

**OFFICE OF THE OMBUDSMAN
REMARKS BY
HER EXCELLENCY PROFESSOR THE HONOURABLE KATE WARNER AC
GOVERNOR OF TASMANIA, WEDNESDAY 9 OCTOBER 2019**

Good evening and welcome to this reception to mark the 40th year of the Office of the Ombudsman in Tasmania.

I begin by paying my respects to the traditional and original owners of this land— the palawa people. I acknowledge the contemporary Tasmanian Aboriginal community, who have survived invasion and dispossession, and continue to maintain their identity, culture and Indigenous rights.

May I acknowledge among you:

- the Honourable Elise Archer MP, Attorney-General;
- Richard Connock, Tasmanian Ombudsman and Health Complaints Commissioner;
- Professor John McMillan, former Commonwealth Ombudsman;
- Vincenzo Caltabiano, Legal Aid Commission of Tasmania Director;
- Jenny Gale, Department of Premier and Cabinet Secretary;
- Deputy Commissioner Richard Cowling;
- Rod Whitehead, Auditor-General Tasmania;
- Leanne McLean, Commissioner for Children.

Ladies and gentlemen, as you probably know, the establishment of the Office of the Ombudsman in Tasmania in 1979, as well as elsewhere in Australia, came only after many years of discussion and debate.

It was of course a Swedish innovation, along with right to information legislation and no-fault divorce. It was in the early 1960s – half a century ago – the notion of appointing an ombudsman first surfaced in Australia. But it wasn't until 1972 that the first Australian Ombudsman was established, in Western Australia, with the Commonwealth Office established in 1977, as well as in other States during that decade.

The role has been a very successful and popular one basically because it provides a comparatively inexpensive and accessible remedy for complaints of defective administration. And the Office has proved resilient, more so than law reform commissions, for example, and despite funding cuts from time to time, which I understand particularly affect 'own motion investigations' which have such potential for systemic reform.

As the Honourable Michael Kirby has observed, while all Australians benefit from the existence of the Office, it has always been of special importance for low income and disadvantaged people for a number of reasons.ⁱ He points out that such people, when they have a dispute with government departments and agencies, will often have a greater feeling of powerlessness. They will commonly be less effective advocates for their own causes and often be the very people who have a high level of interaction with government departments as well as with private agencies delivering services on behalf of the government.

I think it's appropriate I finish with the words of John McMillan, whom we shall hear from shortly, who has said:ⁱⁱ

[The ombudsman] occupies a central place in administrative law, in the government accountability system, in the civil justice system and in our national integrity framework.

I think we can all well agree that the Office of Ombudsman plays a key role in the health of our federal and state public services and therefore, by extension, the health of our democracy.

Thank you.

ⁱ Michel Kirby, 'Australia's Commonwealth Ombudsman 40 Years on – Achievements and Ten Challenges' (2017) 45 Federal Law Review 495, 502.

ⁱⁱ John McMillan, 'Future Directions for Ombudsman Offices – Four Trends, Two Reflections' AIAL Forum No 77, 10, <http://classic.austlii.edu.au/au/journals/AIAdminLawF/2014/7.pdf> accessed 7 October 2019.