

A year in review

Each year in our annual report I talk about our work and the way we do it continually changing. As this year shows, for us to be an effective organisation – and provide the community with the outcomes and quality work we have developed a reputation for – we must be flexible and innovative in the way we meet the challenges posed by change. We also have to achieve this in a time of increasing demands and a need for greater efficiency.

This observation is not intended to be a negative one, but a reflection on an organisation that is now well established, innovative, hard working and outcome-focused. We impose high standards on ourselves and work to meet the high expectations of those in the community. Our aim is to provide a quality service to the people of NSW – and to all the services, agencies and organisations we come into contact with.

New functions and responsibilities

In February this year we became responsible for supporting the work of the Child Death Review Team (CDRT). They were previously supported by the Commission for Children and Young People. I am now the Convenor of the CDRT and our office supports and assists the team to perform its functions. This new responsibility brings together the broad and important work of the CDRT with our more targeted reviewable child death work. Regrettably, an effective transition has been hampered by a range of unresolved issues that I have raised for some time with government.

In November 2010, we made a Special Report to Parliament on *Unresolved Issues in the Transfer of the NSW Child Death Review Team to the Office of the NSW Ombudsman*. Many of the issues raised in this report are still unresolved and this is clearly a significant concern. I am however hopeful that negotiations with the current government will ultimately lead to a successful resolution.

This year we also acquired an important new function arising from the amendment of the *Protected Disclosures Act 1994*. That legislation – now renamed the *Public Interest Disclosures Act 1994* – sets out new responsibilities for the whole public sector in relation to handling public interest disclosures (PIDs).

We are now responsible for monitoring the way agencies handle PIDs made by members of their staff, promoting public awareness of the new legislation, and helping public sector agencies and investigating authorities meet their obligations under the Act. This is an exciting new area of work, and we have a dedicated PID unit providing agencies with information about their new responsibilities and developing training packages, guidelines and model internal reporting policies.

The benefits of a broad mandate

We have a broad jurisdiction and range of responsibilities. Almost all public sector agencies, local councils and many non-government service providers now come within our jurisdiction. Increasingly, we find that systemic issues causing disadvantage to individuals or the broader community are not simply the deficiency of a single agency – but the failure of multiple agencies to work effectively together to ensure a more seamless service and response to the community.

Our broad mandate places us in a strong position to work with all those involved to ensure services are delivered efficiently and effectively and problems addressed as soon as they arise. We have continued to expand our cross jurisdictional work and this has enabled us to provide constructive assistance to agencies and share information to address important issues.

One of the best examples of this is our audit of the implementation of the *NSW Interagency Plan to Tackle Child Sexual Assault in Aboriginal Communities*. This work goes across many government and non-government agencies. It requires us to understand the delivery of services to Aboriginal communities from all three levels of government and work in multiple communities – each with differing needs and levels of engagement with a range of service providers.

This audit work has resulted in a number of complementary projects, including a review of children at risk in two towns in western NSW. This involved assessing records from police, schools, health services, community services and other agencies working in those towns. We are also working with NSW Health and the NSW Police Force, Community Services and Aboriginal Affairs to improve the availability of forensic medical examiners for child victims of sexual assault in regional and remote communities; and with the Office of Education to improve school attendance by Aboriginal children.

Working with others

Often, some of the most valuable lessons we learn are from the experiences of others. Actively engaging with and listening to our stakeholders is crucial to the ongoing development and effectiveness of our office, as is strengthening our relationships with other Ombudsmen both here and overseas.

This year I visited several Ombudsman offices for meetings, including the Solomon Islands Ombudsman in Honiara and the Control Yuan of Taiwan. We have also been in regular contact with many other Ombudsmen and oversight bodies throughout the world, and we enjoy – and benefit from – sharing information with them and helping them develop and improve the work that they do. I expect our international work will increase in the coming years, particularly in the Australasia and Pacific region.

This year I also hosted a meeting for all Australian Parliamentary Ombudsmen here in Sydney. This meeting – attended by the Commonwealth Ombudsman and the Ombudsman from each state and territory – provided a rare opportunity for us as a group to discuss our work and the many and varied challenges we face. Based on the successful outcomes of the day, we have now agreed to meet every six months.

Our new logo

Eleven years ago we introduced a new logo to represent the Office of the NSW Ombudsman. Since then, our office has grown and undergone significant change – so we felt it was time to update our look and the way we present ourselves to the wider community.

This annual report is the first document that will be branded with our new logo. It is essentially a more contemporary interpretation of our old logo and continues to represent our core objectives of providing focus and clarity.

In addition to a new look, we are working to create a new website that will be more accessible, user friendly and easier to navigate. This work is based on feedback from both our internal and external stakeholders.

Our staff

Our office has continued to experience significant change. The one thing however that has remained constant is the high level of commitment and enthusiasm of our staff. Without doubt, our staff remain our greatest asset and their dedication is fundamental to our continued success as an oversight agency. I would like to thank all my staff for their hard work and professionalism over the past year.

In this context, I also want to mention my former Deputy Ombudsman, Greg Andrews. Greg exemplified this passion and dedication during his many years of service with our office, until he retired as Deputy Ombudsman of the Police and Compliance Branch in November 2010. I thank Greg for his significant contribution and lasting legacy to our work. A more detailed farewell message for Greg is on page 23.

The coming year will, I am sure, bring many new challenges. My staff and I look forward to working hard to continue to 'get the job done'.



Bruce Barbour
Ombudsman



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Who we are and what we do

The NSW Ombudsman is an independent and impartial watchdog established by the *Ombudsman Act 1974*. We are independent of the government of the day and accountable to the public through Parliament itself. Our central goal is to keep government agencies and some non-government organisations accountable by promoting good administrative conduct, fair decision-making and high standards of service delivery, and protect the rights of people in NSW. We are responsible for keeping the following types of organisations under scrutiny:

- | agencies delivering public services – including police, correctional centres and state-owned corporations
- | organisations delivering services to children – including schools and child-care centres
- | organisations delivering community services – including services for people with disabilities, people who are homeless and elderly people
- | agencies conducting covert operations – including the Crime Commission and the Independent Commission Against Corruption.

We have other specific functions that relate to:

- | the causes and patterns of deaths of children and people with disabilities in care
- | decisions made by public sector agencies
- | public interest disclosures
- | the administration of the Official Community Visitors scheme
- | the administration of the witness protection program
- | the implementation of new pieces of legislation conferring additional powers on police.

We investigate and resolve complaints from members of the public and from people who work for the organisations we scrutinise. Our work is aimed at exposing and eliminating conduct that is illegal, unreasonable, unjust or oppressive, improperly discriminatory, based on improper or irrelevant grounds, based on a mistake of law or fact, or otherwise wrong.

We aim for outcomes that are in the public interest. We investigate some of the more serious complaints, but in many cases we encourage the organisation being complained about to handle the matter themselves. We monitor the progress of these matters and provide advice where necessary. Our focus is on helping organisations to satisfactorily resolve any problems identified.

We help organisations to prevent or reduce the level of complaints made about them by reviewing their systems. Our proactive work also allows us to address problems if members of the public have legitimate grievances but, for whatever reason, do not or cannot take up the complaint themselves. We aim to reduce the volume of complaints to our office by providing training and advice to the organisations we scrutinise about how to effectively resolve and manage complaints. We also provide assistance, guidance and training to other watchdog agencies.