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A: Police complaints profile

Outcomes of written complaints finalised, categorised by allegation **fig 61**

Category		Declined	Management outcomes following investigation of complaint (including adverse findings)	No management outcome (including no adverse finding)	Conciliated/ other	Total
Arrest						
	Improper failure to arrest	2	1	9	2	14
	Unlawful arrest	26	25	84	1	136
	Unnecessary use of arrest	21	21	46	4	92
	Total	49	47	139	7	242
Complaints						
	Deficient complaint investigation	3	19	39	2	63
	Fail to report misconduct	8	47	71	0	126
	Fail to take a complaint	6	7	17	0	30
	Inadequacies in informal resolution	2	0	0	0	2
	Provide false information in complaint investigation	4	47	25	1	77
	Total	23	120	152	3	298
Corruption / misuse of office						
	Explicit threats involving use of authority	4	9	20	0	33
	Improper association	23	55	83	0	161
	Misuse of authority for personal benefit or benefit of an associate	31	45	100	3	179
	Offer or receipt of bribe / corrupt payment	9	10	17	0	36
	Protection of person(s) involved in criminal activity (other)	3	6	8	0	17
	Total	70	125	228	3	426
Custody						
	Death / serious injury in custody	1	0	1	0	2
	Detained in excess of authorised time	5	4	18	1	28
	Escape from custody	0	13	2	0	15
	Fail to allow communication	4	3	17	0	24
	Fail to caution / give information	0	5	12	1	18
	Fail to meet requirements for vulnerable persons	4	5	10	0	19
	Improper refusal to grant bail	1	2	4	0	7
	Improper treatment	15	28	126	4	173
	Inadequate monitoring of persons in custody	0	8	6	0	14
	Unauthorised detention	3	2	18	1	24
	Total	33	70	214	7	324
Direct investigation						
	Deficient investigation	0	7	2	0	9
	Deficient management action	0	7	0	0	7
	Other deficiency	0	5	0	0	5
	Total	0	19	2	0	21

Category		Declined	Management outcomes following investigation of complaint (including adverse findings)	No management outcome (including no adverse finding)	Conciliated/ other	Total
Driving						
	Breach pursuit guidelines	3	28	18	0	49
	Dangerous driving causing GBH / death	0	3	0	1	4
	Drink driving offence	4	13	15	0	32
	Negligent / dangerous driving	8	12	26	1	47
	Unnecessary speeding	8	14	19	1	42
	Total	23	70	78	3	174
Drugs						
	Cultivate / manufacture prohibited drug	3	2	1	0	6
	Drinking / under the influence on duty	1	13	28	0	42
	Protection of person(s) involved in drug activity	12	25	29	0	66
	Supply prohibited drug	17	25	33	0	75
	Use / possess restricted substance	0	2	3	0	5
	Use / possession of prohibited drug	12	28	44	0	84
	Total	45	95	138	0	278
Excessive use of force						
	Assault	162	309	663	17	1,151
	Firearm discharged	1	3	1	0	5
	Firearm drawn	5	13	32	1	51
	Improper use of handcuffs	5	6	34	0	45
	Total	173	331	730	18	1,252
Information						
	Fail to create / maintain records	11	106	60	5	182
	Falsify official records	10	30	22	1	63
	Misuse e-mail / internet	42	13	5	0	60
	Provide incorrect or misleading information	29	65	79	3	176
	Unauthorised access / disclosure / alteration of information / data	56	229	298	6	589
	Unreasonable refusal to provide information	9	1	19	0	29
	Total	157	444	483	15	1,099
Investigation						
	Delay in investigation	20	19	29	2	70
	Fail to advise outcome of investigation	13	5	17	3	38
	Fail to investigate (customer service)	153	90	168	10	421
	Improper use of crime scene powers	0	0	0	1	1
	Improper / unauthorised forensic procedure	1	5	4	0	10
	Improperly fail to investigate offence committed by another officer	2	6	14	0	22
	Improperly interfere in investigation of offence committed by another police officer	2	12	48	0	62
	Inadequate investigation	156	226	271	32	685
	Total	347	363	551	48	1,309
Investigation						
	Allow unauthorised use of weapon	0	2	4	0	6
	Conflict of interest	12	40	38	1	91

Category		Declined	Management outcomes following investigation of complaint (including adverse findings)	No management outcome (including no adverse finding)	Conciliated/ other	Total
<i>Investigation (continued)</i>	Detrimental action against a whistleblower	1	5	8	0	14
	Dishonesty in recruitment / promotion	6	12	5	0	23
	Disobey reasonable direction	0	36	20	0	56
	Fail performance / conduct plan	0	4	0	0	4
	Failure to comply with statutory obligation / procedure / code of conduct (other)	78	292	233	4	607
	False claiming for duties / allowances	4	11	10	0	25
	Inadequate management / maladministration	11	89	89	9	198
	Inadequate security of weapon / appointments	1	25	10	0	36
	Inappropriate intervention in civil dispute	5	1	2	1	9
	Minor workplace-related misconduct	6	50	64	2	122
	Other improper use of discretion	3	21	24	3	51
	Unauthorised secondary employment	5	39	23	0	67
	Unauthorised use of vehicle / facilities / equipment	13	47	35	0	95
	Workplace harassment / victimisation / discrimination	37	59	117	14	227
	Total	182	733	682	34	1,631
<i>Other criminal</i>						
	Conspiracy to commit offence	7	3	11	2	23
	Fraud	5	18	22	0	45
	Murder / manslaughter	3	2	4	0	9
	Officer in breach of domestic violence order	0	29	9	0	38
	Officer perpetrator of domestic violence	2	6	3	0	11
	Officer subject of application for domestic violence order	8	11	7	0	26
	Other indictable offence	14	19	43	0	76
	Other summary offence	16	99	93	0	208
	Sexual assault / indecent assault	9	63	45	0	117
	Total	64	250	237	2	553
<i>Property / exhibits / theft</i>						
	Damage to	4	9	11	3	27
	Fail to report loss	0	3	5	0	8
	Failure or delay in returning to owner	29	18	36	1	84
	Loss of	5	116	66	2	189
	Theft	11	43	73	2	129
	Unauthorised removal / destruction / use of	6	30	49	1	86
	Total	55	219	240	9	523
<i>Prosecution</i>						
	Adverse comment by Court / costs awarded	4	13	15	0	32
	Fail to attend Court	4	39	21	2	66
	Fail to check brief / inadequate preparation of brief	0	69	32	0	101
	Fail to notify witness	0	28	13	1	42
	Fail to serve brief of evidence	4	33	13	1	51
	Failure to charge / prosecute	17	16	30	1	64

Category		Declined	Management outcomes following investigation of complaint (including adverse findings)	No management outcome (including no adverse finding)	Conciliated/ other	Total
Prosecution (continued)	Failure to use Young Offenders Act	0	1	1	0	2
	Improper prosecution	25	13	26	0	64
	Legal representation for withdrawal of charge	0	1	0	0	1
	Mislead the Court	8	1	3	0	12
	PIN / TIN inappropriately / wrongly issued	21	1	8	0	30
	Total	83	215	162	5	465
Public justice offences						
	Fabrication of evidence (other than perjury)	12	5	19	1	37
	Involuntary confession by accused	1	1	1	0	3
	Make false statement	19	12	24	0	55
	Other pervert the course of justice	34	40	113	0	187
	Perjury	2	9	20	0	31
	Withholding or suppression of evidence	7	9	21	0	37
	Total	75	76	198	1	350
Public servants						
	Criminal conduct	1	0	0	0	1
	Maladministration	6	0	0	0	6
	Misconduct	1	0	0	0	1
	Other	0	0	1	0	1
	Total	8	0	1	0	9
Search / entry						
	Failure to conduct search	1	1	3	0	5
	Property missing after search	2	2	4	0	8
	Unlawful entry	1	3	24	2	30
	Unlawful search	12	33	87	7	139
	Unreasonable / inappropriate conditions / damage	6	7	21	6	40
	Wrongful seizure of property during search	1	2	8	0	11
	Total	23	48	147	15	233
Service delivery						
	Breach Domestic Violence SOPS	6	15	20	11	52
	Fail to provide victim support	14	17	44	15	90
	Fail / delay attendance to incident / '000'	13	7	20	8	48
	Harassment / intimidation	111	41	165	28	345
	Improper failure to WIPE	10	6	39	5	60
	Improper request for identity / proof of identity	2	0	2	0	4
	Improper use of move on powers	0	2	11	0	13
	Neglect of duty (not specified elsewhere)	45	58	63	4	170
	Other (customer service)	200	79	201	38	518
	Rudeness / verbal abuse	129	52	231	23	435
	Threats	35	14	85	7	141
	Total	565	291	881	139	1,876
Summary of Allegations						
	Total	1,975	3,516	5,263	309	11,063

In the past year we have expanded the various categories of complaint allegations to better assist us to identify and analyse complaint trends.

B: Status of legislative reviews — as at 30 June 2007

Status	Legislation	Brief description
Review reports tabled in Parliament in 2006-07	<i>Police Powers (Drug Detection Dogs) Act 2001</i>	Regulates how police use 'sniffer' dogs to detect people with drugs.
	<i>Police Powers (Drug Detection in Border Areas Trial) 2003</i>	Allows police to use drug 'sniffer' dogs on vehicles randomly stopped in 'border' areas.
	<i>Firearms Amendment (Public Safety) Act 2002</i>	Allows police to use 'sniffer' dogs to detect people with firearms or explosives in public.
	<i>Crimes (Forensic Procedures) Act 2000 — Suspects and volunteers</i>	Allows police to take DNA samples from suspects and volunteers.
	<i>Children (Criminal Proceedings) Amendment (Adult Detainees) Act 2001</i>	Limits the age of young people in juvenile detention to 18 years.
Review reports provided to the responsible Minister and not yet tabled	<i>Crimes (Administration of Sentences) Amendment Act 2002 and Summary Offences Amendment (Places of Detention) Act 2002</i>	Increases the powers of correctional officers to stop, detain and search people or vehicles that are 'in or in the immediate vicinity of' a place of detention; increases penalties for failing to comply with correctional officers lawful instructions, permits the seizure and destruction of property brought unlawfully into a correctional centre; gives victims of serious offences the right to make an oral submission to the Parole Board when the Board is considering whether to release the offender on parole, and changes the procedures that correctional officers and police officers must follow when an escaped inmate is arrested.
	<i>Justice Legislation (Non-association and Place Restriction) Act 2001</i>	Allows police and courts to put restrictions — when determining bail conditions, imposing a sentence or allowing parole — on the places that a person can be in and the people they can associate with.
Current reviews with an Issues Paper inviting submissions	<i>Law Enforcement (Powers and Responsibilities) Act 2002 — Part 4, Divisions 2 and 4</i>	Allows police to search people after they have been arrested or while they are in police custody.
	<i>Law Enforcement (Powers and Responsibilities) Act 2002 — Part 5, Division 3</i>	Allows police to apply for notices to financial institutions to produce documents that may be connected with an offence.
	<i>Law Enforcement (Powers and Responsibilities) Act 2002 — Part 7</i>	Regulates police powers for establishing crime scenes.
	<i>Law Enforcement Legislation Amendment (Public Safety) Act 2005</i>	Additional powers to police to prevent or control large-scale public disorder.
	<i>Terrorism (Police Powers) Act 2002 — Part 3</i>	Allows police and the Crime Commission to execute covert search warrants.
	<i>Terrorism (Police Powers) Act 2002 — Part 2A</i>	Allows a person to be detained for up to 14 days in order to prevent an imminent terrorist act, or preserve evidence of a recent terrorist act.
Other current reviews	<i>Police Powers (Drug Detection Trial) Act 2003</i>	Allows police to use drug 'sniffer' dogs on vehicles randomly stopped in 'outer metropolitan' areas.
Future reviews	<i>Crimes Legislation Amendment Act 2002</i>	Regulates the detention of people arrested during the execution of a search warrant.
	<i>Criminal Procedure Act 1986 — Part 3 'Penalty notice offences'</i>	Allows police to issue penalty notices for certain criminal offences. Focus of review is the impact on Aboriginal communities.

C: Action taken on formal complaints about all departments and authorities finalised in 2006–07 — summary table

A Decline after assessment only, including:

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

KEY

Action taken on formal complaints finalised in 2006–07 about all departments and authorities (except the NSW Police Force, DoCS and DADHC and those relating to child protection notifications) — summary table fig 62

This figure shows the action we took on each of the written complaints that we finalised this year about public sector agencies, broken down into agency groups. See Appendices D, E, F and G 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
Bodies outside jurisdiction	392	0	0	0	0	0	0	0	0	0	0	0	0	0	392
Departments and authorities	536	32	319	16	193	52	11	0	1	2	0	1	4	1167	
Freedom of information	60	18	23	6	71	15	8	0	0	2	1	0	1	205	
Local government	298	27	343	12	96	42	13	0	1	1	0	1	3	837	
Corrections and Justice Health	132	78	220	13	170	35	4	7	0	0	2	0	1	662	
Juvenile Justice	4	6	19	0	11	5	2	0	0	0	0	0	0	47	
Total	1,422	161	924	47	541	149	38	7	2	5	3	2	9	3,310	

D: Departments and authorities

Action taken on general formal complaints about departments and authorities **fig 63**

A Decline after assessment only, including:

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

KEY

Agency	Assessment only	Preliminary or informal investigation									Formal investigation				Total
	A	B	C	D	E	F	G	H	I	J	K	L	M		
Aboriginal Housing Office	1	0	0	1	1	0	0	0	0	0	0	0	0	3	
Ambulance Service of NSW	7	0	1	0	0	0	0	0	0	0	0	0	0	8	
Anti-Discrimination Board	3	0	0	0	2	0	0	0	0	0	0	0	0	5	
Attorney General's Department	7	0	4	0	0	0	0	0	0	0	0	0	0	11	
Board of Architects of NSW	0	0	1	0	0	0	0	0	0	0	0	0	0	1	
Board of Studies	0	0	1	0	0	0	0	0	0	0	0	0	0	1	
Board of Surveying and Spatial Information of NSW	1	2	0	0	0	1	0	0	0	0	0	0	0	4	
Board of Vocational Education and Training	0	0	0	0	0	1	0	0	0	0	0	0	0	1	
Building and Construction Industry Long Service Payments Corporation	1	0	0	0	0	0	0	0	0	0	0	0	0	1	
Building Professionals Board	0	1	1	0	0	1	0	0	0	0	0	0	0	3	
Centennial Park and Moore Park Trust	2	0	0	0	0	0	0	0	0	0	0	0	0	2	
Charles Sturt University	1	1	0	1	3	0	0	0	0	0	0	0	0	6	
Consumer, Trader and Tenancy Tribunal	0	0	0	0	1	0	0	0	0	0	0	0	0	1	
Crown Solicitors Office	2	0	0	0	0	0	0	0	0	0	0	0	0	2	
Delta Electricity	1	0	0	0	0	0	0	0	0	0	0	0	0	1	
Dental Board of NSW	1	1	0	0	0	0	0	0	0	0	0	0	0	2	
Department of Aboriginal Affairs	0	0	1	0	0	0	0	0	0	0	0	0	0	1	
Department of Ageing Disability and Home Care	1	0	0	0	0	0	0	0	0	0	0	0	0	1	
Department of Arts, Sport and Recreation	4	0	1	0	0	1	0	0	0	0	0	0	0	6	
Department of Commerce	20	0	11	0	8	3	0	0	1	0	0	0	0	43	
Department of Community Services	1	0	0	0	0	0	0	0	0	0	0	0	0	1	
Department of Education and Training	58	1	24	2	9	3	0	0	0	0	0	0	0	97	
Department of Environment and Climate Change	10	0	4	0	3	2	1	0	0	0	0	0	0	20	
Department of Health	44	2	4	0	2	2	0	0	0	0	0	1	1	56	
Department of Housing	34	5	58	2	52	10	1	0	0	0	0	0	1	163	
Department of Lands	8	1	10	0	6	2	0	0	0	0	0	0	1	28	
Department of Local Government	6	0	3	0	0	1	0	0	0	0	0	0	0	10	
Department of Natural Resources	2	1	5	1	0	0	0	0	0	0	0	0	0	9	
Department of Planning	9	1	5	0	0	0	0	0	0	0	0	0	0	15	
Department of Premier and Cabinet	1	0	0	0	0	0	0	0	0	0	0	0	0	1	
Department of Primary Industries	7	1	8	1	0	1	1	0	0	0	0	0	0	19	
Department of Rural Fire Service	1	0	0	0	0	1	0	0	0	0	0	0	0	2	
Department of State and Regional Development	0	0	0	1	0	0	0	0	0	0	0	0	0	1	
Department of Transport	0	0	1	0	0	0	0	0	0	0	0	0	0	1	
Director of Public Prosecutions	0	0	0	1	0	0	0	0	0	0	0	0	0	1	
Energy Australia	2	0	1	0	0	0	0	0	0	0	0	0	0	3	
Forests NSW	1	0	1	0	0	0	0	0	0	0	0	0	0	2	
Game Council of NSW	1	0	0	0	0	0	0	0	0	0	0	0	0	1	
Health Care Complaints Commission	8	0	7	0	2	0	0	0	0	0	0	0	0	17	

Agency	Assessment only	Preliminary or informal investigation								Formal investigation				Total
Healthquest	1	0	0	0	0	0	0	0	0	0	0	0	0	1
Housing Appeals Committee	1	0	0	0	0	0	0	0	0	0	0	0	0	1
Hunter Water Corporation Limited	3	0	1	0	0	0	0	0	0	0	0	0	0	4
Integral Energy	1	0	0	0	0	0	0	0	0	0	0	0	0	1
Legal Aid Commission of NSW	15	1	7	0	2	1	0	0	0	0	0	0	0	26
Legal Practitioners Admissions Board	0	0	1	0	1	0	0	0	0	0	0	0	0	2
Local Aboriginal Land Council (Unnamed)	1	0	1	0	0	0	0	0	0	0	0	0	0	2
Lord Howe Island Board	1	0	0	0	0	0	0	0	0	0	0	0	0	1
Macquarie University	2	0	3	0	0	0	0	0	0	0	0	0	0	5
Medical Appeals Board	0	0	2	0	0	0	0	0	0	0	0	0	0	2
Ministry of Transport	3	1	3	0	3	1	2	0	0	0	0	0	0	13
New South Wales Aboriginal Land Council	2	0	1	0	0	0	0	0	0	0	0	0	0	3
Northern Sydney Central Coast Area Health Service	5	0	0	0	0	1	0	0	0	0	0	0	0	6
NSW Fire Brigades	1	0	1	0	0	1	0	0	0	0	0	0	0	3
NSW Food Authority	1	0	0	0	0	0	0	0	0	0	0	0	0	1
NSW Greyhound Racing Authority	1	0	0	0	0	0	0	0	0	0	0	0	0	1
NSW Lotteries	0	0	1	0	0	0	0	0	0	0	0	0	0	1
NSW Maritime Authority	21	0	2	0	1	0	0	0	0	0	0	0	0	24
NSW Office of Liquor, Gaming and Racing	1	0	3	0	0	0	0	0	0	0	0	0	0	4
NSW Sport and Recreation	1	0	0	0	1	0	0	0	0	0	0	0	0	2
NSW Treasury	1	0	0	0	0	0	0	0	0	0	0	0	0	1
Office of Community Housing	1	0	0	0	0	0	0	0	0	0	0	0	0	1
Office of Protective Commissioner	7	0	9	0	4	1	0	0	0	0	0	0	0	21
Office of Public Guardian	1	0	2	0	0	0	0	0	0	0	0	0	0	3
Office of State Revenue	61	6	47	2	44	3	0	0	0	0	0	0	0	163
Pillar Administration	1	0	1	0	1	0	0	0	0	0	0	0	0	3
Port Kembla Port Corporation	1	0	0	0	0	0	0	0	0	0	0	0	0	1
Psychologists Registration Board	0	0	1	0	0	1	0	0	0	0	0	0	0	2
Public Trustee	6	0	1	0	1	1	0	0	0	0	0	0	0	9
Rail Corporation New South Wales	21	0	9	1	10	1	1	0	0	0	0	0	0	43
Registry of Births, Deaths and Marriages	2	0	4	0	1	3	0	0	0	0	0	0	0	10
Rental Bond Board	0	0	0	0	1	0	0	0	0	0	0	0	0	1
Roads and Traffic Authority	55	2	32	1	18	4	5	0	0	0	0	0	1	118
Rural Assistance Authority	0	0	1	0	0	0	0	0	0	0	0	0	0	1
Rural Lands Protection Board	5	0	1	0	0	0	0	0	0	0	0	0	0	6
Sheriffs Office	2	1	1	0	2	1	0	0	0	0	0	0	0	7
Southern Cross University	5	0	1	0	0	0	0	0	0	0	0	0	0	6
Southern Rivers Catchment Management Authority	0	0	1	0	0	0	0	0	0	0	0	0	0	1
State Authorities Superannuation Trustee Corporation	0	0	1	0	1	0	0	0	0	0	0	0	0	2
State Electoral Office	3	0	0	0	0	0	0	0	0	0	0	0	0	3
State Transit Authority of NSW	7	0	3	2	1	0	0	0	0	0	0	0	0	13
Sydney Catchment Authority	1	0	0	0	1	1	0	0	0	0	0	0	0	3
Sydney Ports Corporation	1	0	0	0	0	0	0	0	0	0	0	0	0	1
Sydney Water Corporation	5	0	1	0	0	0	0	0	0	0	0	0	0	6
Transgrid	1	0	0	0	1	0	0	0	0	0	0	0	0	2
Transport Infrastructure Development Corporation	0	0	1	0	1	0	0	0	0	0	0	0	0	2
Universities Admissions Centre	0	0	2	0	0	0	0	0	0	0	0	0	0	2
University of New England	2	0	0	0	1	0	0	0	0	0	0	0	0	3
University of New South Wales	6	0	1	0	1	0	0	0	0	2	0	0	0	10
University of Newcastle	6	1	4	0	0	0	0	0	0	0	0	0	0	11
University of Sydney	0	0	2	0	2	0	0	0	0	0	0	0	0	4
University of Technology	0	0	1	0	0	0	0	0	0	0	0	0	0	1
University of Western Sydney	2	0	2	0	0	1	0	0	0	0	0	0	0	5
University of Wollongong	0	0	1	0	0	0	0	0	0	0	0	0	0	1
Unnamed agency	1	0	0	0	0	0	0	0	0	0	0	0	0	1
Valuer General	11	0	3	0	1	1	0	0	0	0	0	0	0	16
Veterinary Surgeons Investigating Committee	1	0	0	0	0	0	0	0	0	0	0	0	0	1
Workcover Authority	12	3	8	0	4	1	0	0	0	0	0	0	0	28
Workers Compensation (Dust Diseases) Board of NSW	1	0	0	0	0	0	0	0	0	0	0	0	0	1
WSN Environmental Solutions	1	0	0	0	0	0	0	0	0	0	0	0	0	1
Total	536	32	319	16	193	52	11	0	1	2	0	1	4	1,167

E: Local government

A Decline after assessment only, including:

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

KEY

Action taken on formal complaints finalised in 2006–07 about local government **fig 64**

This figure 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	5	1	5	0	1	0	0	0	0	0	0	0	0	12
Albury City Council	1	0	2	0	0	0	0	0	0	0	0	0	0	3
Armidale Dumaresq Council	1	0	0	0	0	0	0	0	0	0	0	0	0	1
Ashfield Municipal Council	1	0	0	0	0	1	0	0	0	0	0	0	0	2
Auburn Council	2	0	1	0	0	0	0	0	0	0	0	0	0	3
Ballina Shire Council	2	1	6	0	2	0	0	0	0	0	0	0	0	11
Bankstown City Council	2	0	0	0	2	0	0	0	0	0	0	0	0	4
Bathurst Regional Council	2	0	4	0	0	0	0	0	0	0	0	0	0	6
Baulkham Hills Shire Council	1	0	5	0	2	0	1	0	0	0	0	0	0	9
Bega Valley Shire Council	1	0	4	0	0	2	1	0	0	0	0	0	0	8
Bellingen Shire Council	1	0	0	0	0	0	0	0	0	0	0	0	0	1
Blacktown City Council	5	0	3	0	0	1	0	0	0	0	0	0	0	9
Blue Mountains City Council	7	0	7	0	3	0	0	0	0	0	0	0	0	17
Bombala Council	1	0	0	0	0	0	0	0	0	0	0	0	0	1
Botany Bay City Council	2	0	0	0	0	0	0	0	0	0	0	0	0	2
Broken Hill City Council	0	0	1	0	0	0	0	0	0	0	0	0	0	1
Burwood Council	3	0	0	0	0	0	0	0	0	0	0	0	0	3
Byron Shire Council	1	0	2	0	0	0	0	0	0	0	0	0	0	3
Cabonne Shire Council	2	0	1	0	0	0	0	0	0	0	0	0	0	3
Camden Council	0	0	1	0	0	0	0	0	1	0	0	0	0	2
Campbelltown City Council	2	0	1	0	1	0	0	0	0	0	0	0	0	4
Canterbury City Council	1	1	3	0	4	0	0	0	0	0	0	0	0	9
Central Darling Shire Council	1	0	0	0	0	0	0	0	0	0	0	0	0	1
Central Tablelands Water	0	0	1	0	0	0	0	0	0	0	0	0	0	1
Cessnock City Council	6	0	2	0	2	0	0	0	0	0	0	0	0	10
City of Canada Bay Council	1	0	3	0	4	2	1	0	0	0	0	0	0	11
Clarence Valley Council	2	0	4	0	0	1	0	0	0	0	0	0	0	7
Cobar Shire Council	1	0	0	0	0	0	1	0	0	0	0	0	0	2
Coffs Harbour City Council	1	2	2	0	0	0	0	0	0	0	0	0	0	5
Cooma-Monaro Shire Council	1	0	1	0	0	1	0	0	0	0	0	0	0	3
Coonamble Shire Council	0	0	0	0	1	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
Corowa Shire Council	0	0	1	0	0	0	0	0	0	0	0	0	0	1
Council Not Named	0	0	0	1	0	0	0	0	0	0	0	0	0	1
Cowra Shire Council	1	0	2	0	1	0	0	0	0	0	0	1	0	5
Dubbo City Council	0	0	1	0	0	1	0	0	0	0	0	0	0	2

Council	Assessment only	Preliminary or informal investigation									Formal investigation				Total
	A	B	C	D	E	F	G	H	I	J	K	L	M		
Eurobodalla Shire Council	4	3	3	0	2	1	0	0	0	0	0	0	0	13	
Fairfield City Council	3	0	4	0	1	0	1	0	0	0	0	0	0	9	
Forbes Shire Council	1	0	0	0	0	0	0	0	0	0	0	0	0	1	
Glen Innes Severn Shire Council	2	0	0	0	0	0	0	0	0	0	0	0	0	2	
Gloucester Shire Council	0	0	2	0	0	0	0	0	0	0	0	0	0	2	
Gosford City Council	17	0	11	0	3	0	1	0	0	0	0	0	0	32	
Goulburn Mulwaree Shire Council	2	0	1	1	0	0	0	0	0	0	0	0	0	4	
Great Lakes Council	2	0	3	0	1	0	0	0	0	0	0	0	0	6	
Greater Taree City Council	2	1	2	0	0	0	0	0	0	0	0	0	0	5	
Griffith City Council	0	1	0	0	0	0	0	0	0	0	0	0	0	1	
Gunnedah Shire Council	0	0	1	0	0	0	0	0	0	0	0	0	0	1	
Guyra Shire Council	0	0	0	0	1	0	0	0	0	0	0	0	0	1	
Gwydir Shire Council	2	0	1	0	0	0	0	0	0	0	0	0	0	3	
Hawkesbury City Council	2	0	2	0	1	0	0	0	0	0	0	0	0	5	
Holroyd City Council	1	1	5	0	4	1	0	0	0	0	0	0	0	12	
Hornsby Shire Council	7	0	7	1	2	0	0	0	0	0	0	0	0	17	
Hunters Hill Municipal Council	1	0	2	0	0	0	0	0	0	0	0	0	0	3	
Hurstville City Council	2	0	3	0	0	0	0	0	0	0	0	0	0	5	
Junee Shire Council	0	0	1	0	0	0	0	0	0	0	0	0	0	1	
Kempsey Shire Council	2	0	7	1	0	0	0	0	0	0	0	0	0	10	
Kiama Municipal Council	0	0	2	0	0	0	0	0	0	0	0	0	0	2	
Kogarah Municipal Council	1	0	2	0	1	0	0	0	0	0	0	0	0	4	
Ku-Ring-Gai Municipal Council	4	2	6	0	2	1	0	0	0	0	0	0	0	15	
Kyogle Shire Council	3	0	12	0	0	0	0	0	0	0	0	0	0	15	
Lake Macquarie City Council	5	1	4	0	2	2	0	0	0	0	0	0	0	14	
Lane Cove Municipal Council	1	0	2	0	0	0	0	0	0	0	0	0	0	3	
Leichhardt Municipal Council	1	0	4	0	1	1	1	0	0	0	0	0	0	8	
Lismore City Council	3	0	2	0	0	1	0	0	0	0	0	0	0	6	
Lithgow City Council	15	0	6	1	0	1	0	0	0	0	0	0	0	23	
Liverpool City Council	4	0	7	0	0	0	0	0	0	0	0	0	1	12	
Liverpool Plains Shire Council	1	0	0	0	0	0	0	0	0	0	0	0	0	1	
Maitland City Council	5	0	3	0	0	1	1	0	0	0	0	0	0	10	
Manly Council	1	1	3	0	1	1	0	0	0	0	0	0	0	7	
Marrickville Council	3	0	3	1	0	0	0	0	0	0	0	0	0	7	
Mid-Western County Council	0	0	1	0	0	0	0	0	0	0	0	0	0	1	
Mid-Western Regional Council	4	0	4	0	0	0	0	0	0	0	0	0	0	8	
Midcoast Water	1	0	1	0	0	0	0	0	0	0	0	0	0	2	
Moree Plains Shire Council	1	0	0	0	0	1	0	0	0	0	0	0	0	2	
Mosman Municipal Council	4	0	3	0	1	1	0	0	0	0	0	0	0	9	
Murray Shire Council	0	0	2	0	0	0	0	0	0	0	0	0	0	2	
Muswellbrook Shire Council	0	0	0	0	0	0	0	0	0	1	0	0	0	1	
Nambucca Shire Council	1	0	0	0	0	0	0	0	0	0	0	0	0	1	
Narrabri Shire Council	1	0	0	0	0	0	0	0	0	0	0	0	0	1	
Narrandera Shire Council	3	0	2	0	0	0	0	0	0	0	0	0	0	5	
Narromine Shire Council	1	0	4	0	0	0	1	0	0	0	0	0	0	6	
Newcastle City Council	8	0	8	0	3	1	0	0	0	0	0	0	0	20	
North Sydney Council	6	0	1	0	0	1	0	0	0	0	0	0	0	8	
Oberon Shire Council	0	0	1	0	0	0	0	0	0	0	0	0	0	1	
Orange City Council	1	0	1	0	0	0	0	0	0	0	0	0	0	2	
Palerang Council	2	0	2	0	1	0	0	0	0	0	0	0	0	5	
Parkes Shire Council	1	0	1	0	0	0	0	0	0	0	0	0	0	2	
Parramatta City Council	9	1	3	0	4	3	0	0	0	0	0	0	0	20	
Penrith City Council	3	0	4	0	2	1	0	0	0	0	0	0	0	10	
Pittwater Council	8	0	3	1	3	0	0	0	0	0	0	0	0	15	
Port Macquarie-Hastings Council	3	0	4	1	1	1	0	0	0	0	0	0	0	10	
Port Stephens Shire Council	1	2	34	0	2	0	0	0	0	0	0	0	0	39	

Council	Assessment only	Preliminary or informal investigation									Formal investigation				Total
	A	B	C	D	E	F	G	H	I	J	K	L	M		
Queanbeyan City Council	0	2	2	0	1	0	0	0	0	0	0	0	0	5	
Randwick City Council	6	0	4	0	0	0	0	0	0	0	0	0	0	10	
Richmond Valley Council	1	1	2	0	0	0	0	0	0	0	0	0	0	4	
Rockdale City Council	4	0	2	0	0	1	0	0	0	0	0	0	0	7	
Rous County Council	0	0	1	0	0	0	0	0	0	0	0	0	0	1	
Ryde City Council	2	0	2	0	1	0	1	0	0	0	0	0	0	6	
Shellharbour City Council	2	0	2	0	0	1	1	0	0	0	0	0	0	6	
Shoalhaven City Council	7	0	6	0	2	0	0	0	0	0	0	0	0	15	
Singleton Shire Council	0	0	1	0	1	0	0	0	0	0	0	0	0	2	
Snowy River Shire Council	1	0	0	0	1	0	0	0	0	0	0	0	0	2	
Strathfield Municipal Council	1	0	4	0	0	0	0	0	0	0	0	0	0	5	
Sutherland Shire Council	4	1	5	0	7	1	0	0	0	0	0	0	2	20	
Sydney City Council	17	0	11	2	8	2	0	0	0	0	0	0	0	40	
Tamworth Regional Council	1	0	1	0	1	0	0	0	0	0	0	0	0	3	
Tenterfield Shire Council	2	2	0	0	0	0	1	0	0	0	0	0	0	5	
Tweed Shire Council	4	1	7	0	0	2	0	0	0	0	0	0	0	14	
Upper Hunter Shire Council	0	0	2	0	0	1	0	0	0	0	0	0	0	3	
Uralla Shire Council	0	0	0	0	1	1	0	0	0	0	0	0	0	2	
Wagga Wagga City Council	1	0	0	0	1	1	0	0	0	0	0	0	0	3	
Wakool Shire Council	1	0	0	0	0	0	0	0	0	0	0	0	0	1	
Warringah Council	6	1	6	0	1	0	0	0	0	0	0	0	0	14	
Warrumbungle Shire Council	1	0	0	0	0	0	0	0	0	0	0	0	0	1	
Waverley Council	4	0	2	1	1	0	1	0	0	0	0	0	0	9	
Wentworth Shire Council	2	0	1	0	0	0	0	0	0	0	0	0	0	3	
Willoughby City Council	0	1	3	0	0	0	0	0	0	0	0	0	0	4	
Wingecarribee Shire Council	4	0	2	0	1	1	0	0	0	0	0	0	0	8	
Wollondilly Shire Council	1	0	4	1	1	1	0	0	0	0	0	0	0	8	
Wollongong City Council	5	0	3	0	2	1	0	0	0	0	0	0	0	11	
Woollahra Municipal Council	4	0	1	0	1	0	0	0	0	0	0	0	0	6	
Wyong Shire Council	4	0	12	0	3	0	0	0	0	0	0	0	0	19	
Yass Valley Council	0	0	2	0	0	1	0	0	0	0	0	0	0	3	
Young Shire Council	0	0	2	0	0	0	0	0	0	0	0	0	0	2	
Total	298	27	343	12	96	42	13	0	1	1	0	1	3	837	

F: Corrections

Action taken on formal complaints fig 65 finalised in 2006–07 about corrections

Agency	Assessment only	Preliminary or informal investigation								Formal investigation				Total
		A	B	C	D	E	F	G	H	I	J	K	L	
Department of Corrective Services	111	59	167	13	119	31	4	7	0	0	2	0	1	514
Justice Health	15	8	26	0	24	2	0	0	0	0	0	0	0	75
GEO Australia	6	11	27	0	27	2	0	0	0	0	0	0	0	73
Department of Juvenile Justice	4	6	19	0	11	5	2	0	0	0	0	0	0	47
Total	136	84	239	13	181	40	6	7	0	0	2	0	1	709

Number of formal and informal matters we received about correctional centres, DCS and GEO fig 66

Institution	Formal	Informal	Total
Bathurst Correctional Centre	13	127	140
Berrima Correctional Centre	5	27	32
Broken Hill Correctional Centre	1	1	2
Cessnock Correctional Centre	9	82	91
Community Offender Services	9	26	35
Cooma Correctional Centre	1	21	22
Corrective Services Academy	0	2	2
Corrective Services Department (centre not named)	105	564	669
Court escort / Security unit	32	34	66
Dawn De Loas Special Purpose Centre	3	16	19
Dillwynia Correctional Centre	8	67	75
Drug Dog Detector Unit	0	1	1
Emu Plains Correctional Centre	7	39	46
GEO Australia head office issues	10	85	95
Glen Innes Correctional Centre	0	11	11
Goulburn Correctional Centre	34	184	218
Grafton Correctional Centre	12	70	82
Department Of Corrective Services head office issues	2	11	13
High Risk Management Unit	13	41	54
Ivanhoe "Warakirri" Correctional Centre	2	3	5
John Morony Correctional Centre	15	79	94
Junee Correctional Centre	62	298	360
Kariong Juvenile Correctional Centre	1	11	12
Kirkconnel Correction Centre	15	61	76
Lithgow Correctional Centre	15	92	107
Long Bay Hospital Area One	19	70	89
Long Bay Hospital Area Two	2	5	7
Mannus Correctional Centre	0	9	9
Metropolitan Remand Reception Centre	48	198	246
Metropolitan Special Programs Centre	42	150	192
Mid North Coast Correctional Centre	32	174	206
Oberon Correctional Centre	1	15	16
Parklea Correctional Centre	19	188	207
Parramatta Correctional Centre	4	26	30
Parramatta Transitional Centre	0	3	3
Periodic Detention Centres	3	2	5

Institution	Formal	Informal	Total
Serious Offenders Review Council	0	1	1
Silverwater Correctional Centre	25	144	169
Silverwater Women's Correctional Centre	8	96	104
Special Purpose Prison Long Bay	2	8	10
St Heliers Correctional Centre	0	14	14
State Parole Authority	1	1	2
Tamworth Correctional Centre	0	6	6
Yetta Dhinnakkal (Brewarina) Correctional Centre	0	3	3
Total	580	3,066	3,646

*Some complaints may involve more than one centre

Number of formal and informal matters received about juvenile justice centres and DJJ **fig 67**

Institution	Formal	Informal	Total
Acmena Juvenile Justice Centre	1	18	19
Cobham Juvenile Justice Centre	7	38	45
Department of Juvenile Justice head office issues	14	19	33
Frank Baxter Juvenile Justice Centre	15	55	70
Juniperina Juvenile Justice Centre	7	27	34
Kariong Juvenile Justice Centre	0	1	1
Keelong Juvenile Justice Centre	1	21	22
Orana Juvenile Justice Centre	2	8	10
Reiby Juvenile Justice Centre	0	15	15
Riverina Juvenile Justice Centre	2	17	19
Total	49	219	268

G: Freedom of information

A Decline after assessment only, including:

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

KEY

Action taken on formal complaints finalised in 2006–07 about FOI **fig 68**

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

Agency	Assessment only	Preliminary or informal investigation								Formal investigation				Total
		A	B	C	D	E	F	G	H	I	J	K	L	
Blue Mountains City Council	0	0	0	0	1	0	0	0	0	0	0	0	0	1
Board of Studies	1	0	0	0	0	0	0	0	0	0	0	0	0	1
Bombala Council	0	1	0	0	0	0	0	0	0	0	0	0	0	1
Burwood Council	0	0	0	0	0	1	0	0	0	0	0	0	0	1
Byron Shire Council	0	1	0	0	0	0	0	0	0	0	0	0	0	1
Camden Council	0	0	0	0	1	0	0	0	0	0	0	0	0	1
Canterbury City Council	1	0	0	0	0	0	0	0	0	0	0	0	0	1
Central Sydney Area Health Service	0	0	1	0	0	0	0	0	0	0	0	0	0	1
Cessnock City Council	1	0	0	0	0	0	0	0	0	0	0	0	0	1
Coffs Harbour City Council	0	0	0	0	1	0	0	0	0	0	0	0	0	1
Commission for Children and Young People	1	0	0	0	0	0	0	0	0	0	0	0	0	1
Department of Arts, Sport and Recreation	0	0	0	0	1	0	0	0	0	0	0	0	0	1
Department of Community Services	1	0	0	0	0	0	0	0	0	0	0	0	0	1
Department of Corrective Services	2	1	1	0	3	1	1	0	0	0	0	0	1	10
Department of Education and Training	5	0	1	1	4	0	1	0	0	1	0	0	0	13
Department of Environment and Climate Change	0	1	0	0	2	0	0	0	0	0	0	0	0	3
Department of Health	7	1	4	2	4	1	1	0	0	0	0	0	0	20
Department of Housing	1	0	0	0	0	0	0	0	0	0	0	0	0	1
Department of Local Government	1	0	0	0	0	0	0	0	0	0	0	0	0	1
Department of Natural Resources	0	0	0	0	3	0	0	0	0	0	0	0	0	3
Department of Planning	1	0	1	0	0	0	0	0	0	0	0	0	0	2
Department of Premier and Cabinet	1	0	1	0	1	0	0	0	0	0	0	0	0	3
Director of Public Prosecutions	1	0	0	0	0	0	0	0	0	0	0	0	0	1
Dubbo City Council	0	0	0	0	1	0	0	0	0	0	0	0	0	1
Energy Australia	0	0	0	0	1	0	0	0	0	0	0	0	0	1
Fairfield City Council	0	0	0	0	1	0	0	0	0	0	0	0	0	1
Gosford City Council	0	0	0	0	1	0	1	0	0	0	0	0	0	2

Agency	Assessment only	Preliminary or informal investigation								Formal investigation			Total	
Health Care Complaints Commission	1	0	1	0	1	0	0	0	0	0	0	0	0	3
Holroyd City Council	0	0	0	0	1	0	0	0	0	0	0	0	0	1
Kiama Municipal Council	1	0	0	0	0	0	0	0	0	0	0	0	0	1
Legal Aid Commission of NSW	1	0	0	0	0	0	0	0	0	0	0	0	0	1
Lismore City Council	0	0	0	0	0	0	1	0	0	0	0	0	0	1
Lord Howe Island Board	0	0	0	0	0	1	0	0	0	0	0	0	0	1
Macquarie University	1	0	0	0	0	0	0	0	0	0	0	0	0	1
Manly Council	0	0	1	0	1	0	0	0	0	0	0	0	0	2
Natural Resources Commission	0	0	0	0	0	0	1	0	0	0	0	0	0	1
Northern Sydney Central Coast Area Health Service	0	1	0	0	0	0	0	0	0	0	0	0	0	1
NSW Office of Liquor, Gaming and Racing	0	0	0	0	1	0	0	0	0	0	0	0	0	1
NSW Police Force	16	12	7	2	19	6	1	0	0	0	0	0	0	63
NSW Treasury	0	0	0	0	1	0	0	0	0	0	0	0	0	1
Office of Protective Commissioner	1	0	0	0	1	0	0	0	0	0	0	0	0	2
Office of State Revenue	0	0	0	0	3	0	0	0	0	0	0	0	0	3
Pittwater Council	1	0	0	0	1	0	0	0	0	0	0	0	0	2
Port Stephens Shire Council	1	0	0	0	0	0	0	0	0	0	0	0	0	1
Queanbeyan City Council	0	0	0	0	1	0	0	0	0	0	0	0	0	1
Rail Corporation New South Wales	1	0	1	1	1	1	0	0	0	0	0	0	0	5
Roads and Traffic Authority	3	0	1	0	6	1	0	0	0	1	0	0	0	12
Rural Lands Protection Board	0	0	0	0	1	0	1	0	0	0	0	0	0	2
Ryde City Council	0	0	1	0	0	0	0	0	0	0	0	0	0	1
Shellharbour City Council	1	0	1	0	1	0	0	0	0	0	0	0	0	3
State Transit Authority of NSW	0	0	0	0	1	2	0	0	0	0	0	0	0	3
Sydney City Council	1	0	0	0	0	0	0	0	0	0	0	0	0	1
Sydney Ferries Corporation	1	0	0	0	1	0	0	0	0	0	0	0	0	2
Sydney Olympic Parks Authority	0	0	0	0	0	1	0	0	0	0	0	0	0	1
Sydney Ports Corporation	1	0	0	0	0	0	0	0	0	0	0	0	0	1
Tourism NSW	0	0	0	0	1	0	0	0	0	0	0	0	0	1
Transgrid	1	0	0	0	0	0	0	0	0	0	0	0	0	1
Transport Infrastructure Development Corporation	0	0	1	0	0	0	0	0	0	0	0	0	0	1
University of New South Wales	1	0	0	0	0	0	0	0	0	0	1	0	0	2
Wagga Wagga City Council	0	0	0	0	2	0	0	0	0	0	0	0	0	2
Wollondilly Shire Council	1	0	0	0	1	0	0	0	0	0	0	0	0	2
Wollongong City Council	1	0	0	0	0	0	0	0	0	0	0	0	0	1
Workcover Authority	1	0	0	0	0	0	0	0	0	0	0	0	0	1
WSN Environmental Solutions	0	0	0	0	1	0	0	0	0	0	0	0	0	1
Total	60	18	23	6	71	15	8	0	0	2	1	0	1	205

H: FOI report

The following information is provided in accordance with the *Freedom of Information Act 1989* (FOI Act), the Freedom of Information Regulation 2005 and the NSW Ombudsman 'FOI Procedure Manual'.

We processed 16 new FOI applications during 2006–07.

We granted full access to four applicants.

One of those applications related to personal affairs and we granted access to only some of the documents requested, as we did not hold the rest.

This year the Supreme Court decided that, by virtue of Schedule 2 and section 9 of the FOI Act, we are exempt from the operation of the FOI Act in relation to applications that ask only for documents that relate to our complaint-handling, investigative and reporting functions (*Independent Commission Against Corruption v Gerard Michael McGuirk* [2007] NSWSC 147). This year we refused access to two applicants on this basis.

In four applications, the applicants requested access to some documents that related to those functions and others that did not. We refused access to the documents that related to those functions, because they were exempt documents as defined in section 6 of the FOI Act, but granted access to some of the other documents. All four applicants asked for an internal review. In three cases, we provided access to further documents. Two of these matters have been appealed to the Administrative Decisions Tribunal (ADT).

In another application we granted access to some documents but refused access to others on the basis that they were exempt. This case has been appealed to the ADT.

We did not hold any documents that fell within the scope of another three applications. For one of these, we refunded the application fee and directed the applicant elsewhere because the documents were

likely to be held by another agency. We also refunded an application fee for a relatively simple request where we found no relevant documents.

A department tried to transfer one application to us, but we returned the application and fee to them as they had not complied with section 20 of the FOI Act and the documents were, for the purposes of the Act, 'held' by them and not us.

We completed six internal reviews, upholding the original decision in three matters and releasing further documents in the other three because the circumstances had changed in the intervening period. We returned the internal review application fees to the applicants in two cases.

The number of FOI applications that we dealt with this year more than doubled from last year, from six to 16. The applications came from seven different applicants — five were from one applicant, two applicants made three applications each and another applicant made two applications. The number of internal reviews processed increased from one to six. Three of those internal reviews related to applications from the one person. We also defended three appeals to the ADT, two of which related to that same person and all of which are ongoing.

This year, compliance with FOI requirements has had a greater impact on our activities than has been the case in past years. Last year we processed six applications within 10 hours each. By contrast, this year we processed 10 applications within that time — just over a day's work each. Another four applications took between 11 and 20 hours to process and one application took over 21 hours. This has represented a significant increase in the resources we have needed to complete this work.

Section A: Numbers of new FOI requests

FOI requests	2006–07 Personal	2006–07 Other	2006–07 Total	2005–06 Personal	2005–06 Other	2005–06 Total
New (including transferred in)	1	15	16	4	3	7
Brought forward	0	0	0	0	0	0
Total to be processed	1	15	16	4	3	7
Completed	1	15	16	3	3	6
Transferred out	0	0	0	0	0	0
Withdrawn	0	0	0	0	1	1
Total processed	1	15	16	3	3	6
Unfinished (carried forward)	0	0	0	1	0	1

Section B: Result of completed requests

FOI requests	2006-07 Personal	2006-07 Other	2005-06 Personal	2005-06 Other
Granted in full	0	4	0	0
Granted in part	1	5	2	0
Refused	0	6	1	3
Deferred	0	0	0	0
Completed	1	15	3	3

Section C: Ministerial certificates

No Ministerial certificates were issued in relation to FOI applications to the Ombudsman in 2006-07 or 2005-06.

Section D: Formal consultations

Request requiring formal consultation	2006-07	2005-06
Number of requests requiring formal consultation	1	1

Section E: Amendment of personal records

We received no requests for the amendment of personal records in 2006-07 or 2005-06.

Section F: Notation of personal records

We received no requests for notations in 2006-07 or 2005-06.

Section G: FOI requests granted in part or refused

Basis for disallowing or restricting access	2006-07 Personal	2006-07 Other	2005-06 Personal	2005-06 Other
s 19 (application incomplete, wrongly directed)	0	1	0	0
s 22 (deposit not paid)	0	0	0	0
s 25(1)(a1) (diversion of resources)	0	0	0	0
s 25(1)(a) (exempt)	0	7	2	3
s 25(1)(b), (c), (d) (otherwise available)	0	0	0	0
s 28(1)(b) (documents not held)	1	3	0	0
s 24(2) (deemed refused, over 21 days)	0	0	0	0
s 31(4) (released to Medical Practitioner)	0	0	0	0
Total	1	11	2	3

Section H: Costs and fees of requests processed during the period

	2006-07 Assessed costs	2006-07 FOI fees received	2005-06 Assessed costs	2005-06 FOI fees received
All completed requests	\$711	\$711	\$60	\$175

Section I: Discounts allowed

No discounts applied to the applications received in 2006-07 or 2005-06.

Section J: Days to process

Twelve of the 16 applications were processed within 21 days, and one on the 22nd day. Of the other three, one took over 35 days because we negotiated with the applicant to change the scope of the application, another because we negotiated the form in which the access was to take place and the payment of an advanced deposit, and the third because we needed to consult.

Days to process	2006-07 Personal	2006-07 Other	2005-06 Personal	2005-06 Other
0-21 days	1	11	2	3
22-35 days	0	1	0	0
Over 35 days	0	3	1	0
Total	1	15	3	3

Section K: Processing time

Processing hours	2006-07 Personal	2006-07 Other	2005-06 Personal	2005-06 Other
0-10 hours	1	10	3	3
11-20 hours	0	4	0	0
21-40 hours	0	1	0	0
Over 40 hours	0	0	0	0
Total	1	15	3	3

Section L: Reviews and appeals

As at 30 June 2007, three matters have been appealed to the ADT and are ongoing.

Reviews and appeals finalised	2006-07	2005-06
Number of internal reviews finalised	6	1
Number of Ombudsman reviews finalised	N/A	0
Number of ADT appeals finalised	0	0

Section L: Reviews and appeals (continued)

Details of internal review results									
Basis of internal review	2006–07 Personal		2006–07 Other		2005–06 Personal		2005–06 Other		
	Upheld	Varied	Upheld	Varied	Upheld	Varied	Upheld	Varied	
Grounds on which internal review requested									
Access refused	1	0	1	0	0	0	1	0	
Deferred	0	0	0	0	0	0	0	0	
Exempt matter	0	0	1	3	0	0	0	0	
Unreasonable charges	0	0	0	0	0	0	0	0	
Charge unreasonably incurred	0	0	0	0	0	0	0	0	
Amendment refused	0	0	0	0	0	0	0	0	
Totals	1	0	2	3	0	0	1	0	

I: Significant committees

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

Staff member	Committee name
Ombudsman — Bruce Barbour	Regional Vice President for the Australasian and Pacific Ombudsman Regional Group; Director on the Board of the International Ombudsman Institute; Institute of Criminology Advisory Committee; Reviewable disability death advisory committee; Reviewable child death advisory committee
Deputy Ombudsman — Chris Wheeler	Protected Disclosures Act Implementation Steering Committee; Integrity in Government Co-ordination Group; Public Sector Liaison Group
Deputy Ombudsman (Community Services) — Steve Kinmond	Police Aboriginal Strategic Advisory Committee (PASAC); Reviewable disability death advisory committee; Reviewable child death advisory committee
Assistant Ombudsman (General) — Greg Andrews	Corruption Prevention Network
Assistant Ombudsman (Children and Young People) — Anne Barwick	Child Protection and Sex Crimes Squad Advisory Council
Assistant Ombudsman (Police) — Simon Cohen	NSW Police Force Internal Witness Advisory Committee; International Network for the Independent Oversight of Police
Cross Agency Team Manager — Julianna Demetrius	PASAC; Youth Justice Coalition
Senior Investigation Officer (Aboriginal Unit) — Laurel Russ	PASAC
Team Manager — Anne Radford Inquiries and Resolution Team Manager — Vince Blatch	Joint Initiatives Group
Senior Investigation Officer — Michael Gleeson	Working party to implement recommendations from Chris Ronalds' SC report into sexual harassment and discrimination in the NSW Police Force
Youth Liaison Officer — Mandy Loundar	NESB Youth Issues Network, NSW Police Force Youth Issues Advisory Group
Senior Investigation Officer — Geoff Briot	Corruption Prevention Network Committee
Project Manager (Police) — Brendan Delahunty	Network of Government Agencies: Gay, Lesbian, Bisexual and Transgender Issues; PASAC.

J: Expert advisory committees

Two expert advisory committees assist us to perform our reviewable deaths functions. In 2006-07, the reviewable child death advisory committee and the reviewable disability death advisory committee each met on three occasions. Our advisory committees continue to provide the Ombudsman with valuable advice on complex child and disability death matters, policy issues and health practice issues.

Reviewable disability death advisory committee

Mr Bruce Barbour	Ombudsman (Chair)
Mr Steve Kinmond	Deputy Ombudsman (Community Services Division)
Ms Margaret Bail	Human Services Consultant
Dr Helen Beange	Clinical Lecturer, Faculty of Medicine, University of Sydney
Mr Michael Bleasdale	Director, NSW Council on Intellectual Disability; Senior Researcher, Disability Studies and Research Institute (resigned October 2006)
Ms Linda Goddard	Course Coordinator, Bachelor of Nursing, Charles Sturt University
Associate Professor Alvin Ing	Senior Staff Specialist, Respiratory Medicine, Bankstown-Lidcombe Hospital and Senior Visiting Respiratory Physician, Concord Hospital
Dr Cheryl McIntyre	General practitioner (Inverell)
Dr Ted O'Loughlin	Paediatric Gastroenterologist, The Children's Hospital, Westmead
Associate Professor Ernest Somerville	Prince of Wales Clinical School, Neurology
Ms Anne Slater	Physiotherapist, Allowah Children's Hospital
Dr Julian Troller	MD FRANZCP, Senior Research Fellow Neuropsychiatric Institute, Prince of Wales Hospital (appointed May 2007)
Dr Rosemary Sheehy	Geriatrician / Endocrinologist, Central Sydney Area Health Service

Reviewable child death advisory committee

Mr Bruce Barbour	Ombudsman (Chair)
Mr Steve Kinmond	Deputy Ombudsman (Community Services Division)
Dr Judy Cashmore	Associate Professor, Faculty of Law, University of Sydney; Honorary Research Associate, Social Policy Research Centre, University of New South Wales; Adjunct Professor, Arts, Southern Cross University
Dr Ian Cameron	CEO, NSW Rural Doctors Network
Dr. Michael Fairley	Consultant Psychiatrist, Department of Child and Adolescent Mental Health at Prince of Wales Hospital and Sydney Children's Hospital
Dr Jonathan Gillis	Senior Staff Specialist in Intensive Care, The Children's Hospital, Westmead
Dr Bronwyn Gould	Child protection consultant and medical practitioner
Ms Pam Greer	Community worker, trainer and consultant
Dr Ferry Grunseit	Consultant paediatrician, former Chair of the NSW Child Protection Council and NSW Child Advocate
Associate Professor Jude Irwin	Associate Professor, Faculty of Education and Social Work, University of Sydney
Ms Toni Single	Clinical Psychologist, former Senior Clinical Psychologist, Child Protection Team, John Hunter Hospital, Newcastle
Ms Tracy Sheedy	Manager, Children's Court of NSW

K: Mandatory annual reporting requirements

Under the *Annual Reports (Departments) Act 1985*, the *Annual Reports (Departments) Regulation 2005* and various Treasury circulars, our office is required to include in this report information on the following topics. All references to sections are to sections in the *Annual Reports (Departments) Act* and all references to clauses are to clauses in the *Annual Reports (Departments) Regulation*, except where stated otherwise. TC means Treasury Circular, PC means Premier's Circular.

Legislative provision	Topic	Comment
s 11A	Letter of submission	See the inside front cover
s 16(5)	Particulars of extensions of time	No extension applied for
s 11 Sch 1 to the Annual Reports (Departments) Regulation 2005 TC 01/12	Charter	See page 2 and this Appendix (Legislation administered)
	Aims and objectives	See pages 22–25
	Access	See the back cover
	Management and structure: <ul style="list-style-type: none"> names of principal officers, appropriate qualifications organisational chart indicating functional responsibilities 	See pages 6–7
	Summary review of operations	See pages 8–9
	Funds granted to non-government community organisations	We did not grant any funds of this sort
	Legal change	See this Appendix
	Economic or other factors	See page 21–30
	Management and activities	See pages 21–48
	Major works in progress	There were no such works
	Research and development	19–20, 30, 64–65 and Appendix B
	Human resources	See pages 33–38
	Consultants	We used no consultants this year
	Equal Employment Opportunity	See pages 34–35
	Disability plans	See this Appendix
	Land disposal	We do not own and did not dispose of any land or property
	Promotion	See this Appendix (Overseas visits) and Appendix L
	Consumer response	See pages 45–48
	Guarantee of service	See page 2
	Payment of accounts	See page 29
	Time for payment of accounts	See page 29
	Risk management and insurance activities	See pages 26–27 and page 36
	Controlled entities	We have no controlled entities
Ethnic affairs priorities statement and any agreement with the CRC	See this Appendix	
NSW Government Action Plan for Women	See this Appendix	
Occupational health and safety	See page 36	
Waste	See pages 32–33	
s 9(1)	Financial statements	See pages 149–170
cl 4	Identification of audited financial statements	See pages 153–170
cl 6	Unaudited financial information to be distinguished by note	Not applicable
cl 5 TC 00/16	Major assets	See this Appendix
	Copy of any amendments made to the Code of conduct	The Code of Conduct was reviewed and there were no substantial changes made. Changes include updates to reflect the new Statement of Corporate Purpose and changes to position titles and organisational terminology. A copy of the current Code of Conduct may be accessed on our website at www.ombo.nsw.gov.au

Legislative provision	Topic	Comment
cl 5 TC 00/16 (cont'd)	Particulars of any matter arising since 1 July 2007 that could have a significant effect on our operations or a section of the community we serve	Not applicable
	Total external costs incurred in the production of the report	\$27,876 (including \$15,643 to print 750 copies)
	Is the report available in non-printed formats	Yes
	Is the report available on the internet	Yes, at www.ombo.nsw.gov.au
cl 7, 8; TC 00/24; PC 92/4	Executive positions	See this Appendix
<i>Freedom of Information Act 1989</i>	Statistical and other information about our compliance with the Freedom of Information Act	See Appendix H
<i>Privacy and Personal Information Protection Act 1998</i>	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> . This also covers our obligations under the <i>Health Records and Information Privacy Act 2002</i> . We had no requests for an internal review under part 5 of the Act this year
PM 91-3	Evaluation of programs worth at least 10% of expenses and the results	This year we engaged an external contractor to survey community service complainants, peak and advocacy bodies and official community visitors to determine their satisfaction with our services. See page 47
PM 94-28	Departures from Subordinate Legislation Act 1989	This year we did not depart from the requirements of the Subordinate Legislation Act
PM 98-35	Energy management	See pages 32–33
PM 00-12	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
TC 99/6	Credit card certification	The Ombudsman certifies that credit card use in the Office has met best practice guidelines in accordance with Premiers memoranda and Treasury Directions
s 42(8) <i>Ombudsman Act 1974</i>	Must distinguish between complaints made directly to our office and those referred to us	There were 34 complaints referred to us from other agencies

Legislation administered by our office

<i>Ombudsman Act 1974</i>	<i>Witness Protection Act 1995</i>	<i>Law Enforcement (Powers and Responsibilities) Act 2002</i>
<i>Community Services (Complaints, Reviews and Monitoring) Act 1993</i>	<i>Law Enforcement (Controlled Operations) Act 1997</i>	<i>Terrorism (Police Powers) Act 2002</i>
Enabling legislation for each NSW university, as amended by the <i>Universities Legislation Amendment (Financial and Other Powers) Act 2001</i>	<i>Telecommunications (Interception and Access) (NSW) Act 1987</i>	<i>Crimes (Forensic Procedures) Act 2000</i>
<i>Freedom of Information Act 1989</i>	<i>Children and Young Persons (Care and Protection) Act 1998</i>	<i>Criminal Procedure Act 1986 (Part 3 Penalty notice offences)</i>
<i>Police Act 1990</i>	<i>Justice Legislation Amendment (Non-Association and Place Restriction) Act 2001</i>	<i>Police Powers (Drug Detection Trial) Act 2003</i>
<i>Protected Disclosures Act 1994</i>	<i>Law Enforcement Legislation Amendment (Public Safety) Act 2005</i>	

Litigation

In the last year we have been a party to a number of legal actions.

- In *John Ingleson v The Ombudsman*, a former deputy Vice Chancellor of the University of New South Wales (UNSW) filed a summons in the Supreme Court seeking a determination that our investigation into certain conduct of the university and its staff was beyond our jurisdiction and that he was denied procedural fairness in the course of the investigation. After we succeeded in having a Notice to Produce set aside, the plaintiff filed a notice of discontinuance and the substantive matter was withdrawn.
- In *Clarkson v. The Commonwealth & ors.*, a man in NSW custody on federal offences had complained to a number of agencies, including our office, about his treatment in custody. He then sought a review of the handling of these complaints in the Federal Court. This was refused — see *Clarkson v. The Commonwealth* (2006) FCA 1348 — and the man unsuccessfully appealed to the Federal Court — see *Clarkson v. the Commonwealth & ors* (2006) FCA 1766. The man has now lodged an application for special leave to the High Court.
- In *McGuirk v. The Ombudsman*, a former UNSW employee has filed a summons in the Supreme Court seeking an order directing us to complete an investigation into maladministration at the university that we discontinued in December 2006. Leave to commence such proceedings under section 35A of the *Ombudsman Act 1974* is also an issue in this matter.
- Five decisions by our office to refuse a person access to documents under the *Freedom of Information Act 1989* are currently before the Administrative Decisions Tribunal.

Legal changes

Commission for Children and Young People Amendment Act 2005

This Act, which commenced on 2 January 2007, amended the *Commission for Children and Young People Act 1998* (CCYP Act) and repealed the *Child Protection (Prohibited Employment) Act 1998*. The amended CCYP Act includes essential definitions of terms such as ‘child-related employment’. It also requires employers to provide documentary evidence that they are meeting their child protection obligations, and seeks to increase the effectiveness of background checks of relevant employees.

Police Amendment (Miscellaneous) Act 2006

This Act amends Part 8A of the *Police Act 1990* which regulates the handling of complaints about police officers. The amendment introduces measures

to streamline the classification of complaints by police and the requirement that police notify the Ombudsman of complaints. The amendments commenced on 1 June 2007.

Children (Detention Centres) Amendment Regulation 2007

The *Children (Detention Centres) Amendment Regulation 2007* requires us to be notified of any detainee segregated for more than 24 hours and allows us to visit a detainee at any time.

Ethnic Affairs Priority Statement — future plan

Key result area	Initiative	Time frame	Intended outcome
Planning	Review current access and equity plan and develop EAPS action plan for 2007–10.	Sept 2007	All team business plans include EAPS strategies.
	Regularly monitor office EAPS activities to ensure the implementation of EAPS action plan.	Ongoing	Quarterly reporting to Ombudsman.
	Develop proactive access strategies to target emerging and refugee communities.	Ongoing	At least one emerging community identified and access action plan developed.
Social justice	Establish and maintain close communication with key culturally and linguistically diverse (CALD) organisations and workers. Address any specific access issues identified.	Ongoing	Improved participation by CALD communities in our decision-making on access issues.
	Network with other complaint-handling bodies and key agencies relevant to CALD communities and explore joint projects to improve access to the NSW complaint system by CALD communities.	Ongoing	Improved access by CALD communities to NSW complaint system.
	Develop and implement effective communication strategies to raise awareness of our role among CALD communities.	Ongoing	Improved awareness of the role of the Ombudsman.
	Consult with key CALD organisations and workers to identify any barriers to access and develop strategies to minimise these.	Ongoing	Improved access by CALD communities to the Ombudsman.
	Implement any new strategies identified in our EAPS action plan for 2007–10.	Ongoing	Improved access by CALD communities to the Ombudsman.
Community harmony	Provide training on cross cultural issues and effective communication skills with CALD communities to our front-line staff, their managers and other key staff.	Ongoing	Increased staff competence in service provision to CALD communities.
	Participate in cultural activities and festivals.	Ongoing	Improved community relations.

Disability Strategic Plan

Priority area for action	Goal	Strategy	Outcomes
Physical access	Ensuring that our office and any other locations we use are accessible to people with a disability.		Our office is situated in a building that has wheelchair access (ramp and lift) and tactile ground surface indicators near all staircases, ramps and escalators. The tenant directory is in a reasonable sized font in a well-lit area. Our public access areas are accessible by wheelchair, and we have toilet facilities for people with a disability. We have also modified some of our workstations to meet the needs of staff with a disability.
Promoting positive community attitudes	Actively promote people with a disability as valuable members of the community.	Working in partnership with peak organisations to promote positive community attitudes.	We promote people with a disability as valuable members of the community by including positive images of people with a disability and using appropriate language in our publications. We conduct workshops specifically designed for consumers of community services that empower them to seek resolution when they have complaints about the services they receive. We actively participate in community forums on issues affecting people with a disability. Our Deputy Ombudsman and other key staff members gave presentations at conferences and seminars both in metropolitan and regional NSW.

Priority area for action	Goal	Strategy	Outcomes
Staff training	Staff are trained and competent in providing services for people with a disability.	Conduct disability awareness training for staff.	We held a workshop on mental illness as part of our staff training on disability awareness.
Information about services	Our office and the services we provide are accessible to people with a disability.		Our general information brochure is available in a number of accessible formats including large print, Braille, discs with Braille labels and audiotapes. These formats are made available to organisations that service people with print disability. We widely distributed a poster specifically designed for people with intellectual disability using the Compic symbols.
Employment in the public sector	To employ more staff who have a disability.		7% of our staff have a disability, with 2% requiring work-related adjustments.
Complaints procedure	Our office and the services we provide are accessible to people with a disability.	Develop strategies to let people with a disability know about our compliments and complaints policy.	We conducted eight Rights Stuff workshops in metropolitan and regional areas for consumers of community services — including people with a disability and their families. We also use the workshops to obtain feedback from community services, consumers and their carers about their experience of using community services, including barriers to access. We offered 15 training sessions on complaint-handling and best practice to service providers in metropolitan Sydney and regional NSW. We have an internal compliments and complaints policy, and we inform people who use our services about how to make a complaint about us. We gave special consideration to complaints by vulnerable members of the community, including people with a disability.

Action Plan for Women — progress report

Objective	Outcomes
Reduce violence against women	We tabled a special report to Parliament containing 44 recommendations aimed at achieving enhanced support for victims of domestic and family violence; better cooperation between the NSW Police Force and other agencies with key responsibilities, especially DoCS and the Local Court; and more effective front-line policing responses. The majority of our recommendations were accepted and we are closely monitoring their implementation.
Promote safe and equitable workplaces that are responsive to all aspects of women's lives	We have adopted flexible working conditions including flexible working hours, part-time work, work at home and job share arrangements, and leave for family responsibilities. We promote a safe workplace free from harassment and have procedures in place for dealing with staff complaints and grievances. We also offer training courses on equal employment opportunity, managing grievances and depression in the workplace.
Maximise the interests of women	We participate in the NSW Spokeswoman interagency meetings with spokeswomen from other agencies. Our Spokeswoman is available to provide information to all women staff about issues that affect their employment. We also distributed information about the Ombudsman to women in regional NSW and hundreds of young women who attended the Blacktown and Mt Druitt Young Women's Festival during International Women's Day (IWD) festivities.
Improve the access of women to educational and training opportunities	We have provided women in our office with educational and training opportunities to further their careers, including specialised in-house training on building a career in the public sector. We select and promote staff on merit.
Promote the position of women	We have a diverse and skilled workforce. Women make up 71% of total staff and 49% of staff grade six or above. All but one of our team managers are women, all three of our senior officers are women and one of our six statutory officers is a woman. We participated in the IWD rally at Hyde Park where we distributed brochures and fact sheets and spoke to women about how our office can help in dealing with their complaints about NSW government and certain non-government agencies.

Major assets

Major assets

fig 69

Description	04/05	Acquisition	Disposal	05/06	06/07
File servers (mini computer)	6	8	4	10	17
Hubs	2	0	0	2	1
Personal computers	27	193	10	210	221
Printers	11	1	0	12	12
Photocopiers	5	0	0	5	5
Telephone systems	1	0	0	1	1

Overseas visits

The Ombudsman attended the International Ombudsman Institute Board Meeting in Barcelona in October 2006 and in Edmonton, Canada in March 2007.

The General Team Manager attended the Indonesian Australian Ombudsman Linkages and Strengthening Project in Jakarta, Indonesia in July last year. The Assistant Ombudsman (General) also attended Jakarta, Indonesia in November last year, as part of the same project. All expenses including their salaries were paid by the Commonwealth Government's Partnership Fund.

Executive positions

Chief and senior executive service

Our office has six senior positions — the Ombudsman, two Deputy Ombudsman and three Assistant Ombudsman. A woman currently holds one of those positions. There was no change in the number of senior positions during the reporting year. Please see figure 70 for details of the levels of our senior positions.

Chief and Senior Executive Service fig 70

	2005	2006	2007
SES Level 4	2	2	2
SES Level 2	3	3	3
CEO*	1	1	1
Total	6	6	6

* CEO position listed under section 11A of the *Statutory and Other Offices Remuneration Act 1975*, not included in Schedule 2 to the *Public Sector Employment and Management Act 2002*.

Executive remuneration

In its annual determination, the Statutory and Other Officers Remuneration Tribunal awarded increases to our statutory officers. The Deputy Ombudsman and our three Assistant Ombudsman were awarded a 4% increase effective 1 October 2006. The Ombudsman's remuneration increased by 4%.

Figure 71 details the Ombudsman's remuneration which includes salary, superannuation and annual leave loading.

Executive remuneration

fig 71

Position	Ombudsman
Occupant	Bruce Barbour
Total remuneration package	\$389,559
\$ Value of remuneration paid as a performance payment	nil
Criteria used for determining total performance payment	n/a

L: Publications list

The following is a list of reports to Parliament and other publications issued between 1 July 2006 and 30 June 2007. To obtain a copy of these reports, contact us or visit our web-site at www.ombo.nsw.gov.au. All listed publications are available on the website in Acrobat PDF.

Reports to Parliament

2007

DNA sampling and other forensic procedures conducted on suspects and volunteers under the *Crimes (Forensic Procedures) Act 2000*

2006

Special report to Parliament: Misconduct at the NSW Police College

Special report to Parliament: Domestic violence: improving police practice

Firearm and Explosive Detection Dogs: Review of the *Firearms Amendment (Public Safety) Act 2002*

Review of the *Children (Criminal Proceedings) Amendment (Adult Detainees) Act 2001*

Review of the *Police Powers (Drug Detection in Border Areas Trial) Act 2003*

Review of the *Police Powers (Drug Detection Dogs) Act 2001*

Annual reports

2006

Audit of FOI Annual Reporting 2004-2005

Law Enforcement (Controlled Operations) Act Annual Report 2005-2006

NSW Ombudsman Annual Report 2005-2006

Report of Reviewable Deaths in 2005 Volume 1: Deaths of People with Disabilities in Care

Report of Reviewable Deaths in 2005 Volume 2: Child Deaths

Discussion and issues papers

2007

Review of Parts 2A and 3 of the *Terrorism (Police Powers) Act 2002*: Preventative Detention and Search Warrants

Review of Certain Functions Conferred on Police under the *Law Enforcement (Powers and Responsibilities) Act 2002*: Personal Searches, Crime Scenes, Notices to Produce

2006

Issues Paper: *Law Enforcement Legislation Amendment (Public Safety) Act 2005*

Fact sheets and guidelines

2007

Apologies by Council (2nd edition)

Apologies by Community Service Providers (2nd edition)

Apologies and Child Protection

2006

- Information sheet: Our work with Aboriginal communities
- Information sheet: Protection of whistleblowers Practical alternatives to confidentiality
- Complaint handling at universities: best practice guidelines (hard copies not available)
- Apologies, a practical guideline (hard copies not available)
- Apologies by Public Officials and Agencies (reprinted)

Reports not yet tabled

The following report has been provided to the Attorney General and relevant Minister but has not yet been tabled. It will not be available on our website until tabled.

Review of the *Justice Legislation (Non-association and Place Restriction) Act 2001*. Provided to the Attorney General in December 2006.

Brochures

Got a complaint? (Aboriginal poster)

Talk to us! (Aboriginal brochure)

Other

Public Interest Disclosure Legislation in Australia – Towards the Next Generation by Dr A J Brown (jointly published by the Commonwealth, Queensland and NSW Ombudsman in November 2006)

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N: Glossary

AAT	Administrative Appeals Tribunal	HACC	Home and community care
ADT	Administrative Decisions Tribunal	ICAC	Independent Commission Against Corruption
AIS	Association of Independent Schools	IOI	International Ombudsman Institute
CCER	Catholic Commission for Employment Relations	JIG	Joint Issues Group
CCTV	Closed-circuit television	LG Act	<i>Local Government Act 1993</i>
CCYP	Commission for Children and Young People	MRC	Migrant Resource Centre
CS-CRAMA	<i>Community Services (Complaints, Reviews and Monitoring) Act 1993</i>	MRRC	Metropolitan reception and remand centre
CTTT	Consumer, Trader and Tenancy Tribunal	NSWPF	NSW Police Force
DADHC	Department of Ageing, Disability and Home Care	OFT	Office of Fair Trading
DCS	Department of Corrective Services	OH&S	Occupational health and safety
DET	Department of Education and Training	OOHC	Out-of-home care
DJJ	Department of Juvenile Justice	OSR	Office of State Revenue
DoCS	Department of Community Services	PADP	Program of appliances for disabled people
DVLO	Domestic violence liaison officer	PIC	Police Integrity Commission
EAPS	Ethnic affairs priority statement	PJC	Parliamentary Joint Committee on the Office of the Ombudsman and the Police Integrity Commission
EEO	Equal employment opportunity	PIIP Act	<i>Privacy and Personal Information Act 1998</i>
EWON	Energy and Water Ombudsman (NSW)	SAAP	Supported accommodation assistance program
FOI	Freedom of information	YLO	Youth liaison officer

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Complaining to the Ombudsman

Anyone can make a complaint to the Ombudsman. If you do not want to complain yourself, you can ask anyone — a relative, a friend, advocate, lawyer, your local Member of Parliament — to complain for you.

How do I make a complaint?

Start by complaining to the organisation involved. Contact us if you need advice about this. If you are unhappy with the way an organisation has handled your complaint, you can complain to us, preferably in writing. Your complaint can be in any language. If you have difficulty writing a letter, we can help. We can also arrange for translations, interpreters and other services.

What should I include with my complaint?

Briefly explain your concerns in your own words. Include enough information for us to assess your complaint and decide what we will do. For example, describe what happened, who was involved, when and where the events took place. Remember to tell us what action you have already taken and what you would like to see happen. Include copies of all relevant correspondence between you and the organisation concerned.

What happens to my complaint?

A senior investigator will assess your complaint. We may phone the organisation concerned to make inquiries. Many complaints are resolved at this stage. If we are not satisfied with the organisation's response, we may investigate.

We do not have the resources to investigate every complaint, so priority is given to serious matters, especially if it is an issue that is likely to affect other people. If we cannot take up your complaint we will tell you why.

If your complaint is about a police officer, we will refer your complaint

to the NSW Police Force for resolution or investigation. They will contact you about any action they have taken as a result of your complaint. We will oversee how they deal with your complaint.

What happens in an investigation?

First we ask the organisation to comment on your complaint and explain their actions. Generally, we will tell you what the organisation has said and what we think about their response. Some matters are resolved at this stage and the investigation is discontinued.

If the investigation continues, it can take several months until a formal report is issued. We will tell you what is likely to happen.

If we find your complaint is justified, the findings are reported to the organisation concerned and the relevant minister. You will be told about our findings. The Ombudsman may make recommendations in the investigation report. We cannot force an organisation to comply with our recommendation; however, most usually do. If the organisation does not comply, the Ombudsman can make a special report to Parliament.

What if I am unhappy with the Ombudsman's actions?

If you are unhappy with our decision you can ask for your complaint to be reviewed. However, a decision will only be reviewed once. A senior staff member who did not originally work on your complaint will conduct the review. To request a review, telephone or write to us.

If you are unhappy with any of our procedures write to:

Clerk to the Committee, Committee on the Office of the Ombudsman and the Police Integrity Commission, Parliament House, Macquarie Street, Sydney, NSW, 2000.

The committee monitors and reviews our functions. It cannot review our decisions about individual complaints.



Acknowledgments

Our annual report is a public record of our work and through it we are accountable to the people of NSW.

Our report is prepared against criteria set out by NSW Treasury and the Annual Report Awards. It is available from our office or our website at www.ombo.nsw.gov.au.

Many thanks to everyone who contributed to this year's annual report, but particularly our statutory officers, Anita Whittaker and the staff involved in coordinating their division's contribution: Gary Dawson, Natasha Mewing and Les Szaraz.

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