

Appendices

We are required under legislation or policy to provide information in our annual report on a range of government programs or on specific issues such as credit card use. For ease of reporting, we group a number of these requirements in the Appendices. Details of annual reporting compliance can be found in Appendix M.

We are required to provide statistical information on access applications under the *Government Information (Public Access) Act 2009* (see Appendix O), provide a progress report on our implementation of a range of access and equity programs (see Appendix P) and to list the legislation under which we operate (see Appendix N).

We also use the appendices to provide some statistical information on the work that we do – giving detailed breakdown of complaints received in our public administration division by agency or by council (see Appendix F – J); by program areas in our community services jurisdiction (see Appendix C - E) or by the category of police complaints (see Appendix A).

We also take the opportunity to provide an update on our current legislative reviews (see Appendix B) and to comply with our reporting obligations under the *Law Enforcement (Powers and Responsibilities) Act 2002* (see Appendix K).

Details of the publications that we produced during the year can be found in Appendix Q.



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Appendix A

Profile of notifiable police complaints 2010-2011

Figure 62: Action taken on finalised notifiable complaints about police officers in 2010-2011

| Category | Allegations declined | Allegations subject of investigation | Allegations conciliated or informally resolved | Total |
|--|----------------------|--------------------------------------|--|------------|
| Arrest | | | | |
| Improper failure to arrest | 2 | 4 | 4 | 10 |
| Unlawful arrest | 34 | 25 | 13 | 72 |
| Unnecessary use of arrest | 30 | 19 | 18 | 67 |
| Total | 66 | 48 | 35 | 149 |
| Complaint-handling | | | | |
| Deficient complaint investigation | 6 | 7 | 1 | 14 |
| Fail to report misconduct | 2 | 86 | 9 | 97 |
| Fail to take a complaint | 4 | 2 | 8 | 14 |
| Inadequacies in informal resolution | 0 | 1 | 1 | 2 |
| Provide false information in complaint investigation | 4 | 71 | 13 | 88 |
| Total | 16 | 167 | 32 | 215 |
| Corruption/misuse of office | | | | |
| Explicit threats involving use of authority | 3 | 4 | 4 | 11 |
| Improper association | 45 | 59 | 21 | 125 |
| Misuse authority for personal benefit or benefit of an associate | 39 | 62 | 26 | 127 |
| Offer or receipt of bribe/corrupt payment | 17 | 10 | 2 | 29 |
| Protection of person(s) involved in criminal activity (other) | 1 | 0 | 0 | 1 |
| Total | 105 | 135 | 53 | 293 |
| Custody/detention | | | | |
| Detained in excess of authorised time | 0 | 6 | 1 | 7 |
| Escape from custody | 1 | 1 | 4 | 6 |
| Fail to allow communication | 1 | 0 | 2 | 3 |
| Fail to caution/give information | 1 | 1 | 4 | 6 |
| Fail to meet requirements for vulnerable persons | 3 | 2 | 2 | 7 |
| Improper treatment | 11 | 24 | 38 | 73 |
| Inadequate monitoring of persons in custody | 1 | 5 | 2 | 8 |
| Unauthorised detention | 9 | 11 | 4 | 24 |
| Total | 27 | 50 | 57 | 134 |
| Driving-related offences/misconduct | | | | |
| Breach pursuit guidelines | 1 | 15 | 1 | 17 |
| Dangerous driving causing grievous bodily harm/death | 1 | 3 | 0 | 4 |
| Drink-driving offence | 2 | 23 | 0 | 25 |
| Fail to conduct breath test/analysis | 0 | 0 | 1 | 1 |
| Negligent/dangerous driving | 1 | 9 | 7 | 17 |
| Unnecessary speeding | 2 | 8 | 4 | 14 |
| Total | 7 | 58 | 13 | 78 |
| Drug-related offences/misconduct | | | | |
| Cultivate/manufacture prohibited drug | 4 | 1 | 0 | 5 |
| Drinking/under the influence on duty | 1 | 6 | 4 | 11 |
| Protection of person(s) involved in drug activity | 30 | 14 | 13 | 57 |
| Supply prohibited drug | 22 | 15 | 8 | 45 |
| Use/possess restricted substance | 3 | 5 | 0 | 8 |
| Use/possession of prohibited drug | 18 | 23 | 5 | 46 |
| Total | 78 | 64 | 30 | 172 |

| Category | Allegations declined | Allegations subject of investigation | Allegations conciliated or informally resolved | Total |
|---|----------------------|--------------------------------------|--|--------------|
| Excessive use of force | | | | |
| Assault | 206 | 239 | 116 | 561 |
| Firearm discharged | 1 | 1 | 0 | 2 |
| Firearm drawn | 3 | 4 | 4 | 11 |
| Improper use of handcuffs | 3 | 17 | 2 | 22 |
| Total | 213 | 261 | 122 | 596 |
| Information | | | | |
| Fail to create/maintain records | 14 | 56 | 33 | 103 |
| Falsify official records | 9 | 68 | 11 | 88 |
| Misuse email/internet | 0 | 15 | 8 | 23 |
| Provide incorrect or misleading information | 16 | 67 | 19 | 102 |
| Unauthorised access to information/data | 10 | 120 | 28 | 158 |
| Unauthorised access/disclosure/alteration of information/data | 1 | 10 | 0 | 11 |
| Unauthorised disclosure of information/data | 54 | 79 | 54 | 187 |
| Unreasonable refusal to provide information | 2 | 0 | 1 | 3 |
| Total | 106 | 415 | 154 | 675 |
| Inadequate/improper investigation | | | | |
| Delay in investigation | 8 | 11 | 21 | 40 |
| Fail to advise outcome of investigation | 0 | 1 | 3 | 4 |
| Fail to advise progress of investigation | 7 | 2 | 4 | 13 |
| Fail to investigate (customer service) | 182 | 79 | 99 | 360 |
| Improper use of crime scene powers | 1 | 0 | 0 | 1 |
| Improper/unauthorised forensic procedure | 0 | 0 | 1 | 1 |
| Improperly fail to investigate offence committed by another officer | 2 | 2 | 0 | 4 |
| Improperly interfere in investigation by another police officer | 8 | 14 | 6 | 28 |
| Inadequate investigation | 138 | 108 | 108 | 354 |
| Total | 346 | 217 | 242 | 805 |
| Misconduct | | | | |
| Allow unauthorised use of weapon | 0 | 3 | 0 | 3 |
| Conflict of interest | 13 | 43 | 20 | 76 |
| Detrimental action against a whistleblower | 0 | 7 | 1 | 8 |
| Dishonesty in recruitment/promotion | 1 | 0 | 1 | 2 |
| Disobey reasonable direction | 3 | 41 | 7 | 51 |
| Failure to comply with code of conduct (other) | 87 | 292 | 177 | 556 |
| Failure to comply with statutory obligation/procedure (other) | 22 | 175 | 82 | 279 |
| False claiming for duties/allowances | 0 | 10 | 3 | 13 |
| Inadequate management/maladministration | 31 | 84 | 61 | 176 |
| Inadequate security of weapon/appointments | 2 | 30 | 30 | 62 |
| Inappropriate intervention in civil dispute | 2 | 3 | 1 | 6 |
| Minor workplace-related misconduct | 2 | 33 | 14 | 49 |
| Other improper use of discretion | 4 | 13 | 7 | 24 |
| Unauthorised secondary employment | 9 | 17 | 6 | 32 |
| Unauthorised use of vehicle/facilities/equipment | 16 | 82 | 13 | 111 |
| Workplace harassment/victimisation/discrimination | 35 | 90 | 40 | 165 |
| Total | 227 | 923 | 463 | 1,613 |
| Other criminal conduct | | | | |
| Fraud | 0 | 9 | 0 | 9 |
| Murder/manslaughter | 2 | 0 | 0 | 2 |
| Officer in breach of domestic violence order | 1 | 17 | 0 | 18 |
| Officer perpetrator of domestic violence | 4 | 12 | 0 | 16 |
| Officer subject of application for domestic violence order | 5 | 17 | 2 | 24 |
| Other indictable offence | 26 | 103 | 7 | 136 |
| Other summary offence | 28 | 175 | 11 | 214 |
| Sexual assault/indecent assault | 10 | 42 | 3 | 55 |
| Total | 76 | 375 | 23 | 474 |

| Category | Allegations declined | Allegations subject of investigation | Allegations conciliated or informally resolved | Total |
|---|----------------------|--------------------------------------|--|--------------|
| Property/exhibits/theft | | | | |
| Damage to | 6 | 5 | 5 | 16 |
| Fail to report loss | 0 | 2 | 2 | 4 |
| Failure or delay in returning to owner | 19 | 13 | 5 | 37 |
| Loss of | 6 | 9 | 22 | 37 |
| Theft | 8 | 37 | 12 | 57 |
| Unauthorised removal/destruction/use of | 2 | 12 | 13 | 27 |
| Total | 41 | 78 | 59 | 178 |
| Prosecution-related inadequacies/misconduct | | | | |
| Adverse comment by Court/costs awarded | 1 | 4 | 22 | 27 |
| Fail to attend Court | 2 | 10 | 19 | 31 |
| Fail to check brief/inadequate preparation of brief | 2 | 20 | 22 | 44 |
| Fail to notify witness | 1 | 11 | 13 | 25 |
| Fail to serve brief of evidence | 0 | 8 | 13 | 21 |
| Failure to charge/prosecute | 19 | 14 | 30 | 63 |
| Failure to use Young Offenders Act | 0 | 0 | 1 | 1 |
| Improper prosecution | 34 | 9 | 9 | 52 |
| Mislead the Court | 5 | 6 | 1 | 12 |
| PIN/TIN inappropriately/wrongly issued | 7 | 1 | 3 | 11 |
| Total | 71 | 83 | 133 | 287 |
| Public justice offences | | | | |
| Fabrication of evidence (other than perjury) | 23 | 18 | 3 | 44 |
| Involuntary confession by accused | 2 | 0 | 1 | 3 |
| Make false statement | 30 | 13 | 1 | 44 |
| Other pervert the course of justice | 25 | 35 | 4 | 64 |
| Perjury | 7 | 9 | 1 | 17 |
| Withholding or suppression of evidence | 9 | 6 | 3 | 18 |
| Total | 96 | 81 | 13 | 190 |
| Search/entry | | | | |
| Failure to conduct search | 0 | 0 | 4 | 4 |
| Property missing after search | 2 | 4 | 3 | 9 |
| Unlawful entry | 4 | 4 | 3 | 11 |
| Unlawful questioning during a search | 0 | 0 | 1 | 1 |
| Unlawful search | 25 | 23 | 21 | 69 |
| Unreasonable/Inappropriate conditions/damage | 1 | 12 | 2 | 15 |
| Wrongful seizure of property during search | 1 | 5 | 1 | 7 |
| Total | 33 | 48 | 35 | 116 |
| Service delivery | | | | |
| Breach domestic violence SOPs | 7 | 7 | 7 | 21 |
| Fail to provide victim support | 23 | 24 | 19 | 66 |
| Fail/delay attendance to incident/'000' | 14 | 10 | 16 | 40 |
| Harassment/intimidation | 107 | 33 | 74 | 214 |
| Improper failure to WIPE | 11 | 7 | 11 | 29 |
| Improper use of move on powers | 3 | 0 | 1 | 4 |
| Neglect of duty (not specified elsewhere) | 15 | 38 | 15 | 68 |
| Other (customer service) | 138 | 68 | 112 | 318 |
| Rudeness/verbal abuse | 96 | 55 | 102 | 253 |
| Threats | 26 | 27 | 37 | 90 |
| Total | 440 | 269 | 394 | 1,103 |
| Total summary of allegations | 1,948 | 3,272 | 1,858 | 7,078 |

The number of allegations is larger than the number of complaints received because a complaint may contain more than one allegation about a single incident or involve a series of incidents.

Appendix B

Current legislative reviews

| Legislation | Brief description |
|---|--|
| <i>Terrorism (Police Powers) Act 2002 - Parts 2A and 3</i> | <p>Part 2A allows police to hold people suspected of involvement in terrorist-related activities in preventative detention. Part 3 allows police and Crime Commission officers to execute covert search warrants to respond to suspected terrorist acts. We now have an ongoing role to keep the exercise of these powers under scrutiny, and report to the Attorney General and Minister for Police every three years.</p> <p>The Attorney General tabled our second report under this Act on 24 August 2011. This report covers the period 2008-2010. The report is available on our website</p> |
| <i>Law Enforcement (Powers and Responsibilities) Act 2002 - Part 6A</i> | <p>Introduced in the <i>Law Enforcement Legislation Amendment (Public Safety) Act 2005</i>, this legislation gives police additional powers to prevent or control large-scale public disorder.</p> <p>We have an ongoing role to review any use of this legislation. The NSW Police Force is required to report to us every six months about the use of the powers.</p> |
| <i>Crimes (Criminal Organisations Control) Act 2009</i> | <p>This legislation allowed the Commissioner of Police to seek a declaration from a judge that a gang or organisation be declared a 'criminal organisation'. It allowed police to apply to the Supreme Court for control orders against members of a declared organisation to prevent them from associating and restrict their activities.</p> <p>The High Court determined that this legislation was constitutionally invalid on 23 June 2011.</p> <p>The Attorney General has announced he is reviewing the legislation in light of the High Court's decision.</p> |

Appendix C

Child and family services

Figure 63: Complaints issues for child and family services received in 2010-2011

Figure 63 shows the issues that were complained about in 2010-2011 in relation to child and family services. Please note that each complaint we received may have more than one issue.

| Program area | Child protection | | Out-of-home care | | Children's services | | Family support | | Adoption | | Total |
|--------------------------------------|------------------|------------|------------------|------------|---------------------|-----------|----------------|-----------|----------|----------|--------------|
| | Formal | Informal | Formal | Informal | Formal | Informal | Formal | Informal | Formal | Informal | |
| Casework | 70 | 91 | 50 | 74 | 0 | 2 | 1 | 1 | 0 | 0 | 289 |
| Meeting individual needs | 5 | 22 | 66 | 122 | 3 | 2 | 1 | 0 | 0 | 1 | 222 |
| Object to decision | 16 | 65 | 34 | 81 | 2 | 3 | 0 | 1 | 1 | 0 | 203 |
| Case management | 4 | 12 | 33 | 40 | 0 | 1 | 0 | 1 | 0 | 1 | 92 |
| Customer service | 6 | 31 | 8 | 38 | 3 | 7 | 1 | 1 | 0 | 0 | 95 |
| Complaints | 14 | 30 | 13 | 22 | 5 | 4 | 1 | 1 | 0 | 0 | 90 |
| Information | 11 | 29 | 14 | 40 | 0 | 4 | 0 | 2 | 1 | 0 | 101 |
| Assault/abuse in care | 6 | 16 | 4 | 20 | 1 | 4 | 0 | 1 | 0 | 0 | 52 |
| Investigation | 11 | 15 | 5 | 9 | 0 | 0 | 1 | 2 | 0 | 0 | 43 |
| Professional conduct | 9 | 22 | 8 | 14 | 1 | 1 | 0 | 0 | 0 | 0 | 55 |
| Allowances/fees | 2 | 1 | 16 | 25 | 9 | 18 | 3 | 5 | 0 | 0 | 79 |
| Clients rights/choice/participation | 1 | 4 | 6 | 6 | 0 | 1 | 0 | 0 | 0 | 0 | 18 |
| Policy/procedure/law | 4 | 6 | 0 | 5 | 2 | 2 | 0 | 0 | 0 | 0 | 19 |
| Legal problems | 7 | 8 | 0 | 4 | 0 | 0 | 0 | 0 | 0 | 0 | 19 |
| Service management | 1 | 3 | 3 | 9 | 2 | 1 | 0 | 0 | 0 | 0 | 19 |
| Access to service | 0 | 0 | 2 | 1 | 2 | 5 | 1 | 1 | 0 | 0 | 12 |
| File/record management | 0 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 2 |
| Safety | 0 | 1 | 0 | 3 | 0 | 3 | 0 | 0 | 0 | 0 | 7 |
| Client finances and property | 0 | 0 | 3 | 1 | 0 | 1 | 1 | 0 | 0 | 0 | 6 |
| Service funding/licensing/monitoring | 0 | 0 | 0 | 0 | 0 | 2 | 0 | 0 | 1 | 0 | 3 |
| Outside our jurisdiction | 6 | 20 | 3 | 13 | 0 | 6 | 0 | 0 | 0 | 0 | 48 |
| Not applicable | 1 | 5 | 1 | 6 | 0 | 0 | 0 | 1 | 0 | 0 | 14 |
| Total | 174 | 381 | 271 | 533 | 30 | 67 | 10 | 17 | 3 | 2 | 1,488 |

Figure 64: Formal complaints finalised for child and family services in 2010-2011

Figure 64 shows the outcomes of formal complaints finalised about child and family services this year.

| Program area | A | B | C | D | E | F | G | Total |
|---------------------------|------------|------------|------------|-----------|----------|----------|----------|------------|
| Child protection services | 55 | 68 | 36 | 4 | 1 | 5 | 3 | 172 |
| Out-of-home care | 70 | 99 | 101 | 6 | 0 | 4 | 4 | 284 |
| Children's services | 15 | 11 | 6 | 0 | 0 | 0 | 1 | 33 |
| Family support services | 1 | 5 | 5 | 0 | 0 | 0 | 0 | 11 |
| Adoption | 2 | 1 | 2 | 0 | 0 | 0 | 0 | 5 |
| Total | 143 | 184 | 150 | 10 | 1 | 9 | 8 | 505 |

Description

- A** Complaint declined at outset
- B** Complaint declined after inquiries
- C** Complaint resolved after inquiries, including local resolution by the agency concerned
- D** Service improvement comments or suggestions to agency
- E** Referred to agency concerned or other body for investigation
- F** Direct investigation
- G** Complaint outside jurisdiction

Appendix D

Disability services

Figure 65: Complaints issues for disability services received in 2010-2011

Figure 65 shows the issues that were complained about in 2010-2011 in relation to disability services. Please note that each complaint we received may have more than one issue.

| Program area | Disability accommodation | | Disability support | | Total |
|--------------------------------------|--------------------------|-----------|--------------------|-----------|------------|
| | Formal | Informal | Formal | Informal | |
| Meeting individual needs | 24 | 18 | 8 | 10 | 60 |
| Case management | 16 | 18 | 9 | 7 | 50 |
| Assault/abuse in care | 16 | 7 | 1 | 5 | 29 |
| Service management | 2 | 4 | 3 | 3 | 12 |
| Customer service | 2 | 3 | 12 | 19 | 36 |
| Professional conduct | 3 | 4 | 2 | 1 | 10 |
| Access to service | 3 | 1 | 6 | 4 | 14 |
| Complaints | 2 | 4 | 8 | 4 | 18 |
| Client rights/choice/participation | 1 | 5 | 2 | 2 | 10 |
| Object to decision | 4 | 5 | 9 | 11 | 29 |
| Safety | 2 | 2 | 0 | 1 | 5 |
| Casework | 0 | 1 | 1 | 1 | 3 |
| Information | 1 | 4 | 2 | 2 | 9 |
| Investigation | 0 | 0 | 1 | 0 | 1 |
| Service funding/licensing/monitoring | 1 | 2 | 0 | 2 | 5 |
| Client finances and property | 0 | 1 | 1 | 0 | 2 |
| Policy/procedure/law | 1 | 1 | 0 | 0 | 2 |
| File/record management | 0 | 0 | 0 | 0 | 0 |
| Allowances/fees | 0 | 0 | 4 | 6 | 10 |
| Legal problems | 0 | 0 | 0 | 1 | 1 |
| Outside our jurisdiction | 5 | 4 | 2 | 2 | 13 |
| Not applicable | 0 | 0 | 0 | 2 | 2 |
| Total | 83 | 84 | 71 | 83 | 321 |

Figure 66: Formal complaints finalised for disability services in 2010-2011

Figure 66 shows the outcomes of formal complaints we received about disability services this year.

| Program area | A | B | C | D | E | F | G | Total |
|-----------------------------------|-----------|-----------|-----------|----------|----------|----------|----------|------------|
| Disability accommodation services | 5 | 23 | 44 | 8 | 0 | 4 | 5 | 89 |
| Disability support services | 12 | 26 | 34 | 1 | 0 | 0 | 4 | 77 |
| Total | 17 | 49 | 78 | 9 | 0 | 4 | 9 | 166 |

Description

- A** Complaint declined at outset
- B** Complaint declined after inquiries
- C** Complaint resolved after inquiries, including local resolution by the agency concerned
- D** Service improvement comments or suggestions to agency
- E** Referred to agency concerned or other body for investigation
- F** Direct investigation
- G** Complaint outside jurisdiction

Appendix E

Other community services

Figure 67: Number of formal and informal matters about other community services received in 2010–2011

| Agency category | Formal | Informal | Total |
|---|-----------|-----------|------------|
| Community Services | | | |
| Supported accommodation and assistance program services | 1 | 3 | 4 |
| General community services | 4 | 1 | 5 |
| Aged services | 0 | 0 | 0 |
| Disaster welfare services | 0 | 0 | 0 |
| Other | 9 | 0 | 9 |
| Subtotal | 14 | 4 | 18 |
| ADHC | | | |
| Supported accommodation and assistance program services | 0 | 0 | 0 |
| General community services | 0 | 2 | 2 |
| Aged services | 5 | 32 | 37 |
| Disaster welfare services | 0 | 0 | 0 |
| Other | 2 | 0 | 2 |
| Subtotal | 7 | 34 | 41 |
| Other government agencies | | | |
| Supported accommodation and assistance program services | 0 | 0 | 0 |
| General community services | 0 | 0 | 0 |
| Aged services | 0 | 0 | 0 |
| Other | 2 | 2 | 4 |
| Disaster welfare services | 0 | 0 | 0 |
| Subtotal | 2 | 2 | 4 |
| Non-government funded or licensed services | | | |
| Supported accommodation and assistance program services | 11 | 12 | 23 |
| General community services | 2 | 4 | 6 |
| Aged services | 5 | 6 | 11 |
| Other | 3 | 2 | 5 |
| Disaster welfare services | 0 | 0 | 0 |
| Subtotal | 21 | 24 | 45 |
| Other (general inquiries) | 0 | 6 | 6 |
| Agency unknown | 1 | 7 | 8 |
| Outside our jurisdiction | 0 | 4 | 4 |
| Subtotal | 1 | 17 | 18 |
| Total | 45 | 81 | 126 |

Some complaints about supported accommodation and general community services may involve complaints about child and family and disability services.

Figure 68: Complaints issues for other community services received in 2010-2011

Figure 68 shows the issues that were complained about in 2010-2011 in relation to general community services. Please note that each complaint we received may have more than one issue.

| Program area | Other community services | | Total |
|--------------------------------------|--------------------------|-----------|------------|
| | Formal | Informal | |
| Access to service | 5 | 8 | 13 |
| Customer service | 4 | 13 | 17 |
| Professional conduct | 3 | 4 | 7 |
| Complaints | 1 | 6 | 7 |
| Meeting individual needs | 4 | 4 | 8 |
| Object to decision | 5 | 8 | 13 |
| Allowances/fees | 3 | 5 | 8 |
| Information | 3 | 5 | 8 |
| Clients rights/choice/participation | 2 | 2 | 4 |
| Case management | 1 | 1 | 2 |
| Service funding/licensing/monitoring | 1 | 2 | 3 |
| Files/record management | 0 | 0 | 0 |
| Assault/abuse in care | 2 | 0 | 2 |
| Casework | 1 | 3 | 4 |
| Service management | 1 | 0 | 1 |
| Policy/procedure/law | 0 | 0 | 0 |
| Investigation | 0 | 2 | 2 |
| Safety | 0 | 0 | 0 |
| Legal problems | 0 | 0 | 0 |
| Client finances and property | 0 | 3 | 3 |
| Outside our jurisdiction | 9 | 4 | 13 |
| Not applicable | 0 | 11 | 11 |
| Total | 45 | 81 | 126 |

Figure 69: Formal complaints finalised for other community services in 2010-2011

Figure 69 shows the outcomes of formal complaints finalised about general community services this year.

| Program area | A | B | C | D | E | F | G | Total |
|---|-----------|-----------|----------|----------|----------|----------|-----------|-----------|
| Supported accommodation and assistance program services | 3 | 8 | 1 | 1 | 0 | 0 | 0 | 13 |
| General community services | 4 | 1 | 0 | 1 | 0 | 0 | 0 | 6 |
| Aged services | 2 | 3 | 4 | 0 | 0 | 0 | 2 | 11 |
| Other | 5 | 1 | 1 | 0 | 0 | 0 | 8 | 15 |
| Total | 14 | 13 | 6 | 2 | 0 | 0 | 10 | 45 |

Description

- A** Complaint declined at outset
- B** Complaint declined after inquiries
- C** Complaint resolved after inquiries, including local resolution by the agency concerned
- D** Service improvement comments or suggestions to agency
- E** Referred to agency concerned or other body for investigation
- F** Direct investigation
- G** Complaint outside jurisdiction

Appendix F

Public sector agencies

Figure 70: Action taken on formal complaints finalised in 2010–2011

Figure 70 shows the action we took on each of the written complaints that we finalised this year about public sector agencies (except the NSW Police Force, Community Services and ADHC and those relating to child protection notifications), broken down into agency groups. See Appendices G, H, I and J for a further breakdown into specific agencies in those groups.

| Complaint about | Assessment only | Preliminary or informal investigation | | | | | | | | Formal investigation | | | | Total |
|---|-----------------|---------------------------------------|------------|-----------|------------|------------|-----------|-----------|----------|----------------------|----------|----------|----------|--------------|
| | A | B | C | D | E | F | G | H | I | J | K | L | M | |
| Human services agencies (Housing NSW, Health) | 199 | 8 | 30 | 8 | 108 | 21 | 5 | 2 | 4 | 0 | 1 | 0 | 0 | 386 |
| Bodies outside jurisdiction | 429 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 430 |
| Local government | 613 | 6 | 216 | 2 | 47 | 29 | 7 | 0 | 0 | 0 | 2 | 0 | 2 | 924 |
| Departments and authorities | 760 | 26 | 325 | 10 | 190 | 43 | 23 | 1 | 1 | 0 | 2 | 0 | 1 | 1,382 |
| Freedom of information | 17 | 1 | 26 | 2 | 33 | 5 | 1 | 0 | 0 | 2 | 2 | 0 | 0 | 89 |
| Corrections and Justice Health | 153 | 53 | 348 | 8 | 275 | 36 | 10 | 14 | 0 | 0 | 1 | 0 | 0 | 898 |
| Total | 2,171 | 94 | 945 | 30 | 653 | 134 | 46 | 18 | 5 | 2 | 8 | 0 | 3 | 4,109 |

Description

Decline after assessment only, including:

A Conduct outside jurisdiction, trivial, remote, insufficient interest, commercial matter, right of appeal or redress, substantive explanation or advice provided, premature — referred to agency, concurrent representation, investigation declined on resource/priority grounds

Preliminary or informal investigation:

B Substantive advice, information provided without formal finding of wrong conduct

C Advice/explanation provided where no or insufficient evidence of wrong conduct

D Further investigation declined on grounds of resource/priority

E Resolved to Ombudsman's satisfaction

F Resolved by agency prior to our intervention

G Suggestions/comment made

H Consolidated into other complaint

I Conciliated/mediated

Formal investigation:

J Resolved during investigation

K Investigation discontinued

L No adverse finding

M Adverse finding

Appendix G

Departments and authorities

Figure 71: Action taken on formal complaints about departments and authorities finalised in 2010–2011

| Agency | Assessment only | Preliminary or informal investigation | | | | | | | | | Formal investigation | | | | Total |
|--|-----------------|---------------------------------------|----|---|----|---|---|---|---|---|----------------------|---|---|-----|-------|
| | A | B | C | D | E | F | G | H | I | J | K | L | M | | |
| Aboriginal Affairs NSW | 5 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 5 | |
| Administrative Decisions Tribunal | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | |
| Agency not named | 3 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 4 | |
| Ambulance Service of NSW | 1 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | |
| Attorney General | 6 | 0 | 3 | 0 | 3 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 12 | |
| Board of Studies NSW | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | |
| Border Rivers Catchment Management Authority | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | |
| Building & Construction Industry Long Service Payments Corporation | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | |
| Building Professionals Board | 1 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | |
| Casino, Liquor and Gaming Control Authority | 2 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 4 | |
| Central government | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 1 | |
| Charles Sturt University | 1 | 0 | 3 | 0 | 1 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 6 | |
| Communities NSW | 1 | 0 | 1 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 3 | |
| Community Relations Commission | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | |
| Consumer, Trader & Tenancy Tribunal | 22 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 22 | |
| Country Energy | 6 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 6 | |
| CountryLink | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | |
| Crown Solicitor's Office | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | |
| Darkinjung Local Aboriginal Land Council | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | |
| Deniliquin Aboriginal Land Council | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | |
| Dental Council of New South Wales | 2 | 0 | 5 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 8 | |
| Department of Education and Communities | 72 | 1 | 19 | 0 | 10 | 5 | 5 | 0 | 0 | 0 | 0 | 0 | 0 | 112 | |
| Department of Energy, Utilities and Sustainability | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | |
| Department of Environment, Climate Change and Water | 5 | 0 | 8 | 1 | 2 | 2 | 2 | 0 | 0 | 0 | 1 | 0 | 0 | 21 | |
| Department of Health | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | |
| Department of Industry and Investment | 5 | 1 | 1 | 0 | 1 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 9 | |
| Department of Attorney General and Justice | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | |
| Department of Lands | 7 | 1 | 5 | 0 | 1 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 15 | |
| Department of Planning | 5 | 1 | 1 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 8 | |
| Department of Premier and Cabinet | 5 | 0 | 1 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 7 | |
| Department of Services, Technology and Administration | 1 | 0 | 3 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 4 | |
| Department of Water and Energy | 2 | 0 | 1 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 4 | |
| Director of Public Prosecutions | 6 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 6 | |
| Electoral Commission NSW | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | |
| Energy Australia | 6 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 6 | |
| Fair Trading | 36 | 0 | 12 | 2 | 6 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 57 | |

| Agency | Assessment only | Preliminary or informal investigation | | | | | | | | | Formal investigation | | | | Total |
|--|-----------------|---------------------------------------|----|---|----|---|---|---|---|---|----------------------|---|---|----|-------|
| | A | B | C | D | E | F | G | H | I | J | K | L | M | | |
| First State Superannuation Trustee Corporation | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | |
| Forests NSW | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | |
| Greyhound and Harness Racing Regulatory Authority | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | |
| Guardianship Tribunal | 3 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 4 | |
| Heath Care Complaints Commission | 12 | 0 | 3 | 1 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 17 | |
| Hunter Water Corporation Limited | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | |
| Independent Pricing and Regulatory Tribunal | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | |
| Integral Energy | 5 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 5 | |
| Jenolan Caves Reserve Trust | 5 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 5 | |
| Land and Property Management Authority | 8 | 0 | 8 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 18 | |
| LANDCOM (NSW Land and Housing Corporation) | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | |
| Lands Board | 1 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | |
| Legal Aid Commission of New South Wales | 23 | 2 | 3 | 0 | 2 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 31 | |
| Lifetime Care and Support Authority | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | |
| Livestock Health and Pest Authority | 2 | 0 | 3 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 7 | |
| Local Aboriginal Land Council (unnamed) | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | |
| Local government | 1 | 0 | 1 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 3 | |
| Macquarie University | 9 | 0 | 7 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 17 | |
| Medical Council of New South Wales | 2 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 3 | |
| Motor Accidents Authority | 1 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | |
| Murrumbidgee Catchment Management Authority | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | |
| National Parks & Wildlife Service | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | |
| New South Wales Aboriginal Land Council | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | |
| NSW Businesslink Pty Ltd | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | |
| NSW Fire Brigades | 1 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 3 | |
| NSW Food Authority | 1 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 3 | |
| NSW Maritime Authority | 6 | 0 | 3 | 0 | 2 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 12 | |
| NSW Office of Liquor, Gaming and Racing | 4 | 2 | 1 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 9 | |
| NSW Office of Water | 1 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | |
| NSW Trustee and Guardian | 36 | 1 | 22 | 0 | 25 | 1 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 87 | |
| Nurses and Midwifery Council | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | |
| Office of Public Guardian | 2 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 3 | |
| Office of State Revenue | 19 | 1 | 6 | 1 | 3 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 30 | |
| Office of the Information Commissioner New South Wales | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | |
| Office of the Legal Services Commissioner | 6 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 6 | |
| Parramatta Park Trust | 0 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | |
| Primary Industries | 6 | 0 | 2 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 11 | |
| PRIVACY NSW | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | |
| Psychologists Council | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | |
| Rail Corporation New South Wales (RailCorp) | 35 | 1 | 7 | 0 | 5 | 3 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 52 | |
| Registrar of Aboriginal Land Rights Act | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | |
| Registry of Births, Deaths and Marriages | 12 | 0 | 2 | 0 | 1 | 2 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 18 | |

| Agency | Assessment only | Preliminary or informal investigation | | | | | | | | | Formal investigation | | | | Total |
|--|-----------------|---------------------------------------|------------|-----------|------------|-----------|-----------|----------|----------|----------|----------------------|----------|----------|--------------|-------|
| | A | B | C | D | E | F | G | H | I | J | K | L | M | | |
| Roads and Traffic Authority | 108 | 4 | 49 | 0 | 43 | 10 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 216 | |
| Rural Assistance Authority | 1 | 1 | 1 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 4 | |
| Rural Fire Service NSW | 2 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 3 | |
| Sheriff's Office | 7 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 8 | |
| South Eastern Sydney and Illawarra Area Health Service | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | |
| Southern Cross University | 3 | 0 | 0 | 0 | 2 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 6 | |
| State Authorities Superannuation Trustee Corporation | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | |
| State Debt Recovery Office | 90 | 3 | 70 | 1 | 54 | 6 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 225 | |
| State Emergency Service | 1 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | |
| State Transit Authority of NSW | 15 | 1 | 2 | 0 | 2 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 21 | |
| State Water Corporation | 1 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | |
| Sydney Ferries Corporation | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | |
| Sydney Harbour Foreshore Authority | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | |
| Sydney Water Corporation | 5 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 5 | |
| TAFE | 14 | 0 | 9 | 0 | 1 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 26 | |
| Tharawal Local Aboriginal Land Council | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | |
| Transport Infrastructure Development Corporation | 1 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | |
| Transport NSW | 14 | 0 | 4 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 18 | |
| University of New England | 3 | 0 | 3 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 6 | |
| University of New South Wales | 10 | 0 | 5 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 15 | |
| University of Newcastle | 4 | 0 | 1 | 0 | 2 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 8 | |
| University of Sydney | 5 | 0 | 1 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 8 | |
| University of Technology | 5 | 1 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 7 | |
| University of Western Sydney | 7 | 1 | 12 | 1 | 1 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 24 | |
| University of Wollongong | 4 | 0 | 2 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 7 | |
| Valuer General | 5 | 0 | 1 | 0 | 1 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 9 | |
| Victims Compensation Tribunal | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | |
| WorkCover Authority | 20 | 2 | 10 | 0 | 5 | 1 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 39 | |
| WSN Environmental Solutions | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | |
| Total | 760 | 26 | 325 | 10 | 190 | 43 | 23 | 1 | 1 | 0 | 2 | 0 | 1 | 1,382 | |

Description

Decline after assessment only, including:

A Conduct outside jurisdiction, trivial, remote, insufficient interest, commercial matter, right of appeal or redress, substantive explanation or advice provided, premature — referred to agency, concurrent representation, investigation declined on resource/priority grounds

Preliminary or informal investigation:

B Substantive advice, information provided without formal finding of wrong conduct

C Advice/explanation provided where no or insufficient evidence of wrong conduct

D Further investigation declined on grounds of resource/priority

E Resolved to Ombudsman's satisfaction

F Resolved by agency prior to our intervention

G Suggestions/comment made

H Consolidated into other complaint

I Conciliated/mediated

Formal investigation:

J Resolved during investigation

K Investigation discontinued

L No adverse finding

M Adverse finding

Figure 72: Action taken on formal complaints about Human services agencies (Housing NSW and Health) in 2010-2011

| Agency | Assessment only | Preliminary or informal investigation | | | | | | | | | Formal investigation | | | | Total |
|---------------------------|-----------------|---------------------------------------|-----------|----------|------------|-----------|----------|----------|----------|----------|----------------------|----------|----------|------------|-------|
| | A | B | C | D | E | F | G | H | I | J | K | L | M | | |
| Department of Health | 61 | 0 | 4 | 4 | 3 | 2 | 2 | 0 | 0 | 0 | 1 | 0 | 0 | 77 | |
| Housing Appeals Committee | 1 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | |
| Housing NSW | 137 | 8 | 25 | 4 | 105 | 19 | 3 | 2 | 4 | 0 | 0 | 0 | 0 | 307 | |
| Total | 199 | 8 | 30 | 8 | 108 | 21 | 5 | 2 | 4 | 0 | 1 | 0 | 0 | 386 | |

Description

Decline after assessment only, including:

A Conduct outside jurisdiction, trivial, remote, insufficient interest, commercial matter, right of appeal or redress, substantive explanation or advice provided, premature — referred to agency, concurrent representation, investigation declined on resource/priority grounds

Preliminary or informal investigation:

B Substantive advice, information provided without formal finding of wrong conduct

C Advice/explanation provided where no or insufficient evidence of wrong conduct

D Further investigation declined on grounds of resource/priority

E Resolved to Ombudsman's satisfaction

F Resolved by agency prior to our intervention

G Suggestions/comment made

H Consolidated into other complaint

I Conciliated/mediated

Formal investigation:

J Resolved during investigation

K Investigation discontinued

L No adverse finding

M Adverse finding

Appendix H

Local government

Figure 73: Action taken on formal complaints about local government finalised in 2010–2011

Figure 73 shows the action we took on each of the written complaints finalised this year about individual councils.

| Council | Assessment only | | Preliminary or informal investigation | | | | | | | Formal investigation | | | | Total |
|-----------------------------------|-----------------|---|---------------------------------------|---|---|---|---|---|---|----------------------|---|---|---|-------|
| | A | B | C | D | E | F | G | H | I | J | K | L | M | |
| Accredited certifier | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 |
| Armidale Dumaresq Council | 1 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 3 |
| Auburn Council | 1 | 0 | 2 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 4 |
| Ballina Shire Council | 4 | 0 | 2 | 0 | 1 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 8 |
| Bankstown City Council | 8 | 0 | 2 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 11 |
| Bega Valley Shire Council | 4 | 0 | 5 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 10 |
| Bellingen Shire Council | 9 | 0 | 1 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 11 |
| Berrigan Shire Council | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 |
| Blacktown City Council | 13 | 0 | 3 | 0 | 1 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 19 |
| Bland Shire Council | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 |
| Blayney Shire Council | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 |
| Blue Mountains City Council | 12 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 14 |
| Bombala Council | 1 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 2 |
| Botany Bay City Council | 4 | 0 | 3 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 7 |
| Broken Hill City Council | 1 | 0 | 2 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 4 |
| Burwood Council | 5 | 0 | 3 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 8 |
| Byron Shire Council | 3 | 1 | 4 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 10 |
| Cabonne Council | 1 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 3 |
| Camden Council | 1 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 2 |
| Campbelltown City Council | 3 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 3 |
| Canterbury City Council | 11 | 0 | 0 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 13 |
| Cessnock City Council | 8 | 0 | 2 | 0 | 3 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 14 |
| City of Canada Bay Council | 7 | 0 | 4 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 12 |
| Clarence Valley Council | 5 | 0 | 0 | 0 | 1 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 7 |
| Cobar Shire Council | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 2 |
| Coffs Harbour City Council | 5 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 5 |
| Coolamon Shire Council | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 |
| Cooma-Monaro Shire Council | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 |
| Cootamundra Shire Council | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 |
| Council not named | 4 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 4 |
| Cowra Shire Council | 2 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 3 |
| Deniliquin Council | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 |
| Dubbo City Council | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 |
| Dungog Shire Council | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 |
| Eurobodalla Shire Council | 5 | 0 | 3 | 0 | 2 | 1 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 12 |
| Fairfield City Council | 5 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 7 |
| Forbes Shire Council | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 |
| Gilgandra Shire Council | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 |
| Glen Innes Severn Shire Council | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 |
| Gloucester Shire Council | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 |
| Goldenfields Water County Council | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 |
| Gosford City Council | 10 | 1 | 5 | 0 | 1 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 18 |
| Goulburn Mulwaree Shire Council | 4 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 6 |
| Great Lakes Council | 5 | 0 | 3 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 8 |
| Greater Hume Shire Council | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 |
| Greater Taree City Council | 4 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 6 |
| Griffith City Council | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 |

| Council | Assessment only | Preliminary or informal investigation | | | | | | | | | Formal investigation | | | | Total |
|---------------------------------|-----------------|---------------------------------------|---|---|---|---|---|---|---|---|----------------------|---|---|----|-------|
| | A | B | C | D | E | F | G | H | I | J | K | L | M | | |
| Gundagai Shire Council | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | |
| Gwydir Shire Council | 1 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | |
| Harden Shire Council | 0 | 0 | 2 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 3 | |
| Hawkesbury City Council | 5 | 0 | 4 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 10 | |
| Holroyd City Council | 2 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 3 | |
| Hornsby Shire Council | 13 | 0 | 4 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 17 | |
| Hunters Hill Municipal Council | 0 | 0 | 0 | 0 | 0 | 1 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | |
| Hurstville City Council | 14 | 0 | 3 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 18 | |
| Kempsey Shire Council | 3 | 0 | 1 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 6 | |
| Kiama Municipal Council | 3 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 3 | |
| Kogarah Municipal Council | 2 | 0 | 4 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 6 | |
| Ku-Ring-Gai Municipal Council | 9 | 0 | 3 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 13 | |
| Kyogle Shire Council | 2 | 0 | 1 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 5 | |
| Lake Macquarie City Council | 13 | 0 | 5 | 0 | 1 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 20 | |
| Lane Cove Municipal Council | 3 | 0 | 1 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 5 | |
| Leeton Shire Council | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | |
| Leichhardt Municipal Council | 3 | 0 | 3 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 6 | |
| Lismore City Council | 5 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 7 | |
| Lithgow City Council | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | |
| Liverpool City Council | 16 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 17 | |
| Liverpool Plains Shire Council | 1 | 0 | 1 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 3 | |
| Maitland City Council | 3 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 3 | |
| Manly Council | 19 | 0 | 6 | 1 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 29 | |
| Marrickville Council | 7 | 0 | 4 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 13 | |
| Mid-Western Regional Council | 1 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | |
| Midcoast Water | 2 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 3 | |
| Moree Plains Shire Council | 3 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 5 | |
| Mosman Municipal Council | 4 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 5 | |
| Murray Shire Council | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | |
| Muswellbrook Shire Council | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | |
| Nambucca Shire Council | 3 | 0 | 1 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 5 | |
| Narrabri Shire Council | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | |
| Narrandera Shire Council | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | |
| Narromine Shire Council | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | |
| Newcastle City Council | 14 | 0 | 8 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 24 | |
| North Coast Water | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | |
| North Sydney Council | 2 | 0 | 3 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 6 | |
| Oberon Shire Council | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | |
| Orange City Council | 1 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 3 | |
| Palerang Council | 3 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 4 | |
| Parramatta City Council | 12 | 0 | 3 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 15 | |
| Penrith City Council | 4 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 5 | |
| Pittwater Council | 56 | 0 | 5 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 61 | |
| Planning Assessment Commission | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | |
| Port Macquarie-Hastings Council | 12 | 0 | 5 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 18 | |
| Port Stephens Shire Council | 13 | 0 | 5 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 19 | |
| Queanbeyan City Council | 1 | 0 | 3 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 4 | |
| Randwick City Council | 6 | 0 | 4 | 0 | 1 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 12 | |
| Richmond Valley Council | 3 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 5 | |
| Rockdale City Council | 7 | 0 | 2 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 10 | |
| Rous County Council | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | |
| Ryde City Council | 5 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 6 | |
| Shellharbour City Council | 4 | 0 | 3 | 0 | 1 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 9 | |
| Shoalhaven City Council | 7 | 1 | 5 | 0 | 1 | 2 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 17 | |

| Council | Assessment only | Preliminary or informal investigation | | | | | | | | | Formal investigation | | | | Total |
|-------------------------------|-----------------|---------------------------------------|------------|----------|-----------|-----------|----------|----------|----------|----------|----------------------|----------|----------|------------|-------|
| | A | B | C | D | E | F | G | H | I | J | K | L | M | | |
| Singleton Shire Council | 3 | 0 | 5 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 9 | |
| Snowy River Shire Council | 5 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 5 | |
| Strathfield Municipal Council | 3 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 4 | |
| Sutherland Shire Council | 16 | 1 | 7 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 25 | |
| Sydney City Council | 13 | 0 | 1 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 16 | |
| Tamworth Regional Council | 2 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 3 | |
| Temora Shire Council | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | |
| Tenterfield Shire Council | 3 | 0 | 0 | 0 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 5 | |
| The Hills Shire Council | 10 | 0 | 1 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 12 | |
| Tumut Shire Council | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | |
| Tweed Shire Council | 11 | 1 | 3 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 15 | |
| Upper Hunter Shire Council | 2 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 3 | |
| Upper Lachlan Shire Council | 3 | 0 | 1 | 0 | 0 | 1 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 6 | |
| Wagga Wagga City Council | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | |
| Walgett Shire Council | 1 | 0 | 0 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 3 | |
| Warren Shire Council | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | |
| Warringah Council | 19 | 0 | 9 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 29 | |
| Waverley Council | 7 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 8 | |
| Weddin Shire Council | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | |
| Wellington Council | 1 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | |
| Willoughby City Council | 5 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 6 | |
| Wingecarribee Shire Council | 9 | 0 | 5 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 14 | |
| Wollondilly Shire Council | 6 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 8 | |
| Wollongong City Council | 15 | 0 | 5 | 1 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 22 | |
| Woollahra Municipal Council | 4 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 5 | |
| Wyang Shire Council | 11 | 0 | 2 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 14 | |
| Yass Valley Council | 3 | 0 | 2 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 6 | |
| Young Shire Council | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | |
| Total | 613 | 6 | 216 | 2 | 47 | 29 | 7 | 0 | 0 | 0 | 2 | 0 | 2 | 924 | |

Description

Decline after assessment only, including:

- A** Conduct outside jurisdiction, trivial, remote, insufficient interest, commercial matter, right of appeal or redress, substantive explanation or advice provided, premature — referred to agency, concurrent representation, investigation declined on resource/priority grounds

Preliminary or informal investigation:

- B** Substantive advice, information provided without formal finding of wrong conduct
C Advice/explanation provided where no or insufficient evidence of wrong conduct
D Further investigation declined on grounds of resource/priority
E Resolved to Ombudsman's satisfaction
F Resolved by agency prior to our intervention
G Suggestions/comment made
H Consolidated into other complaint
I Conciliated/mediated

Formal investigation:

- J** Resolved during investigation
K Investigation discontinued
L No adverse finding
M Adverse finding

Appendix I

Corrections

Figure 74: Action taken on formal complaints about people in custody finalised in 2010–2011

Figure 74 shows the action we took on each of the formal complaints finalised this year concerning people in custody.

| Council | Assessment only | Preliminary or informal investigation | | | | | | | | | Formal investigation | | | | Total |
|----------------------------------|-----------------|---------------------------------------|------------|----------|------------|-----------|-----------|-----------|----------|----------|----------------------|----------|----------|------------|-------|
| | A | B | C | D | E | F | G | H | I | J | K | L | M | | |
| Corrective Services NSW | 127 | 49 | 256 | 6 | 190 | 24 | 8 | 12 | 0 | 0 | 1 | 0 | 0 | 673 | |
| GEO Australia | 16 | 3 | 75 | 2 | 70 | 9 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 177 | |
| Justice Health | 9 | 1 | 17 | 0 | 15 | 3 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 47 | |
| Serious Offenders Review Council | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | |
| Total | 153 | 53 | 348 | 8 | 275 | 36 | 10 | 14 | 0 | 0 | 1 | 0 | 0 | 898 | |

Description

Decline after assessment only, including:

- A** Conduct outside jurisdiction, trivial, remote, insufficient interest, commercial matter, right of appeal or redress, substantive explanation or advice provided, premature — referred to agency, concurrent representation, investigation declined on resource/priority grounds

Preliminary or informal investigation:

- B** Substantive advice, information provided without formal finding of wrong conduct
C Advice/explanation provided where no or insufficient evidence of wrong conduct
D Further investigation declined on grounds of resource/priority
E Resolved to Ombudsman's satisfaction
F Resolved by agency prior to our intervention
G Suggestions/comment made
H Consolidated into other complaint
I Conciliated/mediated

Formal investigation:

- J** Resolved during investigation
K Investigation discontinued
L No adverse finding
M Adverse finding

Figure 75: Number of formal and informal complaints about correctional centres, DCS and GEO received in 2010–2011

| Institution | Formal | Informal | Total |
|---|------------|--------------|--------------|
| Bathurst Correctional Centre | 36 | 132 | 168 |
| Berrima Correctional Centre | 2 | 14 | 16 |
| Broken Hill Correctional Centre | 1 | 4 | 5 |
| Cessnock Correctional Centre | 12 | 40 | 52 |
| Community Offender Services | 22 | 64 | 86 |
| Compulsory Drug Treatment Correctional Centre | 1 | 4 | 5 |
| Cooma Correctional Centre | 13 | 25 | 38 |
| Corrective Services | 106 | 289 | 395 |
| Court Escort/Security Unit | 13 | 6 | 19 |
| Dawn De Loas Special Purpose Centre | 13 | 60 | 73 |
| Dillwynia Correctional Centre | 11 | 50 | 61 |
| Emu Plains Correctional Centre | 5 | 47 | 52 |
| Glen Innes Correctional Centre | 1 | 4 | 5 |
| Goulburn Correctional Centre | 55 | 160 | 215 |
| Grafton Correctional Centre | 12 | 65 | 77 |
| Head Office, Department Corrective Services | 0 | 1 | 1 |
| High Risk Management Correctional Centre | 41 | 45 | 86 |
| Ivanhoe (Warakirri) Correctional Centre | 2 | 5 | 7 |
| John Morony Correctional Centre | 4 | 47 | 51 |
| Junee Correctional Centre | 103 | 312 | 415 |
| Justice Health | 43 | 262 | 305 |
| Kariong Juvenile Correctional Centre | 29 | 45 | 74 |
| Kirkconnell Correctional Centre | 4 | 51 | 55 |
| Lithgow Correctional Centre | 7 | 70 | 77 |
| Long Bay Hospital | 5 | 60 | 65 |
| Mannus Correctional Centre | 1 | 7 | 8 |
| Metropolitan Remand and Reception Centre | 45 | 213 | 258 |
| Metropolitan Special Programs Centre | 38 | 251 | 289 |
| Mid North Coast Correctional Centre | 28 | 190 | 218 |
| Oberon Correctional Centre | 0 | 2 | 2 |
| Outer Metropolitan Multi Purpose Centre | 5 | 9 | 14 |
| Parklea Correctional Centre | 68 | 256 | 324 |
| Parramatta Correctional Centre | 6 | 19 | 25 |
| Periodic Detention Centres | 0 | 4 | 4 |
| Serious Offenders Review Council | 1 | 3 | 4 |
| Silverwater Correctional Centre | 7 | 59 | 66 |
| Silverwater Women's Correctional Centre | 15 | 110 | 125 |
| South Coast Correctional Centre | 12 | 52 | 64 |
| Special Purpose Prison Long Bay | 39 | 21 | 60 |
| St Heliers Correctional Centre | 4 | 18 | 22 |
| State Parole Authority | 0 | 16 | 16 |
| Tamworth Correctional Centre | 4 | 18 | 22 |
| The Forensic Hospital | 3 | 5 | 8 |
| Wellington Correctional Centre | 45 | 232 | 277 |
| Women's Transitional Centres | 1 | 2 | 3 |
| Yetta Dhinnakkal (Brewarrina) Correctional Centre | 1 | 1 | 2 |
| Total | 864 | 3,350 | 4,214 |

Some complaints may involve more than one centre.

Appendix J

Freedom of information

Figure 76: Action taken on formal complaints about FOI finalised in 2010–2011

Figure 76 shows the action we took on each of the written complaints finalised this year about individual public sector agencies relating to freedom of information.

| Council | Assessment only | Preliminary or informal investigation | | | | | | | | | Formal investigation | | | | Total |
|--|-----------------|---------------------------------------|---|---|----|---|---|---|---|---|----------------------|---|---|----|-------|
| | A | B | C | D | E | F | G | H | I | J | K | L | M | | |
| Ambulance Service of NSW | 0 | 0 | 1 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | |
| Attorney General | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | |
| Ballina Shire Council | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | |
| Coffs Harbour City Council | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | |
| Communities NSW | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | |
| Community Services NSW | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | |
| Corrective Services NSW | 1 | 0 | 3 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 4 | |
| Department of Education and Training | 2 | 0 | 2 | 0 | 2 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 7 | |
| Department of Environment, Climate Change and Water | 0 | 0 | 0 | 1 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | |
| Department of Lands | 1 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | |
| Department of Planning | 0 | 0 | 1 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 3 | |
| Department of Premier and Cabinet | 0 | 0 | 3 | 1 | 0 | 1 | 0 | 0 | 0 | 1 | 1 | 0 | 0 | 7 | |
| Department of Services, Technology and Administration | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | |
| Department of Water and Energy | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | |
| Gosford City Council | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | |
| Greyhound and Harness Racing Regulatory Authority | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | |
| Hunter and New England Area Health Service | 1 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | |
| Independent Pricing and Regulatory Tribunal | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | |
| Justice Health | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | |
| Manly Council | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | |
| Newcastle City Council | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | |
| NSW Maritime Authority | 1 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | |
| NSW Police Force | 5 | 1 | 7 | 0 | 13 | 1 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 28 | |
| Outside our jurisdiction - Ministers/MPs/Governor/Parliament | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | |
| Penrith City Council | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | |
| Rail Corporation New South Wales (RailCorp) | 0 | 0 | 1 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 3 | |
| Roads and Traffic Authority | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | |
| Ryde City Council | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | |
| Shellharbour City Council | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | |

| Council | Assessment only | Preliminary or informal investigation | | | | | | | Formal investigation | | | | Total | |
|---------------------------------|-----------------|---------------------------------------|-----------|----------|-----------|----------|----------|----------|----------------------|----------|----------|----------|----------|-----------|
| | A | B | C | D | E | F | G | H | I | J | K | L | | M |
| State Transit Authority of NSW | 0 | 0 | 0 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 2 |
| Sydney Ferries Corporation | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 |
| Sydney West Area Health Service | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 |
| Transport NSW | 2 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 3 |
| Tweed Shire Council | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 |
| Upper Lachlan Shire Council | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 |
| Total | 17 | 1 | 26 | 2 | 33 | 5 | 1 | 0 | 0 | 2 | 2 | 0 | 0 | 89 |

Description

Decline after assessment only, including:

A Conduct outside jurisdiction, trivial, remote, insufficient interest, commercial matter, right of appeal or redress, substantive explanation or advice provided, premature — referred to agency, concurrent representation, investigation declined on resource/priority grounds

Preliminary or informal investigation:

B Substantive advice, information provided without formal finding of wrong conduct

C Advice/explanation provided where no or insufficient evidence of wrong conduct

D Further investigation declined on grounds of resource/priority

E Resolved to Ombudsman's satisfaction

F Resolved by agency prior to our intervention

G Suggestions/comment made

H Consolidated into other complaint

I Conciliated/mediated

Formal investigation:

J Resolved during investigation

K Investigation discontinued

L No adverse finding

M Adverse finding

Appendix K

Report on police use of emergency powers to prevent or control public disorder

This report is provided in accordance with section 87O(5) of the *Law Enforcement (Powers and Responsibilities) Act 2002* (LEPRA). Under LEPRA, the Ombudsman must report annually on our work in keeping under scrutiny the exercise of powers conferred on police to prevent or control public disorder.

Emergency powers were given to police to deal with actual or threatened large-scale public disorder. The initial powers were temporary, but in December 2007 the NSW Parliament decided to continue the powers – known as Part 6A LEPRA or the emergency powers. It also extended the Ombudsman's role to keep under scrutiny the use of the emergency powers.

Part 6A provides police with extraordinary powers in circumstances where the authorising officer reasonably believes large-scale public disorder is occurring or is threatened to occur in the near future, and they are satisfied that the emergency powers are reasonably necessary to control that public disorder. The powers include establishing a cordon or roadblock around a target area or road, stopping and searching vehicles or pedestrians in the target area, requiring identification details of people in the target area, seizing and detaining things including mobile phones and vehicles, and directing groups to disperse. Police can also impose emergency alcohol free zones and prohibitions on the sale or supply of liquor.

Under Part 6A, the Commissioner of Police must provide the Ombudsman with a report about any uses of the powers within three months. The Ombudsman may also require the Commissioner or any public authority to provide information about the exercise of those powers. Under a memorandum of understanding, the NSWPF has agreed to provide us with biannual reports that cover all uses of the Part 6A powers, details of any instances where the powers were seriously considered but not used, and advice about training undertaken and amendments to policies and procedures.

Police used the emergency powers on one occasion in 2010-2011 at Wallaga Lake Koori Village. They seriously considered using the powers on three other occasions, but decided to control the situation by other means.

Using the powers at Wallaga Lake Koori Village

On 3 March 2011, Assistant Commissioner Michael Fuller authorised use of the emergency powers for a period of 48 hours to respond to public disorder in Wallaga Lake Koori Village. This is a small community on the south coast of NSW, falling within the boundaries of the Far South Coast Local Area Command (LAC).

Background to the use of the powers

Police have documented a history of tension in the community going back over a number of years, particularly involving disputes between certain family groups living in the village. Conflict between these groups escalated in December 2010 and January 2011. There were fights involving significant numbers of people and injuries to some of those involved. The conflict continued throughout February, and in late February police received information

that some parties were using social networking media to rally support for an open conflict between the factions. Supporting documentation shows that people from other locations intended to come to Wallaga Lake Koori Village to join the conflict.

On 2 March 2011, two violent confrontations took place between the feuding groups involving approximately 20 people. Police reported that people were armed with 'boondi sticks', iron bars and axe handles. They reported that two vehicles being driven menacingly collided. Five people were hospitalised as a result of the fracas.

The application for authorisation to use the emergency powers paints a picture of the public disorder in the village. Police patrolled Wallaga Lake throughout 3 March 2011, and received information that extended family members were travelling from other locations to take part in the conflict. The local pre-school closed due to fears of violence in the community. By mid afternoon, police observed large groups of people congregating and consuming alcohol. They also received information that some community members had started gathering ammunition, petrol bombs had been made for an anticipated confrontation that evening, and firearms may be present in the community. That afternoon, police patrols noted fires that appeared to have been lit by community members. One group had blocked the single access roadway to the village and set fire to a vehicle. Groups of non-residents affiliated with the feuding community members started to arrive and police negotiated with some of them to leave the area due to safety concerns. Additional police, including officers from outside the area and the Region Operational Support Group and the Public Order Riot Squad, were called to assist in patrols and in responding to the anticipated violence.

Before the authorisation to use the emergency powers, police established a roadblock to deter people from entering the village to participate in the conflict. Police advise they used 'breach of the peace powers' and section 186 of LEPRA to do this, and then negotiated with people to persuade them to leave the area. Section 186 LEPRA, which is not an emergency power but one of the ordinary powers available to police, enables them to temporarily close a road or road-related area to traffic during any temporary obstruction or danger to traffic or for any temporary purpose.

Police records are unclear about how many people arrived and tried to gain entry to Wallaga Lake Koori Village on the afternoon of 3 March 2011. One record indicates that police turned away three car loads, another suggests that police were outnumbered by 80 people trying to gain access to the village to fight. During the afternoon, police evacuated 39 people – of which 15 were community members from one side of the conflict – due to safety concerns, and arranged temporary emergency accommodation for them.

It appears that police were successful in keeping non-residents from entering the village and joining in any public disorder before the authorisation to use the emergency powers. However the Far South Coast Commander applied for authorisation to use the Part 6A powers on the evening of 3 March 2011, because of the presence of alcohol, information about firearms and weapons, and threats made by both the groups. The application stated that police had a strong belief the public disorder would 'continue and pose serious risk to the public safety of the residents of Wallaga Lake Koori Village'.

Authorisation to use the emergency powers

On the evening of 3 March 2011, the Acting Superintendent of Far South Coast LAC applied to Assistant Commissioner Michael Fuller for authorisation to use the emergency powers set out in Part 6A of LEPRA. Authorisation was granted at 9.45pm that evening to use the emergency powers for 48 hours.

The authorisation permitted police to establish a cordon or roadblock around a target area or road, stop and search vehicles or pedestrians in the target area, require identification details of people in the target area, seize and detain things, and direct groups to disperse.

Part 6A of LEPRA sets out that authorisation may be given to prohibit the sale or supply of liquor and establish emergency alcohol-free zones. On this occasion, the Assistant Commissioner determined that these powers were not immediately necessary and no authorisation was given to use them.

The target area for the use of the powers covered areas where public disorder was expected to occur, including the entrances and exits for the village. Officers assisting with this incident were given maps and briefed about the extent of the target area.

The commander's intent for the use of the emergency powers was:

To facilitate a safe and secure environment within the Wallaga Lake Koori Village through the use of Local, Region and Specialist resources to ensure the safety of residents of the village, the security of residents property and to prevent the escalation of Public Disorder.

How police used the powers

Police used high visibility patrols to try to monitor the situation and maintain order before, after and during the emergency authorisation period. During the operation, they used roadblocks to prevent people entering the village. It is unclear how many vehicles or people were turned away while the powers were in use as no records were kept at the roadblock sites. Other documents created during and after the operation estimate the numbers turned away from the village. One estimate was that 80 people were turned away, another estimated 35 people. Yet another estimate was that 15 vehicles were stopped at the two roadblocks that police established at the access points to the village – and only two of these were allowed entry after providing valid reasons. Under the authorisation, police could stop and search vehicles within the target area and search people and anything in their possession or control. Police created COPS records about stopping and searching two vehicles on 4 March 2011, obtaining details of the occupants as permitted by the emergency powers. The occupants of the vehicles were directed away from the area and police indicate they complied without incident. The available police records do not detail any other searches or indicate that any items were seized by police. Another vehicle was stopped on 4 March 2011 inside the target area. Police checks revealed the driver was disqualified and the vehicle was unregistered and uninsured, so they issued the driver with a court attendance notice for these offences.

An operation log notes on the afternoon of Sunday 5 March 2011 that six vehicles containing non-residents were prevented from entering the village. Presumably police used the emergency powers to obtain details of the occupants of the vehicles to find out if they were residents, but use of this power was not documented.

A range of available powers were ultimately not used by police – including the power to seize and detain things, disperse groups (police indicated that groups of people were turned away by negotiation rather than by being ordered to leave), and power to stop vehicles that are outside the target area if police suspect on reasonable grounds that the occupants intend to participate in the public disorder.

The emergency powers remained in force for the full 48 hours. Periodic police reports throughout the operation indicate a de-escalation of tensions and no further incidents of public disorder occurred either within or outside the village during the operation.

No arrests were made as a result of the use of the emergency powers. However, seven people were arrested and charged with offensive conduct and one was charged with breach of bail as a result of the violent confrontations on 2 March 2011.

It appears that police did try to work with community members to de-escalate community tensions. During the incident they liaised with social workers, Aboriginal Legal Service and Aboriginal Land Council and Aboriginal housing providers to help understand the situation and work towards some solutions. After the incident, officers from the NSWPF participated in a multi-agency meeting chaired by the Department of Premier and Cabinet to discuss longer term solutions to the community tensions.

Police reported positive feedback was received from Aboriginal elders about the police response helping to de-escalate the situation.

NSWPF review of the use of emergency powers

Following the operation, the Southern Region and Far South Coast LAC conducted debriefs. These noted the use of the Part 6A powers had been effective and generally the operation ran smoothly.

Two primary issues were identified about the Part 6A powers:

- | The local area commander suggested that NSWPF needed a template to make applications for Part 6A powers. Although there is a template for the authorisation, there is no template application form.
- | A number of uses of the powers during the 48 hour authorisation period were not recorded. An Inspector from the Far South Coast LAC commented 'it appears only a proportion of the activity conducted by police in terms of preventing vehicles from entry at the roadblocks to Wallaga Lake was captured'.

A further internal review of the use of the emergency powers conducted by the Commander of the Major Events and Incidents Group noted both these issues.

The Public Order Law Manual states that 'it is desirable to record the name of persons refused permission to enter or leave a checkpoint and brief reasons for that refusal. The information could be recorded on a running sheet or in an official notebook'. The reviewing commander indicated that had information about people refused entry into the village been recorded in this way, it could have later been transferred to the COPS database.

The reviewing commander considered the threat of large scale public disorder 'certainly existed' and the use of the powers was appropriate in these circumstances. He stated:

The provision of these additional powers greatly assisted police in preventing persons entering the village for the purpose of engaging in violence and property damage. The evidence indicates that numerous non-residents were refused entry to the target area. Had these persons gained entry and engaged in criminal activity I have no doubt that both police and the general public would have incurred serious injuries.

The reviewing commander noted that police did not unnecessarily invoke alcohol restrictions and did not restrict the entry of residents and others who had a legitimate need to enter the village. He noted that the key strategy of establishing roadblocks and controlling access to the village was effective in preventing the anticipated disorder and patrols within the target area maintained peace. The NSWPF review made no recommendations for changes in legislation, policy or internal procedures. They undertook to work towards preparing a template application form for use of the powers to be included in the *Public Order Law manual*, and noted this incident will now serve as a case study in the Incident Commanders Course.

Ombudsman's comments

We reviewed the available documentation about the incident, including the debriefing and internal review documents. Police appeared to be managing the situation reasonably well before the authorisation to use emergency powers. They had established a roadblock and were effectively using high-visibility patrols and negotiation to deter people from entering the village and avoid further incidents of affray. There is no definition of 'large scale' in the Act. However available documentation clearly suggests that incidents of violence and disorder had taken place, resulting in injury to people and damage to property. Police subsequently advised us that the additional powers available under Part 6A (such as searching people and vehicles and seizing things) may have been necessary if their other strategies failed to maintain order.

In general, it appears that the powers were used selectively and with restraint – restrictions on the use or sale of alcohol were not imposed and police appear to have negotiated with community members to de-escalate tensions.

Our central concern with this operation is the lack of records about the people refused entry to the village under the emergency powers. Although running logs from the forward command post provide an overview of the operation, there appears to be no records from the roadblock sites. Also, the only other records of exercising powers under Part 6A relate to three vehicles stopped within the target area on 4 March 2011. This clearly does not account for the larger numbers refused entry. It is also unclear whether police conducted searches of vehicles at the roadblock sites.

It appears the orders to officers at the roadblock may have changed during the course of the authorisation period. A reference in a police timeline of events occurring on 3 March indicates 'roadblock and vehicle searches being conducted on vehicles as they arrive no persons able to enter however able to leave – nil issues'. An operational log dated 5 March 2011 indicates staff were given verbal orders 'confirming residents allowed in/out upon confirmation they are actually residents ... non-residents not permitted to enter Wallaga Lake Village'.

The lack of documentation about those refused access makes it difficult to determine if any residents were inappropriately refused entry to the village and their homes. An absence of such records would also make it difficult to

address any complaints that may be received from people who feel they have been unreasonably excluded from their home or workplace.

The law about establishing a roadblock under the emergency powers states that police may prevent people entering or leaving the target area. They must not refuse permission for a person to leave the area unless it is reasonably necessary to do so to avoid a risk to public safety or the person's own safety. Although the legislation is silent on the issue of refusing individuals access to their homes if they are within the target area, the *Public Order Law manual* indicates that people who have a legitimate reason to enter an area – such as work or residence – should generally not be prevented from entering unless the circumstances pose a real risk to their safety.

We received one inquiry call during the authorisation period from a resident who indicated he had been prevented entry to the village, but no formal complaint was made.

We have commented in previous reports about keeping appropriate records about the exercise of the emergency powers. In this case, although it may not have been possible to record each individual refused entry due to the volume of people at the roadblock, it may have been possible for officers to record the vehicle registration details.

The measures proposed by the commander reviewing the use of the emergency powers appear appropriate. We note that police debriefs identified record-keeping as a matter of concern. We will continue to monitor the way police record their use of the emergency powers.

Considered uses of the powers

We were advised in November 2010 that the NSWPF seriously considered using the Part 6A powers on three occasions during the reporting period.

All three occasions were in early April 2010, and related to police concerns about possible violence between rival motorcycle gangs in the Kings Cross and Bankstown areas. On one occasion informal risk assessments determined the risk of large-scale public disorder was low and the local area command decided not to apply for a Part 6A authorisation.

On the second and third occasions that the powers were considered, police monitored the presence of rival gang members and decided that ordinary police powers were sufficient to manage the situation – and the threat of public disorder did not eventuate. No applications were made for authorisation of the powers for these incidents.

This advice tends to show that the NSWPF continues to assess whether the powers may be necessary to respond to threats of large-scale public disorder or whether ordinary police powers may be sufficient. This kind of assessment is important given the impact the emergency powers may have on members of the public, including those not involved in any public disorder.

Appendix L

Committees

Significant committees

Our staff members are members of the following inter-organisational committees:

| Staff member | Committee name |
|--|---|
| Ombudsman Bruce Barbour | Board member, Pacific Ombudsman Alliance; Institute of Criminology Advisory Committee; Reviewable Disability Deaths Advisory Committee; Reviewable Child Deaths Advisory Committee; Public Interest Disclosures Steering Committee (part year); Convenor, NSW Child Death Review Team |
| Deputy Ombudsman (Public Administration & Strategic Projects Branch) Chris Wheeler | Local Government Liaison Group; Public Information Disclosure Steering Committee |
| Deputy Ombudsman/Community and Disability Services Commissioner Steve Kinmond | Police Aboriginal Strategic Advisory Committee (PASAC); Reviewable Disability Deaths Advisory Committee; Reviewable Child Deaths Advisory Committee |
| Former Deputy Ombudsman (Police & Compliance) Greg Andrews | International Network for the Independent Oversight of Police; Early Intervention System Steering Committee |
| Director Corporate Anita Whittaker | Management board of the NSW Audit and Risk Practitioners Group |
| Principal Investigator Sue Phelan | Child Protection and Sex Crimes Squad Advisory Council |
| Director, Strategic Projects Division Julianna Demetrius | PASAC, NSW Police Force Domestic Violence Steering Committee |
| Manager, Aboriginal Unit Laurel Russ | PASAC |
| Division Manager (Public Administration Division) Anne Radford | Complaint Handlers Information Sharing and Liaison Group (formerly JIG) |
| Inquiries and Resolution Team Manager Vince Blatch | Complaint Handlers Information Sharing and Liaison Group |
| Senior Investigation Officer Maxwell Britton | Corruption Prevention Network |
| Division Manager (Strategic Projects Division) Brendan Delahunty | PASAC |
| Community Education & Training Coordinator Anna Papanastasiou | Network of Government Agencies: Gay, Lesbian, Bisexual and Transgender Issues |

Reviewable Disability Deaths Advisory Committee

| | |
|-------------------------------------|---|
| Mr Bruce Barbour | Ombudsman (chair) |
| Mr Steve Kinmond | Deputy Ombudsman and Community and Disability Services Commissioner |
| Ms Margaret Bail | Human services consultant |
| Professor Helen Beange AM | Clinical Professor, Faculty of Medicine, University of Sydney |
| Ms Linda Goddard | Acting Undergraduate Courses Director, Senior Lecturer: Intellectual Disability, Chronic Care and Mental Health, School of Nursing, Midwifery & Indigenous Health, Charles Sturt University |
| Assoc Prof Alvin Ing | Senior Staff Specialist, Respiratory Medicine, Bankstown-Lidcombe Hospital and Senior Visiting Respiratory Physician, Concord Hospital |
| Dr Cheryl McIntyre | General practitioner, Obstetrician (Inverell) |
| Dr Ted O'Loughlin | Senior staff specialist, Gastroenterology, The Children's Hospital at Westmead |
| Dr Rosemary Sheehy | Geriatrician/Endocrinologist, Sydney Local Health Network |
| Ms Anne Slater | Physiotherapist, Allowah Children's Hospital (resigned March 2011) |
| Assoc Prof Ernest Somerville | Director, Comprehensive Epilepsy Service, Prince of Wales Hospital |
| Assoc Prof Julian Trollor | Chair, Intellectual Disability Mental Health, School of Psychiatry, Head, Department of Developmental Disability Neuropsychiatry, University of New South Wales |

Appendix M

Compliance annual reporting requirements

Under the *Annual Reports (Departments) Act 1985*, the Annual Reports (Departments) Regulation 2010 and various Treasury circulars, our office is required to include in this report information on the following topics:

| Topic | Comment/location |
|--|---|
| Access | Back cover |
| Aims and objectives | Pages 16-17 |
| Charter | Inside front cover |
| Consultants | We used no consultants this year |
| Consumer response | Pages 12 |
| Controlled entities | We have no controlled entities |
| Code of conduct amendments | Code of conduct was reviewed and there were no substantial changes made and is available on our website at www.ombo.nsw.gov.au |
| Credit card certification | The Ombudsman certifies that credit card use in the office has met best practice guidelines in accordance with Premier's memoranda and Treasury directions. |
| Departures from <i>Subordinate Legislation Act 1989</i> | This year we did not depart from the requirements of the Subordinate Legislation Act. |
| Disability plans | Appendix P |
| Economic or other factors | Pages 19, 114-116 |
| Electronic service delivery | We have an electronic service delivery program to meet the government's commitment that all appropriate government services be available electronically. We provide an online complaints form, an online publications order form and a range of information brochures on our website. |
| Energy management | Pages 20-21 |
| Equal Employment Opportunity | Pages 25-26 |
| Evaluation of programs worth at least 10% of expenses and the results | We reviewed our work processes and how we capture and report on data across all our programs. |
| Executive positions | Pages 24-25 |
| Financial statements and identification | Pages 116-136 |
| Funds granted to non-government community organisations | We did not grant any funds of this sort |
| <i>Government Information (Public Access) Act 2009</i> | Appendix O |
| Guarantee of service | Inside front cover |
| Human resources | Pages 24-25 |
| Is the report available in non-printed formats? | Yes |
| Is the report available on the internet? | Yes, at www.ombo.nsw.gov.au |
| Legal change | Appendix N |
| Letter of submission | Page 1 |
| Major works in progress | There were no such works |
| Management and activities | This report details our activities during the reporting period. Specific comments can be found on pages 2-13. |
| Management and structure: names of principal officers, appropriate qualifications; organisational chart indicating functional responsibilities | Pages 6-7 |
| Multicultural policies and services program (formerly Ethnic Affairs Priority Statement) | Appendix P and page 21 |
| Must distinguish between complaints made directly to our office and those referred to us | There were seven complaints referred to us from other agencies. |
| NSW Government Action Plan for Women | Appendix P |
| Occupational health and safety | Page 26-27 |

| Topic | Comment/location |
|---|---|
| Particulars of any matter arising since 1 July 2011 that could have a significant effect on our operations or a section of the community we serve | Not applicable |
| Particulars of extensions of time | No extension applied for |
| Payment of accounts | Page 115 |
| Privacy management plan | We have a privacy management plan as required by s.33(3) of the <i>Privacy and Personal Information Protection Act 1988</i> and includes our obligations under the <i>Health Records and Information Privacy Act 2002</i> . This year we received in April 2011 and finalised in June 2011 one request for an internal review under Part 5 of the Act. We also finalised in August 2010 a request for an internal review received in June 2010. |
| Promotion – overseas visits | Pages 99–100 |
| Research and development | Pages 61–62, 105-107 and Appendices B and K |
| Risk management and insurance activities | Pages 15 |
| Summary review of operations | Pages 4 and 6 |
| Time for payment of accounts | Page 116 |
| Total external costs incurred in the production of the report | \$35,000 (including GST) |
| Unaudited financial information to be distinguished by note | Not applicable |
| Waste | Page 20 |

Appendix N

Legislation and legal matters

Legislation relating to Ombudsman functions

- | *Ombudsman Act 1974*
- | *Community Services (Complaints, Reviews and Monitoring) Act 1993*
- | *Police Act 1990*
- | *Government Information (Public Access) Act 2009*
- | *Government Information (Information Commissioner) Act 2009*
- | *Freedom of Information Act 1989* – applied by the *Government Information (Public Access) Act 2009*
- | *Public Interest Disclosures Act 1994*
- | *Witness Protection Act 1995*
- | Enabling legislation for NSW universities – as amended by the *Universities Legislation Amendment (Financial and Other Powers) Act 2001*
- | *Children and Young Persons (Care and Protection) Act 1998*
- | *Commission for Children and Young People Act 1998*
- | *Law Enforcement (Controlled Operations) Act 1997*
- | *Telecommunications (Interception and Access) (New South Wales) Act 1987*
- | *Law Enforcement (Powers and Responsibilities) Act 2002*
- | *Surveillance Devices Act 2007*
- | *Terrorism (Police Powers) Act 2002*
- | *Criminal Procedure Act 1986*

Litigation

In 2010-2011, we were a party (as third respondent) to the following legal action:

- | *Micro Focus (US) Inc & Ors v NSW Police Force, Police Integrity Commission & NSW Ombudsman* - in the Federal Court of Australia seeking orders under s.115(2) of the *Copyright Act 1968* (Cth).

Legal changes

Children Legislation Amendment (Wood Inquiry Recommendations) Act 2009

This Act amended, among other Acts, the *Commission for Children and Young People Act 1998* to give effect to recommendations of the Special Commission of Inquiry into Child Protection Services in NSW (the Wood Inquiry) that the NSW Ombudsman convenes the Child Death Review Team and takes responsibility for the team's secretariat and research functions. This amendment came into operation on 11 February 2011.

Crimes (Criminal Organisations Control) Act 2009

This Act provided for an eligible judge to make a declaration for an organisation and a control order for a member of a declared organisation. It gave the NSW Ombudsman the function of monitoring the exercise of powers under this Act and reporting to the Attorney General and the Commissioner of Police. On 23 June 2011, this Act was declared invalid by the High Court in *Wainohu v State of New South Wales* [2011] HCA 24.

Protected Disclosures Amendment (Public Interest Disclosures) Act 2010

This Act amended the *Protected Disclosures Act 1994* to:

- | extend its protections to include compensation for reprisals and injunctions to prevent reprisals
- | reduce the threshold for protection to include whistleblowers who honestly believe on reasonable grounds that their disclosure shows or tends to show wrongdoing by a public authority – including a failure to exercise functions in accordance with the *Government Information (Public Access) Act 2009*
- | change its name to the *Public Interest Disclosures Act 1994*.

The amending Act also gave the Ombudsman oversight functions that include monitoring and auditing the compliance of public authorities with the requirements of the Public Interest Disclosures Act, and established a Public Interest Disclosures Steering Committee – chaired by the Ombudsman – to provide advice and report to the Minister. These amendments came into operation on 1 July 2011.

External legal advice sought

- | Mr MG Sexton SC, Solicitor General, with Dr JG Renwick – advice about the exercise of the Ombudsman's functions under the *Surveillance Devices Act 2007*.
- | Mr MG Sexton SC, Solicitor General - advice about the *Telecommunications (Interception and Access) Act 1979* (Cth).
- | Mr A Robertson SC (now The Honourable Justice Robertson of the Federal Court of Australia) with Ms K Stern – advice about the scope of the Ombudsman's powers under Part 8A of the *Police Act 1990*.

Appendix O

GIPA Report

The following information is provided under section 125 of the *Government Information (Public Access) Act 2009* and clause 7 of the *Government Information (Public Access) Regulation 2009*.

We have continually reviewed the open access information we make available to the public. The secrecy provisions of the Ombudsman Act prevent us from making information about much of our work publicly available, but despite this we have:

- | made our policy documents available in pdf format on our website, and we are continuing to update these as changes are made
- | placed information about our work on the latest news section of our website. This provides details about visits to rural and regional centres, training sessions conducted and other information that may be of broader public interest. This section of the website is usually updated twice a month
- | prepared a number of e-newsletters that provide information about our work. These include *Ombo-info*, which has a subscription list of 1,500, and the public interest disclosures e-news that has a distribution list of 450
- | provided speeches made by the Ombudsman and Deputy Ombudsman in pdf format on our website.

We received one valid access application during 2010-2011 and seven invalid applications. We gave full access to the information sought in the valid access application. The invalid applications mainly sought access to documents relating to our complaint handling, investigative and reporting functions – this is excluded information under Schedule 2 to the Act.

Schedule 2: Statistical information about access applications

(Clause 7)

Table A: Number of applications by type of applicant and outcome

| | Access granted in full | Access granted in part | Access refused in full | Information not held | Information already available | Refuse to deal with application | Refuse to confirm/deny whether information is held | Application withdrawn |
|---|------------------------|------------------------|------------------------|----------------------|-------------------------------|---------------------------------|--|-----------------------|
| Media | – | – | – | – | – | – | – | – |
| Members of Parliament | – | – | – | – | – | – | – | – |
| Private sector business | – | – | – | – | – | – | – | – |
| Not-for-profit organisations or community groups | – | – | – | – | – | – | – | – |
| Members of the public (application by legal representative) | – | – | – | – | – | – | – | – |
| Members of the public (other) | 1 | – | – | – | – | – | – | – |

Table B: Number of applications by type of application and outcome

| | Access granted in full | Access granted in part | Access refused in full | Information not held | Information already available | Refuse to deal with application | Refuse to confirm/deny whether information is held | Application withdrawn |
|--|------------------------|------------------------|------------------------|----------------------|-------------------------------|---------------------------------|--|-----------------------|
| Personal information applications | 1 | - | - | - | - | - | - | - |
| Access applications (other than personal information applications) | - | - | - | - | - | - | - | - |
| Access applications that are partly personal information applications and partly other | - | - | - | - | - | - | - | - |

Table C: Invalid applications

| Reason for invalidity | No of applications |
|---|--------------------|
| Application does not comply with formal requirements (section 41 of the Act) | 2 |
| Application is for excluded information of the agency (section 43 of the Act) | 5 |
| Application contravenes restraint order (section 110 of the Act) | - |
| Total number of invalid applications received | 7 |
| Invalid applications that subsequently became valid applications | - |

Table D: Conclusive presumption of overriding public interest against disclosure: matters listed in Schedule 1 to Act

| | Number of times consideration used* |
|---|-------------------------------------|
| Overriding secrecy laws | - |
| Cabinet information | - |
| Executive Council information | - |
| Contempt | - |
| Legal professional privilege | - |
| Excluded information | - |
| Documents affecting law enforcement and public safety | - |
| Transport safety | - |
| Adoption | - |
| Care and protection of children | - |
| Ministerial code of conduct | - |
| Aboriginal and environmental heritage | - |

Table E: Other public interest considerations against disclosure: matters listed in table to section 14 of Act

| | Number of occasions when application not successful |
|--|---|
| Responsible and effective government | – |
| Law enforcement and security | – |
| Individual rights, judicial processes and natural justice | – |
| Business interests of agencies and other persons | – |
| Environment, culture, economy and general matters | – |
| Secrecy provisions | – |
| Exempt documents under interstate Freedom of Information legislation | – |

Table F: Timeliness

| | Number of applications |
|--|------------------------|
| Decided within the statutory timeframe (20 days plus any extensions) | 1 |
| Decided after 35 days (by agreement with applicant) | – |
| Not decided within time (deemed refusal) | – |
| Total | 1 |

Table G: Number of applications reviewed under Part 5 of the Act (by type of review and outcome)

| | Decision varied | Decision upheld | Total |
|--|-----------------|-----------------|----------|
| Internal review | – | – | – |
| Review by Information Commissioner | – | 1 | 1 |
| Internal review following recommendation under section 93 of Act | – | – | – |
| Review by ADT | – | – | – |
| Total | – | 1 | 1 |

Table H: Applications for review under Part 5 of the Act (by type of applicant)

| | Number of applications for review |
|---|-----------------------------------|
| Applications by access applicants | 1 |
| Applications by persons to whom information the subject of access application relates (see section 54 of the Act) | – |

Appendix P

Access and equity programs

Multicultural action plan

| Key priority area | Planned outcome | Strategies | Progress report | |
|-------------------------|---|--|---|---|
| Planning and evaluation | Integrate multicultural policy goals into our corporate and business planning and review mechanisms. | Develop a multicultural action plan which includes performance measures, strategies to assess progress, and indicators for improved performance. | <ul style="list-style-type: none"> We developed our multicultural action plan (MAP), detailing strategies and actions to improve our services to culturally and linguistically diverse (CALD) people, and it has been approved by the Ombudsman. Our MAP is outcome-ocused with assigned responsibilities. It is a living document with a built-in monitoring and reporting mechanism. | |
| | | Ensure that strategies to address issues relating to CALD people are reflected in or linked to our corporate plan and relevant business plans. | <ul style="list-style-type: none"> Strategies to address issues relating to CALD people are linked to our corporate plan and relevant business plans. We have developed an office-wide reporting mechanism that helps our business units to capture, report on and monitor all outreach activities – including those that may affect CALD people. Senior management is given quarterly reports on the implementation of our MAP. | |
| | | Gather and analyse information about issues affecting CALD people and inform business planning processes. | <ul style="list-style-type: none"> We are reviewing the way we collect and use demographic data to better inform our business planning process and to improve service provision to all vulnerable groups, including CALD people. | |
| | Policy development and service delivery is informed by our expertise, client feedback and complaints, and participation on advisory boards, significant committees and consultations. | | Establish a cross-office MAP advisory committee to ensure that all business areas participate in the multicultural planning process. | <ul style="list-style-type: none"> Our MAP advisory committee, headed by a senior officer and with representatives from all business areas, meets regularly to provide advice and support and to monitor the implementation of our MAP. |
| | | | Ensure that the needs of CALD people are reflected in our stakeholder engagement strategy. | <ul style="list-style-type: none"> The needs of CALD people are reflected in the office stakeholder engagement plan that will be incorporated into all relevant business plans. |
| | | | Consult regularly with key multicultural groups to identify gaps in our awareness strategies and service delivery and ensure that issues identified are reflected in our planning process. | <ul style="list-style-type: none"> We consult with key CALD organisations such as migrant resource centres, migrant workers networks and ethno specific community organisations to promote our services to CALD communities, and to identify gaps in our awareness strategies and service deliveries. |
| | | | Take all reasonable steps to encourage CALD people to participate in relevant committees, roundtable discussions and public forums. | <ul style="list-style-type: none"> We consulted with key CALD organisations such as the Multicultural Disability Advocacy Association on a range of issues relevant to CALD people with disabilities. We have included CALD people, where appropriate, in any consultations for our project and other core business work. |

| Key priority area | Planned outcome | Strategies | Progress report |
|----------------------------------|--|---|--|
| Capacity building and resourcing | Senior management actively promote and are accountable for the implementation of the principles of multiculturalism within the office and wider community. | Multicultural plan endorsed and promoted to staff by Ombudsman. | <ul style="list-style-type: none"> Our MAP was approved as office policy by the Ombudsman and made available to all staff. |
| | Our capacity is enhanced by the employment and training of people with linguistic and cultural expertise. | Ensure that our MAP assigns clear responsibilities to key staff and division management for its implementation, and review their performance agreements to ensure accountabilities for multicultural affairs are clearly assigned. | <ul style="list-style-type: none"> The Director Corporate is the appointed lead officer for our multicultural policies and programs planning process, and holds overall responsibility for developing and implementing our MAP. Our MAP assigns clear responsibilities to all relevant staff. |
| | | Use Community Language Allowance Scheme (CLAS), monitor its implementation, and develop a register of staff who have bilingual skills and cultural and community knowledge to assist in our communications with our clients. | <ul style="list-style-type: none"> We have actively promoted and used the CLAS program within our office. Four staff members who receive the CLAS allowance jointly cover five community languages. Our CLAS register is available on our intranet for all staff to use. |
| Program and services | Identify barriers to access to our services for CALD communities, and develop programs and services to address issues identified. | Review our guidelines on the use of interpreters and translators and provide training to all staff. | <ul style="list-style-type: none"> All our frontline staff are trained in the use of interpreters and translators. |
| | Use a range of communication formats and channels to inform CALD communities about our programs, services and activities. | Ensure that our budget for interpreter services and interpreter use is monitored and reviewed. | <ul style="list-style-type: none"> We have allocated funds for providing interpreting and translation services. A register of our use of interpreting and translation services is kept to inform our decision-making in developing community language information. |
| | | Review our information in community languages and develop accessible and appropriate information material in a range of formats (written, audio, online, etc) to meet the specific needs of CALD communities following consultation with key community organisations. | <ul style="list-style-type: none"> We have conducted a comprehensive review of our community language information resources. We developed a multilingual brochure with basic information about our services in 26 community languages. We developed a fact sheet 'Making a complaint to the Ombudsman' and had it translated into 46 community languages. Our information in community languages has been checked by community 'readers' for language and cultural appropriateness. |
| | | Explore and recommend where appropriate the use of a range of technology in targeted community languages to facilitate communication with CALD people and improve access to our services. | <ul style="list-style-type: none"> We are addressing the information needs of CALD communities in our website review and rebuilding project. |
| | | Develop initiatives to raise awareness of, and celebrate the contribution of, CALD people. | <ul style="list-style-type: none"> We participated in various multicultural events to raise awareness of our services among CALD communities, particularly the new and emerging communities. We held information stalls at the African Summer Festival in Parramatta, the Community Information Expo in Eastwood, the Putting the Pieces Together Forum in Parramatta, and the 2011 Refugee Symposium in Fairfield. We promoted our services to newly arrived migrants through adult migrant education services, such as Fairfield ACL. |

Disability action plan

| Outcomes | Strategies | Report |
|--|---|--|
| Identify and remove barriers to services for people with disabilities | Identify barriers to services for people with disabilities including physical, infrastructural, procedural and social barriers. | <ul style="list-style-type: none"> We conducted an internal survey to identify staff skills and knowledge needs in service delivery to people with disabilities. We are conducting further staff consultation to help us develop relevant resources and training programs. Gave ongoing feedback to ADHC on their Aboriginal Cultural Inclusion Framework and other strategies for supporting Aboriginal people with disabilities. |
| | Incorporate disability access issues in the planning process to reflect the needs of people with disabilities. | <ul style="list-style-type: none"> We linked strategies to address issues relating to people with disabilities to our corporate plan and relevant business plans. Our disability action plan (DAP) advisory committee monitored the implementation of our DAP strategies. We provided senior management with quarterly reports on the implementation of our DAP. |
| | Review our complaint-handling practices to remove barriers for people with disabilities. | <ul style="list-style-type: none"> We reviewed our complaint-handling practices to identify any gaps in service provision for people with disabilities. We are developing a guideline for dealing with complaints from people with disabilities. |
| | Improve data and data collection in relation to disability issues. | <ul style="list-style-type: none"> We are reviewing the way we collect and use demographic data to better inform our business planning process and to improve service provision to all vulnerable groups, including people with disabilities. |
| | Improve disability awareness among all staff. | <ul style="list-style-type: none"> Our disability awareness training program is compulsory for all staff and staff attendance is monitored. We continued to support the Don't Dis My Ability campaign and used the opportunity to raise awareness of disability issues and celebrate the achievements of people with disabilities. We promoted disability awareness and provided resources on issues relating to people with disabilities via emails or on our disability resources intranet page. We used forums such as staff meetings to update all staff on the systemic issues affecting people with disabilities and our investigation and project work on improving access to services for people with disabilities and their carers. |
| Provide information in a range of formats that are accessible to people with disabilities | Improve the accessibility of key information about our services. | <ul style="list-style-type: none"> We updated our easy English pamphlet for people with language difficulties. We produced our general information brochure in a range of accessible formats – including large print, braille, audio and accessible CD – and distributed these resources to all key disability advocacy services through Vision Australia. Our toolkit for consumers of community services in NSW is available in audio. |
| | Improve the overall usability and accessibility of our website. | <ul style="list-style-type: none"> We are reviewing and rebuilding our website and ensuring it meets the accessibility standards set out in the web content accessibility guidelines. |
| Make government buildings and facilities physically accessible to people with disabilities | Identify physical and infrastructural barriers to access for people with disabilities. | <ul style="list-style-type: none"> We completed a range of building fit out work – including installing clear and legible braille and tactile signage at our reception area, altering doors and doorways, installing accessible door handles on external doors on all floors, and ensuring unobstructed access to workstations. We used a range of assistive tools such as the TTY and the National Relay Service to improve access for people with disabilities. |
| | Develop and implement an improvement plan to reduce the barriers identified | <ul style="list-style-type: none"> We developed an office access improvement plan with a priority list based on a comprehensive audit conducted by a certified building inspector, and we are working through the list to improve physical access to our office. |
| Assist people with disabilities to participate in public consultations and to apply for and participate in government advisory boards and committees | Encourage people with disabilities to take part in our consultative process. | <ul style="list-style-type: none"> We consulted over 300 parents and carers of children with disabilities across NSW about their experience in seeking and obtaining specialist disability and mainstream services and support. We issued a report that highlights the key issues raised in these consultations, outlines recent developments, and indicates the areas that we are pursuing with government agencies. |
| | Ensure that our venues for public consultations are accessible to people with disabilities. | <ul style="list-style-type: none"> We have an outreach venue checklist and an accessible venue register to assist staff in booking venues for outreach activities. |

| Outcomes | Strategies | Report |
|--|--|--|
| Increase employment participation of people with disabilities in the NSW public sector | Ensure our recruitment practices for all positions are accessible and non-discriminatory. | <ul style="list-style-type: none"> We reviewed our recruitment process to identify and remove barriers for people with disabilities at every stage of recruitment. We are reviewing our job pack to ensure that information about promoting a non-discriminatory workplace, including reasonable adjustment policies, is provided to all job applicants. |
| | Promote employment opportunities to people with disabilities. | <ul style="list-style-type: none"> As a member of the Australian Employers Network on Disabilities, we participated in training to raise awareness of employment issues faced by people with disabilities. |
| | Take all reasonable steps to increase employment participation for people with disabilities. | <ul style="list-style-type: none"> We are committed to making reasonable adjustments on request. We reviewed our reasonable adjustment policy and developed a guideline to assist staff processing reasonable adjustment applications. |

Action plan for women

| Objective | Outcomes for 2010-2011 |
|---|--|
| Reduce violence against women | <ul style="list-style-type: none"> Two members of staff attended the Australian Domestic and Family Violence Clearinghouse (ADFVC) forum and workshop in May 2011, which examined risk factors associated with domestic violence deaths and institutional responses that can help prevent such tragedies. The forum focused on systemic gaps in policies, training and resources. Forum speakers included representatives from the Coroners Prevention Unit, Victoria, ADFVC and the University of Manitoba in Canada. Also in May 2011, staff attended the DV Prosecutor's Course Focus Group at Parramatta Police HQ. Over the past 18 months, the specialist legal consultant within the NSWPF's Domestic and Family Violence Team has been identifying and mentoring prosecutors with the experience and aptitude to be recognised as specialist domestic violence prosecutors. This meeting brought together these specialist prosecutors to brainstorm the structure and content of the two day face-to-face component of the specialist domestic violence course for prosecutors, which will also include a three day e-learning component. We were invited to the meeting as part of our ongoing role in monitoring systemic issues in relation to the policing of domestic violence following our 2006 report to Parliament. The NSWPF are planning to roll out the e-learning component in the last quarter of 2011, with the first session of the face to face component of the training scheduled for February 2012. Tabled a report to Parliament on our audit of the NSWPF's handling of domestic and family violence complaints. At the request of Dr Rita Shackel from the Sydney University Institute of Criminology, we gave a presentation on Aboriginal Child Sexual Assault (ACSA) to a group of Sri-Lankan Fellowes involved in increasing the capacity of Sri-Lankan professionals to deal with child sexual abuse. Attendees included representatives from the Safe Families Program, AANSW and NSW Health. This seminar allowed us to share important information about how to work with communities who are reluctant to report sexual assault, mistrust government agencies and fear retribution. It also helped to build research capacity/learnings with international partners and promote our ACSA research with the Sydney Institute of Criminology. |
| Promote safe and equitable workplaces that are responsive to all aspects of women's lives | <ul style="list-style-type: none"> We help female staff balance work and care responsibilities by ensuring access to flexible working conditions – including flexible working hours, part-time and job-share arrangements, and leave for family responsibilities. We are committed to achieving and maintaining a harassment free workplace, and have policies and procedures for dealing with workplace grievance and harassment complaints. |
| Maximise the interests of women | <ul style="list-style-type: none"> We reviewed and updated our women's fact sheet which provides information about our work concerning women, such as overseeing complaints about police failure to deal appropriately with reports of domestic violence and sexual assault. We joined the 2011 International Women's Day celebration by having an information stall at Martin Place. Our staff distributed information about our work and services to hundreds of women attending the event, and provided advice to women who had problems with specific government and non-government agencies. |
| Improve the access of women to educational and training opportunities | <ul style="list-style-type: none"> We provide equal training and development opportunities for all our staff. We implement government policies on EEO and select and promote staff on merit. |
| Promote the position of women | <ul style="list-style-type: none"> We are committed to achieving equality and justice for women and have started a review and redevelopment of our Women's Action Plan. We have a diverse workforce featuring a very high representation of women at all levels. Women make up 72.9% of total staff and 68.3% of staff grade six and above. 58% of executive staff, that is our statutory and senior officers are women. 50% of our division managers are women. |

Appendix Q

Publications list

We produce a range of publications including general information for the public, guidelines for agencies and organisations we oversight, discussion papers seeking information from the public, final reports at the conclusion of legislative reviews, annual reports outlining the work we have done during the financial year and special reports to Parliament about public interest issues. A full list of our publications we issued during 2010–2011 is available online at www.ombo.nsw.gov.au in Acrobat PDF. Alternative formats can be provided by contacting us.

Special reports to Parliament

- | Responding to the asbestos problem: the need for significant reform in NSW
- | People with disabilities and the closure of residential centres
- | Improving service delivery to Aboriginal people with a disability
- | Unresolved issues in the transfer of the NSW Child Death Review Team to the Office of the NSW Ombudsman
- | Audit of NSW Police Force handling of Domestic and Family Violence complaints
- | Improving probity standards for funded organisations
- | Inquiry into service provision to the Bourke and Brewarrina communities

Annual reports

- | NSW Ombudsman Annual Report 2009-2010
- | Law Enforcement (Controlled Operations) Act Annual Report 2009-2010
- | Official Community Visitors Annual Report 2009-2010

Reports and submissions

- | Report on review of children on statutory care orders with a view to restoration
- | Report on review of the impact of Criminal Infringement Notices on Aboriginal communities
- | Report under Section 49(1) of the *Surveillance Devices Act 2007* for the six months ending 30 June 2010
- | Report under Section 49(1) of the *Surveillance Devices Act 2007* for the six months ending 31 December 2010
- | Report under Section 242(3) of the *Law Enforcement (Powers and Responsibilities) Act 2002* for the period ending 28 May 2010
- | Submission: Inquiry into the high level of involvement of Indigenous juveniles and young adults in the criminal justice system
- | Submission by the NSW Ombudsman Office to the NSW Law Reform Commission Inquiry into Penalty Notices December 2010
- | Submission: Inquiry into services provided or funded by ADHC for children with disabilities (hard copies not available)
- | Submission: Inquiry into services provided or funded by ADHC

Fact sheets and guidelines

- | Child protection fact sheet - Practice Update 2/2010: Reportable Conduct: sexual offences and sexual misconduct
- | Community Services fact sheets 3 to 4 (updated)
- | Cooperative arrangements between the Children's Guardian, Ombudsman and Official Community Visitors
- | Council fact sheets 1 to 3 (updated)
- | Overview of Ombudsman Investigation Process
- | Public Sector Agencies fact sheets 2 to 25 (updated)

- | Official Community Visitors fact sheet 2: Responding to OCV visit reports for service providers
- | What do changes to the public interest disclosures system mean for your public authority?
- | Public Interest Disclosure guidelines A1, A2, B1, B2, E2
- | Model internal reporting policies for public authorities and local government
- | Effective complaint-handling guidelines – 2nd edition

Brochures

- | General information (updated)
- | A voice for people in care (updated)

Newsletters

- | *OmboInfo* Volume 3 Issue 2 (electronic only)
- | *OmboInfo* Volume 1 Issue 4 (electronic only)
- | PID e-news Issues 1 to 4

Glossary

| | | | |
|-----------------|---|---------------|---|
| AbSec | Aboriginal Community Care State Secretariat | RTA | Roads and Traffic Authority |
| ACWA | Association of Children's Welfare Agencies | RYDON | Regional Youth Development Officers Network |
| ACWP | Aboriginal Community Working Party | SDRO | State Debt Recovery Office |
| ADHC | Ageing, Disability and Home Care | YLO | Youth liaison officer |
| AIS | Association of Independent Schools | WDVCAS | Women's Domestic Violence Court Assistance Scheme |
| ASD | <i>Aboriginal Strategic Direction</i> | WWCC | Working With Children Check |
| APOR | Australasian and Pacific Ombudsman Region | | |
| CALD | Culturally and linguistically diverse | | |
| CCYP | Commission for Children and Young People | | |
| CEN | Christian Education Network | | |
| CHD | Community Housing Division | | |
| CINs | Criminal infringement notices | | |
| CPR | Child Protection Register | | |
| CSA | Christian Schools Association | | |
| CS-CRAMA | <i>Community Services (Complaints, Reviews and Monitoring) Act 1993</i> | | |
| DAP | Disability Action Plan | | |
| DLG | Division of Local Government | | |
| DVLO | Domestic violence liaison officer | | |
| DEC | Department of Education and Communities | | |
| DFACS | Department of Family and Community Services NSW | | |
| EEO | Equal employment opportunity | | |
| FOI | Freedom of Information | | |
| GIPA Act | <i>Government Information (Public Access) Act 2009</i> | | |
| HACC | Home and community care | | |
| ICAC | Independent Commission Against Corruption | | |
| ICV | In-car video | | |
| IOI | International Ombudsman Institute | | |
| JCC | Joint Consultative Committee | | |
| JGOS | <i>Joint Guarantee of Service for people with mental health problems and disorders living in Aboriginal, community and public housing</i> | | |
| JIRT | Joint Investigation Response Team | | |
| KIDS | Key Information Directory System | | |
| LEPRA | <i>Law Enforcement (Powers and Responsibilities) Act 2002</i> | | |
| LWB | Life Without Barriers | | |
| MAP | Multicultural Action Plan | | |
| MOU | Memorandum of understanding | | |
| MSPC | Metropolitan Special Programs Centre | | |
| MRG | Mandatory Reporter Guide | | |
| NSWALC | NSW Aboriginal Land Council | | |
| NSWPF | NSW Police Force | | |
| OLGR | Office of Liquor, Gaming and Racing | | |
| OCVs | Official community visitors | | |
| OH&S | Occupational health and safety | | |
| OOHC | Out-of-home care | | |
| PASAC | Police Aboriginal Strategic Advisory Committee | | |
| PID Act | <i>Public Interest Disclosures Act 1994</i> | | |
| PIC | Police Integrity Commission | | |
| PJC | Parliamentary Joint Committee on the Office of the Ombudsman and the Police Integrity Commission | | |
| POA | Pacific Ombudsman Alliance | | |
| PPIP Act | <i>Privacy and Personal Information Act 1998</i> | | |
| PSA | Public Service Association | | |
| PSC | Professional Standards Command | | |
| RCU | Reportable conduct unit | | |
| ROSH | Risk of significant harm | | |

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