



Position description

Parliamentary Commissioner for Administrative Investigations (Ombudsman) Western Australia

Organisational overview

The Parliamentary Commissioner for Administrative Investigations, known as the Ombudsman, is an independent officer of the Western Australian Parliament, responsible to the Parliament. This allows the Ombudsman to be completely independent in the investigation and resolution of complaints about public authorities i.e. all State Government agencies, statutory authorities and boards, local governments and universities. The Ombudsman also acts as the Energy and Water Ombudsman for Western Australia. The Ombudsman may investigate complaints about administrative actions of agencies delivering services to the Indian Ocean Territories. This is done under a service delivery arrangement with the Commonwealth.

Established under the *Parliamentary Commissioner Act 1971*, the Ombudsman is provided wide investigative powers similar to those of a Royal Commission and subject to any Parliament the Ombudsman's investigative procedures may be regulated consistent with Division 3 of the Act.

The Ombudsman investigates and makes recommendations for changes to practices and procedures to address issues identified, and in doing so contributes significantly to improving the quality of public administration and public confidence.

Additional information regarding the Ombudsman Western Australia can be accessed from the website: www.ombudsman.wa.gov.au.

Primary purpose of the role

The Ombudsman must undertake an independent and impartial approach to the conduct of investigations ensuring procedural fairness at all times. All information obtained by the Ombudsman is confidential and at the conclusion of an investigation, the Ombudsman may make formal recommendations, including to:

- refer the matter to another agency
- rectify administrative actions
- vary administrative practice
- reconsider the law which underpins administrative action and/or
- provide rationale for a decision.

The Ombudsman makes practical recommendations about significant matters providing these are beneficial to the public and cost effective for agencies.

Legislation

As well as undertaking the role of the Ombudsman under the Act, the Ombudsman has other functions derived from other legislation, codes or service delivery arrangements as follows:

Charitable Trusts	<ul style="list-style-type: none"> • <i>Charitable Trusts Act 2022</i>
Complaints and appeals by overseas students	<ul style="list-style-type: none"> • <i>National Code of Practice for Providers of Education and Training to Overseas Students 2018</i>
Public Interest Disclosures	<ul style="list-style-type: none"> • <i>Public Interest Disclosure Act 2003</i>
Complaints from residents of the Indian Ocean Territories	<ul style="list-style-type: none"> • <i>Indian Ocean Territories (Administration of Laws) Act 1992</i> • <i>Christmas Island Act 1958 (Commonwealth)</i> • <i>Cocos (Keeling) Islands Act 1955 (Commonwealth)</i>
Complaints from persons detained under terrorism legislation	<ul style="list-style-type: none"> • <i>Terrorism (Preventative Detention) Act 2006</i>
Inspection of Telecommunications Interception records	<ul style="list-style-type: none"> • <i>Telecommunications (Interception and Access) Act 1979 (Commonwealth)</i> • <i>Telecommunications (Interception and Access) Western Australia Act 1996</i> • <i>Telecommunications (Interception and Access) Western Australia Regulations 1996</i>
Scrutiny of police powers in relation to unlawful consorting and prohibited insignia	<ul style="list-style-type: none"> • <i>Criminal Law (Unlawful Consorting and Prohibited Insignia) Act 2021</i>
Scrutiny of powers in relation to Protected Entertainment Precincts	<ul style="list-style-type: none"> • <i>Liquor Control Act 1988</i>
Energy and Water Ombudsman	<ul style="list-style-type: none"> • <i>Electricity Industry Act 2014</i> • <i>Energy Coordination Act 1994</i> • <i>Water Services Act 2012</i> • <i>Constitution of the Energy and Water Ombudsman (Western Australia) Limited</i> • <i>Charter of the Energy and Water Ombudsman (Western Australia) Limited</i>

These Acts in conjunction with codes or service delivery arrangements, provide the following principal and other functions:

Principal functions

Investigating and resolving complaints	Receiving, investigating and resolving complaints about State Government agencies, local governments and universities.
Reviewing certain deaths	Reviewing child deaths and family and domestic violence fatalities.
Undertaking own motion investigations	Improving public administration for the benefit of all Western Australians through own motion investigations, identifying concerns about the decision making and practices of Western Australian public authorities
Reportable Conduct Scheme	Monitoring, overseeing and reviewing investigations undertaken by organisations into allegations of, and convictions for, abuse of children involving any of the organisation's employees.
Other functions	Undertaking a range of additional functions, including statutory inspection and monitoring functions.

Other functions of the Ombudsman

Complaints and appeals by overseas students	Receiving complaints under the relevant national or appeals by overseas students.
Charitable Trusts	Receiving and investigating complaints about charitable trusts.
Public Interest Disclosures	Receiving disclosures of public interest matters of administration, and public officers.
Complaints from residents of the Indian Ocean Territories	Investigating complaints about public authorities in the Ombudsman's jurisdiction that provide services in the Indian Ocean Territories (Christmas and Cocos (Keeling) Islands), under a service delivery arrangement with the Commonwealth Government.
Complaints from persons detained under terrorism legislation	Investigating complaints by persons detained under relevant terrorism legislation.
Inspection of Telecommunications Interception records	Inspecting the records of the Western Australia Police Force and the Corruption and Crime Commission to ascertain the extent of compliance with relevant legislation.
Scrutiny of police powers in relation to unlawful consorting and prohibited insignia	Scrutinises the exercise of powers by the WA Police Force to ascertain the extent of their compliance with unlawful legislation.

Scrutiny of powers in relation to Protected Entertainment Precincts	Scrutinises the operation of, and exercise of powers under, the Protected Entertainment Precincts provisions of the relevant liquor control legislation.
Energy and Water Ombudsman	Resolving complaints regarding electricity, gas and water providers.

Key accountabilities

The Office is accountable for the investigations of complaints and ongoing improvements to the integrity standard of administration in public authorities aligned to the functions outlined above and detailed below.

Selection criteria

The role of the Ombudsman is critical to the integrity and performance of the public sector. The selection process includes assessing applicants against the following expected behaviours as they apply to the role specific attributes.

Expected behaviours

The Public Sector Commission has defined expected behaviours of all leaders in the public sector. The Ombudsman must, at a minimum, demonstrate the following expected behaviours in order to be successful in this position:

Lead Collectively	You understand how your work and the work of your office fit in the sector and recognise your role in creating and supporting value for the future of Western Australia.
Think through complexity	You are comfortable with a high level of complexity arising from ambiguity and uncertainty, creating value in an unknowable long term future.

Dynamically sense the environment	You scan and decipher the internal and external environments, leveraging understanding to influence and persuade others so as to create value for Western Australia.
Deliver on high leverage areas	You pursue with tenacity the high leverage priorities that are essential to your office, key stakeholders and Western Australians.
Build capability	You proactively build capability to promote integrity within the public sector and community for the future of Western Australia.
Embody the spirit of public service	You display and embody the spirit of public service in all your decision making, interactions, and professional activities to deliver on community expectations.
Lead adaptively	You are continually learning and adapting your personal style and approach to be effective in new and challenging contexts.

Further details of the expected behaviours and mindsets for this position, which is at the Statewide Leader context, can be found on the Public Sector Commission's [website](#).

Role specific attributes

- contemporary knowledge and significant understanding of issues in ethics and public administration including emerging public sector trends, matters relating to utilities and risk mitigation practices
- outstanding relationship building skills with a demonstrated capacity to develop and maintain effective relationships with relevant stakeholders including Ministers, public sector leaders and community representatives
- effective physical, financial and human resources management including an understanding of governance, accountability frameworks and of government processes, including exercising sound judgement and discretion
- intellectual and conceptual ability to analyse complex issues objectively to arrive at impartial conclusions supported by relevant and reliable evidence
- experience in undertaking a range of oversight functions including in relation to statutory schemes or similar
- demonstrates understanding of the role of Ombudsman in the context of the broader integrity and accountability system.

Employment conditions

Term of appointment

In accordance with the *Parliamentary Commissioner Act 1971* the appointment is for 5 years.

Remuneration

Remuneration is determined independently by the Salaries and Allowances Tribunal. The position is a Prescribed Officer with a salary of \$405 120, together with employer

contribution to superannuation, and the provision of a fully maintained motor vehicle for private use or the provision of a motor vehicle allowance in lieu of a vehicle.

Leave and allowances

The office holder is entitled to leave as applicable to a public service officer in accordance with the provisions of the [Public Service Award 1992](#) and the [Public Sector CSA Agreement 2022](#). When the officeholder takes leave, the Deputy Ombudsman can act in the Office of the Ombudsman for the period on absence under s.7 of the Act.

Eligibility requirements

To be eligible for appointment, applicants must be Australian citizens or have permanent residency or must be entitled to remain and work in Australia indefinitely i.e. Special Category Visa for New Zealand citizens. No person who is, or has been, within the preceding 3 years, a member of the Parliament of the Commonwealth or any state can be appointed to the position.