public Affairs (**the Committee**) has requested that I provide comments on the principal petitioner's concerns about the Ombudsman as outlined in the terms of the petition and the petitioner's submission.

I am very pleased to provide the following comments.

1. The petition

The petition refers to:

Mr Crawford's serious concerns about the performance of the ... Parliamentary Commissioner for Administrative Investigations (Ombudsman) in relation to [its] handling of complaints and applications put to [it] in respect to Local Government.

The Ombudsman is an officer of the Parliament and serves Western Australia's Parliament and its Committees. One of the ways the Ombudsman does this is to receive and handle complaints about public authorities, including local governments.

The handling of complaints by the Ombudsman, including the handling of complaints about local government, is governed by the *Parliamentary Commissioner Act 1971 (the Act)* and the Ombudsman undertakes the handling of all complaints in accordance with the provisions of the Act.

Importantly, the performance of the Ombudsman is subject to both internal review and external oversight. In terms of the internal review of the handling of complaints, the Ombudsman is committed to providing complainants with a service that reflects best practice administration. One of the ways in which this is done is that we offer

complainants an opportunity for the handling of their complaint to be reviewed by a senior officer who was not involved in the original investigation of their complaint. The purpose of a review is to consider whether the complaint was handled in accordance with the Act. In 2017-18, for example, 11 reviews were undertaken, representing half of one per cent of the total number of complaints finalised by the Office. In all cases where a review was undertaken, the original decision was upheld.

In addition to internal review, the performance of the Ombudsman is governed by the Act and is subject to a range of independent external oversight, including from:

- Parliament and its Committees;
- The Office of the Auditor General;
- The Public Sector Commission; and
- The Corruption and Crime Commission.

Further extensive information on the performance of the Ombudsman is contained in our annual reports, and I would, of course, be at the Committee's disposal to provide any further information as required.

2. The principal petitioner's submission

The principal petitioner's submission makes the following references that relate to the Ombudsman:

2.1 The principal petitioner states that the petition and submission are a:

product of some 4+ years of frustration in trying to get [the Ombudsman], on more than one occasion to address:

- *the circumventing of or abuse of process in a local government authority (LGA) ...*
- *clear errors in understanding and application of a state act by a State Govt Department ...*

2.2 The principal petitioner states there are examples:

with regard complaints made by Melville residents to the WA Ombudsman ... over the past 3 / 4 years – matters that may (or may not) be part of the current authorised inquiry into Melville that I (and other victims) say could have and should have been addressed by the integrity bodies – in these instances the WA Ombudsman ... [has] failed to address and hence failed victims and the wider community.

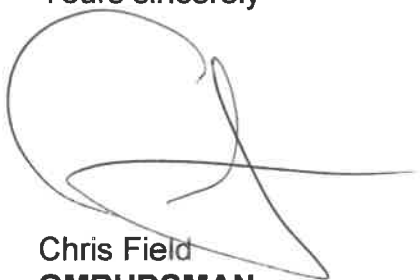
The principal petitioner refers to his 'own personal experience since September/October 2013' and also refers to 'fellow Melville ratepayers' and 'examples from Melville residents of their interactions with the WA Ombudsman'.

I can confirm that my office has received a number of complaints from residents of the City of Melville and has responded to each of these complaints.

It may be of further assistance to the Committee's consideration of this matter that, for three complaints, following correspondence from the complainant requesting a review, the handling of the complaints was the subject of a thorough internal review by a senior officer not involved in the original investigation. All three of these reviews found that the process in dealing with the complaints was appropriate. In particular, I note that one review was undertaken by the Deputy Ombudsman, Ms Mary White, personally. Ms White's review found that the complaint was undertaken in an appropriate manner and in accordance with the Act which governs the process by which the Ombudsman handles complaints.

If I can be of any further assistance in any way to the Committee please do not hesitate to contact me

Yours sincerely

A handwritten signature in black ink, appearing to read 'Chris Field', with a large, sweeping loop at the end.

Chris Field
OMBUDSMAN