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Embargoed until 11am 26 October 2004

NSW Ombudsman's 2003-2004 Annual Report Ombudsman's press statement

I have this morning tabled the 29th Annual Report on the work of the NSW Ombudsman in the last year.

This year we received more than 9000 complaints and notifications, and over 26,000 informal complaints – almost 6 times as many as in our first year of operation.

When the Ombudsman's Office was first created, our only job was to review complaints about government agencies. Today, we still deal with these complaints but also complaints about the many thousands of private sector agencies who care for children and provide community services.

Complaints are now only a part of our work. This year:

- we have reviewed over 240 deaths of certain children and disabled people
- we have audited thousands of complaint records of more than 20 agencies to ensure they are complying with the law
- we are reviewing 12 new laws conferring additional powers on police and corrections officers
- we have coordinated thousands of official visits to community service providers, and
- we have met with hundreds of police officers and aboriginal people to examine and help improve their relationships.

The advantage of the Ombudsman being a watchdog across a broad range of government and non-government agencies is that critical issues – which are rarely confined to one agency – can be identified and acted upon.

Our work in dealing with matters affecting children is some of the most important we do, and it provides a good example of how working across agencies we can improve outcomes for the NSW community. I will focus today on that work.

Our job is to make sure government departments like DoCS and police, and facilities such as schools and juvenile detention centres, do their part to keep children safe. We also make agencies accountable for how they provide services, costing billions of taxpayer dollars, to children and their families.

Our child protection team is delivering results in ensuring agencies act on allegations of sexual misconduct and other forms of abuse against children. This year, we finalised our review of 1900 notifications and investigations of child abuse allegations. Some schools and agencies deal with these complaints well, taking immediate and appropriate steps to protect children, and by conducting fair and thorough investigations.

Others do not.

- My report documents how a Catholic diocese failed to suspend a priest from duties, including working with primary school children, even though police were investigating sexual assault allegations against him. Our intervention saw the priest immediately suspended. [case study 30]
- I also report on an independent school that did not stand down a teacher who was charged with 30 child sex offences. Our review found that the school did not properly address the risks this teacher presented to students. At our urging, the school finally acted to suspend the teacher. [case study 35]

In this day and age, when allegations of sexual misconduct are made, the protection of children at risk should be automatic. Regrettably, in many cases it is still necessary for my office to intervene.

The ongoing investigations into child pornography crimes has led to my office being notified of alleged misconduct by employees working with children, including teachers, police and others. Our key concern at this time is to ensure employers are protecting children while these allegations are dealt with.

Our community services division is closely monitoring the work of DoCS, Department of Ageing, Disability and Home Care (DADHC) and others in providing services to the most at risk children in New South Wales.

Our child protection agencies remain far from perfect. In recent years I have reported on critical operational issues in DoCS and DADHC because they are not as effective as they should be in protecting children and supporting families.

In April, I reported to Parliament on my concerns about the failure of DADHC to effectively support families who care for children with disabilities. I highlighted how fragmented service delivery was placing children, especially those in voluntary care, at risk. Reforms, which are being monitored by my office, should make real improvements to the lives of these children and their families.

This year we received over 900 complaints about DoCS, from staff, parents, carers, through our official community visitors and others. Most related to child protection services.

One investigation examined why DoCS placed children with foster carers on two occasions, despite being aware of allegations that the carers had abused other children placed with them. By the time of the third placement, the carers had, in their home, their own 3 children and 7 foster children. DoCS finally acted, some 5 months after the allegations, to remove the children from the carers. [case study 9]

Our reviews of children placed in a residential care agency by DoCS, some as young as 12 – found staff who were young and untrained, sub-standard accommodation, and the children left to spend their time playing video games or watching TV, rather than going to school. Our reviews resulted in DoCS relocating the children. [case study 15]

While there are specialist child protection agencies, other government departments impact in a direct manner, every day, on the lives of children. We receive complaints about almost all government departments and local councils – this year more than 3300 in writing and over 21,000 by telephone.

This year we examined the Department of Education guidelines on isolating misbehaving students. We did this after a father complained that his son had been placed in a room, alone, for a number of school days, monitored only by closed circuit television cameras. The Department is now working on an improved policy and guidelines. [case study 38]

We also helped a young detainee in a juvenile justice centre who was threatened by another detainee who had moved into his unit. Our actions saw the new detainee moved – removing the immediate danger – and an undertaking to solve the situation longer term. [case study 80]

NSW Police is another agency with regular dealings with children and young people. The Ombudsman is the primary oversight agency for police complaints. This year we received more than 3500 written complaints about police and another 3300 by telephone.

Complaints continue to identify criminal conduct by police, with 52 police being charged with 95 matters this year. My annual report discloses serious police misconduct, such as a senior constable soliciting a bribe from a young man he had caught speeding. [case study 98]

We recognise some police commanders will act quickly to address criminal conduct, and are effective in dealing with matters where children and young people are involved. However, in a small but significant number of complaints, commanders continue to miss opportunities to act on serious misconduct, improve systems or address poor performance.

While our work with children is very important, it is only a part of the work of my office. Other important work documented in my annual report includes:

- reviewing complaint handling systems in universities
- investigating conflicts of interests in a local council dealing with development applications
- examining the use of closed circuit television in police stations
- conducting reviews of the care and case plans of a range of children and young people and people with disabilities, and
- maintaining pressure on NSW Police to keep checks on improper use and access to information.

As complaints increase, we will also increase our use of informal means to obtain quick, effective solutions.

Where necessary, however, we will continue to investigate agencies' practices, to ensure they meet the communities' expectations.

The work documented in my annual report this year again demonstrates the strength of my office and the important outcomes we achieve for the people of NSW.

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Release of the NSW Ombudsman's 29th Annual Report

The NSW Ombudsman's 2003-2004 annual report was tabled in Parliament today.

The report details the work carried out across the broad range of areas within the Ombudsman's jurisdiction. Some of the highlights include:

- providing assistance and advice to more than 26,500 people who telephoned our office for help
- dealing with 9,167 formal complaints and notifications about the conduct of government agencies as well as non government agencies that provide community services and services for children
- reporting to Parliament on the inadequacy of services provided by DADHC for children and young people with a disability, and the exclusion of homeless people from SAAP services
- auditing over 7,500 records of police investigations including the complaint records of seven local area commands
- closely monitoring 407 agency investigations involving allegations of behaviour that could be seriously abusive to children
- reviewing 12 pieces of legislation that gave additional powers to police and corrections officers

The Ombudsman watches over hundreds of NSW public sector agencies and thousands of private sector agencies that care for children and provide community services. **'Having a broad range of jurisdiction enables my office to identify and act upon common issues across a wide range of government and non-government agencies that affect the community of NSW'**, the Ombudsman, Bruce Barbour said. **'My office plays a critical role in keeping these agencies accountable and thereby ensuring the delivery of better results to the public.'**

Some examples documented in the Ombudsman's report include:

- undeclared conflict of interests that tainted an agency's decision making
- poor corporate management and customer services, including agencies' failure to effectively respond to and resolve complaints
- failure by agencies to meet the needs of children and young people and people with a disability in care and their families
- failure by agencies to adequately recognise and minimise risks of harm to children

The Ombudsman highlighted the significant increase in complaints about public sector agencies and police, which were 12% and 15% respectively. **‘The increase in complaints shows that members of the public continue to experience problems with the public sector and have confidence in turning to my office for assistance’**, Mr Barbour said.

The Ombudsman continues to work closely with agencies to help them identify systemic issues and develop better policies and procedures that serve to prevent problems from recurring. **‘It is important for my office to rectify wrongs and achieve the best possible outcomes for individual complainants. However, it is equally, if not more, important for us to focus on fixing the more far-reaching problems and promoting best practice in agencies’** administration’, said the Ombudsman.

Next year marks the 30th anniversary for the Office of the Ombudsman. **‘Over the years the office has grown significantly taking on new functions and responsibilities. We are now playing a far greater role in overseeing agencies and improving services’**, said Mr Barbour. **‘I am confident that my office will be making significant contributions to the improvement of NSW public administration and the standard of service delivery by both government and non-government agencies in the years to come’**.

Other titles included in the media kit for the release of the annual report are:

1. Ombudsman’s press statement
2. Police – a snapshot
3. Police – achieving good outcomes for the community
4. Community services – a snapshot
5. Community services – disability services
6. Community services – child protection and out-of-home care
7. Child protection
8. Local government
9. The corrections system
10. Case studies and regional references

The complete media kit will be available on the Ombudsman’s website after 11am today.

The website address is: <http://www.ombo.nsw.gov.au>

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NSW Ombudsman's 2003-2004 Annual Report

Police – a snapshot

The Ombudsman's annual report for 2003-2004 tabled today reveals:

- 3565 written complaints about police were made or notified to the Ombudsman. Of these, 952 complaints were made by fellow police officers, an increase of almost 22% from last year
- 3394 oral complaints and inquiries were made about police, some of these were directly resolved as a result of our involvement
- 1678 police investigations dealing with serious allegations against police were reviewed. Of these 606 resulted in management action, including adverse findings against individual police
- 52 police officers were charged with 95 separate offences. 40 officers were charged as a result of complaints made by other police
- 7529 police records were audited, including the complaint records of seven local area commands

The NSW Ombudsman, Bruce Barbour, highlighted the growth in complaints about police. Complaints by members of the public increased by 13% from last year. The number of complaints made by police officers has been steadily increasing over the last three years.

'Complaints by police officers have increased again this year, to over 900. We have worked hard to make the complaints system better and fairer for all people in NSW, including police officers. Police officers would not report misconduct if they did not have confidence in the complaints system' Mr Barbour said.

The Ombudsman has continued to hold local commanders to account, by carefully reviewing more than 1600 police investigations of serious complaints.

'Police commanders handle many complaints well. However, in a small but significant number of complaints, opportunities to act on serious misconduct, improve systems or address poor performance are missed. Ongoing problems include delays by police investigators and a failure to fully consider police actions' Mr Barbour said.

Annual report references

For an example of a **complaint resulting in criminal charges** against a police officer, see page 115 (case study 98).

For some of the **problems that arise due to police delays** in investigating complaints, see page 116 (case study 101).

For case studies highlighting **the role of the Ombudsman in achieving better outcomes in complaints** about police, see page 116 (case studies 99), page 119 (case study 105 and case study 106).

For further information about **our work concerning officers with a significant complaint history**, see page 119 (case study 106) and 121 (case study 107) and page 124.

For further information about **our auditing activities**, see page 112.

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NSW Ombudsman's 2003-2004 Annual Report **Police – Achieving good outcomes for the community**

The 2003-2004 Ombudsman annual report, tabled today, documents a range of projects and reviews aimed at improving police practice.

The Ombudsman, Mr Barbour said that this year his office has again achieved good outcomes for the community through closely examining police practices and procedures.

The Ombudsman continued to examine how well police work with Aboriginal communities. Seven police commands across the state have been audited in relation to their implementation of the police Aboriginal Strategic Direction. **'We have identified some very good practices, and worked with police commanders and local communities to solve issues and strengthen relationships'** Mr Barbour said.

One important project was the review of the use of closed circuit television (CCTV) in police stations. CCTV tapes can be used to quickly dispose of false complaints against police, or provide evidence where police misconduct has taken place. **'Our review has made a number of recommendations to increase the effectiveness of CCTV'** said Mr Barbour.

The Ombudsman followed up on the investigation of unauthorised accesses to information in police computer systems. The report reveals that most commands are now regularly auditing officers' access to confidential information, to ensure it is for a proper policing purpose. **'We will closely monitor and audit police practices in this area. We will also assess every complaint where it is alleged that police officers have accessed and unlawfully released information, to ensure it is properly investigated and strong action is taken by local commanders'** Mr Barbour said.

The Ombudsman continued to review important new, and often controversial, police powers. These include the reviews about the use of sniffer dogs, the child protection register and laws concerning DNA sampling and forensic procedures. **'My officers have been observing front line police using the new powers, and asking the community for their views about the new laws. My reports on these new powers will be released in the coming year'** said Mr Barbour.

Annual report references

For further information on our **work with the community**, see page 125.

For further information on **closed circuit television footage**, see page 123. For a case study concerning CCTV equipment, see page 119 (case study 106).

For further information on **auditing police accesses of the police computer system**, see page 123. For a case study concerning unauthorised access to confidential police information, see page 116 (case study 101).

For further information on our **review of new police powers**, please see pages 126 – 129.

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NSW Ombudsman's 2003-2004 Annual Report **Community services – a snapshot**

Tabling his 2003-2004 annual report, the Ombudsman, Mr Bruce Barbour said that this year has been one of consolidation for the expanded role in community services for his office. **'There is now a strong and more streamlined framework for protecting consumer rights and scrutinising the delivery of community services in NSW'**, Mr Barbour said.

The Ombudsman issued two special reports to Parliament during the year about significant issues in community services– firstly, inadequacies in services provided to children and young people by the Department of Ageing, Disability and Home Care (DADHC); and secondly, Supported Accommodation Assistance Program (SAAP) services and the impact of agency exclusion policies on homeless people.

Complaints about community services

During 2003-04, 1740 inquiries and formal complaints about community services matters were made to the Ombudsman's office. Of these -

- 55% were about services provided by the Department of Community Services (DoCS)
- 16% were about non government community services
- 15% were about the DADHC

Areas of services people mostly complained about were:

- child protection services (36%)
- out-of-home care services for children and young people (21%)
- disability accommodation and disability support services (22%)

The Ombudsman assisted complainants to resolve nearly 40% of the formal complaints the office received. **'Though most government and non-government services have systems in place to handle consumer complaints, it is our experience that a complaint to my office is often necessary before some services attempt to resolve the matter'**, said Bruce Barbour. **'We will continue to assist services to improve their systems for responding to complaints quickly and fairly'**.

Official Community Visitors

Official Community Visitors, who are coordinated by the Ombudsman, visited 915 accommodation services in NSW where children, young people and people with a disability live in full-time care. The visitors reported over 3,000 issues concerning the safety and wellbeing of these vulnerable people, many of which were looked at by the Ombudsman. **‘The scheme is a valuable external review mechanism, and a strong voice for people in care’**, said Mr Barbour.

The Ombudsman’s annual report details a range of activities aimed at addressing issues for individual complainants, working with service providers to achieve better outcomes for consumers, and promoting improvements in community services systems.

‘Our work during the past year has shown there are still many challenges in delivering well-planned and properly resourced community services that meet the range of consumer needs’ Mr Barbour said.

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NSW Ombudsman's 2003-2004 Annual Report **Community services – disability services**

In his 2003-2004 annual report tabled today, the Ombudsman, Mr Bruce Barbour said that it is a priority for his office to monitor and review disability services provided or funded by the Department of Ageing, Disability and Home Care (DADHC).

Services for children and young people with a disability

Inadequacies in services to families caring for children and young people with a disability were highlighted in a special report to Parliament by the Ombudsman this year. The Ombudsman is currently closely monitoring DADHC's implementation of a detailed action plan put in place to address the problems identified in the report.

'I remain concerned about the adequacy of services to meet the needs of children with disabilities who, for whatever reason, cannot remain living with their families. Finding appropriate care arrangements for these children is an enormous challenge for both the Department of Community Services (DoCS) and DADHC', said Mr Barbour.

Access to supported disability accommodation

The Ombudsman's work during the year has shown that access to supported disability accommodation services remains a critical issue – both for the parents of children with disabilities (many of whom are ageing) and for young people with a disability who leave State care at the age of 18. **'Better planning is needed to ensure that these young people's best interests are served when they move from the responsibility of DoCS to DADHC'**, said Mr Barbour.

Service monitoring

This year the Ombudsman dealt with some serious complaints about the quality of services provided by a number of non-government organisations funded by DADHC. **'These complaints, coupled with issues emerging from our review of people with disabilities who have died in supported care, have again highlighted the importance of DADHC effectively monitoring and supporting the disability services that it funds. My office will be vigorously pursuing this matter with the department in the coming year'**, said Mr Barbour.

People with an intellectual disability and the criminal justice system

Mr Barbour said that he was concerned about whether enough is being done, across departments, to ensure that appropriate arrangements are in place to prevent people with intellectual disabilities entering the criminal justice system, or to deter those who have committed offences from re-offending. **‘This is a critical issue given that people with intellectual disabilities make up a significant proportion of people in custody in NSW’**, said Mr Barbour. The Ombudsman is currently investigating issues concerning people with intellectual disabilities and the criminal justice system.

Annual report references

For further information about the Ombudsman’s special report to Parliament on services provided by DADHC for children and young people with a disability, see page 28.

For some examples of service needs of young people with a disability leaving care, see page 41 (case study 17).

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NSW Ombudsman's 2003-2004 Annual Report

Community services – child protection and out-of-home care

'My office continues to have concerns about the delivery of community services for children, young people and families by both the Department of Community Services (DoCS) and non government service providers', said the Ombudsman, Mr Bruce Barbour on tabling his 2003-2004 annual report today.

The Ombudsman's annual report reveals that issues regarding child protection and out-of-home care service systems made up most of the community service complaints the office received last year- 36% and 21% respectively.

'Of particular concern were complaints about the effectiveness of DoCS's processes to identify and respond to reports of serious risk of harm to children and young people; the adequacy of protective intervention for Aboriginal children; and the lack of support for children and families seeking early intervention assistance to prevent risk of harm', Mr Barbour said.

Detailed in the report were some cases when the Ombudsman reviewed the situation of children and young people placed in the care of non-government agencies on a fee-for-service basis. This includes private 'for profit' agencies and non-profit agencies. **'We remain concerned about the extent to which these arrangements are monitored, the long-term nature of some arrangements, and the lack of evaluation of the quality of services provided,'** said Bruce Barbour.

The Ombudsman's investigation into the adequacy of DoCS's assessment and supervision of kinship carers raised some serious concerns. **'Failure to comply with procedural requirements and the care and protection legislation left homeless Aboriginal children in an abusive situation'**, said Mr Barbour.

Official Community Visitors, whose work is coordinated by the Ombudsman's office, also continue to report issues about residential services for children and young people either provided or funded by DoCS. **'Visitors have identified cases where services are not meeting the individual needs of children and young people; disruption to the lives of children and young people who are being moved frequently between out-of-home care services; and safety concerns in some service environments'** Mr Barbour said.

Annual report references

For some examples of reviews of the situation of children and young people in out-of-home care, see page 40 (case study 15) and page 41 (case study 16).

For an example of DoCS's assessment and supervision of kinship carers, see page 29 (case study 9)

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NSW Ombudsman 2003-2004 Annual Report

Child protection

In his 2003-2004 annual report tabled in Parliament today, NSW Ombudsman, Mr Bruce Barbour, said that his office is working closely with agencies to ensure that employees who have been charged with child pornography offences as part of Operation Auxin are properly dealt with and risks to children are minimised within the workplace.

The rapid growth in personal electronic communication has increased the opportunities for offenders to communicate with children for the purpose of building trust before involving a child in sexual activity.

'The internet provides easy access to children and child pornography', said Bruce Barbour. **'My office has provided training and advice to help agencies develop codes of conduct, recognise concerning behaviours and intervene early enough to reduce the risk of serious offences taking place'**.

'Our approach is to guide agencies faced with the task of investigating allegations against their employees, so that children's rights to a safe environment are balanced with employees' rights to a proper investigation', said Mr Barbour.

This year, the Ombudsman received 2,366 notifications, written complaints and telephone inquiries. Recent legislative changes clarify the types of conduct reportable to the Ombudsman. The extension of the Ombudsman's 'class or kind determinations' with agencies also exempts certain types of conduct from notification to the Ombudsman. The resulting decrease in the number of notifications to the Ombudsman ensures that the Ombudsman is able to focus on serious allegations and systemic issues.

'My office has focused on the most serious allegations, monitoring those investigations where there is a significant risk to children or other parties and directly investigating when we had significant concerns about the adequacy of an agency's systems for handling the allegations', Mr Barbour said.

'We have always recognised that certain behaviours, such as guiding a child to gain their attention or comforting a distressed child, do not constitute child abuse and are a necessary and appropriate aspect of working with children in a caring role. The

legislation now makes it clear that these types of behaviours do not need to be reported to the Ombudsman', Bruce Barbour said.

Annual report references

For case studies on sexual assault and child pornography, see page 49 (case study 19) and page 53 (case studies 25 & 26).

For case studies on monitored investigations, see page 53 (case study 27) and page 58.

For case studies on direct investigations, see page 54 (case study 29), page 57 (case study 30) and page 61 (case study 35).

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The corrections system

Complaints about the correctional system in New South Wales rose substantially in the last year, announced the Ombudsman, Mr Bruce Barbour, in his annual report that was tabled today. This rise was anticipated after the government decided last year to close down the Inspector General of Corrective Services. In response, the Ombudsman expanded the specialised Corrections Unit in his office.

Adult and juvenile detainees made 3885 complaints and inquiries that were handled by the Ombudsman during 2003-2004.

'Our new Corrections Unit was able to draw on the Ombudsman's experience of almost 30 years of dealing with complaints from prison inmates,' Mr Barbour said. **'The complaints we handled this year have had some very positive outcomes for individual inmates and the correctional system as a whole.'**

'As the number of inmates continues to rise, and new correctional centres are opened, my office remains an important safety valve for dealing with inmate dissatisfaction and preventing the escalation of minor concerns into more serious disputes,' said Mr Barbour. **'My job is to help improve the administration of correctional centres and make sure that prisoners are treated fairly and their human rights are protected'**.

The Ombudsman's annual report details a case about an inmate who complained that his cellmate at a maximum-security centre sexually assaulted him. The inmate was removed, but was then placed in a cell with someone who had previously sexually assaulted another inmate. **'As a result of our involvement, the Department of Corrective Services amended its inmate accommodation policy so that better checks are made before placing inmates together. We are also monitoring the way the department manages inmate victims and perpetrators of sexual assault'**, said Mr Barbour.

The annual report highlights another case where a number of inmates from Junee Correctional Centre complained to the Ombudsman about the victim compensation levy being incorrectly deducted from their accounts, and the way the centre dealt with their complaints about this. The centre was tardy in supplying information about the issue at first, however, a formal requirement by the Ombudsman to produce the information prompted a swift and positive response from GEO, the parent company that runs the centre.

‘Our inquiry has achieved positive outcomes for the individual complainants, with some receiving refunds of wrongly deducted levies. We have also found the integrity and maintenance of electronic data shared between the Department of Corrective Services and Junee had led to the inaccuracies with the levy. I am pleased to see that this is now being fixed’, said the Ombudsman.

Annual report references

For the case study about the placement of victim of sexual assault in the same cell with an inmate who previously sexually assaulted another cellmate, see page 92 (case study 74).

For the case study about incorrect deduction of victim compensation levy, see page 89 (case study 69).

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NSW Ombudsman's 2003-2004 Annual Report

Local government

Formal complaints to the Ombudsman about local government increased 8.5% to 840 last financial year. The Ombudsman also dealt with 2194 oral complaints about local government issues.

The Ombudsman, Mr Bruce Barbour, said the most common complaints were about corporate management and customer service issues. This included complaints about delays and inaction, failure to reply to letters, poor service, poor responses to resident complaints, refusal to disclose information or inappropriate disclosure of information, denial of liability and wrong advice.

'Despite the high level of complaints, we are pleased that we were able to find a solution in a significant number of matters' Mr Barbour said.

Councillor misbehaviour

The Ombudsman welcomed recent amendments to the Local Government Act that allow for the disciplining of misbehaving councillors, a reform which he had previously recommended.

'Breaches of council codes of conduct, particularly undeclared conflicts of interests, continue to be a serious problem that undermines community confidence in council decision making' the Ombudsman said.

The Ombudsman's report gives the example of two Mosman councillors who continually voted on a series of development issues despite being personally associated with one of the parties.

One of the councillors was advocating strongly on behalf of a resident who had put in a development application, even though he was taking her out at the time. He did not tell his fellow councillors that he had been on two interstate holidays with the resident, staying in accommodation she supplied. They had even shared a cabin on a Pacific cruise. **'This close personal relationship coloured his assessment of the issues so that his advocacy became partial and unbalanced,'** the Ombudsman said.

'The failure by the two councillors to satisfactorily deal with their conflicts of interests tainted the integrity of the council's decision making. Such conduct brings local

government into disrepute in the eyes of the community and is deserving of the strongest censure.’ Mr Barbour said.

Notification practices

The Ombudsman also reported an increase in complaints about council practices in notifying development applications to affected neighbours.

Mr Barbour said that at a bare minimum, councils should notify residents of a development proposal where it will have a tangible and immediate impact on them.

The Ombudsman gave the example of Maclean Shire Council’s policy that exempted second storey additions in a residential area from notification to immediate neighbours. **‘Concerns about privacy, overshadowing and obstruction of views are usually contentious issues that need to be properly considered with input from affected neighbours.’** Mr Barbour said.

‘Councils also need to better manage the expectations of those people they do notify of development applications’, Mr Barbour said. He attributed the increase in complaints about notification issues to rising expectations about the consultation process, increasing development pressures and a trend towards growing assertiveness and community activism. **‘Councils need to continually review and improve their practices to be responsive organisations’** Mr Barbour said.

Access to council documents

Mr Barbour said he was also concerned about a trend for councils to charge for access to documents they were legally required to make available free of charge. **‘Councils have tried various ways of making people pay to inspect council documents.’** Mr Barbour said. **‘We are concerned that these practices breach the Local Government Act and have the potential to enable councils to avoid proper accountability.’**

The Ombudsman reported that the former South Sydney Council amended its fees and charges policy to remove a retrieval fee it charged people for what should have been free access documents. The Council also agreed to refund fees already collected under its policy.

Mr Barbour said that his office would continue to monitor council practices in this area.

Annual report references

For details about the conflict of interests case concerning two Mosman councillors, see page 82.

For some examples of problems in council's notification practices, see page 79 (case study 56) and page 81.

For some examples of problems with accessing council documents, see pages 77 & 78.

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NSW Ombudsman's 2003-2004 Annual Report Case studies and regional references

Beacon Hill High School	Case study 85	P98
Burwood council	Case study 57	P80
Business Central Coast	Case study 86	P98
Cessnock Correctional Centre	Case study 76	P92
Cobham Juvenile Justice Centre	Case study 80	P94
Coffs Harbour City Council	Case study 58	P80
Fairfield City Council	Case study 91	P102
Frank Baxter Juvenile Justice Centre	Case study 81	P94
Junee Correctional Centre	Case study 66	P87
Junee Correctional Centre	Case study 69	P89
Lane cove Council	Case study 61	P83
Lithgow Correctional Centre	Case study 74	P92
Lithgow Correctional Centre	Case study 79	P93
Liverpool City Council	Case study 63	P84
Long Bay Hospital	Case study 77	P93
Lord Howe Island	Case study 90	P100
Maclean Shire Council	Case study 56	P79
Metro Local Aboriginal Land Council	Case study 88	P100
Mosman Council		P82
MRRC	Case study 64	P87
MRRC	Case study 67	P88
MRRC	Case study 70	P91
MSPC	Case study 72	P91
Northern Sydney Area Health Service	Case study 41	P68
North Sydney Council	Case study 92	P103
Quirindi Shire Council	Case study 54	P79
Snowy River Shire Council	Case study 55	P79
South Sydney Council	Case study 52	P78
Strathfield Municipal Council	Case study 53	P79
Tallaganda Shire Council	Case study 89	P100
University of Newcastle	Case study 46	P70
University of NSW		P70
University of Western Sydney	Case study 48	P71
Western Sydney Area Health Service	Case study 42	P68
Wyong Shire Council	Case study 59	P80
Wyong Shire Council	Case study 62	P84