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4 September 2018

Mr Darren Foster
Director General
Department of the Premier and Cabinet
Dumas House, 2 Havelock Street
WEST PERTH WA 6005

By email: aboriginalpolicy@dpc.wa.gov.au

Dear Mr Foster

An office for advocacy and accountability in Aboriginal affairs in Western Australia

Thank you for the opportunity to comment on the proposed office for advocacy and accountability in Aboriginal Affairs in Western Australia.

My Office welcomes initiatives that support greater accountability in the delivery of government services for Aboriginal and Torres Strait Islander peoples. This is especially important for Aboriginal and Torres Strait Islander peoples from regional and remote communities, who may be reluctant to complain about poor government service delivery and lack sufficient access to advocacy organisations, language interpreters and technology resources to have their voices heard.

I understand the intention is for the proposed office to strengthen state government accountability for Aboriginal affairs and to advocate on behalf of Aboriginal peoples in Western Australia. I note the intention is to avoid duplicating the role of the Ombudsman and to avoid confusion, I would advise against using the term Ombudsman in naming the proposed office.

The purpose of the Office of the Commonwealth Ombudsman is to:

- Provide assurance that the organisations we oversight act with integrity and treat people fairly
- Influence systemic improvement in public administration in Australia and the region.

We seek to achieve our purpose through:

- correcting administrative deficiencies through independent review of complaints about Australian Government administrative action
- fostering good public administration that is accountable, lawful, fair, transparent and responsive
- assisting people to resolve complaints about government administrative action; and

- providing assurance that Commonwealth, State and Territory law enforcement, integrity and regulatory agencies are complying with statutory requirements and have sound administrative practices in relation to certain covert, intrusive and coercive powers.

In establishing any new office, it will be important to provide clear information about its role and functions. This will help people correctly identify where to go to raise a particular issue. In our experience, it can be challenging for members of the public to successfully identify and navigate interactions with oversight and complaint bodies. We have successfully established arrangements to 'warm transfer' complaints that are more appropriately dealt with through other oversight bodies, so that the public experiences a seamless 'no wrong door' approach. I would welcome the opportunity to develop a similar arrangement with the new office if established.

In relation to our own complaint handling systems, my Office provides a range of intake points for Aboriginal and Torres Strait Islander peoples to lodge complaints about government services. My Office has a dedicated Indigenous call line and provides access to Indigenous language interpreter services. We also receive complaints through Indigenous legal and social service advocacy organisations.

In 2017, we reviewed our complaint handling systems to identify barriers faced by Aboriginal and Torres Strait Islander peoples in accessing our Office. We are implementing the findings of the review through the development and distribution of external communications products targeted at Indigenous communities and organisations; further developing our internal complaints handling practices; and conducting cultural awareness and capability training for our staff.

In 2017-18, we conducted outreach trips to the Carnarvon and Bunbury regions of Western Australia in partnership with the Western Australian Ombudsman. During these trips, we received feedback on government service delivery from a range of stakeholders, including service providers, job seekers, government agencies, Indigenous organisations, peak bodies and other community organisations.

I look forward to the future development of this initiative and to working with the new office if established.

Yours sincerely



Michael Manthorpe PSM
Commonwealth Ombudsman

Influencing systemic improvement in public administration