

# 06: police team

## complaints about police officers

Our police team is responsible for overseeing the way NSW Police deals with complaints about police officers, promoting better complaint-handling, and scrutinising the implementation of several pieces of legislation giving police extended powers.

This work includes:

- overseeing the investigation of complaints about police officers
- directly investigating the investigation of complaints about police officers that have not been properly conducted by NSW Police
- helping to resolve and conciliate complaints about police officers
- working with local area commands to improve their complaint-handling practices
- analysing complaint-related information to help NSW Police improve organisational performance
- promoting positive relationships between the police and community groups
- scrutinising the implementation of new legislation giving police additional powers.

Our work scrutinising new legislation is discussed later in this chapter.

## handling complaints

NSW Police has the primary responsibility for dealing with complaints about its officers. Our role is to oversee how well they handle these complaints. This includes how they respond to complainants, investigate complaints, manage officers who are the subject of a complaint, and take action to address any specific or systemic issues that arise.

Complaint-handling is a key management issue facing all public sector agencies. How well complaints about police are managed is therefore an important indicator of the quality of NSW Police management. One of our specific obligations is to 'keep under scrutiny the systems established within NSW Police for dealing with complaints'.

In last year's annual report we provided a detailed explanation of the complaint-handling process. This year we have decided to focus on how well the police are managing complaints and the importance of our role in this process.

### complaint numbers this year

This year 6,959 oral and written complaints about police officers were made or notified to us. This figure comprises complaints from members of the public and from fellow police officers - known as internal police complaints. It also includes complaints and inquiries that were made directly to us plus those made to NSW Police or the Police Integrity Commission that were then notified to us under the police complaints system.

Since January 2001, police have not been required to notify us of most minor complaints from members of the public. Since July 2001, they have generally not notified us of one-off complaints by police officers of minor workplace harassment or discrimination. Figure 42 shows that, because of these changes to the system, complaint numbers dropped between 2000-2001 and 2001-2002. However the number of complaints made by police officers about other officers has steadily increased over the past three years. The number of complaints made by members of the public this year also increased by 13% compared to last year.

**Figure 42: Written complaints about police officers made by other officers and members of the public**

This figure shows the proportion of complaints about police officers made this year by fellow police officers and from members of the general public, compared to the previous four years.

	99/00	00/01	01/02	02/03	03/04
Police total	1071	879	621	783	952
Public total	4053	4119	3183	2316	2613
<b>Total</b>	<b>5124</b>	<b>4998</b>	<b>3804</b>	<b>3099</b>	<b>3565</b>

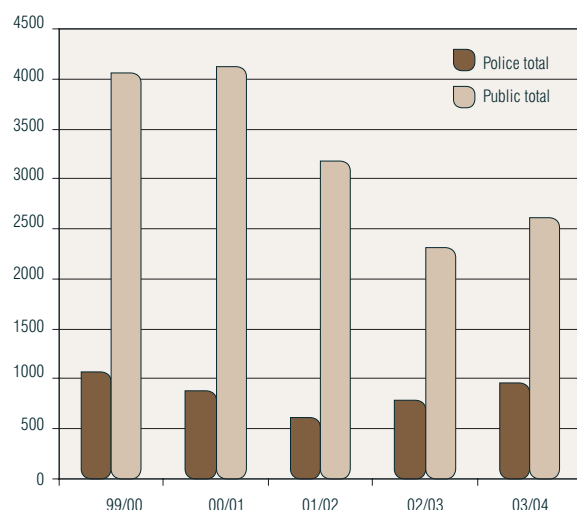


Figure 43: Matters received and handled this year by the police team

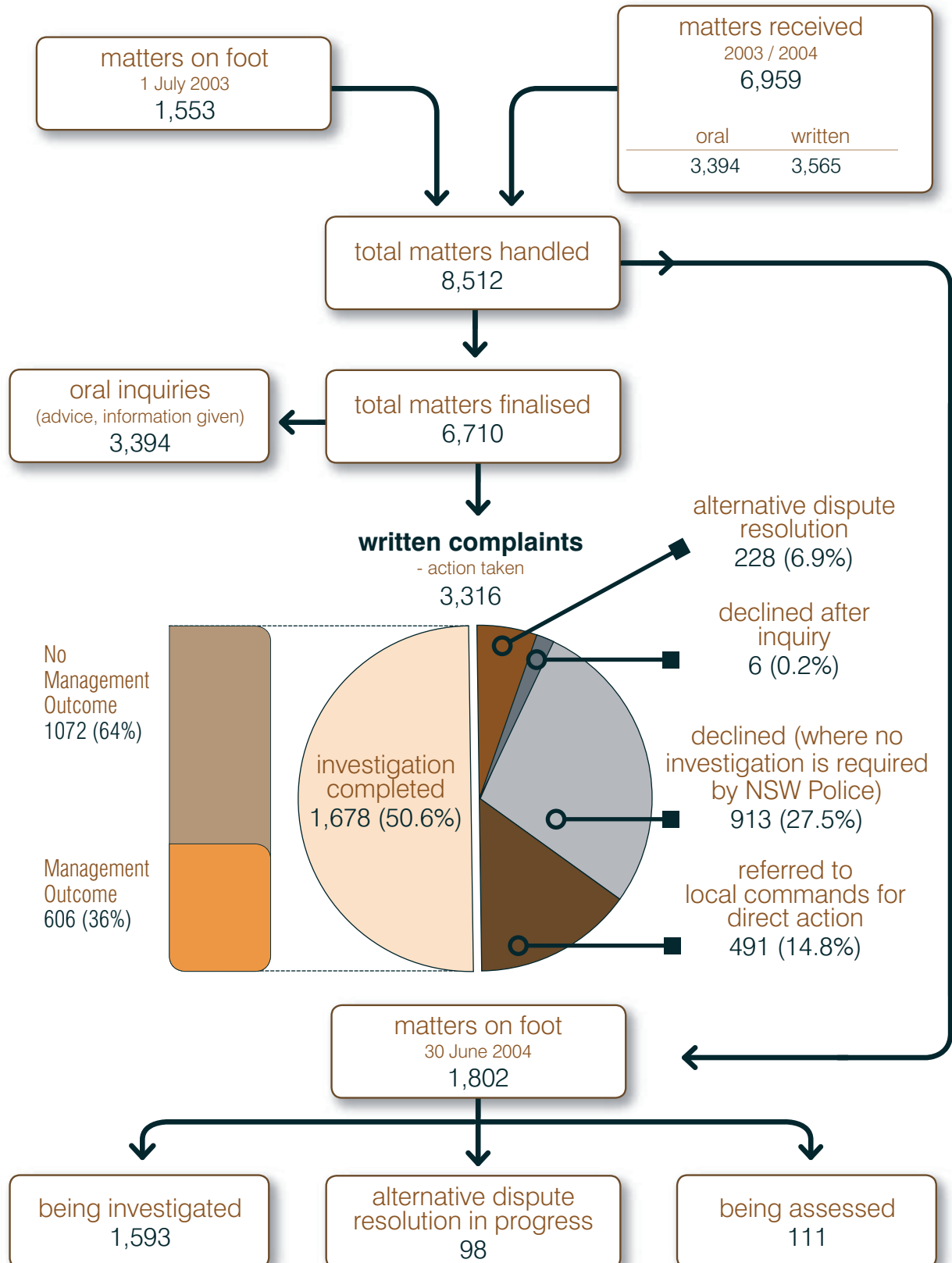


Figure 44: Outcomes following investigation of complaints

	99/00	00/01	01/02	02/03	03/04
No management outcome (including no adverse finding)	1296	1487	1341	926	1072
Management outcomes following investigation of complaint (including adverse findings)	649	1080	787	486	606
<b>Total</b>	<b>1945</b>	<b>2567</b>	<b>2128</b>	<b>1412</b>	<b>1678</b>

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These increases may be partially explained by our work in auditing local command systems to make sure that police comply with their obligation to notify us of all serious complaints. They may also be because police officers feel more confident in the complaints system. Complaints from police officers would certainly not have increased by 22% this year if officers did not have confidence in the system.

Some complaints from police officers are about serious management or systems issues, while others concern criminal and other serious misconduct. Of the 52 officers charged with criminal offences this year, 40 were charged as a result of complaints made by fellow police officers. Figure 47 provides a five-year comparison of the number of officers charged following complaints about their conduct. The figure shows that over the past three years there has been a steady increase in the percentage of officers charged as a result of complaints from police officers.

Case studies 95, 96 and 97 are examples of internal police complaints.

### distinguishing between less serious and more serious complaints

Fundamental to our oversight role is a distinction between 'less serious' and 'more serious' complaints. This distinction is determined by an administrative agreement (called a 'class or kind agreement') between the Ombudsman and the Police Integrity Commission (PIC). The agreement allows us to focus our resources on the more serious complaints and use tools such as audits to scrutinise the handling of less serious matters.

This year the PIC and our office have made some amendments to the agreement after extensive consultation with NSW Police. The amendments will come into effect in October 2004 and will clarify the types of complaints that we directly oversee and those that are to be managed entirely by local commands.

### handling less serious complaints

We refer most of the less serious complaints that we receive to NSW Police to be dealt with by local commands. These complaints generally concern customer service issues or matters that involve minor mistakes and errors of judgment. Commanders should be able to resolve these complaints, or make brief inquiries and take suitable remedial action, without the need for us to be involved. Complainants can nevertheless raise with us any concerns they have about how the command handled their complaint, and we will follow the matter up if appropriate.

During 2003-2004, we audited 7,529 police records as part of our oversight role. These audits included a review of the complaint records of seven local area commands in selected metropolitan, regional and rural areas, as well as those of one specialist command. One purpose of this audit was to check whether we had been advised of all 'notifiable' complaints. Another was to review the actual police handling of less serious complaints.

We have found that minor complaints continue to be dealt with well by local area commands. However our audits have highlighted some concerns about complaint-handling systems and decisions. Firstly, there were some matters that local area commands did not identify as serious matters that should be notified to our office. For example, where court proceedings are withdrawn or dismissed due to serious incompetence on the part of the police informant, these events should be treated as a complaint and notified to us. Our audits found some inconsistency or a lack of recording in relation to these matters.

Secondly, we have emphasised the importance of identifying and managing officers with a significant complaint history. When examining the officer profiles maintained by local commands, we found many were not up-to-date and failed to contain an analysis that would assist complaint management teams in assessing new complaints or determining investigative strategies. We are raising our concerns about these matters with NSW Police for consideration and action on a statewide basis.

**Figure 45: Written complaints about police officers received and finalised - five year comparison**

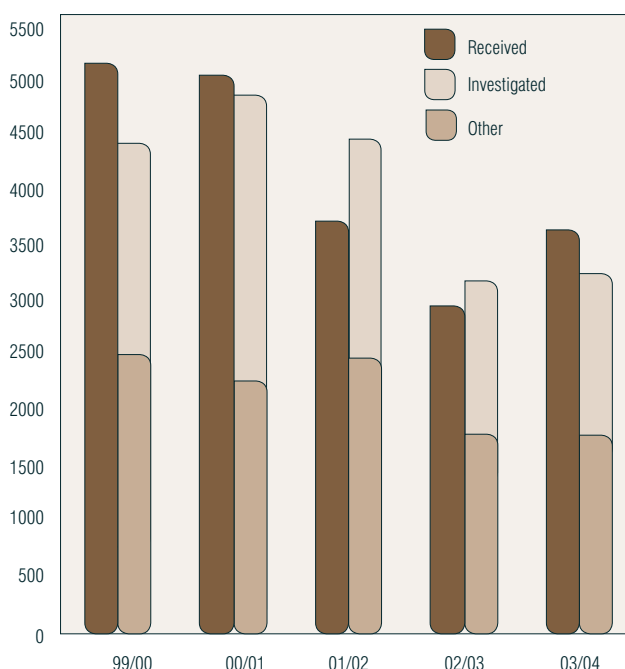
	99/00	00/01	01/02	02/03	03/04
Received	5142	5022	3804	3099	3565
Finalised	4436	4904	4501	3204	3316

**Figure 46: Action taken on written complaints about police officers finalised - five year comparison**

	99/00	00/01	01/02	02/03	03/04
Investigated	1945	2567	2128	1412	1678
Other	2491	2337	2373	1792	1638
<b>Total complaints finalised</b>	<b>4436</b>	<b>4904</b>	<b>4501</b>	<b>3204</b>	<b>3316</b>

\* Note: Since March 1999 the figures have been affected by the legislative changes that reclassified some informal inquiries as investigations. Since January 2001 NSW Police has not been required to notify our office of minor complaints from members of the public unless the matter has resulted in death, injury or significant financial loss. Since July 2001 one-off complaints of minor workplace harassment or discrimination have generally not been notified to our office. These two changes have significantly reduced the number of minor complaints notified. This is reflected in the complaint figures - including reduced formal investigations of minor complaints.

Other = Alternative dispute resolution, declined or referred to local commands for direct action



serious complaints

We directly oversee how the police handle serious complaints – those that allege criminal or other misconduct that might warrant stringent management action, complaints about a lack of integrity or serious incompetence, and certain cases of alleged harassment or victimisation. We also oversee complaints about any inappropriate police conduct in incidents involving deaths or injuries in custody, police shootings, and police vehicle pursuits resulting in death or serious injury. In addition, we review complaints about police conduct that has resulted in death, serious injury or significant financial loss.

When the police receive a 'serious' complaint, they must notify us and tell us how they are proposing to deal with it. If the matter is of particular concern to us, we may closely monitor their ongoing progress. However in most cases we will wait until police have finished handling the matter and sent us their report. Our focus is on evaluating the quality of the investigation and the adequacy of any action taken.

casestudy95

A police officer was a key witness in a police investigation into alleged misconduct by police. The investigation reviewed the conduct and management of the police involved and made significant adverse findings. A supervisor was criminally charged with attempting to pervert the course of justice, but found 'not guilty' at court, and sweeping changes were made to the overall management of the command.

In 2003, the officer complained to NSW Police about his treatment as an internal witness. He claimed that he had been harassed by other police because of his involvement in the investigation. To escape the pressure he was experiencing as a whistleblower, he had had to transfer from the area where he was stationed to a command in an isolated area far from his family and friends.

NSW Police declined to investigate the officer's complaint on the basis that the issues had already been dealt with.

It was nine months before the police notified us of this complaint. When we finally received it, we were concerned that police had not addressed the issue of the officer's welfare. We spoke to the officer and he told us of the stress that he and his family had experienced and gave us copies of medical reports to support this. He also gave us a copy of the commendation he had received from the Commissioner of Police, recognising the significance of his role as an internal witness. He believed that it was unfair he had been effectively forced to transfer, when police who had been found to have engaged in inappropriate conduct had been allowed to stay at the command.

We contacted a senior police officer to discuss the possibility of speeding up the officer's transfer application. As a result of our intervention, the officer was promptly transferred to a more suitable location.

casestudy96

A police officer alleged that members of a water police command had improperly established a 'special fund' into which the operators of a local marina deposited money generated by police making out false fuel purchase docketts. It was alleged the fund was being used to finance police social functions and buy gifts for retiring officers.

The police investigation of the matter did not find evidence of a specific fund, but it did reveal the operators of the local marina had issued a considerable number of cheques over several years made out to the water police. It appeared that the police had been paid the difference between the price of fuel that was recorded on the docketts as being put into police boats and the cost of the fuel that was actually dispensed.

The investigation concluded that there was a lack of critical evidence to pursue criminal charges against police or other people. While we were satisfied with this finding, we considered the current procedures for purchasing fuel left open possibilities for police corruption. We met with the commander of water police to discuss the system for marine commands purchasing fuel and found that, since the complaint, there had been some changes to the procedures. However, NSW Police agreed to inform water police commands and fuel suppliers that police would be carrying out random audits to reduce the possibility that any fraudulent practices would go undetected.

Figure 47: Officers criminally charged

	99/00	00/01	01/02	02/03	03/04
No. of complaints leading to charges	70	76	71	61	54
No. of officers charged	72	80	73	62	52
Total charges laid	134	129	121	123	95
Officers charged following complaints by other officers (% of no. of officers charged)	41 (57%)	52 (65%)	40 (55%)	43 (69%)	40 (77%)

### casestudy97

In May 2004, we helped NSW Police conciliate complaints by a number of highway patrol officers who claimed they had been treated unfairly in a police investigation into the way they had carried out speed enforcement.

NSW Police had purchased some Subaru vehicles to help detect speeding offences. Shortly after they began using the vehicles, it was discovered there were errors in the accuracy of the speedometers. Despite this, some highway patrol officers continued to use the Subaru vehicles to issue speeding tickets. As a result, over 500 speeding fines had to be refunded. An investigation known as 'Operation Sibiu' was initiated to explore whether there had been any improper or unreasonable conduct on the part of the highway patrol officers and their supervisors.

The investigation reached adverse findings against 44 officers. Some of these findings were based on the view that officers had defied directions from senior police not to use the Subaru vehicles to detect speeding offences. The officers were issued with 'warning notices' or 'letters of responsibility' and some were removed from highway patrol duties.

Thirteen officers complained about their treatment. They alleged the investigators had questioned them in an oppressive manner. They also claimed that some or all of the adverse findings against them were unjustified and the action taken against them was unwarranted or too harsh. They were concerned about the potential impact of the adverse findings on their promotion prospects.

As a result of these complaints – as well as concerns that senior police had not had a proper opportunity to adequately assess the validity of the investigators' findings – the Deputy Commissioner directed a senior officer to review the original investigation.

The reviewing officer concluded there had been significant deficiencies in the investigation. In particular, he found the investigators had reached a mistaken view about the nature of the direction given to some officers about the continued use of the Subaru vehicles, and formed an unreasonable hypothesis about the timing of a direction given to other officers. This meant that many of the findings that police had defied directions not to use the Subaru vehicles were fundamentally flawed.

The reviewing officer recommended that the adverse findings should be overturned for 26 officers and the warning notices and letters of responsibility withdrawn. For some officers, it was recommended that

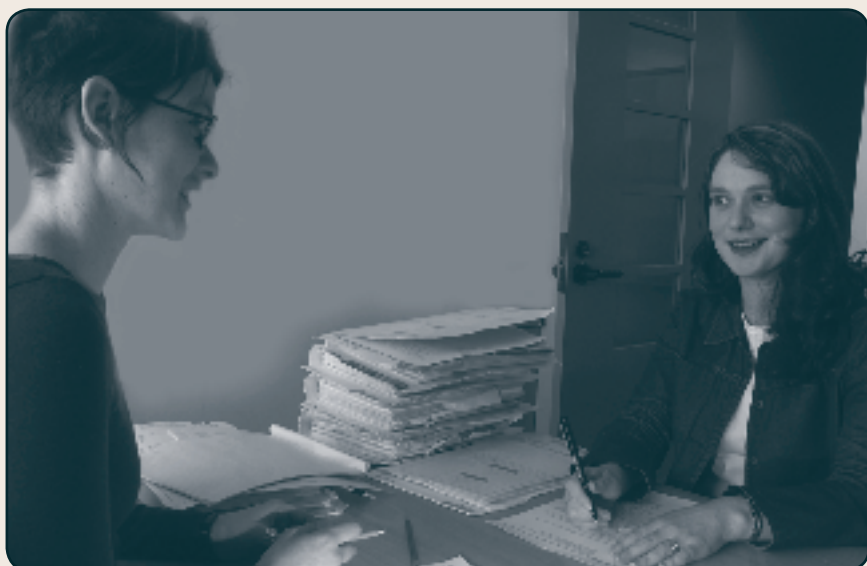
the adverse finding should be amended and management action adjusted.

The Commissioner's complaint management team endorsed the reviewing officer's recommendations. This meant that the complaints made by the highway patrol officers about the original investigation were largely vindicated.

We agreed with NSW Police that it would be helpful to organise a conciliation process to fully resolve the matter. A senior representative of the Deputy Commissioner's office and our complaints manager met with each complainant to discuss their concerns, explain the nature and outcome of the review, and clarify the review findings. The conciliation process resulted in the following positive outcomes.

- Every officer who had been investigated would be given an extract from the review report to explain the reasons for the ultimate findings made about their conduct.
- If an adverse finding had been reversed and a warning notice or letter of responsibility revoked, NSW Police would write to the affected officer confirming that action.
- If a warning notice was justified, but the actual basis for the notice had been revised, NSW Police would issue an amended notice and explain the reason for it.
- NSW Police would publish an article in the *Police Weekly* about the review. In this article they would acknowledge the poor handling of the original investigation and dispel any misconceptions held by other police about the integrity of their colleagues.

The original investigation and subsequent action against the officers had a serious negative impact on their morale and their confidence in the fairness of the police complaints system. We believe the conciliation process went a long way to restoring their faith in the system.



□ (L to R) Kate Owens, acting legal officer, and Julianna Demetrius, the police team manager in our police team.

### the quality of police investigations

We have found that police generally investigate serious matters properly. However in a small but significant number of matters, we are not satisfied with the adequacy of the police investigation or the action taken. In these cases we may ask NSW Police to take further action.

See case study 98 for an example of a serious complaint that was thoroughly investigated by police, and case studies 99 and 100 for examples of matters where our intervention produced better results.

### delays in police investigations

NSW Police are required to conduct complaint investigations that are 'effective and timely'. Inappropriate delays can cause complainant dissatisfaction and unfairly affect the officers the subject of complaint by prolonging the stress associated with an investigation. Delays can also lead to the loss or destruction of evidence and the poor recollection of events by witnesses, as well as closing off effective lines of inquiry. It may also be difficult or impossible to take action that would otherwise have been appropriate. Case study 101 is an example of where criminal proceedings might have been begun against an officer but delays in the investigation meant that the time limit for instituting proceedings had run out.

We closely monitor NSW Police performance by, for example, reviewing all potentially delayed complaint investigations across NSW.

Last year we conducted two reviews, covering about 180 prolonged complaint investigations, and found that the number of delayed investigations had been reduced by about half from the previous year. This year we reviewed 88 prolonged investigations and are pleased to say that there were fewer delayed investigations and a reduction in the length of the delays. A number of commands achieved significant improvements. For example, a specialist command had only four matters where delays were not explained, compared to 17 in our previous review, and one local command that had previously had seven delayed matters had none this year.

There are indications that our reviews, and the resulting follow-up of the progress of command investigations, have helped to reduce prolonged or unnecessary delays. Police complaint management teams have also played a positive role in identifying delays. However, we are still concerned that trends in timeliness are not improving and many investigations are not completed in a timely manner. NSW Police are revising their timeliness standards and benchmarks to provide realistic measures. When these are finalised, we will look closely at how commands are meeting these new standards.

### case study 98

A complaint was made about improper conduct by a senior constable who had stopped a young man for speeding. The senior constable learnt that the young man had a job working with quad bikes, worth between \$8,000 and \$10,000 each. The senior constable had allegedly said that if the young man would help him obtain a quad bike, he would issue him with an infringement notice for a bald tyre rather than speeding. The senior constable subsequently made several calls to the young man to organise a meeting with him.

Police ran an undercover operation that included the use of telephone intercepts and a listening device. A meeting was arranged between the young man and the senior constable to hand over a quad bike. The senior constable confirmed that he would issue an infringement notice for a bald tyre and pay the fine himself. He also gave the young man a \$100 note. Police arrested the senior constable as he was loading the quad bike onto his trailer and charged him with soliciting a bribe.

During the investigation, police also discovered the senior constable had apparently reached an improper arrangement with a man who was a disqualified driver. This arrangement involved over \$1,100 worth of excavation work being done on the senior constable's property in return for not issuing infringement notices. The senior constable was also charged with soliciting a bribe in relation to this matter.

He pleaded guilty to both criminal charges and was suspended from duty. The process for his possible removal from NSW Police is underway.

### monitoring police investigations

We have the power to 'monitor' police complaint investigations. This is often appropriate where a complainant is particularly vulnerable or it is critical that the effectiveness of the investigation is not compromised. We usually monitor an investigation by attending police interviews with the complainant, the police officer who is the subject of the complaint, and other key witnesses.

This year we monitored 39 police investigations, 21 more than last year. This represents a large increase on previous years and highlights our focus on the investigation of serious complaints.

One example of our role in this area was our decision to monitor the police investigation of the events surrounding the death in Redfern of an Aboriginal teenager, 'T J' Hickey, including the riot that followed his death. We attended 16 police interviews of police officers and members of the public involved in these events. Our role increased the confidence of the local community to raise their concerns about the incident with police.

### casestudy99

Two senior constables stopped a car when they noticed that the driver and his 17 year old passenger had their seatbelts loosely fastened.

One of the officers asked the passenger to provide identification. The passenger refused and spoke rudely to the officer. Tensions escalated. The officer threatened to use capsicum spray and then handcuffed the passenger. He made the passenger kneel on the pavement so that he could search him, and then made him lie handcuffed near the busy road for about five minutes while he went to the police vehicle to obtain further information. The officer then issued infringement notices to the passenger and driver for not having their seatbelts properly fastened and allowed them to leave.

The passenger's mother complained about the police treatment of her son.

The officer's command investigated the matter and supported his conduct. After reviewing the investigation report, we were concerned that the officer's conduct was possibly illegal and, in any case, excessive. We recommended the region command review the local command's investigation.

We asked for an explanation of the legal basis on which the officer had required the passenger to produce identification, and consideration of whether the officer had reasonable grounds for searching the passenger, threatening to use capsicum spray and handcuffing him.

The local command continued to support the actions of the senior constable. However, the region command told us they had obtained legal advice that the officer's conduct was unlawful and were seeking advice from the Director of Public Prosecutions about the possibility of laying criminal charges against him.

In light of these strikingly divergent views, we arranged a meeting with representatives of the local command, the region command, and the professional standards command to discuss the matter. Ultimately, the region took the view that the officer had acted improperly, but that criminal charges were not warranted. They would monitor whether the officer was exercising his powers properly and reasonably for a period of six months. The police also agreed to apologise to the passenger for the way he had been treated.

### casestudy100

A mental health worker called the NSW Police emergency number '000' to report that a colleague was having a telephone conversation with a man who was threatening to commit suicide. The worker requested urgent police assistance. The operator gave the call a priority 3 rating – the rating for routine non-life threatening matters. The job was broadcast three times but police did not respond. The operator then contacted a supervisor, who arranged for police to attend the man's home. When police arrived – 25 minutes after the original call – the man had already killed himself.

NSW Police investigated the matter. The investigator found that the operator should have given the job a higher rating when it was known that the man threatening suicide had hung up the phone. However he also noted that other jobs broadcast to police at the time had a similar level of urgency, and that it was impossible to know whether a faster response by police would have saved the man's life. No action was taken in relation to the operator who had taken the call or the police involved.

We believed the evidence suggested the operator should have given the health worker's call a priority 2 rating - this would have indicated to police the urgency of the matter. We were also concerned that the police investigation report did not give a clear picture of whether police were in a position to respond more quickly. We asked police to conduct more inquiries and consider the matter further.

The police review of the matter resulted in the operator being counselled about why the priority rating she gave to the call was inappropriate. In addition, a new 'outside' supervisor's position was created at the command to provide additional support and supervision for frontline police officers, including ensuring adequate police responses to broadcasts of emergency calls.

### casestudy101

The police received a complaint that a police officer had accessed the police computer system (COPS) to obtain a woman's address. The woman had received an anonymous letter.

An audit of COPS accesses revealed that a female constable had made a number of accesses that would have identified the address shortly before the woman received the letter. It was discovered that the constable was having a relationship with the woman's husband. This raised the possibility that the constable accessed COPS for her own purposes, which is illegal.

The police should have been alert to the need to conduct a prompt criminal investigation, because any criminal charge had to be laid no later than six months from the date of the improper access. However they did not complete the investigation until well after the time for bringing any criminal charges had elapsed.

When advising us about the outcome of the investigation, the commander acknowledged the delay and the impossibility of now laying any criminal charge against the constable. He told us he had introduced procedures at his command to ensure that certain allegations are recognised as allegations of criminal conduct when complaints are being assessed and criminal investigations are handled expeditiously. This would leave open the option of bringing criminal charges at the end of the investigation.

The commander considered that the constable should be issued with a 'warning notice'. We were not satisfied with this and requested further consideration of the matter. This led to additional and more serious 'reviewable' action – the deferral of an increment in the constable's seniority.

### investigations by our office into complaints

The Ombudsman has the power to directly investigate complaints. We can also investigate the police investigation of a complaint and any systemic issues that the complaint raises. This year we used our direct investigation powers to follow up concerns we had that NSW Police were not notifying us of all the complaints of police assault it had received. We wanted to find out the reasons why such serious matters had not been notified. See case study 102.

This year we conducted 21 investigations. Our reports in these matters all recommended changes to law, policy or procedure. We are pleased to say that our recommendations were accepted and implemented by NSW Police. See our performance indicators in this section.

#### Performance indicator 1 - reports recommending changes to law, policy or procedure

Target	00/01	01/02	02/03	03/04
70%	71%	63%	80%	90%

Interpretation: At the end of each formal investigation we issue a report making recommendations for improvement. We aim for 70% of our reports to contain recommendations for changes to law, policy or procedure. This year we exceeded our target.

#### Performance indicator 2 - recommendations implemented

Target	00/01	01/02	02/03	03/04
80%	100%	96.6%	93.3%	100%

Interpretation: It is important to track whether recommendations we make are actually implemented by the police. This year we are pleased to report that all of our recommendations have been adopted.

### casestudy102

A young person made a complaint about being assaulted in police custody. Through our oversight of this matter, we became aware of another complaint by the young person about an assault by police. We had not been notified of the second matter, even though police must notify us of all complaints of assault.

We decided to investigate and asked the command whether they had received any other complaints that we should have been notified about. The command conducted an audit and found a further seven notifiable complaints. They said we had not been notified of these matters because the c@tsi computer system would only send notifications if staff overrode a default system and specifically 'instructed' it to do so.

We raised with NSW Police our concern that this could be a widespread problem. They subsequently found more

### conciliating complaints

Each year we actively intervene to resolve conflicts between members of the public and police and between police officers. Our role as 'honest broker' can result in better outcomes for police, individuals and the community. We can also reduce the work and police resources involved in dealing with difficult complaints or having to undertake a lengthy formal investigation. See case studies 103, 104 and 105 for examples.

During 2003-2004, we conciliated a number of concerns raised in complaints from police officers and achieved good outcomes. See case studies 95 and 97.

## working with local area commands

### profiling commands

One of our key projects over the last two years has been to prepare profiles on a number of local area commands. These profiles contain a range of information including:

- the number of complaints received
- the types of allegations made
- a list of officers with significant complaint histories attached to the command
- the turnaround times for complaint investigations
- the types of management action taken in response to issues raised by complaints.

We include statewide data so that we can compare the performance of each command with other commands as well as note any trends within a particular command. We also identify any officers who may present a heightened or significant risk to NSW Police in attracting complaints.

The profiles enable us to raise particular issues when we visit the commands, so that we can focus on strategies that will help commanders to handle complaints and manage their staff more effectively.

than 700 complaints that might have been notifiable. As a result, commands are assessing whether and which of these complaints should be notified to us.

NSW Police have now made a number of improvements to the way commands decide whether complaints are notifiable. These include an alteration to the c@tsi system that has reversed the default system. It now requires commands to enter a specific 'instruction' that certain complaints do not need to be notified to us.



### casestudy103

An Aboriginal woman in a country town made a succession of complaints about police in the town.

Some of these complaints concerned incidents involving the police and the woman's son, who had a mental illness. The woman claimed police had failed to investigate an alleged assault on her son. She also alleged they had inappropriately arrested her son, used capsicum spray on him and then hosed him down in a police cell, leaving him in wet clothes. The woman was concerned that police did not seem to understand the best way to deal with people with a mental illness. The son had recently been admitted to hospital and was about to be released.

Other complaints concerned incidents involving the woman's family and other members of the town's Aboriginal community. The woman alleged that a particular officer was rude and abusive to Aboriginal people, and that police treated Aboriginal people less favourably than other members of the community.

Some of these issues required formal investigation, such as the police use of capsicum spray on the young man and the subsequent 'decontamination' process. However we believed that a conciliation would be an effective way of resolving many of the woman's complaints so we facilitated a meeting between the woman and her husband and the local area commander.

This meeting resulted in the following positive outcomes.

- The commander acknowledged that police could have shown more compassion and let the family visit the young man while he was in police custody to calm him down.
- The commander agreed to implement some practical measures to prevent further difficulties, such as putting a notice on the computer system to alert police to the contact details of the young man's family and the fact that he suffered from a mental illness. This would enable police officers to take this into account when they were dealing with him.
- The commander was finalising a memorandum of understanding between police and the local hospital in relation to dealing with people with mental health problems. He also agreed to arrange training on mental health issues for police.
- The commander said he would speak to the officer who was of particular concern to the Aboriginal community about the need for appropriate interaction with members of the community. In addition, he agreed to remind all of his officers to treat Aboriginal people with respect and to ensure that they were not unfairly targeted.
- The woman and her family could contact an Aboriginal Community Liaison Officer who would help them to resolve any future concerns they might have about police dealings with the son.

### casestudy104

Following a police pursuit, a young Aboriginal man drowned after he hid from police in a flood-swollen river. Members of the town's Aboriginal community were very distressed about the young man's death and concerned that police may have acted inappropriately during the pursuit. Tensions between the community and police escalated. The local Aboriginal Legal Service alerted our Aboriginal Complaints Unit to these tensions and we quickly intervened.

We contacted the local area commander and arranged a meeting between members of the Aboriginal community, including the young man's family, and senior police. About 100 members of the Aboriginal community attended the meeting. At the request of the family, the circumstances of the young man's death were not discussed. The community presented a list of concerns they had about police and the resulting discussion diffused existing tensions and achieved a number of positive outcomes.

These outcomes were that:

- Police would raise the need for there to be female Aboriginal Community Liaison Officers (ACLOs) across NSW who could handle domestic violence and sexual assault matters raised by women in Aboriginal communities. In the interim, the commander nominated a female police officer who would liaise with Aboriginal women until a female ACLO was employed – this officer might also continue to work closely with the community and the new ACLO.
- Senior police from the command would attend meetings involving the local Aboriginal men's and women's groups and other key community representatives.
- The command's complaint management team would invite the Aboriginal Legal Service to their meetings to help them resolve complaints promptly and effectively.
- The command would work with the community to create a list of support people for Aboriginal people in custody.

We will be conducting a detailed audit of the command's progress in their work with the local Aboriginal community in October 2004.

A profile of one local area command indicated that a large number of complaints about police had been 'declined to investigate', implying that no action had been taken. When we raised this issue with the commander, we found that the command had made inquiries into many of these complaints and complainants had generally been satisfied with the action taken. We felt that the command's record-keeping had caused them to under-rate the effectiveness of their complaint-handling.

### casestudy105

Over several years, a man with a disability made a large number of complaints about police. The man's disability made it difficult for police to communicate effectively with him, and the police who were responsible for investigating his complaints did not always manage them well or quickly. The man became frustrated and believed the police were not taking his complaints seriously.

Our intervention has done much to resolve the problems involved.

For example, police had been pursuing a stolen vehicle that had then crashed into the man's parked car, causing a substantial amount of damage. The man claimed the police should be held responsible for the damage to his car because the pursuit was irresponsible. NSW Police declined to investigate the complaint, suggesting the man should seek compensation through legal proceedings against the driver or owner of the stolen vehicle. We asked police to consider the possibility of an ex gratia payment to the man. We pointed out that he was in an extremely difficult financial position and was highly unlikely to be able to obtain any compensation through legal proceedings. Following our intervention, the Minister for Police authorised an ex gratia payment to cover the cost of repairing the man's car.

On another occasion, the man reported to police that he had received death threats over the telephone from a person who had been charged with assaulting him and was on bail. The police officer who received this report only made a COPS entry about it. The man complained that police had failed to conduct a proper investigation into the calls. After reviewing the police investigation of this complaint, we asked the police to obtain the records showing the phone numbers of calls that were made to the man's telephone. These records showed that the person who had made the death threats was indeed the person who had been charged with assaulting the man. Unfortunately, no criminal proceedings could be taken because the time limit for any criminal prosecution had elapsed. Police counselled the officer who had taken the man's report about the death threats, as well as the officer who had investigated the man's complaint about police inaction.

We also met with the new local area commander who has agreed to review the previous police handling of many of the man's other complaints. We will continue to make sure that his complaints are effectively resolved.

They have now developed more appropriate methods of recording actions taken on these complaints, the inquiries conducted and the outcomes achieved.

During our work we often notice problems in a command that may lead our staff to conduct an informal command profile. Case study 106 is an example.

### casestudy106

We noticed that a large regional police station had received a significant number of complaints involving allegations of assault by police in the station's cell complex. There was no closed circuit television (CCTV) equipment installed in the cells, and this had an adverse impact on the effective investigation of the complaints. However, the local commander advised us that he considered the cost of installing additional CCTV at the station was too expensive at that time.

We raised our concerns about this decision with NSW Police. We noted that police responsible for investigating alleged police assaults at the station had said that the absence of CCTV footage hindered their investigations. The command had attracted the highest number of assault complaints within the region, and two particular police officers at the station had been the subject of a large number of these complaints over the past two years. We were concerned that management action already taken in relation to these officers, in the form of a review of their performance, did not appear to have reduced the number of assault complaints made about them.

We requested advice about whether further consideration would be given to installing additional CCTV equipment. In addition, we asked about any further measures that might be taken to reduce the number of complaints of assault, and about how the two officers were being managed.

The commander told us that new CCTV equipment was being installed in the cell complex and the foyer of the police station. Steps were also being taken to try to reduce complaints about the two officers, such as issuing them with hand held voice recorders to record their dealings with members of the public. The officers had been placed on different teams so they were not working together and any complaints about them would be monitored every month.

We will continue to keep a close watch on future complaints about assaults by police at the station.

## 06: police team

### improving complaint-handling

We will often work closely with an individual local area command to help them improve their complaint-handling.

In our 2001-2002 annual report (case study 14), we discussed problems at a command in a remote regional area. We were concerned about the number of complaints alleging assault and unnecessary use of force by police, including the use of capsicum spray and batons, and the treatment of people in custody. We were also concerned about the command's poor and extremely delayed investigation of such complaints and their management of the officers attracting the complaints.

We began a project to closely examine complaint-handling within the command. This involved regular discussions with the commander and his staff to help them investigate complaints effectively.

Some positive developments from our work with this command include:

- further training of investigators, closer consideration of complaint histories, and risk assessment and profiling of officers with a significant complaint history
- a marked reduction in the total number of complaints received by the command
- a reduction of certain types of complaints, particularly assault matters
- action to fill vacancies in the command with experienced police
- the region command closely monitoring the command's complaint-handling.

### visiting complaint management teams

Last year, we began a program of visiting local area commands to observe the operations of their complaint management teams. These teams usually include the commander, the crime manager and an executive officer.

We wanted to gain a better understanding of how the teams were assessing and managing complaints, and dealing with other issues relevant to the overall management of the command.

We chose commands in metropolitan and regional areas, including a number of more remote commands, and over a 14-month period 'sat in' on the meetings of 17 complaint management teams.

We made it clear to commands that we were not attending meetings to audit their performance. Rather, we wanted to identify areas of best practice in complaint-handling, as well as areas that commands found more challenging. This approach allowed the teams to be more open and comfortable talking about difficulties in our presence.

We have recently prepared a discussion paper which notes that the complaint management teams appear to be working well and outlines a number of good practices that we identified. We hope that highlighting some of the positive activities of the more progressive commands will help others do their job more effectively.

We have given our discussion paper to NSW Police and the Police Association. NSW Police are developing standard operating procedures for complaint management teams to provide guidance about best practice. We will meet with NSW Police and the Police Association to discuss these procedures in light of our findings.

### managing police officers

Complaints often highlight issues of poor performance or misconduct by individual police officers.

Options available to commanders to manage the performance of their officers include counselling, changing their duties, increased supervision and mentoring, and further training. See case study 107 for an example of where our risk assessment of an officer who had attracted a significant number of complaints about his conduct prompted the command to take a range of management actions.

In cases of serious misconduct, a police officer may be demoted or even removed from NSW Police. See case studies 98 and 101.

Figure 48 shows the common management outcomes from complaints across the state.

**Figure 48: Common management outcomes over all regions**

This figure shows the more common management outcomes for primary complaint issues (as a proportion of all management outcomes). Performance agreements have been included for this first time this year, and represent a sophisticated approach by NSW Police to managing complaint issues.

Outcome	99/00	00/01	01/02	02/03	03/04
Management counselling	43.0%	43.3%	40.2%	35.9%	43.8%
Training – command	12.0%	12.8%	12.1%	9.6%	5.7%
Training – officer(s)	5.9%	6.6%	6.9%	7.4%	7.6%
Change in policy or procedure	10.8%	8.7%	9.3%	9.6%	5.6%
Supervision increased	5.5%	5.2%	6.3%	8.7%	6.7%
Performance agreement	n/a	n/a	n/a	n/a	8.7%

casestudy107

We noticed that a constable from an inner western suburbs command had attracted a considerable number of complaints in a very short period of time, so we analysed his complaint history. We found that the majority of the complaints involved allegations of threats, harassment and intimidation. Two of the complaints arose from concerns expressed by magistrates in court cases where the constable had given evidence. The magistrate in one case believed the constable had acted provocatively in an encounter with a member of the public. The other magistrate made adverse comments on the quality of the constable's evidence and his understanding of police powers.

We requested NSW Police to conduct a risk assessment of the constable. We also decided to monitor the investigation of one of the complaints against him.

As a result of the risk assessment, the constable's command identified several factors that may have contributed to his extensive complaint history. These included his demeanour, his poor knowledge of relevant legislation, and his position within a unit that targeted people who were likely to be involved in criminal behaviour.

The constable was transferred to different duties so that he would be involved in less confrontational interactions with members of the public and closely supervised under the guidance of a mentor. He was also counselled about his policing style and attitude.

We have been pleased to learn that the constable has not attracted any further complaints since this action was taken.



□ Lily Enders, a senior investigation officer in our police team, has been with the office for 8 years

## helping improve organisational performance

### the complaints system and police officers

This year we have continued to focus on the impact of complaints on police officers – both those making complaints and those who are the subject of a complaint.

Many complaints raise complex management and workplace issues and, if they are not managed well, can seriously affect police officers and the commands that they work in. Case study 108 provides an example.

### officers with a significant complaint history

We conduct risk assessments of officers with a significant complaint history and try to analyse any problem areas within individual commands. If a complaint raises issues of concern about a particular officer, we may analyse the officer's complaint history, current duties, and any action already taken by commanders to manage the risks involved. This informs the way we scrutinise the adequacy of the particular investigation into the officer and the suitability of any management action taken.

Our analysis work also helps to inform our discussions with local commands about actual or potential difficulties within their command.

### supporting police officers

The investigation of a police officer's conduct can be very stressful for the officer concerned. We have worked with NSW Police to try to improve the complaints process so that officers are provided with support and kept better informed about the progress and outcome of the investigation. Two particular matters this year heightened our concerns about this issue.

In October 2003 a probationary constable, who was one of a number of officers being investigated in relation to a serious complaint, complained to us about the extensive delay in finalising the investigation. It was being conducted by an officer outside the command where the probationary constable was stationed. The probationary constable complained that the investigation had been going for so long that his confirmation as a constable had been delayed for more than two years. He was concerned about the detrimental impact the matter was having on his career advancement and health. At the end of the investigation, no misconduct findings were made against him.

We arranged a meeting between the probationary constable, his support officer, the investigator's commander and the region's professional standards manager.

At the meeting, senior police acknowledged that the investigation had not been conducted expeditiously. It was agreed that the probationary constable would be given a copy of the investigation chronology so that he would have proper information about the reasons for the delay.

Police also agreed to facilitate his confirmation as a constable and arrange appropriate back-payment.

### casestudy108

A sergeant S complained to us that he had been treated unfairly by his commander and a recent police investigation into the adequacy of his performance as a supervisor was improperly motivated.

The background to the complaint was as follows.

- In 2001, S and a senior constable Y applied for a sergeant's position that was responsible for supervising a police station in a rural local area command. Y was initially the successful applicant, but S won his appeal against the appointment at GREAT and was appointed to the position instead.
- S worked in the position from January to August 2002 without any concerns about his performance being raised by his supervising duty officers.
- In August 2002 the commander appointed Y to the position of duty officer, making him the direct supervisor of S. S felt that this decision demonstrated the commander's lack of support for him.
- In December 2002, police investigated a complaint of alleged misconduct by a number of officers working at the station. During the investigation, it appeared that a police officer at the station was improperly trying to identify the whistleblower. A complaint was made that S had not provided the whistleblower with the support he needed and was harassing him. There were also complaints that S had not performed well as a supervisor.
- In response, the commander decided to remove S from the station and replace him with Y. After S complained, the region commander advised the commander to reverse the decision.
- The commander then started an investigation into the allegations that S had harassed the whistleblower and that his performance as a supervisor was poor. The investigator interviewed a number of officers and then interviewed S himself over four days.

S and his wife complained to us about the matter.

S claimed that his situation resulted from a lack of support from both Y and the commander. He believed the underlying improper purpose of the investigation was to show the commander was correct in deciding to remove S from his position as supervisor of the station. S's wife was particularly concerned about the stress on her husband caused by the four-day interview and a lack of communication from senior police about the progress of the investigation.

The investigation was finalised shortly after we received these complaints. The investigator found no evidence that S had failed to support the whistleblower but he did find there had been serious inadequacies in S's performance as supervisor. He also considered that S had lied to him during the investigation, bringing his integrity into question. The investigator recommended that consideration should be given to removing S

from NSW Police or imposing a serious sanction such as demotion. The commander agreed with this recommendation.

The matter was subsequently examined by an internal review panel of senior officers who supported the investigator's findings. The commander issued S with a warning notice that included adverse findings about his integrity.

We were not satisfied with the police handling of the matter. In particular, we were concerned about the commander's apparently poor management of the situation. We also considered the adverse findings about S's integrity were flawed and unfair, and the decision to give him a warning notice inappropriate. On our recommendation, a superintendent reviewed the matter.

He found that:

- The commander's initial decision to appoint Y as S's supervisor, and his later decision to install him as S's replacement, were 'ill advised'.
- The original investigation was unfair in not seeking S's response to the accusation that he had lied during his interview. This could be criticised as an 'abuse of process'.
- Although there may have been some problems with S's supervision, the only action that should have been taken was 'guidance and coaching through the medium of a performance management agreement'. Giving him a warning notice for lack of integrity and poor performance was unfair and inappropriate.

The superintendent recommended that the warning notice be withdrawn and S should be placed on a performance management agreement. The region commander agreed and, at our suggestion, met with S and a representative of our office. At that meeting, the region commander accepted that there should be no adverse findings in relation to S's integrity.

The meeting highlighted the need for commanders to be kept informed about any complaint investigations into officers under their command, especially if the investigation is being conducted outside that command. This would enable the commander to provide the officer with advice about the progress of the investigation, consider the officer's welfare needs, and make informed employment-related decisions. The commander would also have a basis to raise concerns about apparently unjustified delays in the investigation.

We also met with another officer who contacted us after hearing the Ombudsman interviewed about last year's annual report. The officer was concerned that inadequate support was provided to officers about whom complaints had been made.

We organised a meeting with representatives of NSW Police and the Police Association to discuss these issues. Since that meeting, NSW Police have made the following progress.

- A policy on access by commanders and officers the subject of complaint to information about complaint records has been completed and circulated in the *Police Weekly*.
- A support package is being developed for officers the subject of complaint that will explain their rights when a complaint is made, provide referral information for support services, and advise them how they will be kept up-to-date about the progress of the investigation.
- The complaints management manual will be updated to ensure that complaint management teams are aware of their role in providing support and information to officers.

### systemic problems

Complaints provide valuable insights into possible problems with existing police policies, procedures and practices. If the investigation of a complaint reveals deficiencies in existing systems, we expect action to be taken to address the problem. We continue to contribute to important systemic changes in various areas of policing such as improving the auditing of computer accesses and enhancing closed circuit television coverage in police stations. Case studies F and P provide examples of our oversight role prompting systemic changes.

### auditing police computer accesses

Police conduct regular audits of all police and administrative staff who have access to the police computer system (COPS). We investigated how commands were currently auditing computer accesses, based on our findings from a similar investigation in 2001.

We assessed 39 commands and found that almost all of the commands were conducting regular audits. However we identified some areas of concern including inadequate record keeping, a lack of training for auditors, and failures to audit high-risk officers.

We discussed our findings with the NSW Police Audit Group who largely agreed. They also advised us that they were creating a police computer audit committee, reviewing audit procedures, and developing a training package on computer access auditing.

### cctv

Closed circuit television (CCTV) footage is an important source of evidence in complaints about incidents in police custody, especially alleged assaults. A video of events protects officers against false complaints and can improve the quality of officer conduct in managing people in custody. NSW Police have been working to improve the use of CCTV equipment and the availability and quality of the footage.

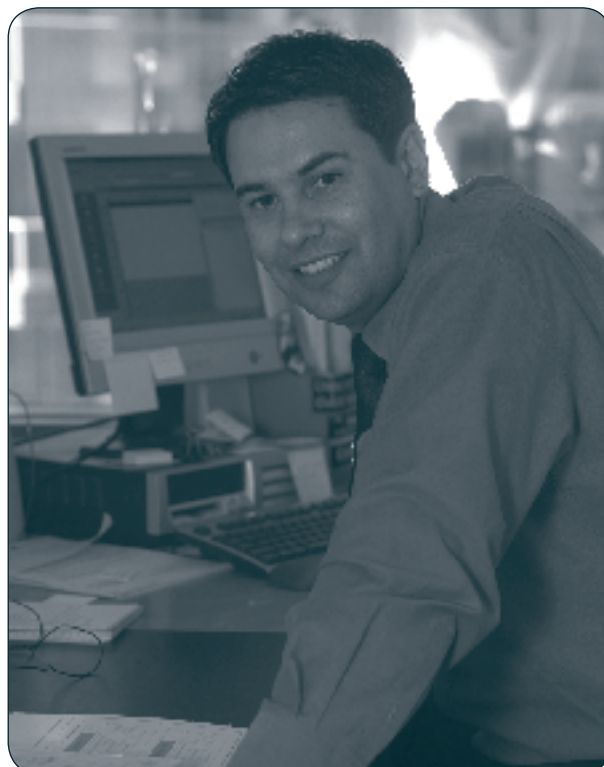
We decided to investigate their progress. We asked for information about the current use of CCTV equipment in police stations throughout NSW and plans for installing the equipment in stations that did not yet have it. We surveyed 40 commands about their use of the equipment and their retention of tapes that recorded events in charge rooms. We also reviewed almost 200 police investigations into allegations of assault in police stations.

We found that many more police stations, particularly busy stations, now have better CCTV equipment and there has been an improvement in the quality of CCTV footage. These two factors have led to an improvement in the handling of complaint investigations in these commands.

In June 2004 we met with NSW Police to discuss the findings of our review and to make further recommendations.

These recommendations included:

- additional testing by commands to ensure that the equipment produces quality footage
- maximising the effective use of older types of recording equipment where new CCTV equipment has not yet been installed.



□ Terry Chenery, an investigation officer with the Aboriginal Complaints Unit in our police team.

## 06: police team

### liaising with NSW Police

For the complaints system to work effectively, it is essential that we have a constructive relationship with NSW Police at all levels. We regularly have meetings to discuss our work – these may be meetings between the Ombudsman and the Commissioner of Police, discussions between commanders and senior staff in our office, or meetings of police investigators and our case officers.

We also attend a number of other meetings with police, including the steering committees for our legislative reviews. See the legislative review section of this chapter for further details.

This year some particular areas that have had an impact on our relationship with NSW Police are c@tsi, joint work on officers of concern, and our efforts to assist in the training of police.

### c@tsi

NSW Police is the lead agency for the project to deliver c@tsi, a shared computerised information system about police complaints. Last year we reported on significant challenges in implementing the c@tsi system including slow computer processing times and frequent breakdowns. We highlighted the importance of police investing adequate resources in the project so that we can effectively use c@tsi to fulfil our responsibilities.

‘As a member of the public I felt powerless dealing with the Police. You provided excellent service that was both **helpful** and non-judgmental.’

By December 2003, c@tsi was having a significant adverse impact on the effective functioning of our office. There was a sustained period when c@tsi was unreliable and there was a lack of basic reporting and other functions that it was supposed to deliver. Despite a number of very serious problems, NSW Police had not developed or funded a plan to fix c@tsi. We therefore reluctantly had to scale back our use of c@tsi to certain administrative and intelligence functions.

We have continued to work with the police to try to get c@tsi back on track but, although there have been some developments, funding has still not been secured to fix all the problems.

### exchanging information about officers of concern

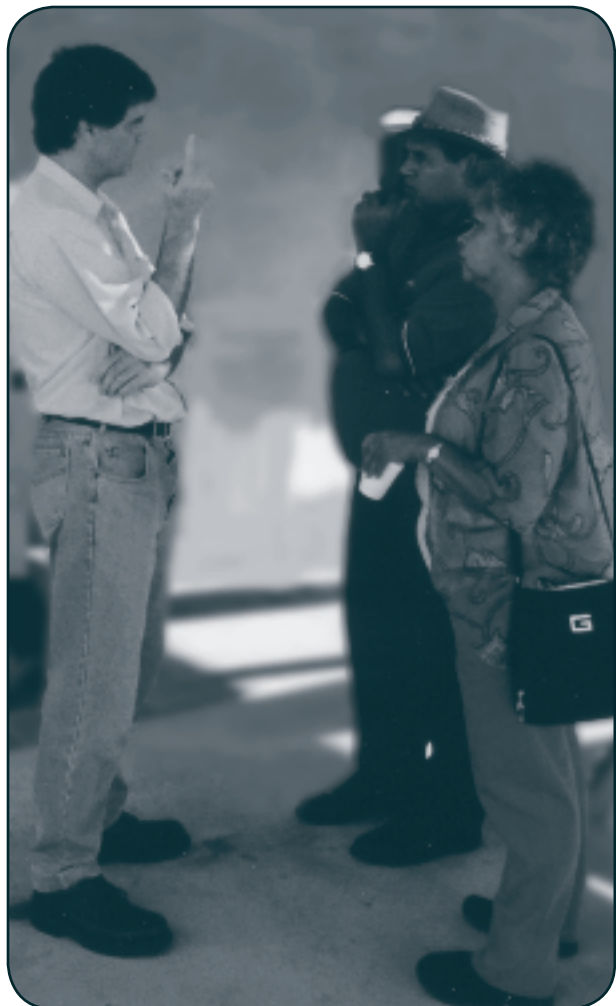
We participate in a joint research committee – with NSW Police and the PIC – formed following the recommendations of the Parliamentary Joint Committee in their ‘Research Report on Trends in Police Corruption’. The research committee is currently coordinating two projects. One project is reviewing options for an early warning system to identify and support officers vulnerable to corruption. The second is reviewing officers who are considered for removal for a loss of Commissioner’s Confidence.

A separate intelligence forum has also been set up between the Professional Standards Command and the Ombudsman. This forum provides an opportunity to exchange information about ‘at risk’ officers – particularly in regard to complaint histories – and develop possible intervention strategies. Information shared is not acted on until NSW Police have conducted an independent analysis and processes have been adopted to ensure fairness to officers whose complaint histories are considered.

### providing training for police officers

Each year we meet with hundreds of police officers across the state to discuss the role of our office and any concerns that police may have about the complaints system. We try to dispel any misconceptions that frontline police may have about our role.

We are also actively involved in training police. We have made presentations to large groups of student police at the NSW Police College at Goulburn, where we discuss the types of ethical situations young officers may encounter. We also train senior police attending complaint investigator courses, covering topics such as common problems with investigation reports, alternative dispute resolution, how this office assesses the police investigation, and tips for investigators from our perspective.



□ Steve Kinmond, Deputy Ombudsman (Community Services Division) (left), talks to members of the community at the Biripi Aboriginal Medical Service.

## working with the community

### aboriginal and torres strait islander communities

We have continued to closely examine the relationships between local area commands and the Aboriginal communities who live in those areas. Our work has focused on how well police are implementing the objectives of a NSW Police policy known as the Aboriginal Strategic Direction.

This policy requires commands to:

- strengthen communication and understanding between police and Aboriginal people
- improve community safety by reducing crime and violence within the Aboriginal community
- reduce Aboriginal contact with the criminal justice system
- increase Aboriginal cultural awareness throughout NSW Police
- divert Aboriginal youth from crime and anti-social behaviour
- target Aboriginal family violence and sexual abuse.

This year we audited seven commands in various locations throughout the state. We selected these commands based on the size of the Aboriginal communities, the nature of the issues faced by the communities, and the efforts by police to work effectively with Aboriginal people.

We met with local police, other service providers and Aboriginal community representatives to assess the adequacy of police initiatives. For example, during our week-long visit to one area, we had 40 meetings with the community and other agencies – a consultative process involving more than 400 participants.

We have found the commands that work most effectively with Aboriginal communities tend to be those that have frequent and cooperative contact with local Aboriginal people. The police in these commands also work closely with other agencies, particularly those helping to divert young people from the criminal justice system and supporting victims of domestic violence and sexual assault.

After each audit, we produce a report detailing our observations and assessing the adequacy of measures the command is taking to implement the Aboriginal Strategic Direction. We consider it important to report on practical police initiatives, recognise and encourage effective strategies that are already in place, and share those ideas with other commands. Our reports also include suggestions on how police could work more effectively with local Aboriginal communities.

Here are some specific examples of positive outcomes that we have achieved.

- We facilitated an agreement between Aboriginal community representatives, the local commander and his Aboriginal Community Liaison Officer to meet regularly to raise and resolve issues.
- We brought together local service providers, covering areas such as drug and alcohol counselling, health, housing and domestic violence, to discuss a coordinated response on policing issues.

- Our concerns about the urgent need for improved policing of Aboriginal domestic violence were used by a local area commander to successfully petition for an additional domestic violence liaison officer position.

### meeting with community groups

We regularly meet with community groups to discuss complaints about police. Our aim is to resolve complaints and develop strategies for police and the relevant community to work together.

For example, we meet with:

- Police and citizens youth clubs, youth centres, Department of Juvenile Justice representatives and key youth organisations
- school teachers and principals
- women's refuges
- local court magistrates
- community legal centres
- groups representing culturally and linguistically diverse communities
- disability groups.

We give special consideration to complaints by vulnerable members of the community, people with disabilities and people from culturally diverse backgrounds. See case studies 103 and 105 for examples of how we have assisted vulnerable complainants.

We also undertake projects targeted at specific groups within the community, such as our youth liaison officer project.

### police youth liaison officer project

The *Young Offenders Act 1997* set up an alternative process to court proceedings for children and young people who commit certain offences. It includes the use of youth justice conferences, cautions and warnings. The guiding principle of the scheme is that the least restrictive form of sanction should be applied to children and young people.

A youth liaison officer is attached to each local area command and it is primarily their task to implement the Act in accordance with NSW Police's youth policy.

During 2003-2004, we launched an investigation into how well local area commands are using their youth liaison officers to successfully implement the aims of the Young Offenders Act. Our objective was to identify areas of good practice and provide feedback to NSW Police about the success of youth liaison officers. We surveyed all local commands and asked them to provide us with information about the work of their youth liaison officers. The investigation covers areas such as the training of youth liaison officers, the use of cautions and conferences, liaison with the Police and Citizens Youth Clubs and other youth groups, and any creative initiatives used by the commands to implement the objectives of the Act.

We will be providing NSW Police with our provisional report and recommendations in 2004-2005.



# legislative reviews

Since 1998, the NSW Parliament has given us the responsibility of monitoring certain, and often controversial, new laws. Our role is to conduct independent and balanced research into the operation of the laws - how they affect people, whether they achieve their objectives. We focus on identifying any inequities, practical difficulties or systemic injustices that may result from their implementation.

Our police team conducts the reviews for new legislative powers conferred on the police. Our work reviewing new legislation in the corrections area is discussed under chapter 5: general team.

In this section, we discuss our work in the following areas.

- DNA sampling and other forensic procedures
- Drug detection dogs
- Firearms and explosives detection dogs
- Drug detection in border areas
- Drugs in private premises and public places
- Internally concealed drugs
- Child protection register
- Criminal infringement notices
- Non-association and place restriction orders
- Questioning drivers and their passengers.

As part of the review process, we analyse data held by relevant agencies, directly observe the powers being used, analyse complaints, and conduct surveys and focus groups with stakeholders. We also do literature reviews and reviews of similar legislative provisions in other jurisdictions.

## DNA sampling and other forensic procedures

The *Crimes (Forensic Procedures) Act 2000* enables police to conduct forensic procedures such as taking DNA from a person's saliva, hair or blood. They can also take dental impressions and photographs of, for example, tattoos or scars.

The Act sets out how police can take forensic material and when it must be destroyed. It also provides for the participation of NSW in the national DNA database.

### DNA sampling of convicted offenders

DNA and other forensic samples can be taken from inmates and detainees who are serving a sentence of imprisonment for an offence that carries a maximum penalty of five years imprisonment or more. Approximately 75% of people in correctional and juvenile justice centres in NSW fall into this group. DNA profiles of these people have been put on a database and can be compared to DNA profiles obtained from samples found at crime scenes.

We have prepared a report on the DNA sampling of convicted offenders for the Attorney General.

### Taking samples from suspects and other people

The Act permits police to take DNA from suspects. If a suspect does not consent to the procedure, it can be authorised by a court or senior police officer.

The Act also permits police to take DNA from 'volunteers'. Police may ask – but not compel – people who are not suspects to volunteer a sample of their DNA to assist them in their investigation.

We are currently reviewing the operation of the legislation with respect to suspects and volunteers, and will report on our findings as soon as possible after the end of the review period in November 2004.

## drug detection dogs

The *Police Powers (Drug Detection Dogs) Act 2001* commenced in February 2002. We are required to review its first two years of operation.

The Act regulates the police use of dogs to detect prohibited drugs. Police can use 'sniffer dogs' without a warrant in relation to people at, entering or leaving sporting events, parades and concerts, bars, clubs and other venues where alcohol is sold and consumed. The dogs can also be used to detect drugs on people who are on, entering or leaving public transport on specified routes. In addition, police can use the dogs with a warrant if they have a reasonable suspicion that a person in a public place may be committing a drug offence.

Our review included:

- observing numerous police operations
- interviewing police and organisations providing health and welfare services
- interviewing people who had been indicated by drug dogs and searched by police
- surveying members of the public about police use of the dogs
- interviewing the managers and licensees of pubs and bars in five NSW suburbs
- examining records from the police COPS database and dog unit
- reviewing court transcripts
- examining complaints and inquiries about police use of the dogs.

Since the end of the review period in February 2004, we have released a discussion paper outlining relevant statistics and some key issues that arose during the review.

In the first year of operation of the Act there were 4,078 searches following drug dog indications. Drugs were found on 1,110 occasions – that is, in 27% of the searches. For the remaining searches, no drugs were found but many of those searched admitted to having had some contact with cannabis or being at a place where cannabis had been smoked. This means a drug was found or some kind of admission made in relation to drugs (usually cannabis) in 71% of the searches.

Cannabis was the most common substance found and accounted for the bulk of drugs located. In most cases, the amounts of cannabis found were relatively small. Using drug dogs helped police find a total of 4,267.2 grams of cannabis, 98.4 grams of amphetamine, 73.7 grams and 12 tablets of ecstasy, and 12.8 grams of cocaine during a 12-month period.

In our discussion paper we asked for submissions on issues such as:

- privacy concerns
- the efficient use of police resources
- the limited success in locating drug suppliers
- the impact of the use of drug dogs on businesses
- the relationship between the use of the dogs and drug harm minimisation objectives.

## firearms and explosives detection dogs

The *Firearms Amendment (Public Safety) Act 2002* came into operation on 15 July 2002. This Act gives police the power to use a dog to carry out 'screening' for firearms or explosives in a public place without a warrant. It also requires the Ombudsman to monitor the use of the new powers for two years.

Our review has involved observational research, interviews and focus groups with police, auditing police records, examining complaints to the Ombudsman, and analysing statistics on firearm and explosives related crime. We have also considered submissions received in response to a discussion paper we issued in April 2004.

We are currently drafting a final report on the results of our review.



□ A drug detection dog on stand-by to assist with a police operation under the Police Powers (Drug Detection in Border Areas Trial) Act in Hay.

## drug detection in border areas

The *Police Powers (Drug Detection in Border Areas Trial) Act 2003* came into operation on 15 January 2004. We are required to review the first nine months of the operation of the Act.

The Act establishes an 18 month trial which involves police obtaining warrants to set up roadside checkpoints in specified border areas which police reasonably suspect are being used in connection with the supply of prohibited drugs. The borders covered are the New South Wales-Victoria and New South Wales-South Australia borders. Police are authorised to stop vehicles and use detection dogs to help detect prohibited drugs.

NSW Police have formed a committee to organise and monitor the exercise of the new police powers. We attend the committee's meetings and provide regular feedback about issues as they arise.

Observing how police are exercising the new powers is an important part of our review. To date, we have observed six operations that have varied in size, time and location.

The process starts with police directing vehicles into a dedicated area. A police officer informs the driver of the vehicle of the purpose of the checkpoint by reading out a script and handing the driver a written notice containing the officer's details and information about the legislation. A drug detection dog is led around the outside of the vehicle to detect the scent of any prohibited drugs. If the dog indicates, police are entitled to conduct a search of the vehicle.

We are also talking with people such as police, councils, and truck and coach drivers and analysing police records, court cases, and the nature and outcome of any complaints about the operations.

We will provide our review report to the Attorney General, the Minister for Police and the Commissioner of Police in January 2005.

## drugs in private premises and public places

The *Police Powers (Drug Premises) Act 2001* commenced in July 2001. The Ombudsman was required to review the operation of the Act over a two year period.

This legislation permits police to apply for a search warrant if they have reasonable grounds to believe that premises are being used for the manufacture or supply of prohibited drugs. It also creates a number of new offences. These include:

- being found on, entering or leaving drug premises
- organising, assisting or conducting drug premises
- allowing premises to be used as drug premises.

In addition, the Act gives police an additional tool to deal with 'street level' drug trade by permitting a police officer to issue a direction to a person if they believe they are in a public place to buy or sell prohibited drugs. We have consulted with police and other agencies on our draft findings, and will finalise our report in the near future.

### internally concealed drugs

The *Police Powers (Internally Concealed Drugs) Act 2001* came into operation on 1 July 2002. It sets up a regime for carrying out 'internal searches' on people suspected of swallowing or otherwise internally concealing prohibited drugs possessed for the purposes of supply. An 'internal search' in this context includes the use of X-ray and other forms of medical imaging, but does not include actual intrusion into a person's body cavities. If the search indicates the potential presence of drugs, the suspect can be detained for up to 48 hours (this can be extended by court order) at a hospital or medical surgery to allow evidence to be retrieved from their faeces.

If a suspect does not consent to a search, police must seek an order by a court authorising the search. A court order is always required for suspects who are under 18 years of age, whether they consent or not. The Act contains various safeguards to protect the interests of suspects.

We are required to review the operation of the Act for two years.

In June 2004 we published a discussion paper including information supplied by police, nurses and NSW Health. It outlines a number of issues that arise from the Act including concerns about privacy, issues affecting health care workers, the amount of time suspects can be detained, and access by suspects to legal advice and support people.

At the time of writing, the Act had only been used on one occasion. A number of factors have contributed to police not using the new powers. These include concerns that searching a suspect by medical imaging is costly and may be ineffective, especially where the amount of drugs is small or the suspect is uncooperative. There has also been an industrial issue about who should be responsible for retrieving any drugs from faecal matter.

NSW Police have suggested the Act be amended to dispense with the need for medical imaging, or to allow a court to waive the requirement for medical imaging and authorise a suspect's detention for the retrieval of drugs. They have also suggested that medical staff be required to administer treatment to make a suspect regurgitate orally ingested drugs and be allowed to conduct searches of body cavities at the request of police.

### child protection register

The *Child Protection (Offenders Registration) Act 2000* came into effect on 15 October 2001 and provides for the creation of a 'child protection register'. People who have been convicted of certain offences against children must register with police when they are released into the community. They have to give police their name, date of birth, address, and details of their employment and any motor vehicles they own or use. They must also notify police of any changes to this information. It is a criminal offence for a registrable person to fail to comply with this requirement without reasonable excuse or to provide information that they know to be false or misleading. Police can use the information on the register to help them monitor previous offenders and investigate offences against children.



□ Emma Koorey, the project manager research in our legislative review team, observing police conducting an operation under the Police Powers (Drug Detection in Border Areas) Trial Act in Hay in February 2004.

Source: The Riverina Media Group.

The Act requires us to review the operation of the legislation for two years.

As part of our review, we issued a discussion paper in September 2003 that provided an overview of the legislation and its operation to date.

We sought comment on issues such as:

- the inclusion on the register of people convicted of murder or kidnapping, given that these offences do not necessarily involve a sexual element
- the inclusion on the register of young people – especially when the registrable offence arose from consensual underage sex
- the application of the legislation to forensic patients – particularly women convicted of killing their children during post-natal depression
- the impact of the legislation on young people and those with disabilities or other special needs
- whether there should be any right of review or appeal against the inclusion of a person on the register
- the nature of the information that a registrable person must provide to police
- how police monitor people on the register
- how police use and disclose information on the register.

We received 44 submissions from police, government agencies, community organisations, legal bodies, victims groups and concerned individuals.

We also mailed a survey form to 770 people on the register asking about their experience of the registration process and their subsequent contact with police, and their opinions about the value of the child protection register. We received 293 responses.

We are currently preparing a report on the results of our review which we will provide to the Minister for Police later in 2004.

## criminal infringement notices

The *Crimes Legislation Amendment (Penalty Notice Offences) Act 2002* came into effect on 1 September 2002. It set up a trial scheme in which police could issue on-the-spot penalty notices (known as criminal infringement notices) for certain criminal offences. These offences include common assault, obtaining money by false representation, offensive language or conduct, and shoplifting goods worth less than \$300. The aim of the legislation is to increase police visibility within the community by reducing the amount of time police spend completing administrative tasks.

People given a criminal infringement notice can either pay the fine or elect to have the matter dealt with by a court. Notices cannot be issued to anyone under 18 years of age.

We monitored the implementation of a year-long trial conducted in twelve local area commands. Before the end of the trial period, legislation was passed extending the trial for a further twelve months.

Some of the issues raised by our review include:

- whether the new scheme actually saves police time and, if so, whether those savings translate into a greater police presence on the streets
- the extent to which the courts have experienced greater efficiencies as a result of the new scheme
- the proportion of fines that are paid
- the extent of police compliance with the statutory obligation to destroy fingerprints taken from a person once they have paid their fine
- whether there is any 'net widening' effect resulting from the operation of the Act – in other words, whether criminal infringement notices are issued for offences which attracted a lesser penalty, a caution or a warning in the past
- the impact of the trial on different communities, including ethnic and Aboriginal communities.

In September 2003 we issued a discussion paper inviting submissions from interested individuals and organisations. The responses will be taken into account in our review report which we will give to the Attorney General, the Minister for Police and the Commissioner of Police later this year.

## non-association and place restriction orders

The *Justice Legislation Amendment (Non-association and Place Restriction) Act 2001* came into effect on 22 July 2002. We are required to monitor the effect of these amendments for a two year period.

The Act amends several pieces of legislation relating to sentencing, bail and sentence administration. When sentencing a person convicted of an offence punishable by six months imprisonment or more, a court may also make a 'non-association order' prohibiting the offender from associating with a specified person, or a 'place restriction order' prohibiting them from visiting a specified place or district. These orders can also be made as a condition of bail, parole, leave or home detention.

A court is only entitled to make an order if it is satisfied that it is reasonably necessary to do so to ensure the offender does not commit any further offences. Non-association and place restriction orders cannot exceed 12 months in duration. In addition, the people specified in a non-association order must not include any member of the offender's close family. The places specified in a place restriction order must not include the offender's home or their family's home, their workplace, any educational institution at which the offender is enrolled, or any place of worship the offender regularly attends.

We have examined the impact of the Act on offenders affected by the orders, particularly young people and those from indigenous and rural communities.

Some issues of interest include:

- the circumstances under which orders are made
- the kind of information given to people about complying with the order
- how police enforce the orders.

We issued a discussion paper in December 2003 and have received a number of submissions from government agencies and community organisations. We will take these submissions into account when preparing our review report.

## questioning drivers and their passengers

The *Police Powers (Vehicles) Amendment Act 2001* commenced on 1 January 2002.

This Act clarified when police could ask for identification details from drivers of vehicles suspected of being involved in an indictable offence. This was in line with recommendations we made in our earlier review of the *Police Powers (Vehicles) Act 1998*. The Act also gave police additional powers to enable them to ask passengers in a vehicle suspected of having been involved in an indictable offence to identify themselves, the driver and other passengers, and provide proof of their identity.

We reviewed the operation of the additional powers for twelve months and gave our report to the Minister for Police in September 2003.

## future legislative reviews

We expected to start four new legislative review projects this year. Three of these were under the *Law Enforcement (Powers and Responsibilities) Act 2002*. An additional review role was established by the *Crimes Legislation Amendment Act 2002*.

We did not start any of these projects in 2003-2004 because the relevant provisions of the Acts had not yet come into operation.

# 07: reform

## introduction

This section gives details of the work we have done, in addition to our core functions, to contribute to policy reform in NSW. We try to promote fair, accountable and more effective administration by providing advice to agencies, making submissions and putting forward proposals on a range of topics relating to public administration.

## apologies

In our last three annual reports we have discussed the issue of agencies resolving complaints by offering an apology. In last year's annual report we noted that amendments to the *Civil Liability Act 2002* provided that an apology does not constitute an admission of liability, and evidence of an apology is not admissible in a court hearing as evidence of fault or liability (other than in relation to certain categories of civil liability set out by s.3B of that Act). This amendment arose out of a suggestion we made to the government in March 2001 to introduce legislation to ensure that apologies or expressions of sympathy or regret made to help resolve a complaint are inadmissible in civil proceedings.

Since the incorporation of that provision into the NSW Civil Liability Act, we are pleased to note that every other state and territory has followed the NSW lead and brought in legislation that provides varying levels of protection for apologies or expressions of regret.

While the scope of protection provided in each state varies significantly, it appears that a simple 'I am sorry' will in most circumstances be protected in all states and territories in Australia. However, although in NSW and the ACT a person will be protected if they go on to say 'it was my fault', such an admission will not be protected in any other state or territory. This is unfortunate as an admission or acknowledgement of responsibility is generally essential for an apology to be effective.

## customer service framework

In our 2000-2001 annual report, we reported that we had suggested to the government that they should bring together the elements of good customer service in a comprehensive customer service framework supported by legislation. This year we wrote to the Premier's Department with a more simplified model that no longer included provisions about apologies or the issue of consistent protections for complainants. As we discussed in last year's annual report, the issue of apologies by public sector staff has been addressed in the *Civil Liability Act 2002*.

The Premier's Department support establishing a customer service framework but have rejected the idea of a legislative basis for it. They propose instead to consolidate the current obligations, guidelines and directions into a Premier's Department Circular, supported by training. They are of the view that 'the current customer service requirements are good administrative practice and while introduced over the years by different governments, are being implemented by agencies. Having these requirements consolidated in one circular will reinforce the government's clear commitment to good customer service.'

While this is a positive step in the right direction, we intend to continue to advocate for a legislative basis for the framework, especially the ethics/integrity and code of conduct aspects. NSW is currently the only jurisdiction in Australia that does not enshrine these matters in legislation.

## advice

During 2003-2004 we provided advice to a number of agencies on a variety of topics. For example, we provided advice to:

- North Sydney Council on their policy about access to documents
- the former Environmental Protection Authority on their draft noise guide for local government
- the Premier's Department on their review of the *Youth Advisory Council Act 1989* and on good practice complaint-handling
- Gosford City Council on trends in complaints against the council
- the Liverpool City Council public inquiry on trends in complaints against the council
- Marrickville Council on the procedures followed in the public consultation process relating to proposed changes to council's ward boundaries
- Local Government Manager's Australia (NSW Division) on their draft governance health check
- the Walgett Shire Council public inquiry on trends in complaints against the council
- Ashfield Municipal Council on their code of conduct
- the Department of Local Government on their proposed tendering guidelines and procurement user guide
- the Queensland Ombudsman on the methodology for conducting mystery shopper audits
- the ICAC on the draft Department of Infrastructure, Planning and Natural Resources practice note on notification policy
- Parramatta City Council on establishing an internal ombudsman.

## comments and recommendations

We provided comments and recommendations to The Cabinet Office:

- about various amendments to the *Ombudsman Act 1974* and the *Royal Commissions Act 1923* about giving false or misleading evidence
- about an amendment to s. 4(3) of the *Crimes (Administration of Sentences) Act 2002* to give us the power to require NSW Police and its officers to provide us with information for the review of the operation of certain provisions of the *Crimes (Administration of Sentences) Act 1999* and the *Summary Offences Act 1988*
- that Ministers be reminded that it is entirely inappropriate for them or their staff to intervene in any way in the determination of FOI applications made to agencies within their portfolio.
- on the draft Privacy and Personal Information Protection Amendment Bill 2003
- on the draft exposure Compulsory Drug Treatment Correctional Centre Bill 2004
- about a review of how legal professional privilege might be appropriately claimed for investigations and hearings of the PIC and other investigative bodies
- about the effectiveness of the *Protected Disclosures Act 1994*.

We also provided comments on Cabinet Minutes dealing with:

- proposals for the transfer of functions of the Inspector General of Corrective Services
- the report of the review of the *Law Enforcement (Controlled Operations) Act 1997*.

## submissions

This year we made submissions:

- to the ICAC on their discussion paper on corruption prevention issues arising out of local Aboriginal land council land dealings
- to the Attorney General and Minister for Health on whether the *Health Records Information Privacy Act 2002* was necessary
- to the Premier and Cabinet Office about the possibility that the Protected Disclosures Act may cover certain private sector agencies
- to NSW Police in relation to changes to their code of practice for custody, rights, investigation, management and evidence (CRIME) and to their complaints management manual
- on proposed amendments to the *Drug Misuse and Trafficking Act 1985*
- on the proposed establishment of the DNA review panel
- on the review of the *Police Act 1990*
- on the Board of Studies draft 'Registered and accredited non-government schools manual'

- on the proposed national code of ethics for the Anglican Church of Australia prepared by the child protection committee
- on the Anglican Church in Australia's 'draft national code for the practice of pastoral ministry by clergy' and their 'draft national code for the practice of pastoral ministry by lay church workers'
- to the review of the *Commission for Children and Young People Act 1998* and the *Child Protection (Prohibited Employment) Act 1998*
- to DADHC on their proposed reform of advocacy services and arrangements
- to the Children's Guardian on their draft guidelines on the exercise of parental responsibility and their draft guidelines for developing a behaviour management policy.

## discussion and issue papers

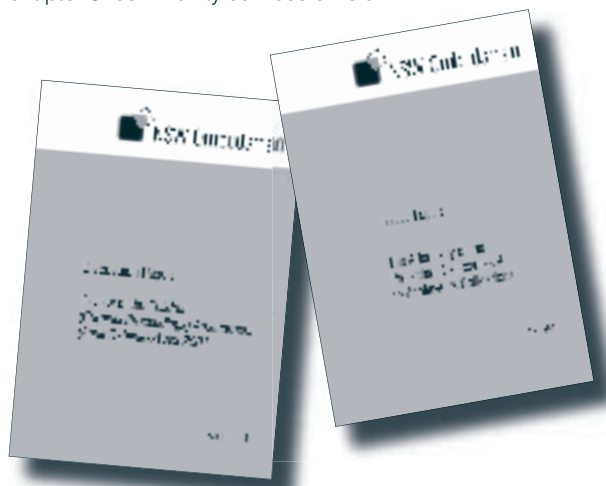
This year we published papers on a variety of topics including discussion papers about our reviews of:

- the *Police Powers (Drug Detection Dogs) Act 2001*
- the *Police Powers (Internally Concealed Drugs) Act 2001*
- the *Children (Criminal Proceedings) Amendment (Adult Detainees) Act 2001*
- the Firearm and Explosive Detection Dogs legislation.

See the Legislative reviews section in chapter 6: police team for further details.

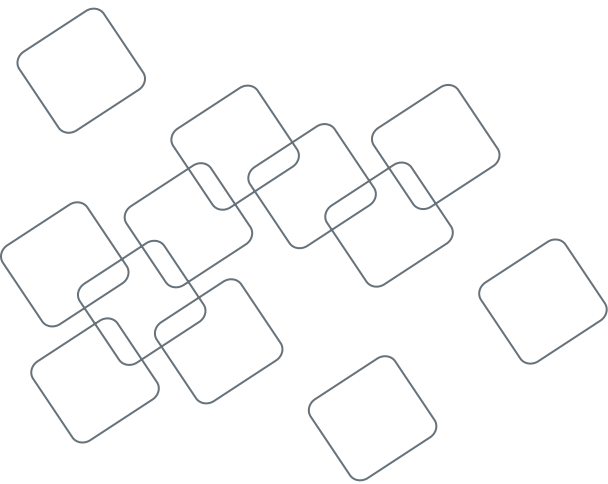
We published an issues paper on the adequacy of the Protected Disclosures Act to achieve its objectives. See the Protected disclosures section in chapter 5: general team for further details.

We also published an issues paper on a review of the deaths of 37 people with a disability who died in care between 1 July and 31 December 2002. See the Reviewing deaths section in chapter 3: community services division.



□ NSW Ombudsman Issues Paper and Discussion Papers

# 08: access + equity



## introduction

One of our corporate goals is to be accessible and responsive. To achieve this goal, we have developed an access and equity policy to ensure that we have effective strategies to make our services accessible to all people in NSW, particularly disadvantaged groups. This policy incorporates our access and equity plan, Ethnic Affairs Priority Statement (EAPS) implementation plan and disability action plan.

To help us implement our access and equity policy we:

- identify and target people with special needs
- consult peak groups and key referral agencies and develop protocols for ongoing communications
- consult community members with special needs to discuss their concerns and identify barriers to access
- participate in community events and forums
- make presentations to and develop an outreach program for target groups
- develop and distribute appropriate and effective information relevant to our target communities
- develop and implement training and information programs for agencies in our jurisdiction
- try to minimise any cultural, linguistic and physical barriers to accessing our services.

In this chapter we give details of the work we have done during 2003–2004 to improve the accessibility of our services to children and young people, people in detention, Aboriginal communities, culturally and linguistically diverse communities, people in regional areas, people with a disability and women. We also report on our implementation of a range of government policies and the work of our public relations and publications unit in promoting access to and awareness of our office.

## handling inquiries

Our inquiry staff are the first point of contact with our office for most members of the public. They ensure that phone inquiries and visitors are dealt with promptly and courteously.

Our telephone inquiry service is available from 9am to 4pm each working day. People can also drop in or make appointments to speak to a member of staff in person during these hours. We call upon our multilingual staff or use the Telephone Interpreter Service when speaking with people who speak a language other than English. A TTY number is available for people who are deaf or have hearing impairments.

Our inquiry staff deal with a variety of matters ranging from questions about federal, state and local government services to queries about the police, courts, banks, insurance, community services, housing, fines, education and consumer affairs. Even though many calls are outside our jurisdiction, we can often provide general information and appropriate referrals.

Many callers are frustrated and angry by the time they contact our office. Some are confused about where they can go with their concerns. Others are angry at what they consider to be inadequate or non-responsive service from other agencies. Our staff listen to the caller, clarify their concerns and offer advice or information as appropriate. In many cases we explain how the caller can best raise their concerns and with whom. If a matter is within our jurisdiction, our staff can often make a quick call to the agency concerned and resolve the problem.

Our inquiry staff are able to identify trends in inquiries received and bring these to the attention of more senior staff for possible action. They are also able to accept certain inquiry calls as oral complaints. These are usually referred to more senior staff for further action. We often do this when we believe the caller may have difficulty writing a complaint themselves — such as some young people, people with communication difficulties, and correctional centre inmates — or where immediate action is required.

We are fortunate in attracting enthusiastic and highly skilled staff to our inquiry team. All inquiry staff receive a two-week induction as well as training in front line complaint handling, conducting interviews and dealing with people with challenging behaviours. This year staff also attended training in dispute resolution, negotiation and dealing with people with a mental illness.

During the year we revised our policy on dealing with the public and developed clearer procedures to guide staff in dealing with callers and visitors to our office. New furniture has been purchased and alterations made to our interview area to improve accessibility for people with mobility impairments.

## children and young people

We work with young people and youth workers to provide information, support and training about the role of our office and the complaint process, and the obligations of agencies under relevant child protection legislation.

We regularly visit metropolitan and regional areas and meet with representatives of key youth organisations such as police and citizens youth clubs, youth centres, the Department of Education, the Department of Juvenile Justice, schools, women's refuges, children's refuges and community legal centres. We adopt a proactive approach to issues raised concerning police and young people — we discuss concerns with peak agencies and then raise any issues directly with police local area commanders and youth liaison officers (YLOs).

This year we started an important project on the implementation of the *Young Offenders Act 1997* and the effectiveness of police YLOs. We surveyed all police local area commanders and asked commanders to provide us with information about the work of their YLOs. This included areas such as the training of YLOs, the use of cautions and conferences, liaison with the police and citizens youth clubs and other youth groups, and any creative initiatives they had used to implement the objectives of the Act. We will soon be providing NSW Police with our provisional report and recommendations from this project.

A focus of our child protection work is to educate agencies about how to meet their responsibilities under Part 3A of the Ombudsman Act. We provide workshops, briefings and conference presentations — this year we concentrated on providing workshops about investigation practice as this had been identified as a high priority by agencies. Our workshops and briefings are usually targeted at managers or staff responsible for handling reportable allegations against employees. During 2003-2004, we presented 21 briefings about the legislation and 26 workshops on investigative practice.

We conducted nine audits this year of the systems that agencies have for protecting the children in their care and for handling and responding to reportable allegations or convictions involving employees. We always try to provide constructive feedback to the agencies audited.

It is often difficult for young people in detention to make complaints. To help young detainees access our services, we regularly visit juvenile justice centres and talk to both staff and young people. We also take complaints and try to resolve issues on the spot.

See chapter 6: police team, chapter 4: child protection team and the corrections section in chapter 6: police team for more details.

## people in detention

We regularly visit correctional centres around the state to take complaints from inmates, speak to staff and gain first-hand knowledge about what is happening in the centres. This direct communication often allows us to resolve inquiries and complaints without the need for a formal investigation. We may also identify issues that need to be investigated more thoroughly.

This year we made 31 visits to 21 correctional centres. We also made 17 visits to juvenile justice centres to inspect facilities and records and talk to detainees and staff.

See the Corrections section in chapter 5: general team for more details.

## aboriginal communities

This year we continued to closely examine the relationships between police local area commands and their Aboriginal communities, and how well police are implementing the objectives of their Aboriginal strategic direction.

We 'audited' seven commands in various locations throughout the state. We met with Aboriginal community representatives, local police and other service providers and then prepared a report detailing our observations and assessing the adequacy of police initiatives in implementing the Aboriginal strategic direction. Our reports focus on practical police initiatives, recognise and encourage effective strategies, and share those ideas with other commands. We also make suggestions about how police could better meet their commitment to work effectively with local Aboriginal communities.

We visit metropolitan and regional areas if significant issues arise in the Aboriginal community. We meet with community representatives, try to resolve conflicts between members of the Aboriginal community and police, and monitor some police investigations of complaints.

When researching the potential impact of increased or new police powers on the community, our legislative review team consults many advocacy groups and organisations that represent the Aboriginal community.

During 2003-2004 we also:

- visited correctional centres and juvenile justice centres and spoke to Aboriginal staff, inmates and inmate delegates on issues concerning Aboriginal people in custody
- participated in forums such as the metropolitan Aboriginal workers interagency and networked with both government and non-government agencies to develop strategies to improve access to services by Aboriginal communities
- reviewed our Aboriginal brochure 'That's not fair!' and distributed it to government and community organisations across the state.

For more details about our work with Aboriginal communities, see chapter 6: Police team.



### culturally and linguistically diverse (CALD) communities

Our work with CALD communities this year focused on developing and providing appropriate information about the role of the Ombudsman, identifying and eliminating barriers, and participating in community events to raise awareness about the work we do.

We translated our general information brochure into 16 community languages including Indonesian, Tamil and Russian. These brochures were produced in print and on our web site, both as html documents and in pdf format. They were widely distributed to community organisations, legal centres, major government departments, council libraries and legal information access centres. When choosing the community languages, we took into consideration requests made to our office for translation and interpreting, demographic data from the Australian Bureau of Statistics and information provided by the Department of Immigration, Multicultural and Indigenous Affairs on new arrivals and migration trends. We also consulted with the Community Relations Commission and discussed the needs of specific language groups.

During 2003-2004 we also:

- participated in a number of multicultural events including Carnivale and the Western Sydney water festival, the St George migrant information day and the Arabic Carnivale
- made presentations on the role of the Ombudsman and the complaint process to community workers such as the Baulkham Hills multicultural workers network
- held consultations with the Vietnamese, Greek-speaking and Spanish-speaking communities and discussed the service needs of people with a disability and their families within these communities.

As a NSW government agency, we are committed to implementing the principles of multiculturalism. This year we developed an EAPS implementation plan that includes strategies and planned activities to ensure the delivery of an equitable service to CALD communities in NSW. We report to the Community Relations Commission on the implementation of our EAPS.

See figure 49 for our key strategies to improve our services to the diverse communities in NSW.



□ Tania Martin, an inquiry officer in our general team (left), shared a stall with staff from the Commonwealth Ombudsman and the Energy and Water Ombudsman at the Arabic Carnival in April 2004.

### people in regional areas

Last year staff visited dozens of major towns and regional centres across NSW. We conducted community consultations, met with government and non-government agencies, made presentations on the role of our office and our procedures to agencies and community groups, provided training courses to both service providers and consumers of community services, ran policy workshops for agencies that provide services to children, and inspected correctional centres and juvenile justice centres.

Our community services division and child protection team participated in the Department of Community Services' 'road show', making presentations to departmental managers across the state on the role of the Ombudsman and the specific functions and processes of the community services division and the child protection team.

To maximise the use of our resources, our teams work together and combine core work with activities aimed to raise awareness of our office. For example while staff from our police team are conducting audits of regional police local area commands, they also hold public meetings and community consultations involving local businesses, people with a disability, people from culturally and linguistically diverse backgrounds and people who work with young people.

Figure 49: Ethnic Affairs Priority Statement - future plan

key result area	initiative	time frame	intended outcome
planning	Review team business plans to ensure that strategies and actions contained in our EAPS Implementation Plan 2004-2006 are included.	Dec 2004	All team business plans include EAPS strategies.
	EAPS responsibility are assigned to team managers and key staff.	June 2005	All relevant position descriptions and performance agreements contain EAPS responsibilities and accountabilities.
	Regularly monitor office EAPS activities to ensure the implantation of EAPS.	Ongoing	Quarterly reporting of team business plans to Ombudsman.
	Develop proactive access strategies to target emerging communities.	Ongoing	At least one emerging community identified and access action plan developed.
social justice	Establish and maintain close communication with key 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 the role of the office 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 the barriers.	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, 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.

### women

We reviewed and developed a new three-year access and equity plan that targets disadvantaged groups including women. Our strategies to improve access to our office by women focus on networking with other agencies and liaising with women's representatives, consulting with women and women's groups to discuss relevant issues, developing and implementing appropriate communication strategies to improve awareness and understanding of the role of the Ombudsman.

We revised our fact sheet for women and distributed it across the state by tapping into the women on wheels program organised by the Department of Women.

As part of our audits of the NSW Police Aboriginal strategic direction, we looked at family and domestic violence within the Aboriginal and broader community. We visited women's refuges, met with police domestic violence liaison officers and other key domestic violence groups. We also met with Aboriginal female elders who are a valuable resource in terms of progressing youth and family violence issues. We made practical suggestions to police and the community about how the police/community relationship could be strengthened in this area.

The majority of our child protection and community services workshop and information session attendees are women. We use these training activities as a means to not only provide information about our work, but also discuss a range of issues affecting women.

We also implemented initiatives to meet the objectives of the NSW government's action plan for women. Figure 50 gives details of our progress.

### people with a disability

During 2003-2004, we continued our liaison with disability advocacy groups and peak disability organisations such as the Department of Ageing, Disability and Home Care, People with Disability, ACROD and the Spastic Centre. We held two round-table forums for agencies to inform us of current issues in the disability sector and for us to provide updates on our work. These meetings were in addition to the regular contact we have with disability service providers, advocacy groups and peak bodies as part of our day-to-day work.

We also held consultations with people from Vietnamese, Greek-speaking and Spanish-speaking backgrounds as part of our joint project with the Disability Council of NSW. This project aims to give us a better understanding of the issues affecting people who have a disability, their families and carers.

We conducted nine Rights Stuff workshops for consumers of community services, including people with a disability, their family members, carers and advocates. These workshops aim to inform participants about their rights, to give them tools to solve problems and, if necessary, make complaints to our office. The workshops also offer participants a valuable opportunity to talk to each other about concerns and possible avenues of support. Two of the workshops were in regional areas of NSW and seven were in the Sydney metropolitan area.

**Figure 50: Action Plan for Women – progress report**

objective	what we have done/are doing
Reduce violence against women	We have conducted audits of seven police local area commands regarding their work with Aboriginal communities. Police response to domestic violence and sexual violence is an important aspect of police efforts to work more effectively with Aboriginal victims, witnesses and offenders. Our audit reports include detailed feedback from Aboriginal residents and other sources about how well the command is targeting Aboriginal family violence and sexual abuse, and ideas for further improvement. In dealing with complaints, we are particularly concerned about the alleged failure by police to deal appropriately with domestic violence and sexual assault reports.
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 and job share arrangements, and leave for family responsibilities. We also promote a harassment free workplace.
maximise the interests of women	We have no specific strategies for this objective.
improve the access of women to educational and training opportunities	We have given women in our office educational and training opportunities to further their careers. We select and promote staff on merit.
promote the position of women	We have a diverse and skilled workforce. Women make up 73% of total staff and 68% of staff above grade six. All of our team managers are women and one of our six statutory officers is a woman. We participate in activities celebrating International Women's Day and published fact sheets to inform women of our role and functions.

Figure 51: Implementation of our Disability Strategic Plan

priority area for action	goals/targets	reporting year strategies	outcomes/achievements
Physical access	Ensuring that our office and any other locations we use are accessible to people with a disability.		We redesigned and refurbished our interview rooms to make them more accessible to people with a disability. We modified one interview room by widening the door and installed a bench style table for easy access by people in a wheelchair. We provide toilet facilities for people with a disability on our public access floor. The building has wheelchair access (ramp and lift) and tactile ground surface indicators near all staircases, ramps and escalators. The tenant directory is a well-lit area with tenant details in a reasonably sized font. There are some details in Braille.
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 languages in our publications. We participated in community forums and gave speeches at conferences such as the Life Activities International Conference on Disability, and the Ability Inc. Advocacy Service annual conference.
Training of staff	Staff are trained and competent in providing services for people with a disability.	Conduct disability awareness training for staff.	As part of staff training on disability awareness we held a workshop on mental illness awareness. We send our staff to attend forums and seminars on disability issues.
Information about the services	Our office and the services we provide are accessible to people with a disability.		We reviewed and reproduced our information brochure in accessible format including large print and Braille brochures, discs and audiotapes. We reviewed and reproduced our Compic brochure for people with intellectual disability. Accessibility is one of the key issues addressed in the review of our web site. We have strategies in place to ensure that our new web site complies with web accessibility guidelines.
Employment in the public sector	To employ more staff who have a disability.		We participated in an employment program for a person with a disability and are exploring similar programs for the future. 8% of our staff have a disability, with 2.5% 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 9 Rights Stuff workshops in both metropolitan and regional areas for consumers of community services including people with a disability and their families. We reviewed and published a new version of the <i>Rights Stuff, Tips for making complaints and solving problems for consumers of community services including people with a disability</i> . We have an internal compliments and complaints policy. We also inform people who use our services about how to make complaint about us. We participated in consultations with people with a disability and their carers about their experiences in using community services including barriers to access. We gave special consideration to complaints by vulnerable members of the community, including people with a disability.

During 2003-2004 we also:

- developed strategies for police and the community to work together to resolve complaints about issues affecting people with a disability
- updated and published *The Rights Stuff Toolkit* which gives consumers tips for solving problems and making complaints — so far over 2,000 copies have been distributed, many directly to people with a disability or via disability advocacy groups
- redesigned and refurbished our interview rooms to make them more accessible to people with a disability — we modified one interview room by widening the door and installed a bench style table for easy access by people in wheelchairs
- held a training workshop for staff on mental illness awareness.

Next year we will be reviewing our disability strategic plan to identify how we can further minimise barriers and improve access to our services by people with a disability.

See figure 51 for details of the implementation of our disability strategic plan.



□ Margaret Smee, an inquiry officer in our general team, with a courier at our reception desk.

## public relations and publications

Our public relations and publications unit coordinates our access and equity activities, manages the office web site, and works with core business teams to develop materials such as brochures, guidelines and fact sheets.

One of our major projects this year has been the review and redesign of our web site. We conducted extensive internal and external consultations, developed new information architecture, reviewed the actual content, and asked for audience feedback on the changes. We are currently testing the new web site to make sure it is easy to navigate, logical and user friendly.

During 2003-2004 we reviewed a number of our publications and developed some new fact sheets.

For example, we have:

- published two special reports to Parliament on the Department of Ageing, Disability and Home Care and the supported accommodation assistance program
- published eight discussion papers on legislation we are reviewing - see the legislative review section in chapter 6: police team.
- published an issues paper on the adequacy of the Protected Disclosures Act to achieve its objectives
- revised, updated and published seven guidelines including Good Conduct and Administrative Practices, the Complaint Handler's Toolkit, Protected Disclosures Guidelines and Child Protection in the Workplace guidelines
- revised our general information brochure and developed a further five inserts with specific information about our work in the community services area
- published seven fact sheets for public sector staff on a variety of issues including conflict of interests and handling complaints
- translated and published our general brochure into 16 community languages
- reviewed and published our Aboriginal brochure, youth brochure, tips brochure and Compic brochure
- reviewed and published *The Rights Stuff, Tips for making complaint and solving problems — a toolkit for consumers of community services*
- reviewed and published *A voice for People in Care, Answering your questions about Official Community Visitors*
- published two issues of our newsletter *Communicate*.

There is a list of all our recent reports and publications (including those published in 2003-2004) in Appendix K of this report.

## speeches + presentations

The following are some of the major speeches and presentations given by our staff this year.

### July 2003

Robert Fitzgerald, Michele Power and David Wright-Smith presented information seminars on our role in community and disability services at Newcastle and Wollongong.

Terry Chenery and Michelle Chung gave a presentation to Ethnic Community Liaison Officers at Police Headquarters on our role and the police complaints process.

Vincent Riordan gave a NSW Police Internal Investigators Course at Westmead, covering topics such as common problems with investigation reports and how this office assesses the police investigation.

Kate Owens and Simon Cohen gave a presentation to students at the Police Academy, Goulburn.

Anne Barwick gave a presentation to staff at Ascham School on Part 3A of the Ombudsman Act.

Kate Jonas and Marie Smithson gave a presentation to the NSW Family Day Care Association on Part 3A of the Ombudsman Act.

### August 2003

Kirsteen Banwell gave a presentation about our role to DoCS staff at Liverpool Community Services Centre.

Robert Fitzgerald gave a presentation to investigative journalism students at the University of Technology on social justice and the community services sector.

Robert Fitzgerald and Melissa Clements presented an information seminar on our role in community and disability services at Albury and Wagga Wagga.

Greg Andrews and Monica Wolf gave a presentation to staff of the Protective Commissioner about the role of our office.

Kim Swan, Senior Legal Officer, gave a presentation to a NSW Police Internal Investigators course at Westmead.

Simon Cohen, Senior Legal Officer, gave a presentation to the Professional Standards Review in Dubbo on complaint issues and trends and our role.

Steve Kinmond gave a presentation to the Local Area Commander's Forum in Westmead regarding the Aboriginal Complaints Unit Audit.

Vincent Riordan gave a presentation to a NSW Police Internal Investigators Course at Wollongong on our role.

Kate Jonas and Natasha Seipel gave a presentation to the Department of Juvenile Justice Centre Managers on Part 3A of the Ombudsman Act.

### September 2003

Gary Dawson gave a presentation to the Metro West Aboriginal Foster and Kinship Carer Support Group on our role.

Margaret von Konigsmark spoke at the Interchange Respite Care State Conference on deaths in respite accommodation services.

Catherine Mullane spoke at the 7th Annual Conference of Social Works in Disability regarding the Ombudsman's reviewable death jurisdiction.

Lily Enders gave a presentation to the Greater Metropolitan Region Executive Officer's meeting on our role with complaints about police.

Robert Fitzgerald:

- spoke at the National Family Day Care Conference
- gave the keynote address at the Children's Court Clinic professional development conference on assign parenting capacity and intellectual disability, and
- gave the keynote address at the Life Activities International Conference on Disability.

Steve Kinmond gave a presentation to a NSW Police Internal Investigators Course at Westmead.

### October 2003

Gary Dawson gave a presentation on the role of the Ombudsman in community services to Out-of-home Care Managers of the DoCS Metro West Region.

Carolyn Campbell-McLean gave a presentation at the Ability Inc. Advocacy Service annual conference at Nambucca Heads attended by 170 people with an intellectual or learning disability.

Robert Fitzgerald:

- spoke at the SAAP State Advisory Committee conference on homelessness issues
- launched the Department of Housing Community Housing Standards, and
- spoke at the Lifeline National Conference on the future direction of community services.

Steve Kinmond gave a presentation to the Australian and New Zealand Society of Criminology called 'Watching the Detectives'.

Simon Cohen gave a presentation to the Professional Standards Review in Lismore and in Goulburn on complaint issues and trends and the role of our office.

Julianna Demetrius gave a presentation to the Complaints Management Team training for executive officers and other senior police at Westmead.

Sue Phelan gave a presentation to DoCS staff in Maitland on Part 3A of the Ombudsman Act.

Katharine Ovenden spoke to DoCS' staff in Parramatta on Part 3A of the Ombudsman Act.

### November 2003

Robert Fitzgerald spoke at the Council of Homeless Persons Conference in Melbourne and gave the opening address at the 3rd Annual Conference of Youth Off the Streets.

Margaret von Konigsmark and Julie Withers gave a presentation to social workers at Westmead Hospital on our role in reviewing deaths.

Margaret von Konigsmark gave a presentation to dieticians at the Rydalmere Centre on nutritional issues in disability death reviews.

Carolyn Campbell-McLean gave a presentation to the Northern Sydney Home Nursing Service on our role in community services.

Simon Cohen, Steve Kinmond and Julianna Demetrius separately gave presentations to the NSW Internal Investigator's Course at Bathurst and Broken Hill.

Kate Owens and Simon Cohen gave a presentation to students at the Police Academy, Goulburn.

Kylie Symons spoke to DoCS' staff in Nowra about Part 3A of the Ombudsman Act.

Anne Barwick gave presentations to DoCS Metro South and Metro North on Part 3A of the Ombudsman Act.

Katharine Ovenden gave presentations to DoCS in Bankstown, Dubbo and Wagga Wagga on Part 3A of the Ombudsman Act, and to the 9th Australasian Conference on child abuse and neglect entitled 'Risk assessment needn't be a risky business'.

Eileen Graham gave the keynote address to the Parramatta Council Childrens Services Conference on Part 3A of the Ombudsman Act.

Jennifer Agius gave a presentation to the Official Visitor's Annual Conference, Department of Corrective Services on the topic of dealing with inmate complaints and the operation of the Ombudsman's Corrections Unit.

### December 2003

Simon Cohen gave a presentation to the NSW Internal Investigator's Course at Special Crime and Internal Affairs at Westmead.

Brendan Delahunty gave a presentation at the Macquarie Legal Centre on complaints about police.

### February 2004

Julianna Demetrius gave a presentation at the University of Western Sydney on 'Policing the Police'.

Ruth Barlow gave a presentation to the NSW Police Internal Investigators Course at Broken Hill.

Kylie Symons and Greg Williams gave a presentation to DoCS in Gosford on Part 3A of the Ombudsman Act.

Greg Williams and Kylie Symons gave a presentation to the Central Coast region 'Abuse in care' unit and other DoCS' staff on the child protection functions of our office.

### March 2004

Gary Dawson spoke at the Marcia Women's Refuge Conference on the role of the Ombudsman in child protection.

Gary Dawson, Sue Phelan and Greg Williams gave a presentation to the Foster Parents Support Network on the role of our office in children's services.

Terry Chenery gave a presentation to the Redfern Community Leaders Meeting on the role of our office, complaint-handling procedures and information about our specific role in monitoring the police investigation into the death of TJ Hickey.

Simon Cohen gave a presentation to the NSW Police Internal Investigators Course at Maitland.

Julianna Demetrius gave a presentation to the NSW Executive Officers course covering the topics of complaint-handling and the role of complaint management teams.

Simon Cohen gave a presentation to the Professional Standards Review, Inner Metropolitan Region on the topic of complaint issues and trends.

Sue Phelan, Greg Williams and Gary Dawson gave a presentation to Foster Carers Support Association, Bankstown on Part 3A of the Ombudsman Act.

Kate Merryweather gave a presentation to the Department of Corrective Services Security Units on the topics of Ombudsman's review of the *Crimes (Administration of Sentences) Amendment Act 2002* and the *Summary Offences Amendment (Places of Detention) Act 2002*.

### April 2004

Marcelle Williams spoke to L'Arche, a non-government disability organisation about our role in disability services.

Catherine Samuels and Adam Johnston spoke to the Manly-Warringah Disability Interagency about our role.

Steve Kinmond gave a presentation to the ACROD NSW Annual State Conference on the Ombudsman's expanded role in community services and spoke at a NCOSS conference about management risk and the challenge for non-government organisations.

Kate Owens gave a presentation to student of the Police Academy in Goulburn.

Kim Swan and Katrina Sanders gave a presentation to students of the Police Academy in Goulburn.

Simon Cohen gave a presentation to the NSW Internal Investigator's Course at Special Crime and Internal Affairs at Westmead.

Greg Williams and David Watson gave a presentation at a Continuing Legal Education Seminar to the Young lawyers section of the NSW Law Society on 'Freedom of Information'.

John Davies gave a presentation to the Investigative Journalism class at Wollongong University on the topic of Ombudsman investigation priorities and processes.

David Watson gave a presentation to Young Lawyers' Continuing Legal Education Program on the topic of NSW Freedom of Information Act 1989 Background and Practice.

### May 2004

Steve Kinmond gave a presentation to the NSW Disability Council general meeting.

Carolyn Campbell-McLean and Catherine Samuels spoke to advocacy staff of People with Disability Australia Inc on the Ombudsman's role in disability services.

Betsy Coombes and Mark Mallia gave a presentation at the NSW State Women's Refuge Movement conference on the role of the Ombudsman in SAAP services.

Julianna Demetrius and Steve Kinmond gave a presentation to the Disability Council.

Simon Cohen gave a presentation to the Southern Region Commander's Conference on complaint issues and trends.

### June 2004

Steve Kinmond gave a presentation to the Youth Accommodation Association on the findings of our inquiry into SAAP services.

Catherine Samuels gave a presentation to welfare students at Ultimo TAFE about solving problems and handling complaints in community services.

Gary Dawson and Greg Williams gave a presentation to foster carers at Penrith about the role of our office in handling complaints about, or on behalf of, foster carers.

Julianna Demetrius spoke to the Youth Justice Coalition on the topic of complaint-handling strategy for youth complaints and police and the provision of intelligence information.

Simon Cohen gave a presentation to the Professional Standards Review, Western Region on complaint issues and trends.

Anne Barwick gave a presentation to the TAFE Head Teachers Conference on Part 3A of the Ombudsman Act.

Anne Barwick and Kate Jonas spoke to the Association of Heads of Independent Schools on the topic of Part 3A of the Ombudsman Act and feedback from our audits of boarding houses.

Greg Williams gave a presentation and participated in a panel at a child protection seminar for child care centre staff in the Northern Sydney area (Chatswood).

Greg Williams and Kylie Symons gave a presentation to DoCS and various children's services in Mudgee on Part 3A of the Ombudsman Act.

Greg Williams and Kylie Symons gave a presentation to managers at the annual conference of Country Children's Services Association on the requirements of the Ombudsman Act regarding allegations against employees.

Anne Barwick spoke to Centacare managers on Part 3A of the Ombudsman Act.

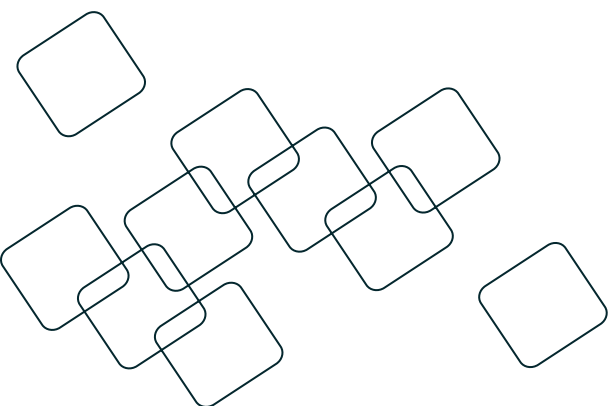
Greg Williams gave a talk to the Foster Care Association Penrith on Part 3A of the Ombudsman Act.

Geoff Briot gave a presentation to the Southern Cross University Student Ombudsman on the topic of practical considerations in investigating complaints.



# corporate support

## 09: corporate support team



### introduction

This section gives details of our work in the corporate support area. Our corporate support team includes personnel, financial services, public relations and publications, information and records management, library services and information technology (IT).

The team aims to:

- provide efficient and effective support to the core activities of the office
- make the most effective use of resources
- maximise productivity and staff development and ensure a healthy, safe, creative and satisfying work environment
- increase parliamentary and community awareness of the role and function of the Ombudsman and the services we provide
- maximise the use of information technology to increase our productivity and accessibility.

During 2003-2004 we reviewed our processes and systems to ensure that we were effectively supporting our core business units. This was necessary because of the challenges of the amalgamation of the Community Services Commission during 2002-2003, the review of and change to the structure of the new community services division, and the introduction of a new document and records management system and a new police complaints database. We focused particularly on personnel, records and information technology systems and processes.

In 2004-2005 there will be a cut to the Ombudsman's budget. This cut will affect the corporate team as well as our core business units - the 3% cut to our budget will translate to a cut in our staff numbers. We are currently developing a strategy to meet the budget cuts with the least impact on the service we provide to staff, the public and other agencies. This will be a key challenge for us next year.

### personnel

Our personnel team is one of the busiest teams in corporate dealing with high volume/deadline driven activities such as payroll and recruitment as well as other traditional personnel services such as leave administration, occupational health and safety (OH&S), industrial relations and policy development.

Our key achievements for 2003-2004 included:

- reviewing the structure and work processes of the personnel team and recommending to the Ombudsman that changes be implemented
- managing the recruitment process for about 40 positions – including placing advertisement, collating applications, corresponding with applications and undertaking security vetting on short-listed applicants
- finalising the co-lateral flexible working hours agreement
- implementing software that alerts staff of the need to take regular breaks from keyboarding and mouse work.

This year the unusually high level of recruitment activity and the continual pressure of working to strict payroll deadlines severely impacted on the range of other work we could do. To address some of the process and systems issues affecting our staff, we scheduled a planning day in early 2004 to look at the structure, grading and roles of personnel staff. The outcome of this day was a restructure of the team into two smaller teams. Each team is now responsible for providing the full range of personnel services to half the office.

Next year we will implement and monitor the new personnel structure to ensure that it achieves its purpose. It should free up resources and enable us to concentrate on finalising some of the personnel policy work that has been on hold this year.

The core business teams have funded a new training officer position which will be filled in 2004-2005. This position will provide better coordination of our training activities and ensure that our training budget is well spent and focused on improving service delivery.

### staff

As at 30 June 2004, we had a full-time equivalent staff number of 180.45 (see figure 7). Staff numbers are expressed in terms of full-time equivalent, so the actual number of part-time staff is not reflected in the table. Staff on leave without pay are not included in this figure.

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 52 for details of the levels of our senior positions.

Figure 52: Chief and Senior Executive Service

	2003	2004
SES Level 4	2	2
SES Level 2	3	3
CEO*	1	1
<b>Total</b>	<b>6</b>	<b>6</b>

\* 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*

wage movements

Public sector staff (which includes all Ombudsman staff except those in SES and executive positions) were awarded a 5% pay increase effective 4 July 2003.

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 4.7% increase effective 1 October 2003. The Ombudsman's remuneration increased by 37.97% after the tribunal recognised the increase in responsibilities of the position. His remuneration is now set at the same level as the Commissioner of the Police Integrity Commission.

Figure 53 details the Ombudsman's remuneration which includes salary, superannuation and annual leave loading.

Figure 53: Executive remuneration

Position	Ombudsman
Occupant	Bruce Barbour
Total remuneration package	\$349,374
\$ Value of remuneration paid as a performance payment	Nil
Criteria used for determining total performance payment	NA

the ombudsman's performance statement

To retain the independence of the Ombudsman, the position is not responsible to an individual Minister, and there is no formal one-on-one review of performance. However the Ombudsman appears before the Parliamentary Joint Committee on the Office of the Ombudsman and the Police Integrity Commission to answer questions about the performance of our office.

personnel policies

Our staff are employed under the provisions of the *Public Sector Management and Employment Act 2002*. This Act, associated regulations and the Crown Employees (Public Service Conditions of Employment 2002) Award set the working conditions of public servants including our staff. Accordingly, we have little scope to set working conditions and entitlements for staff. The Public Employment Office (PEO), a division of the Premier's Department, is the employer for this purpose and negotiates conditions and entitlements with the relevant union. We have a joint consultative committee (JCC) that meets regularly to discuss how we might adopt and implement policies negotiated by the PEO or if necessary develop local policies.

The major policy we negotiated during the year was the working at home policy — this was endorsed by the Ombudsman in August 2004. This policy involved extensive consultation with staff and managers and considered issues such as security of information, provision of equipment, safe working environments and monitoring performance at an off site work base.

Our policy program was curtailed this year due to the increase in workload of the personnel area. Although we had started a review of our performance management system, we were not able to finalise this. We have also drafted a new induction manual that has been sent to relevant managers for comment and have begun a review of our administrative delegations. These projects will be given priority in 2004-2005.

training and development

In 2002-2003, we developed and trialled our own investigations training program covering topics such as the Ombudsman's powers, investigation planning and risk management, the gathering of evidence and interviewing techniques. This year we reviewed the course and presented the revised version to staff and some external participants. It was well received by the external participants who will be tailoring the materials to meet the specific needs of their staff. We plan to have all our investigative staff complete this course.



Members of staff attend internal training in investigations.

## 09: corporate team

We continued our training program for Context, our document management system, as the community services division began using the system this year. All new staff are trained in this system and we provide refresher training for existing staff as needed.

A large number of staff took part in ADR training which included skills sessions in dispute resolving interviewing, negotiation for complaint-handling and facilitation. Staff also participated in courses on plain English writing, mental illness awareness and selection techniques. We also have a comprehensive external training program for IT staff. Our aim is to strengthen our IT skills to accreditation standards, particularly in security specific technologies.

An important aspect of our staff training and development is the provision of study assistance. Nineteen members of staff used study leave provisions this year to undertake tertiary education courses.

### occupational health and safety (OH&S)

This year we reviewed the safety of our reception area as we were concerned that our front-line staff were vulnerable to a range of potential threats. Some modifications to the layout of the reception area were made as well as changes to policies and procedures directly impacting on the work of the area. We also provided a comprehensive training program for wardens to ensure they were equipped to handle emergency situations, held emergency evacuation drills, reviewed the provision of first aid services and trained staff for this role.

Staff trained in safety audits conducted workplace inspections, including ergonomic assessments of workstations and general hazard identification. We introduced software that monitors the use of computers alerting staff when breaks are required. We hope that this software will help us to minimise the risk of repetitive strain, particularly as most staff spend significant amounts of time using computer based systems.

We continued to provide an employee assistance program including a free 24-hour counselling service for staff and their families. We have a number of other programs that help us to meet our health and safety obligations.

- Hepatitis vaccinations — staff who visit correctional centres are vaccinated against Hepatitis A and B.
- Eye examinations — our staff spend a lot of time using computers and this can lead to eyestrain, so we organise an eye examination for all staff every two years so that any potential problems can be detected.
- Flu shots — we organised flu shots for staff to prevent high levels of absenteeism during the flu season. About 50% of staff participated in the program.

### workers compensation

We participate in the NSW Treasury Managed Fund, a self-insurance scheme for the NSW public sector. Our strategies for minimising our workers compensation claims include workplace inspections and providing a counselling service. Historically our claims have been limited to one or two per year, but this has increased as our staffing levels have increased. In 2003-2004 staff made twelve claims, most of which were relatively small.

Figure 54 shows a comparative statistical analysis of workers compensation claims and compares our performance with the overall performance of all participants in the NSW Treasury Managed Fund. This analysis does not include the period between March and June 2004 - we received five claims during that quarter.

**Figure 54: Performance Indicator — Workers' compensation claims**

	02/03		03/04	
	Fund*	Omb.	Fund*	Omb.
No. of claims	12713	8	12,848	7
No. of staff	193,266	125	197,355	209
No. of claims per staff	0.066	0.064	0.065	0.033
Average cost per claim	\$5,595	\$2,122	\$6,949	\$13,080
Average cost per staff	\$368	\$136	\$452	\$438

\*NSW Treasury Fund's comparative statistical analysis as at 31 March 2003 and 31 March 2004 respectively

#### Interpretation

This performance indicator compares our performance with the overall performance of all participants in the NSW Treasury Managed Fund. As can be seen, we had seven workers compensation claims in the reporting period, down one claim from the year before. Although the number of claims per staff and average cost per staff are below the fund average, the average cost per claim is significantly higher. On review of these figures it was discovered that our insurers had made a \$67,000 provision for potential costs on a claim that had already been finalised. This provision has now been removed. A more realistic figure will appear in our June 2004 analysis.

We have a number of strategies to minimise accidents in the workplace, which are detailed in the occupational health and safety section of this report.

### industrial relations

#### Joint consultative committee

The JCC is made up of representatives of staff, management and the Public Service Association (PSA). They meet to discuss issues of mutual concern including policy development. During 2003-2004, the JCC discussed a range of matters including the new co-lateral flexible working hours agreement, staff safety and the development of a working at home policy.

#### Co-lateral flexible working hours agreement

This year we finalised negotiations for a new co-lateral flexible working hours agreement. These negotiations involved the Ombudsman, staff, the Public Service Association and the Public Employment Office. We conducted a series of information sessions for staff to ensure a smooth transition to the new system,

#### Part-time work

We promote part-time work and other flexible arrangements like part time leave without pay and working at home. On 30 June 2004, 41 members of staff or 21% were employed on a part-time basis.

#### Grievance procedure

Our grievance procedure is designed in accordance with the provisions of the *Industrial Relations Act 1996*. No formal grievances were lodged during 2003-2004.

#### Trainee/apprentices

We currently employ no trainees or apprentices.

## equal employment opportunity (EEO)

We are committed to the principles of EEO and have a program that includes policies on performance management, grievance handling, harassment-free workplace and reasonable adjustment. Members of our staff come from a variety of backgrounds and experience. Figures 57 and 58 show the gender and EEO target groups of staff by salary level and employment basis - permanent, temporary, full-time or part-time.

The NSW government has established targets for the employment of people from various EEO groups.

Measurement against these targets is a good indication of the success or otherwise of our EEO program. The performance indicator 'Employment benchmarks' compares our performance to the rest of the public sector and to government targets.

The following report on our EEO activities is based on the EEO outcomes framework developed by the Office of the Director of Equal Opportunity in Public Employment. It shows our achievements this year and our priorities for next year.

### Outcome 1: A sound information base

In 2003-2004 we had a 99% response rate to our EEO survey - this gave us a sound information base for EEO planning and decision making. We also identified that the representation of the EEO groups 'People with a disability' and 'Aboriginal and Torres Strait Islander People' should be increased.

In 2004-2005 we will analyse EEO statistical data to use for EEO planning purposes.

### Outcome 2: Ensuring staff views are heard

In 2003-2004 we promoted the joint consultative committee as the forum for staff to raise and discuss issues, and included staff in our business planning activities and in the review of our access and equity activities (including the review of our access and equity plan, our disability plan and our ethnic affairs priority statement).

In 2004-2005 we will continue to promote the joint consultative committee as the forum for discussing issues and developing policy and continue to consult staff about business planning activities and equity issues.

### Outcome 3: EEO outcomes included in agency planning

In 2003-2004 we included EEO outcomes in business plans, performance agreements and work plans.

In 2004-2005 we will make sure that EEO accountabilities are included in the revised corporate planning documents and that appropriate EEO performance indicators are included in all planning documents.

### Outcome 4: Fair policies and procedures

In 2003-2004 we finalised our co-lateral flexible working hours agreement providing staff with a more flexible working hours scheme, finalised our working at home policy, made flexible work options such as part time work, working at home and job sharing available to staff, and promoted the role of spokeswoman.

In 2004-2005 we will continue to offer flexible work options to staff, continue to promote a consultative work environment and provide opportunities for staff to participate in staff development and training activities.

### Outcome 5: Needs-based program for EEO groups

In 2003-2004 we trained staff elected as spokeswomen in the roles and responsibilities of that position, provided equitable access to training and development opportunities for EEO groups, provided student placements and work experience opportunities to EEO groups, and supported the successful application by an EEO group member for a scholarship to undertake a professional development course.

In 2004-2005 we will continue to provide student placements and work experience opportunities and review our EAPS and disability action plans, including strategies to improve opportunities for these EEO groups.

### Outcome 6: Managers and staff informed, trained and accountable for EEO

In 2003-2004 we included EEO accountabilities in position descriptions and performance agreements for senior staff, made our EEO policies available to all staff and promoted EEO through our induction program.

In 2004-2005 we will review our EEO policy and program, make our EEO policy and program more accessible and include EEO accountabilities in all work plans of supervisors and other staff as appropriate.

### Outcome 7: A workplace culture displaying fair practices and behaviours

In 2003-2004 we had a comprehensive code of conduct that sets out acceptable behaviours, advised staff of their rights and obligations at induction, promoting a harassment free workplace, and negotiated personnel policies through the JCC ensuring that staff views are heard and considered.

In 2004-2005 we will review our grievance policy and harassment prevention policy and conduct information sessions for managers and supervisors about their supervisory responsibilities, particularly relating to EEO and the implementation of office policies.

### Outcome 8: Improved employment access and participation by EEO groups

In 2003-2004 we improved the representation of people whose first language spoken was not English, maintained the level of representation of people with a disability and improved the representation of women.

In 2004-2005 we will develop strategies to attract more applications from EEO groups and try to improve the representation of Aboriginal and Torres Strait Island people.

### Outcome 9: A diverse and skilled workforce

In 2003-2004 we achieved a better representation of EEO groups than the public sector generally (although we have not reached the government benchmark for all groups but women), improved representation of women and people whose first language spoken was not English and improved the distribution of EEO groups.

In 2004-2005 we will identify strategies that will help us improve the representation of EEO groups, and improve our performance against the government benchmarks, particularly in relation to the employment of people with a disability requiring adjustment.

**Figure 55: Performance Indicator — Trends in the Representation of EEO Groups**

EEO Group	Gov Target	Public Sector	Ombudsman		
		00/01	01/02	02/03	03/04
Women	50%	56%	67%	72%	73%
Aboriginal & Torres Strait Islander people	2%	1.4%	3%	2%	1.5%
People whose language first spoken as a child was not English	20%	14%	16%	16%	17%
People with a disability	12%	7%	7%	8%	8%
People with a disability requiring work related adjustment	7%	1.9%	1.5%	3%	2.5%

\*these are the latest figures appearing on the ODEOPE website

### Interpretation

We exceed the government benchmark and public sector representation for the employment of women.

The representation of women and people whose first language is not English has improved since the last reporting period. The number of our staff who are Aboriginal or Torres Strait Islanders decreased from the previous year. At the time of writing we are in the process of filling a vacancy in the Aboriginal Complaints Unit and as such expect that representation level to increase in the next reporting period. The representation of people with a disability requiring adjustment also decreased although the percentage of staff with a disability remained the same.

Although we have slightly a higher representation than the public sector as a whole for people with a disability, people with a disability requiring a work related adjustment and people whose first language is not English, we fall behind the Government benchmark in all these categories.

Our focus continues to be on improving strategies for employing people with a disability.

**Figure 56: Performance Indicator — Trends in the Distribution of EEO Groups**

EEO Group	Benchmark or Target	Ombudsman			
		00/01	01/02	02/03	03/04
Women	100%	89%	90%	86%	89%
Aboriginal & Torres Strait Islander people	100%	n/a	n/a	n/a	n/a
People whose language first spoken as a child was not English	100%	78%	79%	83%	84%
People with a disability	100%	n/a	n/a	n/a	n/a
People with a disability requiring work related adjustment	100%	n/a	n/a	n/a	n/a

### Interpretation

A distribution index of 100 indicates that the centre of the distribution of the EEO group across salary levels is equivalent to that of other staff. Values less than 100 mean that the EEO group tends to be more concentrated at lower salary levels than is the case for other staff. The more pronounced this tendency is, the lower the index will be. In some cases the index may be more than 100, indicated that the EEO group is less concentrated at the lower levels. Where n/a appears, the sample was not sufficient to draw a conclusion. The Distribution Index is automatically calculated by the software provided by ODEOPE.

As can be seen, there was a slight improvement in the distribution index for women and people whose first language was not English. The other EEO Groups are too small to draw a conclusion.

**Figure 57 - Percentage of total staff by employment basis**

Employment Basis	Total Staff (number)	Subgroup as % of Total Staff in each Category			Subgroup as Estimated Percent of Total Staff in each Employment Category				
		Response Rate	Men	Women	Aboriginal People & Torres Strait Islanders	People from Racial, Ethnic, Ethno-Religious Minority Groups	People Whose Language First Spoken as a Child was not English	People with a Disability	People with a Disability Requiring Work-related Adjustment
Permanent Full-time	122	100%	30%	70%	2.5%	22%	16%	6%	1.6%
Permanent Part-time	30	100%	7%	93%		20%	20%	7%	6.7%
Temporary Full-time	31	100%	35%	65%		42%	19%	16%	3.2%
Temporary Part-time	11	91%	9%	91%		20%	20%		
Contract - SES	4	100%	75%	25%				25%	
Contract - Non SES	1	100%	100%					100%	
<b>Total</b>	<b>199</b>	<b>99%</b>	<b>27%</b>	<b>73%</b>	<b>1.5%</b>	<b>24%</b>	<b>17%</b>	<b>8%</b>	<b>2.5%</b>

Figure 58: Percentage of total staff by level

Level	Total Staff (number)	Subgroup as % of Total Staff in each level			Subgroup as Estimated Percent of Total Staff at each level				
		Response Rate	Men	Women	Aboriginal People & Torres Strait Islanders	People from Racial, Ethnic, Ethno-Religious Minority Groups	People Whose Language First Spoken as a Child was not English	People with a Disability	People with a Disability Requiring Work-related Adjustment
< \$28,710									
\$28,710 - \$37,708	13	100%	8%	92%		54%	31%	15%	7.7%
\$37,709 - \$42,156	9	100%	33%	67%		78%	56%	11%	
\$42,157 - \$53,345	47	98%	17%	83%	2.2%	26%	22%	13%	
\$53,346 - \$68,985	89	100%	25%	75%	2.2%	21%	15%	3%	3.4%
\$68,986 - \$86,231	35	100%	46%	54%		9%	3%	6%	2.9%
> \$86,231 (non SES)	2	100%	50%	50%				50%	
> \$86,231 (SES)	4	100%	75%	25%				25%	
<b>Total</b>	<b>199</b>	<b>99%</b>	<b>27%</b>	<b>73%</b>	<b>1.5%</b>	<b>24%</b>	<b>17%</b>	<b>8%</b>	<b>2.5%</b>

## financial services

Our accounts section provides a range of services including budgeting, management reporting, accounts payable and purchasing. They also provide regular information to external agencies including budget and expenditure reporting to the NSW Treasury and tax compliance data to the Australian Tax Office or the Office of State Revenue.

Our key achievements for 2003-2004 include:

- improving our budget monitoring and reporting
- finalising our accounting manual
- improving the processing of accounts, paying accounts within vendors terms 98.87% of the time
- receiving an unqualified audit report.

Throughout the year we have been putting in systems to better manage our budget. We need to do this for a number of reasons. It is important that we are accountable for how we use the resources we are given - both Parliament and the public expect us to spend our money wisely. We have also been subject to budget cuts in real terms that have had an impact on how we do our work. Some of these cuts have come through the awarding of pay increases to public sector staff that were unfunded by the government. This has meant that we have had to divert resources from other areas of our budget to pay salaries.

Our budget is to be cut by 3% in 2004-2005. This cut was applied to most public sector agencies. It represents a \$500,000 reduction in funding to the Ombudsman. Our accounts section has been working closely with each business unit to devise short and long term strategies to achieve these cuts with the least possible impact on our service delivery.

The NSW government will be moving to the International Accounting Standards from July 2005. We have started to identify where our processes may need to be changed to ensure that we are able to adopt these standards at the appropriate time. We will also be working on implementing government procurement policies and practices during 2004-2005 and improving our asset data so that we can better target our asset needs to our service delivery.

### revenue

Most of our revenue comes from the government in the form of a consolidated fund appropriation. They also make provision for our superannuation and long service leave liabilities. There is a breakdown of revenue generated, including capital funding and acceptance of employee entitlements, in figure 6 in chapter 2: Management overview.

Our appropriation was increased by \$596,000 in 2003-2004, primarily to cover the cost of a rent review. We were also given funds to set up a corrections unit after certain functions of the former Inspector General of Prisons were transferred to our office. We returned \$113,000 to the consolidated fund as there was a delay in the start of one of our legislative reviews. Funding was specifically provided for this purpose and we negotiated with Treasury for the return of those funds in the future.

We generated \$128,000 of revenue through the sale of publications, bank interest and fee for service training courses for other public sector agencies. We also received \$48,000 funding from the Department of Juvenile Justice for our review of the *Children (Criminal Proceedings) Act 1987*. See figures 59 and 60.

Figure 59: Revenue from other sources

Grants	\$48,000
Publication sales	\$9,000
Bank interest	\$60,000
Training courses	\$59,000
<b>Total</b>	<b>\$176,000</b>

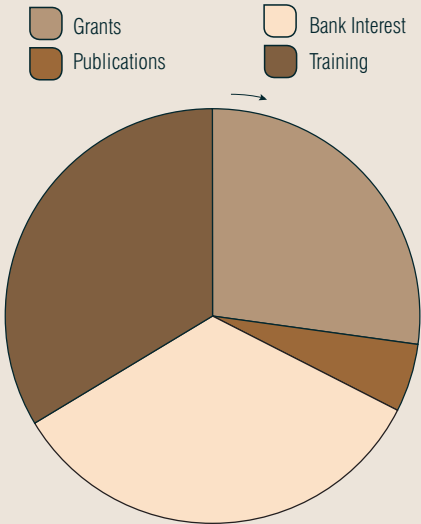
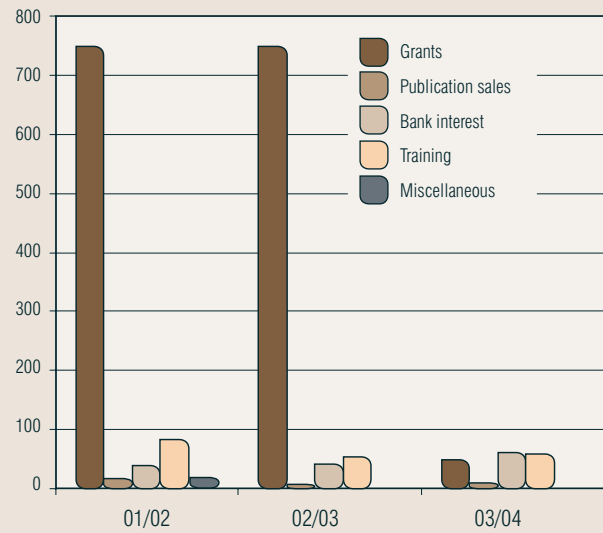


Figure 60: Revenue from other sources - three year comparison

	01/02	02/03	03/04
Grants	\$749,000	\$748,000	\$48,000
Publication sales	\$17,000	\$7,000	\$9,000
Bank interest	\$38,000	\$41,000	\$60,000
Training courses	\$82,000	\$53,000	\$59,000
Miscellaneous	\$12,000	\$0	\$0



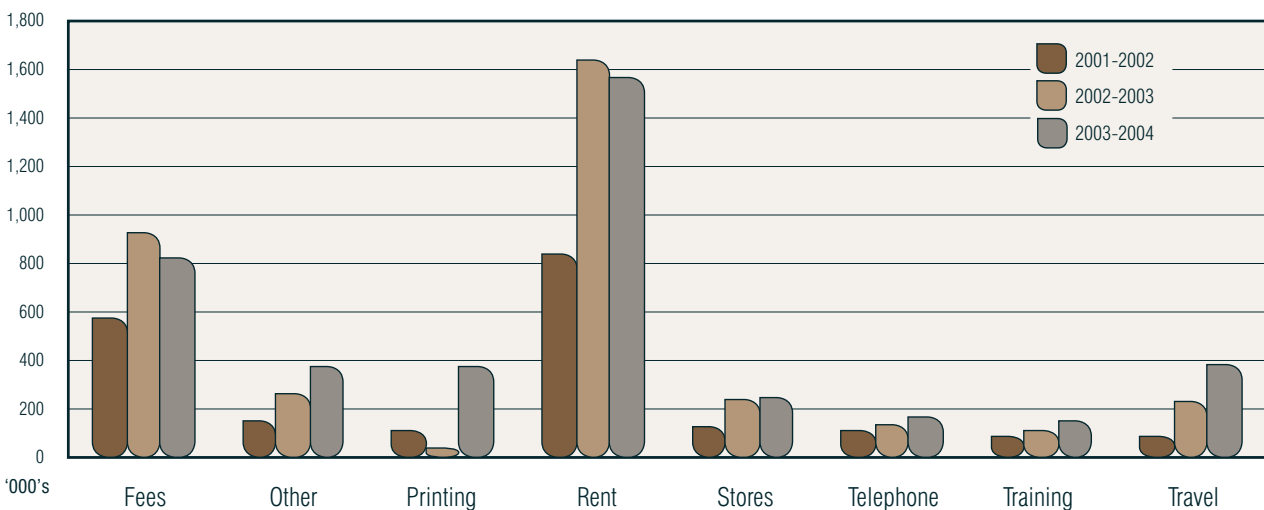
expenses

Most of our revenue is spent on employee-related expenses. These include salaries, superannuation entitlements, long service leave and payroll tax. Last year we spent more than \$14.9 million on employee-related expenses.

The day-to-day running of our office costs over \$4.9 million. This includes rent, postage, telephone, stores, training, printing, travel and maintenance. Depreciation of equipment, furniture and fittings and other office equipment was \$847,000. For more details please see figure 8 and figure 61.

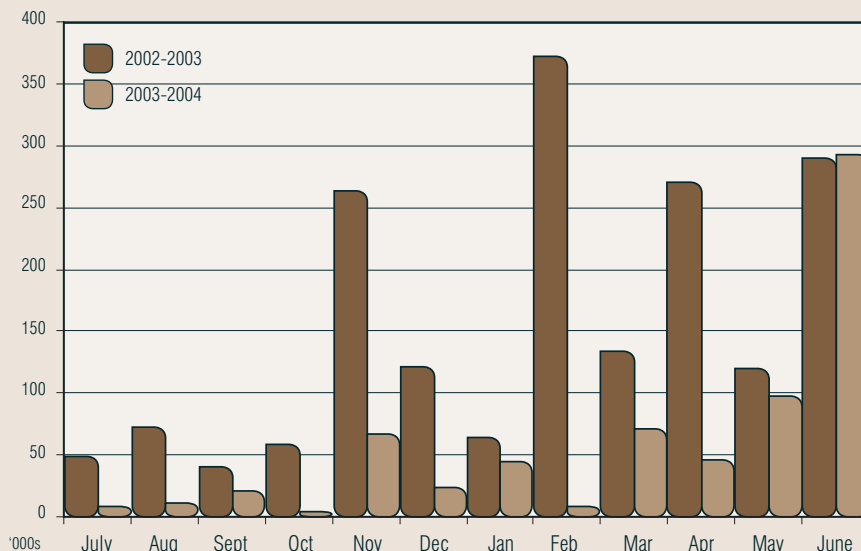
Figure 61: Expenses - three year comparison

	01/02	02/03	03/04
Fees	\$574,000	\$928,000	\$821,000
Other	\$151,000	\$266,000	\$373,000
Printing	\$114,000	\$44,000	\$377,000
Rent	\$837,000	\$1,642,000	\$1,569,000
Stores	\$128,000	\$243,000	\$248,000
Telephone	\$112,000	\$134,000	\$165,000
Training	\$91,000	\$109,000	\$151,000
Travel	\$91,000	\$232,000	\$387,000



**Figure 62: Stores expenditure — two year comparison**

	02/03	03/04
July	\$48,122	7,973
August	\$72,957	10,670
September	\$40,656	20,433
October	\$59,057	5,692
November	\$263,155	66,463
December	\$120,706	23,098
January	\$64,418	44,495
February	\$372,294	8,022
March	\$133,439	71,627
April	\$270,858	46,632
May	\$119,546	97,914
June	\$289,850	292,674



**consultants**

During the year we used no consultants so there was no individual consultancy equal to or in excess of \$30,000.

**stores expenditure**

Figure 62 shows our stores expenditure during the year. Stores include asset purchases such as office and computer equipment, furniture and fixtures and consumables such as stationery. A significant proportion of our stores expenditure is related to asset purchases. These types of purchases can cause fluctuations in the level of expenditure between months and between years.

**funds granted to non-government community organisations**

We did not grant any funds to any non-government community organisations.

**controlled entities**

We have no controlled entities.

**credit card use**

We do not have any corporate credit cards.

**Figure 63: Major assets**

Description	02/03	Acquisition	Disposal	03/04
File servers (mini computer)	9	0	3	6
Hubs	8	0	1	7
Personal computers	46	0	11	35
Printers	18	0	15	3
Photocopiers	5	0	0	5
Telephone systems	1	1	0	2

**assets**

**major assets**

Our major assets are listed in figure 63.

**land disposal**

We do not own and did not dispose of any land or property.

**major works in progress**

There were no major works in progress during the year.

**minor works**

A number of minor works were completed during the year including the purchase of IT-related equipment, the purchase of software, the development of a new website and modifications to some computer systems. We updated our PABX during the year as we had reached capacity and were having problems with calls dropping out and voice mail not recording messages.

**liabilities**

We have two sources of liabilities — creditors who are owed money for goods and services they provide and staff who are owed accrued leave entitlements.

There was an increase in our liabilities as at 30 June 2004, mostly relating to employee entitlements. In particular there was an increase of \$525,000 in long service leave due to a change in estimating liability from the short hand method to the present value method. Amounts owing to trade creditors decreased by \$306,000, due in part to the prompt improvements in the payment of accounts.

**accounts payable policy**

We have an accounts payable policy that states that all accounts must be paid within the agreed terms or within 30 days of receipt of invoice if terms are not specified. We notify our suppliers of this policy in writing when we place orders with them.

**Figure 64: Aged analysis of accounts on hand at the end of each quarter**

	Sep 03	Dec 03	Mar 04	Jun 04
Current (ie within due date)	\$121,323	\$119,955	\$152,535	\$337
Less than 30 days overdue	0	\$4,269	0	0
Between 30 days and 60 days overdue	0	0	\$4,298	0
Between 60 days and 90 days overdue	0	0	0	0
More than 90 days overdue	0	0	0	0
<b>Total accounts on hand</b>	<b>\$121,323</b>	<b>\$124,224</b>	<b>\$156,933</b>	<b>\$337</b>



## 09: corporate team

There were no accounts on hand at 30 June 2003. Please see figure 64.

We regularly review our payment policy and aim to pay all accounts within the vendor credit terms 98% of the time. During 2003-2004 we paid 98.87% of our accounts on time. This is a significant improvement in our performance from the previous year. We have not had to pay any penalty interest on outstanding accounts.

**Figure 65: Performance Indicator — Accounts paid on time**

Quarter	Target	% paid on time	Total paid on time	Total amount paid
September 2003	98%	97.69	1,246,462.81	1,275,928.78
December 2003	98%	100.00	1,127,305.91	1,127,305.91
March 2004	98%	99.14	1,057,846.07	1,066,970.58
June 2004	98%	98.84	2,909,511.25	2,943,611.75
<b>Total</b>	<b>98%</b>	<b>98.87</b>	<b>6,341,126.04</b>	<b>6,413,817.02</b>

### Interpretation

All public sector agencies have an obligation to pay accounts promptly. We aim to pay all accounts within the vendors credit terms at least 98 percent of the time. We met our target paying accounts within terms set by the vendor 98.97% of the time, an improvement on the previous year. As mentioned in previous reports, we are finding that there is an increasing number of invoices reaching the office after the expected date of payment. In these circumstances, it is impossible to pay within the terms specified resulting in payment targets not being met. To a certain extent, the results are outside our control.

### value of leave

The value of recreation (annual) leave and extended (long service) leave owed for all staff for the 2002–2003 and 2003–2004 financial years is shown in figure 66.

**Figure 66: Value of recreation and long service leave**

	02/03	03/04
Recreation leave	\$845,634	\$798,238
Long service (extended) leave	\$1,985,009	\$2,172,733

### risk management

The NSW Treasury Managed Fund encourages agencies to improve their performance in a range of areas including prevention of claims, education and the adoption of risk management principles. Our goal is to continually improve our performance in this area, with a specific focus on overall risk management policy, OH&S and fleet management.

For further details on our risk management and internal control program, please see the 'Corporate governance' section.

### workers compensation

To limit the number of workers compensation claims, we actively promote a safe work environment through workplace inspections and providing a counselling service.

### fleet management

We have a small motor vehicle fleet of four vehicles. The performance indicator 'Insurance claims for motor vehicle accidents' shows the number of claims made to our insurer, the NSW Treasury Managed Fund, as a result of motor vehicle accidents. The fund average represents all public sector claims.

### financial based internal audit

We use an accounting firm for our financial based internal audit function. This internal audit includes:

- an audit of internal controls within the accounting, payroll and leave functions
- a review of our statutory obligations such as the calculation and treatment of payroll tax and fringe benefits tax
- a review of our financial statements before they are submitted to the Auditor-General.

We continue to make improvements to the way we address a range of risk management issues such as internal control, corruption prevention, fraud control, office security, disaster recovery and preventative maintenance of equipment.

**Figure 67: Performance Indicator - Insurance claims for motor vehicles**

	02/03		03/04	
	Fund*	Ombudsman	Fund*	Ombudsman
No. of claims	2,499	0	2,513	0
No. of vehicles	21,912	3	21,881	4
No. of claims per vehicle	0.114	0	0.115	0
Average cost per claim	\$2,978	0	\$2,904	0
Average cost per staff	\$340	0	\$334	0

\*NSW Treasury Fund's comparative statistical analysis as at 31 March 2003 and 31 March 2004 respectively

### Interpretation

This performance indicator compares our performance with the overall performance of all participants in the NSW Treasury Managed Fund. We had no claims during the year.

## public relations

Our public relations section coordinates our access and equity program, manages media relations and produces publications. We report on our implementation of access and awareness strategies, including the publications developed to support this initiative, in chapter 8: access and equity.

Our key achievements for 2003-2004 include:

- successful media campaigns for the release of two special reports to Parliament and our 2002-2003 annual report
- a silver medal for our 2002-2003 annual report in the Australasian Annual Report Awards
- successful media campaigns to promote our regional visits

- dealing with over 130 inquiries from both print and electronic media
- the design and development of our new website
- producing a range of publications to promote good practice in agencies under our jurisdiction.

In 2004-2005, we will be developing a campaign to inform Members of Parliament and their staff about our role and the services we provide. We will also be finalising a review of our written promotional material to ensure that it meets the needs of a diverse public.

We will also review our strategies for ensuring we are accessible, make sure they reflect the goals of our new corporate plan and finalise our EAPS and disabilities strategic plan.

### web site review

We regularly update and change our web site on an ad hoc basis to ensure that information is current. This year we decided to undertake a major review of our site which included using focus groups to work through navigation and accessibility issues. We also asked for comments from people using our site and were surprised by the number of people who responded and had positive things to say. The major issue raised by users was the lack of a search engine.

We used a web design company to redevelop our site but, because of limited funds, did a lot of the preparatory work ourselves. We also took the opportunity to review the content of the site to make sure all the information was up-to-date. We are currently testing the new site before it is launched.

### information for agencies and the public

During 2003-2004 we updated most of our guidelines, including the complaint handlers toolkit and the protected disclosures guidelines, and produced 10,000 *Child protection in the workplace* guidelines which we distributed to all the agencies within our jurisdiction.

We also reviewed and reprinted some of our brochures and fact sheets including *Some tips for making a complaint* and our Youth brochure.

## information and records management

Our information and records management team provides information, records and library services to staff. Information services include maintaining our document management system and developing policies and procedures. Records services include file creation, maintenance, archiving and disposal. Our library provides a range of resources to staff to help them do their work.

During the year, we held a planning day to review our existing processes and practices and have now put strategies in place to improve our service to staff. We also identified the need to raise staff awareness of their records obligations, office records policies and practices and business rules, and provide practical assistance in the use of our documents management systems.

Our key achievements for 2003-2004 include:

- extending our enterprise document management system to the community services division
- conducting training for all division staff, and for new staff generally, on using the enterprise document management system
- training new staff in using the office classification plan
- reviewing our records process, policies, staffing and training requirements
- developing and implementing best practice business rules
- establishing a library business focus group that provides input into the work of the library
- promoting the value of the library through activities linked to Australian Library Week.

Next year we will finalise a records manual for staff that outlines their responsibilities and gives practical guidance on how to use office systems. We will also provide ongoing training to staff in records maintenance, document management and library systems.

### enterprise document management system (EDMS)

During 2003-2004 we extended the EDMS to the community services division. We integrated their case management systems with the EDMS and provided an extensive training program for all their staff.

The EDMS has been working well, but we need to review our policies and processes to ensure that the expected benefits are being realised.

We have scheduled refresher training for staff as well as training on policies such as file naming and records management responsibilities. We will also be improving the resources available to staff to support their use of the system.



□ (L to R) Sharat Arora, our librarian and Tania Martin, an inquiry officer.

## 09: corporate team

### library

This year we employed a full time librarian. We also decided to use the EDMS to catalogue our library collection so that staff can access all information held by the office through one tool. We have catalogued about 40 per cent of the collection so far, focusing on the major or most used items.

During the year, we ran a series of library orientation sessions for about 110 staff to explain how to find library material using the various search tools of our EDMS.

We also celebrated Australian Library Week in May 2004 with all five teams participating in activities.

### disposal authorities and archiving

We regularly send completed files, such as complaint files and personnel, accounting and other administrative records, to an offsite storage facility as we do not have the space to keep these files at our premises.

This year, with authority from State Records, we destroyed about 1500 boxes of records held at our off site storage facility as well as a number of records still at our office that had ceased to be of administrative value.

We will continue our archiving and disposal program in 2004-05.

## information technology

Our IT unit provides a range of services including help desk/user support, network administration, information and computer systems security, and information and data analysis. Our long standing IT manager, Geoff Pearce, retired in September 2003. Under his guidance, our IT section has grown from one person to a team of seven.

Our key achievements for 2003-2004 include:

- retaining our accreditation under the Australian Information Security Standard AS7799
- upgrading our PABX
- reviewing our community service division systems and developing a blueprint for improvements
- improving our network services including email and desktop management.

One of our priorities for next year will be to review and improve our current management reporting systems to ensure that appropriate and timely information is extracted to inform decision-making and improve accountability.

We will also be working with the community services division to deliver an appropriate solution to the information systems needs of a number of their systems and examining the impact of the changes to AS7799 to ensure that our accreditation is maintained.

### security accreditation – AS7799

In December 2002, we became the first fully certified agency in both the government and non-government sectors in Australia to achieve accreditation under the Australian Information Security Standard AS7799.

A requirement of this accreditation is that we are audited on a six monthly basis to ensure ongoing compliance. It is therefore essential that we continually improve our information security systems and processes.

This year we did a major review of our information security policy and developed a formal risk management policy for information security. We conducted a range of information sessions for all new staff, outlining their responsibilities under our policies. We also surveyed staff about their understanding of our policies and their responsibilities. The results of this survey are still being analysed, but we may need to further promote security issues through information sessions for staff.

As the Australian Standard has been changed, we will need to analyse our current program against the new standard making changes as appropriate. This will be a priority for 2004-2005.

### network improvements

We undertook a number of projects in 2003-2004 to improve our network services. The major project was the upgrading of the PABX, which had reached capacity and was unable to cope with basic service delivery requirements. The new telephone system has increased capacity and flexibility and has improved our call centre facilities. Our voice mail system has also become more reliable.

We also installed software that improved how we managed software rollouts to all our desktops. We upgraded our email software and improved systems documents to ensure continued compliance with AS7799.

### systems improvements

We engaged a business analyst to review the business processes and systems for collecting information about the death of certain children and people with disabilities in care. This review provided recommendations for the most effective means of delivering a system to register and analyse the information we collect. We have a blueprint for the development of an appropriate system and will be working on delivering a solution during 2004-2005.

In the meantime, we needed to provide adequate systems to meet the Ombudsman's obligations to review and report on these deaths. We have been working with staff from the community services division to make minor but important improvements to existing systems. These changes included enhancing the system to record the international code of disease (ICD10 coding) - the standard used in this field.

We have also been examining the feasibility and benefits of transferring complaint information from the community services division system to the case management system used by other teams. This would improve reporting and network stability and maintenance. We will make a decision about the future storage of community service division complaint information in 2004-2005.

We also developed the link between their systems and Context to facilitate the use of our EDMS by community services division staff.

### reporting

We have enhanced the reporting capabilities of our systems by improving the accuracy of the collection and analysis of data. We have worked with the police team to improve their 'mark off' process and with the child protection team to improve their management reporting.

### electronic service delivery

We have implemented 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 web site.

## general management issues

### corporate plan

In April 2004, we began a review of our corporate plan to make sure it reflected our expanded community services jurisdiction. We engaged an independent facilitator to consult management, staff and a number of external people about our corporate direction, strategies and plans. A series of one on one interviews and focus groups were held and, after lengthy consultation, a new 'statement of corporate purpose' was developed and approved by the Ombudsman. In 2004-2005, we will be reviewing supporting documents such as the team business plans, office wide plans and our policies to ensure that they reflect our new goals.

### results and services plan

As part of the budget process, all public sector agencies were asked to develop a results and services plan. This plan is a high level document that helps agencies to show the relationship between the services they deliver and the results they are working towards. We submitted our initial plan in November 2003 and revised it in April 2004.

We found the development process very useful and will be using the plan to help us prepare our corporate plan and team business plans.

### research and development

We were involved in a number of research projects in 2003-2004 as part of our legislative review function. Please see the 'Legislative reviews' section in chapter 6: police team.

### overseas travel

In September 2003 the Ombudsman attended the Australasian and Pacific Ombudsman regional annual meeting in Madang, Papua New Guinea and the International Ombudsman Institute (IOI) board of directors meeting in Quebec, Canada. The Ombudsman is the regional vice-president of the IOI and a member of the board.

Chris Wheeler, the Deputy Ombudsman, went to Malaysia at the invitation of the OECD to present a paper on whistleblower protection at an anti-corruption conference. The OECD paid most of his costs for travel, accommodation and meals.

### code of conduct

Our code of conduct provides practical guidance to staff in the performance of their duties and in handling situations that may present ethical conflicts. We made minor changes to the code during the year to clarify our dress code.

### privacy and personal information

We have a privacy management plan as required by the *Privacy and Personal Information Protection Act 1998*. This year we had no requests for an internal review under Part 5 of that Act.

## environmental issues

Our agency, like all agencies, has an impact on the environment. Our work leads to the generation of emissions and the production of waste, and we use resources such as electricity and water. We have a number of programs in place to monitor, and try to reduce, our impact on the environment. These include an energy management program, a waste reduction plan and a strategic purchasing plan.

The owners of our building have also achieved significant results in water conservation, energy savings and reducing CO<sub>2</sub> emissions.

### energy management

Under the government's energy management policy, we are required to:

- establish performance goals and report on outcomes in our annual report
- report energy consumption to the Department of Energy at the end of each year
- adopt best practice in procurement of new assets.

□ Members of our IT team (L to R) Stan Waciega, Mani Maniruzzaman, Bao Nguyen and Chi Chung.



## 09: corporate team

### developing our goals

The energy we use is mainly electricity and fuel in our cars, so our energy management targets are to:

- reduce total energy consumption, where cost effective and feasible, by 25% of the 1995 level by 2005
- include 6% green power in electricity use when available under contract
- purchase or lease personal computers which comply with SEDA's energy star requirement
- include energy efficiency as an additional selection criteria for the purchase of any equipment
- include an appropriate energy management/ environmental module in employee induction
- implement an employee education program.

### benchmarking

Each agency has to establish benchmarks. The baseline year is 1995-1996 so our reporting is compared to this baseline.

### petrol consumption

During 2003-2004 there was an increase in the litres of petrol we used. This is accounted for by the increase in the kilometres travelled. A more appropriate indicator is the MJ/ distance travelled. As indicated in Figure 68, this has been in a steady decline since peaking in 2000-2001.

### electricity consumption

Total electricity decreased slightly over the previous year and in all indicators other than M2/person, we have shown an improvement. The M2/person has increased, as our staff number is slightly lower than the previous year. We are substantially over the baseline figures set in 1995-1996. This is due to our increased floor space, additional staff and the 24-hour air conditioning system in our computer room.

**Figure 68: Performance Indicator — Petrol Consumption**

	95/96	01/02	02/03	03/04
Petrol (L)	4,296	4,276	5,330	6,277
Total GJ	147	146	182	215
Total Cost (\$)	3,098	3,343	4,303	5,066
Distance Travelled (km)	53,018	47,719	65,190	101,538
MJ/Distance Travelled (km)/annum	2.77	3.06	2.8	2.11

#### Interpretation

Our office is committed to reducing total energy consumption where cost effective and feasible. Under the government's Energy Management Policy, we are required to establish benchmarks and report on the progress of meeting the government's environmental outcomes. Electricity and petrol are the major types of energy used.

This table shows petrol usage for the last four financial years and for the baseline year of 1995/1996. We have significantly reduced our petrol consumption in terms of litres used per person, cost per person and gigajoules per person. The number of litres used has increased from the base year and the last reporting year, however, this is due to the office travelling more as indicated by the increase in km travelled. We have significantly reduced our petrol consumption in terms of MJ/kilometres travelled, which is a more accurate performance measure than the kilometres travelled or petrol purchased.

### future direction

We will continue our strategy to make staff aware of the environmental issues.

### other environmental programs

#### Waste reduction

We have a waste reduction and purchasing strategic plan which focuses on waste reduction and avoidance and increasing the purchase of recycled content products.

#### reducing generation of waste

To reduce the amount of paper and other waste, we promote email as the preferred internal communication tool. We also provided duplex trays for all the printers and instructed staff on double-sided copying. Of the 95 toner cartridges purchased, we recycled the 40 that have been used.

#### resource recovery

We recycled approximately 3.9 tonnes of paper. We also recycled glass, plastic and aluminium.

#### the use of recycled material

We use 100% recycled content copy paper and our letterhead and envelopes are printed on recycled content paper. Approximately 80% of our printed material is printed on either recycled, acid free or chlorine free paper. We purchase recycled content product when feasible and cost effective.

#### water usage reduction

The building owners have implemented a water saving strategy throughout the building.

**Figure 69: Performance Indicator — Energy Consumption**

	95/96	01/02	02/03	03/04
Electricity (kWh)	133,630	259,938	352,703	335,024
Kilowatts converted to gigajoules	481.07	935.90	1,270	1,206
Total Cost (\$)	16,254	27,070	38,489	39,211
Occupancy (people)	69.7	122.5	186	180
Area (m <sup>2</sup> )	1,438	3,133	3,133	3,123
MJ/occupancy (people)/annum	6,872	7,926	6,938	6,700
MJ/Area (m <sup>2</sup> )/annum	335	307	405	385
M <sup>2</sup> /person	20.54	25.79	17.12	17.41

#### Interpretation

The office is committed to reducing total energy consumption where cost effective and feasible. Under the Government's Energy Management Policy, we are required to establish benchmarks and report on the progress of meeting the government's environmental outcomes. Electricity and petrol are the major types of energy used.

This table shows electricity use for the last three financial years and for the baseline year of 1995/1996. Total electricity use decreased slightly over the previous year although M<sup>2</sup>/per person is higher as a result of slightly less staff this reporting year.

# 10: financial statements



SPRING 11  
SYDNEY NSW 2011

## INDEPENDENT AUDIT REPORT

### Ombudsman's Office

To Members of the New South Wales Parliament

#### Audit Opinion

In my opinion, the financial report of the Ombudsman's Office:

- (a) presents fairly the Ombudsman's Office's financial position as at 30 June 2004 and its financial performance and cash flows for the year ended on that date, in accordance with applicable Accounting Standards and other mandatory professional reporting requirements in Australia, and
- (b) complies with section 45E of the Public Finance and Audit Act 1983 (the Act).

My opinion should be read in conjunction with the rest of this report.

#### Ombudsman's Role

The financial report is the responsibility of the Ombudsman. It consists of the statement of financial position, the statement of financial performance, the statement of cash flows, the program statement - expenses and revenues, the summary of compliance with financial directives and the accompanying notes.

#### The Auditor's Role and the Audit Scope

As required by the Act, I carried out an independent audit to enable me to express an opinion on the financial report. My audit provides reasonable assurance to members of the New South Wales Parliament that the financial report is free of material misstatement.

My audit accorded with Australian Auditing and Assurance Standards and statutory requirements, and I:

- evaluated the accounting policies and significant accounting estimates used by the Ombudsman in preparing the financial report, and
- examined a sample of the evidence that supports the amounts and other disclosures in the financial report.

An audit does not guarantee that every amount and disclosure in the financial report is error free. The terms 'reasonable assurance' and 'material' recognise that an audit does not examine all evidence and transactions. However, the audit procedures used should identify errors or omissions significant enough to adversely affect decisions made by users of the financial report or indicate that the Ombudsman had not fulfilled his reporting obligations.



My opinion does not provide assurance:

- about the future viability of the Ombudsman's Office,
- that the Ombudsman's Office has carried out its activities effectively, efficiently and economically,
- about the effectiveness of its internal controls, or
- on the assumptions used in formulating the budget figures disclosed in the financial report.

### Audit Independence

The Audit Office complies with all applicable independence requirements of Australian professional ethical pronouncements. The Act further promotes independence by:

- providing that only Parliament, and not the executive government, can remove an Auditor-General, and
- mandating the Auditor-General as auditor of public sector agencies but precluding the provision of non-audit services, thus ensuring the Auditor-General and the Audit Office are not compromised in their role by the possibility of losing clients or income.



R. Serdt  
Auditor-General

SYDNEY  
30 September 2004





### STATEMENT BY THE OMBUDSMAN

Pursuant to Section 45F of the Public Finance and Audit Act 1983 I state that:

- (a) the accompanying financial statements have been prepared in accordance with the provisions of the Public Finance and Audit Act 1983, the Financial Reporting Code for Budget Dependent General Government Sector Agencies, the applicable clauses of the Public Finance and Audit (General) Regulation 2000 and the Treasurer's Directions;
- (b) the statements exhibit a true and fair view of the financial position and transactions of the Office; and
- (c) there are no circumstances which would render any particulars included in the financial statements to be misleading or inaccurate.

A handwritten signature in black ink that reads "B. A. Barbour".

Bruce Barbour  
Ombudsman

29 September 2004



**ombudsman's office  
statement of financial performance  
for the year ended 30 June 2004**

	Notes	Actual 2004 \$'000	Budget 2004 \$'000	Actual 2003 \$'000
<b>Expenses</b>				
Operating expenses				
Employee related	2(a)	14,929	14,638	11,691
Other operating expenses	2(b)	4,091	3,160	3,598
Maintenance		142	90	75
Depreciation and amortisation	2(c)	847	480	514
<b>Total expenses</b>		<b>20,009</b>	<b>18,368</b>	<b>15,878</b>
Less:				
<b>Retained revenue</b>				
Sale of goods and services	3(a)	9	50	7
Bank interest	3(b)	60	40	41
Grants and contributions	3(c)	48	-	748
Other revenue	3(d)	59	34	53
<b>Total retained revenue</b>		<b>176</b>	<b>124</b>	<b>849</b>
<b>Gain/(loss) on disposal of non-current assets</b>	4	(1)	-	6
<b>Net cost of services</b>	19	<b>19,834</b>	<b>18,244</b>	<b>15,023</b>
<b>Government contributions</b>				
Recurrent appropriation	5(a)	16,695	16,212	13,599
Capital appropriation	5(b)	447	447	1,097
Acceptance by the Crown Entity of employee benefits and other liabilities	6	2,040	1,450	1,210
<b>Total government contributions</b>		<b>19,182</b>	<b>18,109</b>	<b>15,906</b>
<b>SURPLUS/(DEFICIT) FOR THE YEAR FROM ORDINARY ACTIVITIES</b>		<b>(652)</b>	<b>(135)</b>	<b>883</b>
<b>SURPLUS/(DEFICIT) FOR THE YEAR</b>		<b>(652)</b>	<b>(135)</b>	<b>883</b>
<b>NON-OWNER TRANSACTION CHANGES IN EQUITY</b>				
		-	-	-
<b>TOTAL REVENUES, EXPENSES AND VALUATION ADJUSTMENTS RECOGNISED DIRECTLY IN EQUITY</b>				
		-	-	-
<b>TOTAL CHANGES IN EQUITY OTHER THAN THOSE RESULTING FROM TRANSACTIONS WITH OWNERS AS OWNERS</b>	16	<b>(652)</b>	<b>(135)</b>	<b>883</b>

The accompanying notes form part of these statements

**ombudsman's office  
statement of financial position  
as at 30 June 2004**

	Notes	Actual 2004 \$'000	Budget 2004 \$'000	Actual 2003 \$'000
<b>ASSETS</b>				
<b>Current assets</b>				
Cash	8	954	1,187	1,224
Receivables	10	152	160	166
Other	11	384	272	272
<b>Total current assets</b>		<b>1,490</b>	<b>1,619</b>	<b>1,662</b>
<b>Non-current assets</b>				
Plant and equipment	12	2,693	3,061	3,094
<b>Total non-current assets</b>		<b>2,693</b>	<b>3,061</b>	<b>3,094</b>
<b>Total assets</b>		<b>4,183</b>	<b>4,680</b>	<b>4,756</b>
<b>LIABILITIES</b>				
<b>Current liabilities</b>				
Payables	13	701	915	821
Provisions	14	1,048	1101	1,052
Other	15	266	34	84
<b>Total current liabilities</b>		<b>2,015</b>	<b>2,050</b>	<b>1,957</b>
<b>Non-current liabilities</b>				
Provisions	14	273	104	104
Other	15	146	260	294
<b>Total non-current liabilities</b>		<b>419</b>	<b>364</b>	<b>398</b>
<b>Total liabilities</b>		<b>2,434</b>	<b>2,414</b>	<b>2,355</b>
<b>Net assets</b>		<b>1,749</b>	<b>2,266</b>	<b>2,401</b>
<b>EQUITY</b>				
Accumulated funds	16	1,749	2,266	2,401
<b>Total equity</b>		<b>1,749</b>	<b>2,266</b>	<b>2,401</b>

The accompanying notes form part of these statements

## ombudsman's office statement of cash flows for the year ended 30 June 2004

	Notes	Actual 2004 \$'000	Budget 2004 \$'000	Actual 2003 \$'000
<b>CASH FLOWS FROM OPERATING ACTIVITIES</b>				
<b>Payments</b>				
Employee related		(13,300)	(13,838)	(10,605)
Other		(5,252)	(3,854)	(4,308)
<b>Total payments</b>		<b>(18,552)</b>	<b>(17,692)</b>	<b>(14,913)</b>
<b>Receipts</b>				
Sale of goods and services		68	84	66
Interest received		52	34	43
Other		593	532	1,314
<b>Total receipts</b>		<b>713</b>	<b>650</b>	<b>1,423</b>
<b>Cash flows from Government</b>				
Recurrent appropriation		16,695	16,212	13,599
Capital appropriation		447	447	1,097
Cash reimbursements from the Crown Entity		761	793	620
Cash transfers to the Consolidated Fund		113	-	-
<b>Net cash flows from Government</b>		<b>18,016</b>	<b>17,452</b>	<b>15,316</b>
<b>NET CASH FLOWS FROM OPERATING ACTIVITIES</b>	19	<b>177</b>	<b>410</b>	<b>1,826</b>
<b>CASH FLOWS FROM INVESTING ACTIVITIES</b>				
Proceeds from sale of leasehold improvements, plant and equipment and infrastructure systems	4	-	-	6
Purchases of leasehold improvements, plant and equipment and infrastructure systems		(447)	(447)	(1,571)
<b>NET CASH FLOWS FROM INVESTING ACTIVITIES</b>		<b>(447)</b>	<b>(447)</b>	<b>(1,565)</b>
<b>NET INCREASE/(DECREASE) IN CASH</b>				
Opening cash and cash equivalents		1,224	1,224	729
Cash transferred in as a result of administrative restructuring		-	-	234
<b>CLOSING CASH AND CASH EQUIVALENTS</b>	8	<b>954</b>	<b>1,187</b>	<b>1,224</b>

The accompanying notes form part of these statements

**ombudsman's office  
program statement - expenses and revenues  
for the year ended 30 June 2004**

Agency's expenses and revenues	Program 1*		Program 2*		Program 3*		Program 4*		Not Attributable		Total	
	2004 \$'000	2003 \$'000	2004 \$'000	2003 \$'000	2004 \$'000	2003 \$'000	2004 \$'000	2003 \$'000	2004 \$'000	2003 \$'000	2004 \$'000	2003 \$'000
<b>Expenses</b>												
Operating expenses												
Employee related	4,761	4,378	3,493	2,981	2,516	2,155	4,159	2,177	-	-	14,929	11,691
Other operating expenses	1,278	1,387	939	851	652	590	1,222	770	-	-	4,091	3,598
Maintenance	47	30	36	19	24	13	35	13	-	-	142	75
Depreciation and amortisation	281	193	215	143	144	100	207	78	-	-	847	514
<b>Total expenses</b>	<b>6,367</b>	<b>5,988</b>	<b>4,683</b>	<b>3,994</b>	<b>3,336</b>	<b>2,858</b>	<b>5,623</b>	<b>3,038</b>	-	-	<b>20,009</b>	<b>15,878</b>
<b>Retained revenue</b>												
Sale of goods and services	(3)	(3)	(2)	(3)	(2)	(1)	(2)	-	-	-	(9)	(7)
Investment income	(20)	(15)	(15)	(11)	(10)	(8)	(15)	(7)	-	-	(60)	(41)
Grants and contributions	-	(710)	(48)	(38)	-	0	-	-	-	-	(48)	(748)
Other revenue	-	(10)	(39)	(31)	-	(5)	(20)	(7)	-	-	(59)	(53)
<b>Total retained revenue</b>	<b>(23)</b>	<b>(738)</b>	<b>(104)</b>	<b>(83)</b>	<b>(12)</b>	<b>(14)</b>	<b>(37)</b>	<b>(14)</b>	-	-	<b>(176)</b>	<b>(849)</b>
Gain/(loss) on disposal of non-current assets									(1)	6	(1)	6
<b>Net cost of services</b>	<b>6,344</b>	<b>5,250</b>	<b>4,579</b>	<b>3,911</b>	<b>3,324</b>	<b>2,844</b>	<b>5,586</b>	<b>3,024</b>	<b>1</b>	<b>(6)</b>	<b>19,834</b>	<b>15,023</b>
Government contributions**	-	-	-	-	-	-	-	-	(19,182)	(15,906)	(19,182)	(15,906)
<b>NET EXPENDITURE/ (REVENUE) FOR THE YEAR</b>	<b>6,344</b>	<b>5,250</b>	<b>4,579</b>	<b>3,911</b>	<b>3,324</b>	<b>2,844</b>	<b>5,586</b>	<b>3,024</b>	<b>(19,181)</b>	<b>(15,912)</b>	<b>652</b>	<b>(883)</b>

\* The name and purpose of each program is summarised in Note 7.

\*\* Appropriations are made on an agency basis and not to individual programs. Consequently, government contributions must be included in the 'Not Attributable' column.

## ombudsman's office summary of compliance with financial directives

	2004				2003			
	Recurrent app'n \$'000	Expenditure/ net claim on consolidated fund \$'000	Capital app'n \$'000	Expenditure/ net claim consolidated fund \$'000	Recurrent app'n \$'000	Expenditure/ net claim on consolidated fund \$'000	Capital app'n \$'000	Expenditure/ net claim consolidated fund \$'000
<b>ORIGINAL BUDGET APPROPRIATION/ EXPENDITURE</b>								
* Appropriation Act	16,212	16,099	447	447	10,905	10,905	557	557
* Additional appropriations	-	-	-	-	-	-	-	-
* s 21A PF&AA - special appropriation	-	-	-	-	-	-	-	-
* s 24 PF&AA - transfers of functions between departments	165	165	-	-	2,293	2,293	-	-
* s 26 PF&AA - Commonwealth specific purpose payments	-	-	-	-	-	-	-	-
	<b>16,377</b>	<b>16,264</b>	<b>447</b>	<b>447</b>	<b>13,198</b>	<b>13,198</b>	<b>557</b>	<b>557</b>
<b>OTHER APPROPRIATIONS/ EXPENDITURE</b>								
* Treasurer's advance	431	431	-	-	-	-	-	-
* Section 22 - expenditure for certain works and services	-	-	-	-	481	481	540	540
* Transfers to/from another agency (s 25 of the Appropriation Act)	-	-	-	-	-	-	-	-
	<b>431</b>	<b>431</b>	<b>-</b>	<b>-</b>	<b>481</b>	<b>481</b>	<b>540</b>	<b>540</b>
Total appropriations/expenditure/ net claim on Consolidated Fund	16,808	16,695	447	447	13,679	13,679	1,097	1,097
Amount drawn down against appropriation		16,808		447		13,599		1,097
<b>Liability to Consolidated Fund*</b>		<b>113</b>		<b>-</b>		<b>-</b>		<b>-</b>

The Summary of Compliance is based on the assumption that Consolidated Fund moneys are spent first (except where otherwise identified or prescribed).

\* The liability to Consolidated Fund represents the difference between the 'Amount drawdown against appropriation' and the 'Total expenditure/net claim on Consolidated Fund'.

# ombudsman's office notes to the financial statements for the year ended 30 June 2004

## 1 SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

### (a) Reporting entity

The Ombudsman's Office, as a reporting entity, comprises all the activities of the Office. The reporting entity is consolidated as part of the NSW Total State Sector Accounts.

On the 1st December 2002, the operations, assets and liabilities of the Community Services Commission were transferred to the Ombudsman's Office. Their expenses and revenues, and assets and liabilities prior to 1st December 2002 are reported in Note 7 and Note 17, respectively.

### (b) Basis of accounting

The Office's financial statements are a general purpose financial report, which has been prepared on an accrual basis and in accordance with:

- applicable Australian Accounting Standards;
- other authoritative pronouncements of the Australian Accounting Standards Board (AASB);
- Urgent Issues Group (UIG) Consensus Views;
- the requirements of the Public Finance and Audit Act and Regulations; and
- the Financial Reporting Directions published in the Financial Reporting Code for Budget Dependent General Government Sector Agencies or issued by the Treasurer under section 9(2)(n) of the Act.

Where there are inconsistencies between the above requirements, legislative provisions have prevailed.

In the absence of a specific Accounting Standard, other authoritative pronouncements of the AASB or UIG Consensus View, the hierarchy of other pronouncements as outlined in *AAS 6 Accounting Policies* is considered.

The financial statements are prepared in accordance with the historical cost convention.

All amounts are rounded to the nearest one thousand dollars and are expressed in Australian currency.

Accounting policies are consistent with those of the previous year.

### (c) Revenue recognition

Revenue is recognised when the Office has control of the good or right to receive; it is probable that the economic benefits will flow to the Office; and the amount of revenue can be measured reliably. Additional comments regarding accounting policies for the recognition of revenue are discussed below.

#### (i) Parliamentary appropriations and contributions from other bodies

Parliamentary appropriations and contributions from other bodies (including grants and donations) are generally recognised as revenue when the Office obtains control over the asset comprising the appropriations and contributions. Control over said appropriations and contributions is normally obtained upon receipt of cash.

An exception to the above is when appropriations remain unspent at year-end. In this case, the authority to spend the money lapses and generally the unspent amount must be repaid to the Consolidated Fund in the following financial year. As a result, unspent appropriations are accounted for as liabilities rather than revenue. The Office had a liability of \$113,000 on the supplementation for the legislative reviews, which was due to the delay in the commencement of the Acts to be reviewed. The liability is disclosed in Note 15 as part of other current liabilities and will be extinguished when it is repaid next financial year.

#### (ii) Sale of goods and services

Revenue from the sale of goods and services comprises revenue from the provision of products and services including the sale of publications and conducting training courses. These are recognised as revenue when the Office obtains control over the assets that result from them.

#### (iii) Interest revenue

Interest is recognised as it is accrued.

### (d) Employee benefits and other provisions

#### (i) Salaries and wages, annual leave, sick leave and on-costs

Liabilities for salaries and wages (including non-monetary benefits), annual leave and vesting sick leave are recognised and measured in respect of employees' services up to the reporting date based on the amounts expected to be paid when the liability is settled.

Unused non-vesting sick leave does not give rise to a liability as it is not considered probable that sick leave taken in the future will be greater than the entitlements accrued in the future.

The outstanding amounts of payroll tax, workers' compensation insurance premiums and Fringe Benefits Tax, which are consequential to employment, are recognised as liabilities and expenses where the employee entitlements to which they relate have been recognised.

#### (ii) Long service leave and superannuation

The Office's liabilities for long service leave and superannuation are assumed by the Crown Entity. The Office accounts for the liability as having been extinguished resulting in the amount assumed being shown as part of the non-monetary revenue item described as 'Acceptance by the Crown Entity of Employee Entitlements and Other Liabilities'.

AASB 1028 requires that employee benefit liabilities, such as long service leave, that are expected to be settled more than 12 months after the reporting date, must be measured as the present value of the estimated future cash outflows to be made by the employer in respect of services provided by employees up to the reporting date. This calculation must take into account future increases in remuneration rates as they will increase the amount the employer is required to pay to settle the liability.

AASB 1028 also states that on-costs i.e. costs that are consequential to the employment of employees, but which are not employee benefits, are recognised as liabilities and expenses when the employee benefits to which they relate are recognised and are accordingly measured as the present value of the estimated cash outflows.

The superannuation expense for the financial year is determined by using the formulae specified in the Treasurer's Directions. The expense for certain superannuation schemes (ie Basic Benefit and First State Super) is calculated as a percentage of the employees' salary. For other superannuation schemes (ie State Superannuation Scheme and State Authorities Superannuation Scheme), the expense is calculated as a multiple of the employees' superannuation contributions.

### (e) Insurance

The Office's insurance activities are conducted through the NSW Treasury Managed Fund Scheme of self insurance for government agencies. The expense (premium) is determined by the Fund Manager based on past experience.

### (f) Accounting for the Goods and Services Tax (GST)

Revenues, expenses and assets are recognised net of amount of GST, except where:

- the amount of GST incurred by the Office that is not recoverable from the Australian Taxation Office is recognised as part of the acquisition of an asset or an item of expense; and
- receivables and payables are stated with the amounts of GST included.

### ombudsman's office notes to the financial statements (continued)

#### (g) Acquisitions of assets

The cost method of accounting is used for the initial recording of all acquisition of assets controlled by the Office. Cost is determined as the fair value of the assets given as consideration plus the costs incidental to the acquisition. Assets acquired at no cost, or for nominal consideration, are initially recognised as assets and revenues at their fair value at the date of acquisition.

Fair value means the amount for which an asset could be exchanged between a knowledgeable, willing buyer and a knowledgeable, willing seller in an arm's length transaction. Where settlement of any part of cash consideration is deferred, the amounts payable in the future are discounted to their present value at the acquisition date. The discount rate used is the incremental borrowing rate being the rate at which a similar borrowing could be obtained.

#### (h) Plant and equipment

Plant and equipment costing \$5,000 and above individually are capitalised. Equipment purchased that is part of a larger asset may also be capitalised.

#### (i) Revaluation of physical non-current assets

Physical non-current assets are valued in accordance with the Accounting Policy - Valuation of Physical Non-Current Assets at Fair Value (TPP 03-02). This policy adopts fair value in accordance with AASB 1041 *Revaluation of Non-Current Assets* from financial years beginning on or after the 1st July 2002. There is no substantive difference between the fair value valuation methodology and the previous valuation methodology adopted in the NSW public sector.

The assets of the office are short-lived and their cost approximates their fair value. The agency is a not-for-profit entity with no cash generating operations.

#### (j) Depreciation/amortisation of non-current physical assets

Depreciation/amortisation is provided for on a straight line basis for all depreciable assets so as to write off the depreciable amount of each asset as it is consumed over its useful life to the Office.

Depreciation/amortisation rates used are:

Computer software	20 - 33%
Computer hardware	33.33%
Office equipment	20%
Furniture and fittings	10%
Leasehold improvements	Life of lease contract

#### (k) Maintenance and repairs

The costs of maintenance are expensed as incurred, except where they relate to the replacement of a component of an asset, in which case the costs are capitalised and depreciated.

#### (l) Leased assets

A distinction is made between finance leases which effectively transfer from the lessor to the lessee most of the risks and benefits incidental to ownership of the leased assets, and operating leases under which the lessor effectively retains all such risks and benefits.

Where a non-current asset is acquired by means of a finance lease, the asset is recognised at its fair value at the inception of the lease. The corresponding liability is established at the same amount. Lease payments are allocated between the principal component and the interest expense.

Operating lease payments are charged to the Statement of Financial Performance in the periods in which they are incurred. Lease incentives received on entering non-cancellable operating leases are recognised as a lease liability. This liability is reduced on a straight line basis over the lease term.

#### (m) Receivables

Receivables are recognised and carried at cost based on the original invoice amount less a provision for any uncollectible debts. An estimate for doubtful debts is made when collection of the full amount is no longer probable. Bad debts are written off as incurred.

#### (n) Other financial assets

"Other financial assets" are generally recognised at cost.

#### (o) Other assets

Other assets including prepayments are recognised on a cost basis.

#### (p) Equity transfers

The transfer of assets between agencies as a result of administrative restructure, transfers of programs/functions and parts thereof between NSW public sector agencies are designated as a contribution by owners by NSW TC 01/11 Contributions by Owners Made to Wholly-Owned Public Sector Entities and are recognised as an adjustment to "Accumulated Funds". This treatment is consistent with Urgent Issues Group UIG Abstract 38 Contributions by Owners Made to Wholly-Owned Public Sector Entities.

Transfers arising from an administrative restructure between government agencies are recognised at the amount at which the asset was recognised by the transferor government agency immediately prior to the restructure. In most instances this will approximate fair value. All other equity transfers are recognised at fair value.

#### (q) Payables

Payables represent liabilities for goods and services provided to the Office as well as other amounts including interest. Interest is accrued over the period it becomes due.

#### (r) Budgeted amounts

The budgeted amounts in the Statements of Financial Performance and Cash Flows are generally based on the amounts disclosed in the NSW Budget Papers with any adjustments for the effects of additional appropriations, s 21A, s 24 and/or s 26 of the *Public Finance and Audit Act 1983*. However, in the Statement of Financial Position, the amounts vary from the Budget Papers, as the beginning balances are actuals carried forward from the closing balances on the previous year's audited financial statements.

#### (s) Comparative figures

Comparative figures are, where appropriate, reclassified so as to be comparable with the figures presented in the current financial year.

#### (t) Rounding of amounts

Amounts in the financial statements have been rounded to the nearest thousand dollars.

	2004 \$'000	2003 \$'000
<b>2 EXPENSES</b>		
<b>(a) Employee related expenses</b>		
Salaries and wages (including recreation leave)	11,986	9,772
Superannuation	1,026	843
Long service leave	953	318
Workers' compensation insurance	123	68
Payroll tax and fringe benefit tax	716	641
Payroll tax on superannuation	61	49
Payroll tax on long service leave	64	-
	<b>14,929</b>	<b>11,691</b>
<b>(b) Other operating expenses</b>		
Auditors remuneration - audit or review of the financial reports	14	21
Operating lease rental expenses - minimum lease payments	1,569	1,643
IT leasing - minimum lease payments	252	207
Insurance	22	15
Consultants	-	12
Fees	555	688
Telephones	165	134
Stores	248	243
Training	151	109
Printing	377	44
Travel	387	232
Books, periodicals and subscriptions	41	44
Advertising	72	31
Energy	46	36
Motor vehicle	29	29
Postal and courier	83	32
Other	80	78
	<b>4,091</b>	<b>3,598</b>
<b>(c) Depreciation and amortisation expense</b>		
<i>Plant and equipment</i>		
Depreciation	730	394
Amortisation	117	120
	<b>847</b>	<b>514</b>
<b>3 REVENUES</b>		
<b>(a) Sale of goods and services</b>		
Sale of publications	9	5
Other	-	2
	<b>9</b>	<b>7</b>
<b>(b) Bank interest</b>		
Interest	60	41
	<b>60</b>	<b>41</b>

	2004 \$'000	2003 \$'000
<b>(c) Grants and contributions</b>		
Police Complaints Case Management (PCCM)	-	710
Review of the Children (Criminal Proceedings) Act	48	38
	<b>48</b>	<b>748</b>
<b>(d) Other revenue</b>		
Workshops and conferences	59	53
	<b>59</b>	<b>53</b>
<b>4 GAIN/(LOSS) ON DISPOSAL OF NON-CURRENT ASSETS</b>		
<i>Plant and equipment</i>		
Proceeds from disposal	-	6
Written down value of assets disposed	1	-
<b>Net gain/(loss) on disposal of plant and equipment</b>	<b>(1)</b>	<b>6</b>
<b>5 APPROPRIATIONS</b>		
<b>(a) Recurrent appropriation</b>		
Total recurrent drawdowns from Treasury (per Summary of Compliance)	16,808	13,599
Less: Liability to Consolidated Fund (per Summary of Compliance)	(113)	-
	<b>16,695</b>	<b>13,599</b>
Comprising:		
Recurrent appropriations (per Statement of Financial Performance)	16,695	13,599
	<b>16,695</b>	<b>13,599</b>
<b>(b) Capital appropriation</b>		
Total capital drawdowns from Treasury (per Summary of Compliance)	447	1,097
	<b>447</b>	<b>1,097</b>
Comprising:		
Capital appropriations (per Statement of Financial Performance)	447	1,097
	<b>447</b>	<b>1,097</b>
<b>6 ACCEPTANCE BY THE CROWN ENTITY OF EMPLOYEE BENEFITS AND OTHER LIABILITIES</b>		
The following liabilities and/or expenses have been assumed by the Crown Entity or other government agencies:		
Superannuation	1,026	843
Long service leave	953	318
Payroll tax	61	49
	<b>2,040</b>	<b>1,210</b>



## ombudsman's office notes to the financial statements (continued)

### 7 PROGRAMS/ACTIVITIES OF THE AGENCY

#### (a) Program 1: Resolution of complaints about police

Objectives:

Oversight and scrutinise the handling of complaints about the conduct of police. Promote fairness, integrity and practical reforms in the NSW Police.

#### (b) Program 2: Resolution of local government, public authority and prison complaints and review of Freedom of Information complaints

Objectives:

Resolve complaints and protected disclosures about the administrative conduct of public authorities and local councils. Promote fairness, integrity and practical reforms in New South Wales public administration.

#### (c) Program 3: Resolution of child protection related complaints

Objectives:

Scrutiny of complaint-handling systems and monitoring of the handling of notifications of alleged child abuse.

#### (d) Program 4: Resolution of complaints about and the oversight of the provision of community services

Objectives:

Provide for independent monitoring of community services and programs, keep under scrutiny complaint-handling systems and provide for and encourage the resolution of complaints. Review the deaths of certain children and people with a disability and formulate recommendations for the prevention or reduction of deaths of children in care, children at risk of death due to abuse or neglect, children in detention and correctional centres or disabled people in residential care.

Program 4 was transferred to the Office on the 1st December 2002 following the abolition of the Community Services Commission. The following summarises the expenses and revenues, recognised by the Community Services Commission up to the date of abolition.

	2003 \$'000
<b>Expenses</b>	
Operating expenses	
Employee related	3,404
Other operating expenses	1,227
Maintenance	21
Depreciation and amortisation	112
<b>Total expenses</b>	<b>4,764</b>
<b>Retained revenue</b>	
Sale of goods and services	(12)
Investment income	(12)
Other revenue	(8)
<b>Total retained revenue</b>	<b>(32)</b>
Gain/(loss) on disposal of non-current assets	<b>(87)</b>
<b>Net cost of services</b>	<b>4,645</b>

	2004 \$'000	2003 \$'000
--	----------------	----------------

### 8 CURRENT ASSETS - CASH

Cash at bank and on hand	954	1,224
	<b>954</b>	<b>1,224</b>

For the purposes of the Statement of Cash Flows, cash includes cash on hand and at bank.

Cash assets recognised in the Statement of Financial Position are reconciled to cash at the end of the financial year as shown in the Statement of Cash Flows as follows:

Cash (per Statement of Financial Position)	954	1,224
<b>Closing cash and cash equivalents (per Statement of Cash Flows)</b>	<b>954</b>	<b>1,224</b>

### 9 RESTRICTED ASSETS - CASH

Department of Juvenile Justice	48	163
Liability to Consolidated Fund	113	-
	<b>161</b>	<b>163</b>

The Ombudsman received funding of \$200,585 in the form of an advance payment from the Department of Juvenile Justice to cover the costs of the Ombudsman's review of the operation and effect of s 19 of the Children (Criminal Proceedings) Act for the financial years to June 30, 2005. At year end, \$115,000 was unspent, the project is to continue for a further year.

### 10 CURRENT ASSETS - RECEIVABLES

Transfer of leave	3	23
Workshops	2	18
Sale of goods and services	1	6
Bank interest	30	22
GST receivable	115	97
Other	1	-
	<b>152</b>	<b>166</b>

Management considers all amounts to be collectable and as such, no provision for doubtful debts has been established.

### 11 CURRENT ASSETS - OTHER

#### Prepayments

Salaries and wages	3	12
Maintenance	70	73
Prepaid rent	145	114
Subscription/membership	18	10
Training	8	8
Motor vehicle	1	1
Employee assistance program	-	11
IT leasing	43	39
Insurance	91	-
Other	5	4
	<b>384</b>	<b>272</b>

	2004 \$'000	2003 \$'000
<b>12 NON-CURRENT ASSETS - PLANT AND EQUIPMENT</b>		
<b>Plant and equipment</b>		
At cost	5,115	5,006
Less accumulated depreciation	(2,422)	(1,912)
	<b>2,693</b>	<b>3,094</b>
<b>Reconciliations</b>		
Reconciliations of the carrying amounts of plant and equipment at the beginning and end of the current and previous financial years are set out below:		
Carrying amount at start of year	3,094	1,984
Additions	447	1,571
Disposals	(1)	(122)
Acquisitions through administrative restructures	-	111
Depreciation/amortisation expense	(847)	(514)
Depreciation/amortisation/write back on disposal	-	122
Other - adjustment to accumulated depreciation through administrative restructures	-	(58)
<b>Carrying amount at end of year</b>	<b>2,693</b>	<b>3,094</b>
<b>13 CURRENT LIABILITIES - PAYABLES</b>		
Accrued salaries, wages and on-costs	538	352
Creditors	163	469
	<b>701</b>	<b>821</b>
<b>14 CURRENT/NON-CURRENT LIABILITIES - PROVISIONS</b>		
<b>Current employee benefits and related on-costs</b>		
Recreation leave	798	846
Annual leave loading	157	140
Payroll tax on recreation and long service leave	73	59
Other on-costs on recreation and long service leave	20	7
	<b>1,048</b>	<b>1,052</b>
<b>Non-current employee benefits and related on-costs</b>		
Payroll tax on recreation and long service leave	137	104
Other on-costs on recreation and long service leave	136	-
	<b>273</b>	<b>104</b>
<b>Aggregate employee benefits and related on-costs</b>		
Provisions - current	1,048	1,052
Provisions - non-current	273	104
Accrued salaries, wages and oncosts (Note 13)	538	352
	<b>1,859</b>	<b>1,508</b>

	2004 \$'000	2003 \$'000	2004 \$'000	2003 \$'000
<b>15 CURRENT/ NON-CURRENT LIABILITIES - OTHER</b>				
<b>Current</b>				
Liability to Consolidated Fund			113	-
Department of Juvenile Justice advance payment review of s 19 of the Children (Criminal Proceedings) Act			119	50
Lease incentive			34	34
			<b>266</b>	<b>84</b>
<b>Non-current</b>				
Department of Juvenile Justice Advance payment review of s 19 of the Children (Criminal Proceedings) Act			-	113
Lease incentive			146	181
			<b>146</b>	<b>294</b>
<b>16 CHANGES IN EQUITY</b>				
	<b>Accumulated Funds</b>		<b>Total Equity</b>	
	<b>2004</b>	<b>2003</b>	<b>2004</b>	<b>2003</b>
	<b>\$'000</b>	<b>\$'000</b>	<b>\$'000</b>	<b>\$'000</b>
Balance at the beginning of the financial year	2,401	1,583	2,401	1,583
<b>Changes in equity - transactions with owners as owners</b>				
(Decrease) in net assets from equity transfers	-	(65)	-	(65)
<b>Changes in equity - transactions other than with owners as owners</b>				
Surplus/(deficit) for the year	(652)	883	(652)	883
<b>Balance at end of the financial year</b>	<b>1,749</b>	<b>2,401</b>	<b>1,749</b>	<b>2,401</b>
<b>17 INCREASE/(DECREASE) IN NET ASSETS FROM EQUITY TRANSFERS</b>				
Responsibility assumed for Community Services Commission (CSC)				
<b>Assets transferred from CSC</b>				
Cash assets				234
Receivables				6
Plant and equipment				53
Other				19
				<b>312</b>
<b>Liabilities transferred from CSC</b>				
Payables				54
Provisions				323
				<b>377</b>
<b>Increase/(decrease) in net assets from administrative restructuring</b>				<b>(65)</b>

## ombudsman's office notes to the financial statements (continued)

	2004 \$'000	2003 \$'000
<b>18 COMMITMENTS FOR EXPENDITURE</b>		
<b>Operating lease commitments</b>		
Future non-cancellable operating lease rentals not provided for and payable		
Not later than one year	2,064	1,735
Later than one year and not later than five years	7,354	6,194
Later than five years	450	1,836
<b>Total (including GST)</b>	<b>9,868</b>	<b>9,765</b>

The property lease is a non-cancellable lease with a 10 year term, with rent payable monthly in advance. An option exists to renew the lease at the end of the 10 year term for an additional term of five years. The total operating lease commitments of \$9,868,000 including GST input tax credits of \$897,000 that are expected to be recoverable from the Australian Taxation Office.

### 19 RECONCILIATION OF CASH FLOWS FROM OPERATING ACTIVITIES TO NET COST OF SERVICES

Net cash flows from operating activities	177	1,826
Cash flows from Government/Appropriations	(18,016)	(15,316)
Acceptance by the Crown Entity of employee benefits and other liabilities	(1,279)	(590)
Depreciation and amortisation	(847)	(514)
Decrease/(Increase) in provisions	(165)	(105)
Increase/(Decrease) in prepayments and other assets	112	60
Decrease/(Increase) in creditors	120	(505)
Increase/(Decrease) in receivables	(14)	44
Decrease/(Increase) in other liabilities	(79)	71
Net gain/(loss) on disposal of non-current assets	(1)	6
<b>Net cost of services</b>	<b>(19,834)</b>	<b>(15,023)</b>

### 20 BUDGET REVIEW

#### Net cost of services

There was a variation of \$1,590,000 between the budgeted net cost of services and actual. This was primarily due to additional funds of \$431,000 being provided to cover an increase in rent as a result of a rent review, an increase in depreciation of \$367,000 as a result of a review of the office's asset register and an increase in long service leave of \$525,000 due to a change in estimating liability from the short hand method to the present value method.

### Assets and liabilities

Current assets were lower than budget by \$129,000 due to an increase in prepayments and therefore a decrease in cash.

The Office's asset register was reviewed and a number of obsolete assets were written off. As a result the non-current assets were lower than budget by \$368,000. Current liabilities were lower than budget mainly due to timing in the expenditure of the grant received from the Department of Juvenile Justice.

### Cash flows

Cash flows are lower than budget by \$233,000 primarily due to the payment of back rent as a result of a rent review due in 2002 but not finalised until 2004. We also received more revenue through investment income and training charges.

### 21 FINANCIAL INSTRUMENTS

#### Cash

Cash comprises cash on hand and bank balances within the Treasury Banking System. Interest is earned on daily bank balances at the monthly average NSW Treasury Corporation (TCorp) 11am unofficial cash rate adjusted for a management fee to Treasury.

#### Receivables

All trade debtors are recognised as amounts receivable at balance date. Collectibility of trade debtors is reviewed on an ongoing basis. Debts which are known to be uncollectible are to be written off. A provision for doubtful debts is only raised when some doubt as to collection exists. The credit risk is the carrying amount. No interest is earned on trade debtors. The carrying amount approximates net fair value. Sales are made on 14-day terms.

#### Other Assets

All other assets are current and they are mainly represented by prepayments of maintenance and rent. The credit risk is the carrying amounts. There is no interest earned on prepayments.

#### Bank Overdraft

The Office does not have any bank overdraft facility.

#### Trade Creditors and Accruals

The liabilities are recognised for amounts due to be paid in the future for goods and services received, whether or not invoiced. Amounts owing to suppliers (which are unsecured) are settled in accordance with the policy set out in Treasurer's Direction 219.01. If trade terms are not specified, payment is made no later than the end of the month following the month in which an invoice or a statement is received. The Office did not pay any penalty interest during the year.

### 22 MANAGEMENT OF THE TRANSITION TO AIFRS

The Office will apply the Australian Equivalents to International Financial Reporting Standards (AIFRS) from the reporting period beginning 1 July 2005.

The Office is managing the transition to the new standards by allocating internal resources to analyse the pending standards and Urgent Issues Group Abstracts to identify key areas regarding policies, procedures, systems and financial impacts affected by the transition.

As a result of this exercise, the Office has taken the following steps to manage the transition to the new standards:

- The Manager, Personnel and Accounts is oversighting the transition. The Senior Accounting Officer is responsible for the project, monitors latest developments in relation to transition to AIFRS and the AGAAP/GFS harmonisation project and reports to the Manager on progress.

- The following phases that need to be undertaken have been identified:
  - 31 October 2004 - Finalise data needs and system requirements;
  - 15 December 2004 - Draft opening Balance Sheet as at 1 July 2004 prepared under AIFRS (in parallel with existing Australian Generally Accepted Accounting Principles (AGAAP) financial information and financial statements);
  - 31 December 2004 - Identify required modifications to the internal accounting system;
  - 31 March 2005 - Final opening Balance Sheet as at 01 July 2004 prepared under AIFRS (in parallel with existing AGAAP financial information and financial statements);
  - 31 August 2005 - Disclose financial impacts of moving to AIFRS in 2005 financial statements to comply with AASB 1047 Disclosing Impacts of Adopting Australian Equivalents to International Financial Reporting Standards;
  - 31 August 2006 - Prepare financial statements for 2005-2006 financial year under AIFRS.
- AASB 117 Leases requires operating lease contingent rentals to be recognised as an expense on a straight-line basis over the lease term rather than expensing in the financial year incurred.
- AASB 1004 Contributions applies to not-for-profit entities only. Entities will either continue to apply the current requirements in AASB 1004 where grants are normally recognised on receipt, or alternatively apply the proposals on grants included in ED 125 Financial Reporting by Local Governments. If the ED 125 approach is applied, revenue and/or expense recognition will be delayed until the agency supplies the related goods and services (where grants are in-substance agreements for the provision of goods and services) or until conditions are satisfied.
- AASB 136 Impairment of Assets requires an entity to assess at each reporting date whether there is any indication that an asset (or cash generating unit) is impaired and if such indication exists, the entity must estimate the recoverable amount. However, the effect of this Standard should be minimal because all the substantive principles in AASB 136 are already incorporated in Treasury's policy Valuation of Physical Non-Current Assets at Fair Value.

To date, the following has been completed:

- Determined the implications of the Pending Accounting Standards AASB 1 First-time Adoption of Australian Equivalents to International Financial Reporting Standards;
- Review of all applicable Pending Accounting Standards for the preparation of annual financial statements; and
- Review of relevant publications by NSW Treasury, The Audit Office of NSW, Australian Accounting Standards Board (AASB), CPA Australia, Financial Reporting Council, International Accounting Standards Board, and other national and state (and territory) audit offices and treasury departments.

NSW Treasury is assisting agencies to manage the transition by developing policies, including mandates of options; presenting training seminars to all agencies; providing a web site with up-to-date information to keep agencies informed of any new developments; and establishing an IAS Agency Reference Panel to facilitate a collaborative approach to manage the change.

The Office's accounting policies may also be affected by a proposed standard designed to harmonise accounting standards with Government Finance Statistics (GFS). This standard is likely to change the impact of AIFRS and significantly affect the presentation of the income statement. However, the impact is uncertain, as this standard is not yet finalised and it may not be adopted in 2005-2006.

To ensure consistency at the whole of government level, NSW Treasury has advised it is likely to mandate the adoption of available options in AIFRS, and will inform these during 2004-2005. This disclosure reflects these likely mandates.

END OF AUDITED FINANCIAL STATEMENTS

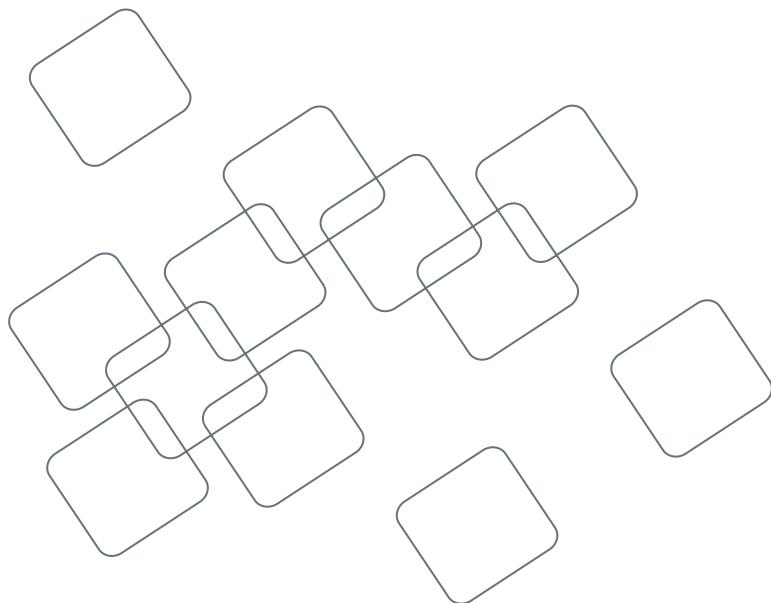
### 23 KEY DIFFERENCES IN ACCOUNTING POLICIES

The Office has identified a number of significant differences in accounting policies that will arise from adopting AIFRS. Based on current information, the following key differences in accounting policies are expected to arise:

- AASB 1 First-time Adoption of Australian Equivalents to International Financial Reporting Standards requires retrospective application of the new AIFRS from 1 July 2004, with limited exemptions. Similarly, AASB 108 Accounting Policies, Changes in Accounting Estimates and Errors requires voluntary changes in accounting policy and correction of errors to be accounted for retrospectively by restating comparatives and adjusting the opening balance of accumulated funds. This differs from current Australian requirements, because such changes must be recognised in the current period through profit and loss, unless a new standard mandates otherwise.
- AASB 116 Property, Plant and Equipment requires cost and fair value of property, plant and equipment to be increased to include restoration costs, where restoration provisions are recognised under AASB 137 Provisions, Contingent Liabilities and Contingent Assets.

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# 11: appendices



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## A: police complaints profile

Figure 70: outcomes of written complaints about police officers finalised, categorised by allegation

Each individual complaint that we receive may contain a number of allegations about a single incident. For example, a person arrested may complain to us about unreasonable arrest, assault and failure to return property. In the 3,316 complaints we dealt with this year, 6,837 allegations were made. This figure lists these in categories and shows the action that was taken in relation to each allegation.

	Declined	Management outcomes following investigation of complaint (incl. adverse findings)	No management adverse finding outcome (incl. no adverse findings)	Conciliated/Other	Total
<b>Criminal conduct</b>					
Conspiracy/cover up	87	14	142	0	243
Drug offences	64	5	83	0	152
Theft	44	15	72	0	131
Consorting	26	7	72	1	106
Bribery/extortion	42	2	57	1	102
Perjury	21	3	23	0	47
Fraud	15	5	23	0	43
Sexual assault	7	2	25	0	34
Dangerous/culpable driving	6	2	7	0	15
Murder/manslaughter	3	0	4	0	7
Telephone tapping	2	0	0	0	2
Other	41	17	59	0	117
<b>Total</b>	<b>358</b>	<b>72</b>	<b>567</b>	<b>2</b>	<b>999</b>
<b>Assault</b>					
Physical/mental injury	99	19	283	3	404
No physical/mental injury	51	8	108	5	172
<b>Total</b>	<b>150</b>	<b>27</b>	<b>391</b>	<b>8</b>	<b>576</b>
<b>Investigator/prosecution misconduct</b>					
Faulty investigation/prosecution	302	87	183	61	633
Fabrication	69	4	39	2	114
Failure to prosecute	39	15	35	8	97
Disputes traffic infringement notice	91	0	1	0	92
Unjust prosecution (non-traffic)	13	1	5	1	20
Suppress evidence	3	2	9	1	15
Failure to review prosecution	3	0	1	0	4
Forced confession	0	0	3	0	3
<b>Total</b>	<b>520</b>	<b>109</b>	<b>276</b>	<b>73</b>	<b>978</b>
<b>Stop/search/seize</b>					
Unreasonable arrest/detention	46	5	76	3	130
Unnecessary force/damage	13	5	63	9	90
Unjust search/entry	32	3	31	6	72
Strip search	2	1	10	1	14
Faulty search warrant	2	1	6	0	9
<b>Total</b>	<b>95</b>	<b>15</b>	<b>186</b>	<b>19</b>	<b>315</b>

Figure 70 (cont.)

	Declined	Management outcomes following investigation of complaint (incl. adverse findings)	No management adverse finding outcome (incl. no adverse findings)	Conciliated/Other	Total
<b>Abuse/Rudeness</b>					
Traffic rudeness	29	0	5	4	38
Racist	18	1	9	2	30
Other social prejudice	2	0	4	0	6
Other	103	19	67	26	215
<b>Total</b>	<b>152</b>	<b>20</b>	<b>85</b>	<b>32</b>	<b>289</b>
<b>Administrative wrong conduct</b>					
Deficient management	7	43	20	1	71
Deficient investigation	6	40	8	6	60
Delay in correspondence	13	2	2	1	18
Summons/warrant/order	3	1	5	0	9
Cell/premises conditions	0	0	0	1	1
Child abuse related	0	0	0	1	1
Whistleblower	0	0	0	0	0
Other	36	10	21	2	69
<b>Total</b>	<b>65</b>	<b>96</b>	<b>56</b>	<b>12</b>	<b>229</b>
<b>Breach of rights</b>					
Unreasonable treatment	97	13	145	41	296
Failure to provide/delay	35	6	57	17	115
Failure to return property	49	2	20	2	73
<b>Total</b>	<b>181</b>	<b>21</b>	<b>222</b>	<b>60</b>	<b>484</b>
<b>Inadvertent wrong treatment</b>					
Property damage	5	4	10	2	21
Administrative matter arising	2	0	0	0	2
<b>Total</b>	<b>7</b>	<b>4</b>	<b>10</b>	<b>2</b>	<b>23</b>
<b>Information</b>					
Inappropriate disclosure of confidential information	53	31	144	7	235
Providing false information	34	61	100	4	199
Inappropriate accessing of information	10	75	77	2	164
Failure to notify or give information	37	28	37	7	109
<b>Total</b>	<b>134</b>	<b>195</b>	<b>358</b>	<b>20</b>	<b>707</b>
<b>Other misconduct</b>					
Breach of police rules or regulations	120	397	291	20	828
Threats/harassment	209	24	207	77	517
Failure to take action	172	33	114	35	354
Misuse of office	40	31	98	4	173
Traffic/parking	15	26	46	10	97
Faulty policing	18	16	12	3	49
Failure to identify as police officer or wear number	13	0	17	2	32
Sexual harassment	6	11	7	1	25
Drink on duty	2	6	6	0	14
Other	99	15	31	3	148
<b>Total</b>	<b>694</b>	<b>559</b>	<b>829</b>	<b>155</b>	<b>2237</b>
<b>Summary of allegations</b>					
<b>Total</b>	<b>2356</b>	<b>1118</b>	<b>2980</b>	<b>383</b>	<b>6837</b>



## B: general team — summary table

key	1 Outside jurisdiction	5 Premature, referred to agency/concurrent representation	8 Substantive advice, information provided without formal finding of wrong conduct	10 Further investigation declined on grounds of resource/priority	14 Consolidated into other complaint
	2 Trivial/remote/insufficient interest/commercial matter	6 Investigation declined on resource/priority grounds	9 Advice/explanation provided where no or insufficient evidence of wrong conduct	11 Resolved to Ombudsman's satisfaction	15 Conciliated/mediated
	3 Right of appeal or redress	7 Premature, second tier review referral		12 Resolved by agency prior to our intervention	16 Resolved during investigation
	4 Substantive explanation or advice provided			13 Advice under s.31AC	17 Investigation discontinued
					18 No adverse finding
					19 Adverse finding

Figure 71: general team — action taken on written complaints finalised - summary table

The general team handles written complaints about all NSW public sector agencies except complaints about the police, DoCS and DADHC, and complaints received under Part 3A of the *Ombudsman Act 1974* (child protection function). This figure shows the action we took on each of the written complaints that the general team finalised this year. See Appendices C, D, E and F for a further breakdown of complaints finalised into the agencies that were the subject of the complaints.

Agency	Assessment Only							Preliminary or informal investigation							Formal investigation				Total	
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
Other public sector agencies	108	31	143	108	121	91	14	97	328	30	232	70	5	5	3	1	2	0	1	1390
Local government	17	19	103	93	75	61	3	179	159	7	104	38	4	0	0	0	1	0	2	865
Corrections	6	4	5	44	40	14	3	75	119	29	96	22	7	1	0	1	1	0	2	469
Freedom of information	17	1	1	2	5	1	0	8	30	7	49	5	1	1	0	0	0	0	1	129
Outside jurisdiction	546	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	546
<b>Total</b>	<b>694</b>	<b>55</b>	<b>252</b>	<b>247</b>	<b>241</b>	<b>167</b>	<b>20</b>	<b>359</b>	<b>636</b>	<b>73</b>	<b>481</b>	<b>135</b>	<b>17</b>	<b>7</b>	<b>3</b>	<b>2</b>	<b>4</b>	<b>0</b>	<b>6</b>	<b>3399</b>

## C: general team — other public sector agencies

key	1 Outside jurisdiction	5 Premature, referred to agency/concurrent representation	8 Substantive advice, information provided without formal finding of wrong conduct	10 Further investigation declined on grounds of resource/priority	14 Consolidated into other complaint
	2 Trivial/remote/insufficient interest/commercial matter	6 Investigation declined on resource/priority grounds	9 Advice/explanation provided where no or insufficient evidence of wrong conduct	11 Resolved to Ombudsman's satisfaction	15 Conciliated/mediated
	3 Right of appeal or redress	7 Premature, second tier review referral		12 Resolved by agency prior to our intervention	16 Resolved during investigation
	4 Substantive explanation or advice provided			13 Advice under s.31AC	17 Investigation discontinued
					18 No adverse finding
					19 Adverse finding

Figure 72: general team — action taken on written complaints finalised - other public sector agencies

This figure shows the action we took on each of the written complaints that the general team finalised this year, categorised by the agency concerned, except for those relating to councils (see Appendix D), corrections (see Appendix E) and freedom of information (see Appendix F).

Agency	Assessment Only						Preliminary or informal investigation								Formal investigation				Total	
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18		19
Aboriginal and Torres Strait Islander Housing Unit	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
Aboriginal Affairs, Department of	1	0	0	0	0	2	0	0	0	1	0	0	0	0	0	0	0	0	0	4
Aboriginal Housing Office	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	1
Adult & Community Education, Board of	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	1
Agency not named	0	0	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2
Agriculture, Department of	0	0	1	0	0	1	0	1	3	0	0	0	0	0	0	0	0	0	0	6
Ambulance Service of NSW	1	0	0	2	0	1	0	0	2	0	0	0	0	0	0	0	0	0	0	6
Anti-Discrimination Board	0	0	0	1	0	0	0	0	2	0	1	0	0	0	0	0	0	0	0	4
Attorney General's Department	2	0	0	0	0	1	0	0	0	0	1	0	0	0	0	0	0	0	0	4
Audit Office	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	1
Australian Music Examinations Board	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	1
Building and Construction Industry Long Service Payments Corporation	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	1
Central Coast Area Health Service	1	0	1	1	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	4
Central Sydney Area Health Service	2	0	1	2	0	0	0	0	1	0	0	1	0	0	0	0	0	0	0	7
Charles Sturt University	0	0	0	1	1	0	0	0	3	0	0	0	0	0	0	0	0	0	0	5
City Rail	0	1	1	1	1	0	0	0	1	0	0	0	0	0	0	0	0	0	0	5
Country Energy	2	0	3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	5
Dental Board of NSW	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	1
Department of Commerce	2	1	2	8	8	3	1	5	5	2	5	2	0	0	0	0	0	0	0	44
Department of Education and Training	47	2	1	8	17	11	0	3	21	2	7	6	0	0	1	0	0	0	0	126
Department of Energy, Utilities and Sustainability	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
Department of Environment and Conservation	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	1
Department of Infrastructure, Planning & Natural Resources	2	2	0	0	5	0	0	2	4	1	6	2	0	0	0	0	0	0	0	24
Department of Lands	1	0	2	1	0	3	0	1	3	2	2	1	0	0	0	0	0	0	0	16
Department of Local Government	2	0	0	0	0	0	0	2	1	0	2	0	0	0	0	0	0	0	0	7
Department of Mineral Resources	0	0	0	1	1	0	0	0	1	0	0	1	0	0	0	0	0	0	0	4
Department of Sport and Recreation	0	0	0	0	0	0	0	1	0	0	1	0	0	0	0	0	0	0	0	2
Department of State and Regional Development	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	1
Department of Sustainable Natural Resources	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	1
Department of Urban and Transport Planning	0	0	0	0	0	0	0	2	1	0	1	0	0	0	0	0	0	0	0	4
Dust Diseases Board	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
Energy Australia	0	0	4	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	4
Environment Protection Authority	0	0	0	1	0	1	0	1	1	0	1	0	0	1	0	0	0	0	0	6
Far West Area Health Service	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	1
Fire Brigades NSW	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	1
First State Superannuation Trustee Corporation	0	0	0	0	1	0	0	1	2	0	0	0	0	0	0	0	0	0	0	4
Gaming and Racing, Department of	0	0	0	0	1	0	0	1	2	0	0	0	0	0	0	0	0	0	0	4

# appendix

key	1 Outside jurisdiction	5 Premature, referred to agency/concurrent representation	8 Substantive advice, information provided without formal finding of wrong conduct	10 Further investigation declined on grounds of resource/priority	14 Consolidated into other complaint
	2 Trivial/remote/insufficient interest/commercial matter	6 Investigation declined on resource/priority grounds	9 Advice/explanation provided where no or insufficient evidence of wrong conduct	11 Resolved to Ombudsman's satisfaction	15 Conciliated/mediated
	3 Right of appeal or redress	7 Premature, second tier review referral		12 Resolved by agency prior to our intervention	16 Resolved during investigation
	4 Substantive explanation or advice provided			13 Advice under s.31AC	17 Investigation discontinued
					18 No adverse finding
					19 Adverse finding

Figure 72 (cont).

Agency	Assessment Only							Preliminary or informal investigation							Formal investigation				Total	
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18		19
Greater Murray Health Service	2	0	0	0	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	4
Greyhound Racing Authority, NSW	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
Health Care Complaints Commission	2	1	1	2	2	1	2	2	4	2	6	2	0	0	0	0	0	0	0	27
Health, Department of	2	0	0	0	1	1	0	1	1	0	3	0	0	0	0	0	0	0	0	9
Healthquest	0	0	1	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	2
Heritage Council of NSW	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
Heritage Office, NSW	0	0	0	0	0	1	0	1	0	0	0	0	0	0	0	0	0	0	0	2
Housing, Department of	3	2	15	8	12	8	3	6	45	5	24	17	0	0	1	1	0	0	0	150
Hunter Area Health Service	0	0	0	0	1	0	0	0	0	0	1	0	0	0	0	0	0	0	0	2
Hunter Water Corporation Limited	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
Illawarra Area Health Service	0	0	1	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	2
Independent Commission Against Corruption	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
Infringement Processing Bureau	2	6	55	10	6	10	0	18	79	3	64	9	0	0	0	0	0	0	0	262
Integral Energy	1	0	4	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	5
Jali Local Aboriginal Land Council	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
Kempsey Local Aboriginal Land Council	0	0	0	0	0	0	0	0	2	0	0	0	0	0	0	0	0	0	0	2
Land and Property Information NSW	0	0	0	0	0	0	0	2	1	0	0	0	0	0	0	0	0	0	0	3
Local Land Boards	0	1	0	0	0	0	0	0	2	0	0	0	0	0	0	0	0	0	0	3
Legal Aid Commission of NSW	1	0	2	3	0	0	0	0	3	0	1	0	0	0	0	0	0	0	0	10
Liquor Administration Board	0	0	0	0	0	0	0	0	0	0	1	1	0	0	0	0	0	0	0	2
Local Aboriginal Land Council (unnamed)	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
Lord Howe Island Board	0	0	0	0	0	0	0	0	2	0	0	0	0	0	0	0	0	0	0	2
Macquarie Area Health Service	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
Macquarie University	0	0	0	0	0	1	0	0	3	0	0	0	0	0	1	0	0	0	0	5
Mid North Coast Area Health Service	2	0	0	1	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	4
Mid Western Area Health Service	0	0	1	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	2
Mine Subsidence Board	0	0	0	0	0	0	0	2	0	0	0	0	0	0	0	0	0	0	0	2
Minerals and Energy, Department of	0	0	0	0	1	0	0	0	0	0	1	0	1	0	0	0	0	0	0	3
Ministry of Transport	0	0	0	0	1	1	0	0	6	0	3	1	0	0	0	0	0	0	0	12
Motor Accidents Authority	0	0	0	0	0	0	0	0	2	0	2	0	0	0	0	0	0	0	0	4
Motor Vehicle Repair Industry Council	0	0	1	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	2
Museum of Applied Arts and Science	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
National Parks and Wildlife Service	0	1	2	1	1	1	0	2	1	0	1	2	0	0	0	0	0	0	0	12
Northern Rivers Area Health Service	0	0	2	0	0	0	1	0	0	0	2	0	0	0	0	0	0	0	0	5
Northern Sydney Area Health Service	1	1	0	2	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	5
NSW Fisheries	0	0	1	0	1	1	0	0	2	0	0	0	0	0	0	0	0	0	1	6
NSW Lotteries	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	2
NSW Medical Board	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	1
NSW Treasury	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	1
Office of Protective Commissioner	1	0	0	1	2	0	1	1	6	0	8	2	0	0	0	0	0	0	0	22
Office of Public Guardian	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
Office of State Revenue	0	0	2	2	1	2	1	1	3	0	5	1	0	0	0	0	0	0	0	18
Pharmacy Board of NSW	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	1
Pillar Administration	0	0	1	0	0	2	0	2	2	0	3	0	0	0	0	0	0	0	0	10
Planning NSW	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	1
Premier's Department	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	1
Privacy NSW	1	0	0	0	1	0	0	0	0	1	1	0	0	0	0	0	0	0	0	4

key	1 Outside jurisdiction	5 Premature, referred to agency/concurrent representation	8 Substantive advice, information provided without formal finding of wrong conduct	10 Further investigation declined on grounds of resource/priority	14 Consolidated into other complaint
	2 Trivial/remote/insufficient interest/commercial matter	6 Investigation declined on resource/priority grounds	9 Advice/explanation provided where no or insufficient evidence of wrong conduct	11 Resolved to Ombudsman's satisfaction	15 Conciliated/mediated
	3 Right of appeal or redress	7 Premature, second tier review referral		12 Resolved by agency prior to our intervention	16 Resolved during investigation
	4 Substantive explanation or advice provided			13 Advice under s.31AC	17 Investigation discontinued
					18 No adverse finding
					19 Adverse finding

Figure 72 (cont).

Agency	Assessment Only							Preliminary or informal investigation							Formal investigation				Total	
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18		19
Public Trustee	2	0	0	0	1	0	0	0	2	0	1	0	0	0	0	0	0	0	0	6
Rail Corporation NSW	1	2	8	1	3	2	0	0	3	0	1	1	0	0	0	0	0	0	0	22
Rail Infrastructure Corporation	0	0	0	0	0	2	0	0	1	0	1	0	0	0	0	0	0	0	0	4
Registry of Births, Deaths and Marriages	0	1	0	0	3	1	0	0	3	0	4	4	0	0	0	0	0	0	0	16
Rental Bond Board	0	0	0	0	0	0	0	1	1	0	0	0	0	0	0	0	0	0	0	2
Roads and Traffic Authority	6	1	7	10	22	12	1	4	19	1	15	3	0	0	0	0	0	0	0	101
Rural Assistance Authority	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	1
Rural Fire Service, Department of	0	0	0	0	1	0	1	1	4	0	9	0	0	0	0	0	0	0	0	16
Rural Lands Protection Boards	0	0	0	1	0	0	0	0	2	0	2	0	0	0	0	0	0	0	0	5
South Eastern Sydney Area Health Service	0	0	1	3	0	1	1	0	0	0	1	0	0	0	0	0	0	0	0	7
South Western Area Health Service	1	0	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	3
Southern Cross University	0	1	1	0	0	0	0	2	2	0	0	1	0	0	0	0	0	0	0	7
State Authorities Superannuation Trustee Corporation	0	0	0	1	0	2	0	0	1	0	0	0	0	0	0	0	0	0	0	4
State Debt Recovery Office	0	3	2	11	5	3	1	7	25	1	22	4	0	0	0	0	0	0	0	84
State Electoral Office	1	2	0	1	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	5
State Emergency Service	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	1
State Forests	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	1
State Rail Authority of NSW	2	0	7	2	3	3	0	2	4	0	1	0	0	0	0	0	0	0	0	24
State Rescue Board of NSW	0	0	0	0	1	0	0	0	0	0	1	0	0	0	0	0	0	0	0	2
State Transit Authority of NSW	1	0	0	3	2	1	0	1	2	0	3	0	0	0	0	0	0	0	0	13
Sydney Cricket and Sports Ground Trust	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
Sydney Olympic Parks Authority	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	1
Sydney Opera House	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
Sydney Water Corporation	0	0	2	0	0	1	0	0	1	0	0	0	0	0	0	0	0	0	0	4
Tharawala Local Aboriginal Land Council	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	1
Tourism NSW	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	1
Trangie Local Aboriginal Land Council	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	1
Transport Co-ordination Authority	0	0	0	1	0	0	0	1	1	0	0	0	0	0	0	0	0	0	0	3
Universities Admissions Centre	0	0	0	1	1	0	0	0	1	0	1	0	0	0	0	0	0	0	0	4
University of New England	0	0	0	0	1	1	0	1	1	0	1	1	0	0	0	0	0	0	0	6
University of New South Wales	0	1	0	1	0	0	0	2	2	1	1	1	0	4	0	0	0	0	0	13
University of Newcastle	0	0	0	0	0	1	0	2	5	1	0	0	1	0	0	0	0	0	0	10
University of Sydney	1	0	1	0	1	2	0	2	7	0	0	0	1	0	0	0	0	0	0	15
University of Technology	0	0	0	0	0	1	0	0	2	0	1	0	1	0	0	0	0	0	0	5
University of Western Sydney	3	0	0	2	2	0	0	1	9	2	1	0	0	0	0	0	0	0	0	20
University of Wollongong	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	1
Urban Transport Authority	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
Valuer General	0	0	5	1	0	0	0	1	0	0	3	1	0	0	0	0	0	0	0	11
Vocation Education Training and Accreditation Board	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	1
Waterways Authority	1	0	1	1	1	0	0	2	0	0	0	0	0	0	0	0	0	0	0	6
Wentworth Area Health Service	0	0	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2
Western Sydney Area Health Service	0	0	0	0	0	0	0	0	0	0	3	0	0	0	0	0	0	0	0	3
Workcover Authority	2	0	1	2	4	0	0	5	6	1	1	2	0	0	0	0	0	0	0	24
Zoological Parks Board of NSW	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
<b>Total</b>	<b>108</b>	<b>31</b>	<b>143</b>	<b>108</b>	<b>121</b>	<b>91</b>	<b>14</b>	<b>97</b>	<b>328</b>	<b>30</b>	<b>232</b>	<b>70</b>	<b>5</b>	<b>5</b>	<b>3</b>	<b>1</b>	<b>2</b>	<b>0</b>	<b>1</b>	<b>1390</b>

## D: general team — local government

key	1 Outside jurisdiction	5 Premature, referred to agency/concurrent representation	8 Substantive advice, information provided without formal finding of wrong conduct	10 Further investigation declined on grounds of resource/priority	14 Consolidated into other complaint
	2 Trivial/remote/insufficient interest/commercial matter	6 Investigation declined on resource/priority grounds	9 Advice/explanation provided where no or insufficient evidence of wrong conduct	11 Resolved to Ombudsman's satisfaction	15 Conciliated/mediated
	3 Right of appeal or redress	7 Premature, second tier review referral		12 Resolved by agency prior to our intervention	16 Resolved during investigation
	4 Substantive explanation or advice provided			13 Advice under s.31AC	17 Investigation discontinued
					18 No adverse finding
					19 Adverse finding

Figure 73: general team — action taken on written complaints finalised - local government

This figure shows the action we took on each of the written complaints about councils that we finalised this year, categorised by the council concerned.

Council	Assessment Only							Preliminary or informal investigation							Formal investigation				Total	
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18		19
Albury City Council	0	1	2	16	0	0	0	0	4	0	1	0	0	0	0	0	0	0	0	24
Armidale Dumaresq Council	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	1
Ashfield Municipal Council	1	0	1	2	0	1	0	2	2	1	0	0	0	0	0	0	0	0	0	10
Auburn Council	0	0	0	0	0	0	0	0	1	0	1	0	0	0	0	0	0	0	0	2
Ballina Shire Council	0	0	3	0	0	0	0	1	1	0	1	0	0	0	0	0	0	0	0	6
Balranald Shire Council	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
Bankstown City Council	0	0	1	2	1	0	0	2	2	0	1	1	0	0	0	0	0	0	0	10
Bathurst City Council	0	0	2	1	0	0	0	2	2	0	0	0	0	0	0	0	0	0	0	7
Bathurst Regional Council	0	0	0	0	1	0	0	1	0	0	0	0	0	0	0	0	0	0	0	2
Baulkham Hills Shire Council	0	0	0	0	1	1	0	2	3	1	1	0	0	0	0	0	0	0	0	9
Bega Valley Shire Council	0	0	0	0	0	0	0	3	0	0	0	1	0	0	0	0	0	0	0	4
Bellingen Shire Council	0	0	0	1	0	0	0	2	0	0	0	0	0	0	0	0	0	0	0	3
Blacktown City Council	0	0	0	2	0	0	0	1	3	0	2	0	0	0	0	0	0	0	0	8
Blue Mountains City Council	0	0	5	2	1	3	0	3	3	0	1	0	0	0	0	0	0	0	0	18
Bombala Shire Council	0	0	0	1	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	2
Botany Bay City Council	0	0	0	1	0	0	0	1	2	0	1	0	0	0	0	0	0	0	0	5
Broken Hill City Council	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
Burwood Municipal Council	0	0	0	3	1	0	0	4	3	0	3	0	0	0	0	0	0	0	0	14
Byron Shire Council	0	0	0	1	0	0	0	1	3	0	1	1	0	0	0	0	0	0	0	7
Camden Council	0	0	1	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	2
Campbelltown City Council	0	0	2	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	3
Canada Bay Council	0	0	0	0	0	1	0	1	1	0	0	0	0	0	0	0	0	0	0	3
Canterbury City Council	0	0	1	0	1	2	0	0	2	0	0	4	0	0	0	0	0	0	0	10
Carrathool Shire Council	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	1
Cessnock City Council	0	0	1	0	0	1	0	0	5	0	0	0	0	0	0	0	0	0	0	7
Clarence Valley Council	0	1	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2
Coffs Harbour City Council	0	0	3	1	2	0	0	1	2	0	2	1	0	0	0	0	0	0	0	12
Coolah Shire Council	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	1
Cooma-Monaro Council	1	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2
Cootamundra Shire Council	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	1
Copmanhurst Shire Council	0	0	1	0	0	0	0	1	0	0	1	0	0	0	0	0	0	0	0	3
Council Not Named	0	0	0	2	1	0	0	0	0	0	0	1	0	0	0	0	0	0	0	4
Council of the City of Lithgow	1	0	0	0	1	0	0	0	3	0	1	1	0	0	0	0	0	0	0	7
Cowra Shire Council	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	1
Dubbo City Council	0	0	0	0	0	0	0	0	2	0	0	0	0	0	0	0	0	0	0	2
Dungog Shire Council	0	0	0	0	0	0	0	1	2	0	1	0	0	0	0	0	0	0	0	4
Eastern Capital City Region Council	0	0	0	0	0	0	0	0	0	1	1	0	0	0	0	0	0	0	0	2
Eurobodalla Shire Council	0	0	0	1	1	0	0	1	1	0	0	0	0	0	0	0	0	0	0	4
Fairfield City Council	0	0	1	1	1	0	0	0	1	0	0	1	0	0	0	0	0	0	0	5
Glen Innes Municipal Council	1	0	0	0	0	0	0	1	1	0	0	0	0	0	0	0	0	0	0	3
Gloucester Shire Council	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	1
Gosford City Council	2	0	5	2	4	2	0	15	6	0	4	2	1	0	0	0	0	0	0	43
Goulburn City Council	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	1
Great Lakes Council	0	0	1	2	0	0	0	1	3	0	1	0	0	0	0	0	0	0	0	8

key	1 Outside jurisdiction	5 Premature, referred to agency/concurrent representation	8 Substantive advice, information provided without formal finding of wrong conduct	10 Further investigation declined on grounds of resource/priority	14 Consolidated into other complaint
	2 Trivial/remote/insufficient interest/commercial matter	6 Investigation declined on resource/priority grounds	9 Advice/explanation provided where no or insufficient evidence of wrong conduct	11 Resolved to Ombudsman's satisfaction	15 Conciliated/mediated
	3 Right of appeal or redress	7 Premature, second tier review referral		12 Resolved by agency prior to our intervention	16 Resolved during investigation
	4 Substantive explanation or advice provided			13 Advice under s.31AC	17 Investigation discontinued
					18 No adverse finding
					19 Adverse finding

Figure 73 (cont).

Council	Assessment Only							Preliminary or informal investigation							Formal investigation				Total	
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18		19
Greater Argyle Council	0	1	0	0	2	0	0	0	2	0	0	0	0	0	0	0	0	0	0	5
Greater Queanbeyan City Council	0	0	0	1	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	2
Greater Taree City Council	0	0	0	0	1	2	0	4	1	0	0	1	0	0	0	0	0	0	0	9
Griffith City Council	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
Gundagai Shire Council	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
Gunning Shire Council	0	0	1	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	2
Gwydir Shire Council	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
Hastings Council	0	1	1	2	1	3	0	3	4	0	0	0	0	0	0	0	0	0	0	15
Hawkesbury City Council	0	2	2	0	1	0	0	4	2	0	1	0	0	0	0	0	0	0	0	12
Holroyd City Council	0	0	0	0	0	1	0	2	0	0	0	0	0	0	0	0	0	0	0	3
Hornsby Shire Council	1	0	6	2	3	0	0	1	1	0	1	0	0	0	0	0	0	0	0	15
Hume Shire Council	0	0	0	2	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	3
Hunters Hill Municipal Council	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
Hurstville City Council	0	0	1	0	0	0	0	0	2	0	1	0	1	0	0	0	0	0	0	5
Kempsey Shire Council	0	1	3	1	0	2	0	1	5	0	2	0	0	0	0	0	0	0	0	15
Kiama Municipal Council	0	0	0	1	0	0	0	4	1	0	0	0	0	0	0	0	0	0	0	6
Kogarah Municipal Council	0	0	0	0	1	3	0	2	3	0	1	0	0	0	0	0	0	0	0	10
Ku-ring-gai Municipal Council	0	0	3	1	0	0	0	4	5	0	1	0	0	0	0	0	0	0	0	14
Kyogle Shire Council	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	1
Lachlan Shire Council	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	1
Lake Macquarie City Council	0	0	3	3	1	1	0	7	3	0	7	1	0	0	0	0	0	0	0	26
Lane Cove Municipal Council	0	0	0	0	1	0	0	1	0	0	0	0	0	0	0	0	0	0	0	2
Leeton Shire Council	0	0	0	0	0	0	0	0	1	0	0	1	0	0	0	0	0	0	0	2
Leichhardt Municipal Council	1	0	0	0	0	1	0	1	0	0	3	0	0	0	0	0	0	0	0	6
Lismore City Council	0	0	0	2	0	0	0	1	0	0	0	1	0	0	0	0	0	0	0	4
Liverpool City Council	1	0	0	1	2	0	0	2	2	0	2	0	0	0	0	0	0	0	1	11
Maclean Shire Council	0	0	1	1	0	0	0	2	0	0	1	0	0	0	0	0	0	0	0	5
Maitland City Council	0	0	0	0	0	1	0	1	4	1	0	0	0	0	0	0	0	0	0	7
Manilla Shire Council	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	1
Manly Council	0	1	1	0	1	1	1	4	0	0	4	1	1	0	0	0	0	0	0	15
Marrickville Council	0	0	0	1	0	1	0	0	4	0	4	0	0	0	0	0	0	0	0	10
Moree Plains Shire Council	1	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	2
Mosman Municipal Council	0	0	1	3	1	0	0	0	0	0	1	3	0	0	0	0	0	0	0	9
Mudgee Shire Council	0	0	0	0	0	0	0	1	1	0	2	0	0	0	0	0	0	0	0	4
Mulwaree Shire Council	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	1
Murray Shire Council	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
Murrumbidgee Shire Council	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	1
Muswellbrook Shire Council	0	0	1	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	2
Nambucca Shire Council	0	1	0	0	0	1	0	2	1	0	0	1	0	0	0	0	0	0	0	6
Narrabri Shire Council	1	0	0	0	0	0	0	2	0	0	1	0	0	0	0	0	0	0	0	4
Narrandera Shire Council	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	1
Narromine Shire Council	0	0	0	0	0	1	0	0	1	0	0	0	0	0	0	0	0	0	0	2
Newcastle City Council	0	1	1	1	4	1	0	2	1	0	2	1	0	0	0	0	0	0	0	14
North Sydney Council	0	0	1	0	0	1	0	1	1	0	0	0	0	0	0	0	0	0	0	4
Oberon Shire Council	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
Orange City Council	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
Parkes Shire Council	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1

# appendix

key

- |  |   |  |   |                                      |
|--|---|--|---|--------------------------------------|
| 1 Outside jurisdiction                                   | 5 Premature, referred to agency/concurrent representation | 8 Substantive advice, information provided without formal finding of wrong conduct | 10 Further investigation declined on grounds of resource/priority | 14 Consolidated into other complaint |
| 2 Trivial/remote/insufficient interest/commercial matter | 6 Investigation declined on resource/priority grounds     | 9 Advice/explanation provided where no or insufficient evidence of wrong conduct   | 11 Resolved to Ombudsman's satisfaction                           | 15 Conciliated/mediated              |
| 3 Right of appeal or redress                             | 7 Premature, second tier review referral                  |  | 12 Resolved by agency prior to our intervention                   | 16 Resolved during investigation     |
| 4 Substantive explanation or advice provided             |   |  | 13 Advice under s.31AC  | 17 Investigation discontinued        |
|  |   |  |   | 18 No adverse finding                |
|  |   |  |   | 19 Adverse finding                   |

Figure 73 (cont).

Council	Assessment Only							Preliminary or informal investigation							Formal investigation				Total	
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18		19
Parramatta City Council	0	0	4	0	0	2	0	2	5	0	0	1	0	0	0	0	0	0	0	14
Parry Shire Council	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	1
Penrith City Council	1	0	1	0	0	1	0	6	1	1	0	0	0	0	0	0	0	0	11	
Pittwater Council	0	1	3	1	1	1	0	2	3	0	0	0	0	0	0	0	0	0	12	
Port Stephens Shire Council	0	0	1	0	1	1	0	3	2	0	0	0	0	0	0	0	0	0	8	
Principal Certifying Authority	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	
Pristine Waters Council	0	0	0	0	0	0	0	2	1	0	0	0	0	0	0	0	0	0	3	
Quirindi Shire Council	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	1	
Randwick City Council	0	0	2	1	3	0	0	1	1	0	2	3	0	0	0	0	0	0	13	
Richmond Valley Council	0	0	0	0	2	0	0	1	2	0	0	1	0	0	0	0	0	0	6	
Rockdale Municipal Council	0	0	0	0	1	0	0	2	3	0	1	0	0	0	0	0	0	0	7	
Rous County Council	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	1	
Ryde City Council	0	0	2	1	1	1	0	1	0	1	2	0	0	0	0	0	0	0	9	
Scone Shire Council	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	1	
Severn Shire Council	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	1	
Shellharbour City Council	0	0	1	1	0	0	0	3	1	0	0	0	0	0	0	0	0	0	6	
Shoalhaven City Council	0	0	0	5	0	1	0	4	0	0	3	0	0	0	0	0	0	0	13	
Singleton Shire Council	0	0	0	1	1	0	0	1	0	0	2	0	0	0	0	0	0	0	5	
Snowy River Shire Council	0	1	2	1	0	1	0	2	1	0	2	0	0	0	0	0	0	0	10	
South Sydney Council	0	1	0	0	0	3	0	1	0	0	0	0	0	0	0	0	0	1	6	
Strathfield Municipal Council	0	0	0	0	0	1	0	1	0	0	0	0	0	0	0	0	0	0	2	
Sutherland Shire Council	1	2	4	1	3	3	0	5	3	1	4	0	0	0	0	0	0	0	27	
Sydney City Council	1	0	1	3	3	0	0	5	2	0	2	0	0	0	0	0	1	0	18	
Tallaganda Shire Council	0	1	1	0	0	0	0	1	0	0	2	0	0	0	0	0	0	0	5	
Tamworth City Council	0	0	0	0	0	0	0	0	2	0	1	0	0	0	0	0	0	0	3	
Tamworth Regional Council	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	1	
The Council of the Shire of Merriwa	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	1	
Tumbarumba Shire Council	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	
Tumut Council	0	0	0	0	0	0	0	1	2	0	0	0	0	0	0	0	0	0	3	
Tweed Shire Council	0	0	2	1	2	1	0	3	1	0	4	0	0	0	0	0	0	0	14	
Urana Shire Council	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	1	
Wagga Wagga City Council	1	0	0	0	5	2	0	1	1	0	0	0	0	0	0	0	0	0	10	
Wakool, Council of the Shire of	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	1	
Walgett Shire Council	0	0	0	0	1	0	0	0	0	0	2	0	0	0	0	0	0	0	3	
Warren Shire Council	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	
Warringah Council	0	0	1	0	1	1	0	0	3	0	4	3	0	0	0	0	0	0	13	
Waverley Council	0	0	0	2	0	1	0	2	1	0	2	0	0	0	0	0	0	0	8	
Weddin Shire Council	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	1	
Wellington Council	0	0	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	
Willoughby City Council	1	0	1	1	2	0	0	1	1	0	1	0	0	0	0	0	0	0	8	
Wingecarribee Shire Council	0	0	3	2	4	0	0	1	0	0	3	1	0	0	0	0	0	0	14	
Wollondilly Shire Council	0	0	3	1	0	0	1	0	1	0	0	0	0	0	0	0	0	0	6	
Wollongong City Council	0	0	5	1	1	4	1	3	5	0	3	2	0	0	0	0	0	0	25	
Woolahra Municipal Council	0	1	4	1	2	2	0	4	2	0	2	2	1	0	0	0	0	0	21	
Wyong Shire Council	0	1	1	0	1	0	0	2	4	0	2	1	0	0	0	0	0	0	12	
Yarrolumla Shire Council	1	0	0	0	0	0	0	1	1	0	0	0	0	0	0	0	0	0	3	
Yass Valley Council	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	1	
<b>Total</b>	<b>17</b>	<b>19</b>	<b>103</b>	<b>93</b>	<b>75</b>	<b>61</b>	<b>3</b>	<b>179</b>	<b>159</b>	<b>7</b>	<b>104</b>	<b>38</b>	<b>4</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>2</b>	<b>865</b>

## E: general team — corrections

key	1 Outside jurisdiction	5 Premature, referred to agency/concurrent representation	8 Substantive advice, information provided without formal finding of wrong conduct	10 Further investigation declined on grounds of resource/priority	14 Consolidated into other complaint
	2 Trivial/remote/insufficient interest/commercial matter	6 Investigation declined on resource/priority grounds	9 Advice/explanation provided where no or insufficient evidence of wrong conduct	11 Resolved to Ombudsman's satisfaction	15 Conciliated/mediated
	3 Right of appeal or redress	7 Premature, second tier review referral		12 Resolved by agency prior to our intervention	16 Resolved during investigation
	4 Substantive explanation or advice provided			13 Advice under s.31AC	17 Investigation discontinued
				18 No adverse finding	19 Adverse finding

Figure 74: general team — action taken on written complaints finalised - corrections

This figure shows the action we took on each of the written complaints about corrections that we finalised this year, categorised by the agency concerned.

	Assessment Only							Preliminary or informal investigation							Formal investigation				Total	
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18		19
Department of Corrective Services	4	2	2	38	34	11	2	53	98	21	83	16	4	1	0	0	1	0	1	371
GEO Australia	0	2	2	0	3	1	0	7	11	6	5	5	0	0	0	1	0	0	1	44
Justice Health	0	0	1	6	3	1	1	8	3	1	5	0	0	0	0	0	0	0	0	29
Department of Juvenile Justice	2	0	0	0	0	1	0	7	7	1	3	1	3	0	0	0	0	0	0	25
<b>Total</b>	<b>6</b>	<b>4</b>	<b>5</b>	<b>44</b>	<b>40</b>	<b>14</b>	<b>3</b>	<b>75</b>	<b>119</b>	<b>29</b>	<b>96</b>	<b>22</b>	<b>7</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>1</b>	<b>0</b>	<b>2</b>	<b>469</b>

Figure 75: complaints received (written and oral) about correctional centres, DCS and GEO Australia, by

Institution	Written	Oral	Total
Department of Corrective Services head office	80	1059	1139
The GEO Group Australia Pty Ltd	1	0	1
Goulburn Correctional Centre	50	215	265
Malabar Special Programs Centre	43	190	233
Metropolitan Remand & Reception Centre	34	191	225
Junee Correctional Centre	41	125	166
Bathurst Correctional Centre	22	117	139
John Morony Correctional Centre	19	105	124
Mulawa Correctional Centre	19	101	120
Lithgow Correctional Centre	13	101	114
Metropolitan Medical Transient Centre	10	75	85
Parramatta Correctional Centre	8	68	76
Cessnock Correctional Centre	5	59	64
Kirkconnell Correctional Centre	8	49	57
Grafton Correctional Centre	5	50	55
Parklea Correctional Centre	6	45	51
Silverwater Correctional Centre	7	43	50
Cooma Correctional Centre	7	36	43

Institution	Written	Oral	Total
Court Escort/Security Unit	14	13	27
Probation and Parole Service	7	19	26
Emu Plains Correctional Centre	1	20	21
Long Bay Hospital	4	14	18
Mannus Correctional Centre	3	13	16
Goulburn X Wing	1	12	13
Special Purpose Prison Long Bay	4	9	13
Tamworth Correctional Centre	0	13	13
Ivanhoe 'Warakirri' Correctional Centre	2	8	10
Periodic Detention Centres	2	7	9
Glen Innes Correctional Centre	1	7	8
Broken Hill Correctional Centre	1	6	7
Oberon Correctional Centre	0	7	7
St Heliers Correctional Centre	3	3	6
Berrima Correctional Centre	0	5	5
Parramatta Transitional Centre	0	3	3
Yetta Dhinnakkal (Brewarrina) Correctional Centre	0	2	2
<b>Total</b>	<b>421</b>	<b>2790</b>	<b>3211</b>

Note: A number of the complaints were about more than one centre.

Figure 76: Complaints received (written and oral) about juvenile justice centres and DJJ, by institution

Institution	Written	Oral	Total
Department of Juvenile Justice head office	8	84	92
Frank Baxter Juvenile Justice Centre	2	54	56
Kariong Juvenile Justice Centre	3	45	48
Reiby Juvenile Justice Centre	3	36	39
Acmena Juvenile Justice Centre	3	27	30
Yasmar Juvenile Justice Centre	3	24	27
Cobham Juvenile Justice Centre	0	20	20
Riverina Juvenile Justice	2	16	18
Keelong Juvenile Justice Centre	0	7	7
Orana Juvenile Justice Centre	1	5	6
<b>Total</b>	<b>25</b>	<b>318</b>	<b>343</b>



## F: general team — freedom of information

key	1 Outside jurisdiction	5 Premature, referred to agency/concurrent representation	8 Substantive advice, information provided without formal finding of wrong conduct	10 Further investigation declined on grounds of resource/priority	14 Consolidated into other complaint
	2 Trivial/remote/insufficient interest/commercial matter	6 Investigation declined on resource/priority grounds	9 Advice/explanation provided where no or insufficient evidence of wrong conduct	11 Resolved to Ombudsman's satisfaction	15 Conciliated/mediated
	3 Right of appeal or redress	7 Premature, second tier review referral		12 Resolved by agency prior to our intervention	16 Resolved during investigation
	4 Substantive explanation or advice provided			13 Advice under s.31AC	17 Investigation discontinued
					18 No adverse finding
					19 Adverse finding

Figure 77: general team — action taken on written complaints finalised - freedom of information

This figure shows the action we took on each of the written complaints about freedom of information that we finalised this year, categorised by the agency concerned.

Agency	Assessment Only							Preliminary or informal investigation							Formal investigation				Total	
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18		19
Attorney General's Department	0	0	0	0	0	0	0	0	1	0	0	1	0	0	0	0	0	0	0	2
The Cabinet Office	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	1
Central Sydney Area Health Service	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
Cootamundra Shire Council	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
Department of Commerce	0	0	0	0	0	0	0	0	0	0	2	0	0	0	0	0	0	0	0	2
Department of Community Services	1	0	0	0	0	0	0	0	1	0	1	0	0	0	0	0	0	0	0	3
Department of Corrective Services	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	1
Department of Education and Training	1	0	0	0	0	0	0	0	4	0	1	0	0	0	0	0	0	0	0	6
Department of Gaming and Racing	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	1
Department of Health	0	0	0	0	0	0	0	1	0	0	3	0	0	0	0	0	0	0	0	4
Department of Housing	0	1	0	0	0	0	0	2	0	1	0	0	0	0	0	0	0	0	0	4
Department of Infrastructure, Planning and Natural Resources	0	0	0	0	0	0	0	0	0	2	2	0	0	0	0	0	0	0	0	4
Department of Lands	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
Environment Protection Authority	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	1
Fairfield City Council	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	1
Gosford City Council	1	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	2
Greater Queanbeyan City Council	0	0	0	0	1	0	0	0	0	0	1	0	0	0	0	0	0	0	0	2
Integral Energy	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	1
Lake Macquarie City Council	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
Legal Aid of Commission of NSW	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	1
Maclean Shire Council	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	1
Macquarie University	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	1
Maitland City Council	0	0	0	0	0	0	0	0	1	0	1	0	0	0	0	0	0	0	0	2
Metropolitan Local Aboriginal Land Council	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	1
Mosman Municipal Council	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	1
Muswellbrook Shire Council	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
National Parks and Wildlife Service	0	0	0	0	0	0	0	0	0	2	0	0	0	0	0	0	0	0	0	2
New South Wales Aboriginal Land Council	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	1
NSW Police	8	0	0	0	1	1	0	2	7	0	11	1	0	1	0	0	0	0	0	32
Newcastle City Council	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
North Sydney Council	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	1	2
Northern Sydney Area Health Service	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	1
Pillar Administration	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
Port Stephens Shire Council	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	1
Public Trustee	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	1
Randwick City Council	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	1
Roads and Traffic Authority	1	0	0	0	0	0	0	0	2	0	1	1	0	0	0	0	0	0	0	5
Rural Lands Protection Board	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	1
Rylstone Shire Council	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	1
Singleton Shire Council	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	1

key	1 Outside jurisdiction	5 Premature, referred to agency/concurrent representation	8 Substantive advice, information provided without formal finding of wrong conduct	10 Further investigation declined on grounds of resource/priority	14 Consolidated into other complaint
	2 Trivial/remote/insufficient interest/commercial matter	6 Investigation declined on resource/priority grounds	9 Advice/explanation provided where no or insufficient evidence of wrong conduct	11 Resolved to Ombudsman's satisfaction	15 Conciliated/mediated
	3 Right of appeal or redress	7 Premature, second tier review referral		12 Resolved by agency prior to our intervention	16 Resolved during investigation
	4 Substantive explanation or advice provided			13 Advice under s.31AC	17 Investigation discontinued
					18 No adverse finding
					19 Adverse finding

Figure 77 (cont).

Agency	Assessment Only							Preliminary or informal investigation							Formal investigation				Total	
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18		19
Snowy River Shire Council	0	0	0	0	0	0	0	0	1	0	1	0	0	0	0	0	0	0	0	2
State Debt Recovery Office	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	1
State Electoral Office	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	1
State Rail Authority of NSW	0	0	0	0	0	0	0	0	2	0	2	0	0	0	0	0	0	0	0	4
State Transit Authority of NSW	0	0	0	0	0	0	0	0	0	0	1	1	0	0	0	0	0	0	0	2
Sydney City Council	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	1
Sydney Harbour Foreshore Authority	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	1
Tallaganda Shire Council	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	1
Tamworth City Council	0	0	0	0	1	0	0	0	1	0	0	0	0	0	0	0	0	0	0	2
University of Sydney	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	1
University of Western Sydney	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	1
Waterways Authority	0	0	0	0	0	0	0	0	1	0	2	0	0	0	0	0	0	0	0	3
Wentworth Area Health Service	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	1
Western Sydney Area Health Service	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	1
Wollondilly Shire Council	0	0	0	1	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	2
Wollongong City Council	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	1
Workcover Authority	1	0	0	0	0	0	0	0	2	0	1	0	0	0	0	0	0	0	0	4
Wyong Shire Council	0	0	0	0	1	0	0	0	0	0	1	0	0	0	0	0	0	0	0	2
<b>Total</b>	<b>17</b>	<b>1</b>	<b>1</b>	<b>2</b>	<b>5</b>	<b>1</b>	<b>0</b>	<b>8</b>	<b>30</b>	<b>7</b>	<b>49</b>	<b>5</b>	<b>1</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>129</b>

## G: FOI annual reporting requirements

The following information is provided in accordance with our annual reporting requirements under the *Freedom of Information Act 1989*, the *Freedom of Information (General) Regulation 2000* and Appendix B in the NSW Ombudsman 'FOI Procedure Manual'. Under s. 9 and Schedule 2 of the FOI Act, the Ombudsman is exempt from the operation of the Act in relation to its complaint-handling, investigative and reporting functions. We therefore rarely make a determination under the Act, as most applications we receive, which was the case with all but one application this year, relate to our exempt functions.

### Clause 9(1)(a) and (2) of the Regulation and Appendix B of the NSW Ombudsman FOI Procedure Manual

#### Section A: Numbers of new FOI requests

We received nine new FOI applications in the 2003–2004 year. None from 2002–2003 were brought forward into 2003–2004. All applications were processed and completed.

FOI requests	Personal	Other	Total
A1 New (including transferred in)	7	2	9
A2 Brought forward	0	0	0
A3 Total to be processed	7	2	9
A4 Completed	7	2	9
A5 Transferred out	0	0	0
A6 Withdrawn	0	0	0
A7 Total processed	7	2	9
A8 Unfinished (carried forward)	0	0	0

#### Section B: What happened to completed requests?

Eight of the completed applications were for documents which related to the Ombudsman's complaint-handling, investigative and reporting functions. In all these matters an explanation of s. 9 and our inclusion in Schedule 2 of the FOI Act was provided. In relation to the other application, access was provided to all requested documents.

FOI requests	Personal	Other
B1 Granted in full	1	0
B2 Granted in part	0	0
B3 Refused	0	0
B4 Deferred	0	0
B5 Completed*	7	2

Notes: \*The figures on the line B5 should be the same as the corresponding ones on A4. All but one of these applications related to functions of the office which are excluded from the operation of the Act.

#### Section C: Ministerial certificates

No ministerial certificates were issued in relation to FOI applications to the Ombudsman this year.

Ministerial certificates	No issued
C1 Ministerial Certificates issued	0

#### Section D: Formal consultations

No requests required consultations, formal or otherwise.

Request requiring formal consultations	Issued	Total
D1 Number of requests requiring formal consultation(s)	0	0

#### Section E: Amendment of personal records

We received no requests for the amendment of personal records.

Ministerial certificates	No issued
E1 Result of amendment — agreed	0
E2 Result of amendment — refused	0
E3 Total	0

#### Section F: Notification of personal records

We received no requests for notations in the period.

Requests for notification	Total
F1 Number of requests for notation	0

#### Section G: FOI requests granted in part or refused

No decisions to grant access in part or to restrict access were made.

Basis for disallowing or restricting access	Personal	Other
G1 s 19 (application incomplete, wrongly directed)	0	0
G2 s 22 (deposit not paid)	0	0
G3 s 25(1)(a1)(diversion of resources)	0	0
G4 s 25(1)(a) (exempt)	0	0
G5 s 25(1)(b), (c), (d) (otherwise available)	0	0
G6 s 28(1)(b) (documents not held)	0	0
G7 s 24(2) — deemed refused, over 21 days	0	0
G8 s 31(4) (released to medical practitioner)	0	0
G9 Total	0	0

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

We received two application fees of \$30 and one of \$32. All three cheques were returned to the applicants.

Request requiring formal consultations	Assessed costs	FOI fees received
H1 All completed requests	\$0	\$92

### Section I: Discounts allowed

No fees were retained and therefore the question of discounts did not arise.

Type of discount allowed	Personal	Other
I1 Public interest	0	0
I2 Financial hardship — Pensioner/Child	0	0
I3 Financial hardship — Non profit organisation	0	0
I4 Totals	0	0
I5 Significant correction of personal records	0	0

### Section J: Days to process

All applications were dealt with within 21 days.

Days to process	Personal	Other
J1 0–21 days	7	2
J2 22–35 days	0	0
J3 Over 35 days	0	0
J4 Totals	7	2

### Section K: Processing time

All applications were dealt with in 0–10 hours.

Processing hours	Personal	Other
K1 0–10 hours	7	2
K2 11–20 hours	0	0
K3 21–40 hours	0	0
K4 Over 40 hours	0	0
K5 Totals	7	2

### Section L: Reviews and appeals

No applications proceeded to internal review. Under s. 52(5)(d) of the FOI Act we cannot review determinations.

No applications were finalised by or indeed proceeded to the Administrative Decisions Tribunal (ADT).

Internal reviews finalised	Total
L1 Number of internal reviews finalised	0

Ombudsman reviews finalised	Total
L2 Number of Ombudsman reviews finalised	0

District Court appeals finalised	Total
L3 Number of ADT appeals finalised	0

### Section L: Details of internal review results

Grounds on which internal Review requested	Personal		Other	
	Upheld	Varied	Upheld	Varied
L4 Access refused	0	0	0	0
L5 Deferred	0	0	0	0
L6 Exempt matter	0	0	0	0
L7 Unreasonable charges	0	0	0	0
L8 Charge unreasonably incurred	0	0	0	0
L9 Amendment refused	0	0	0	0
L10 Totals	0	0	0	0

## Clause 9(1)(b) and (3) of the Regulation

Dealing with the above matters took very little time and did not impact to a significant degree on our activities during the year. The preparation of our 'Statement of affairs' and 'Summary of affairs' also does not take much time and again could not be said to have impacted to any significant degree on our activities. In terms of clause 9(3)(c), (d) and (e), no major issues arose during the year in connection with our compliance with FOI requirements, and given that there could be no inquiries by us of our own determinations and there were no appeals of our decisions made to ADT, there is no information to give as specified at (d) and (e) of clause 9.

# H: legal changes

## Ombudsman Act 1974

This Act was amended by the *Statute Law (Miscellaneous Provisions) Act 2003* to allow the Ombudsman to disclose information and make comments to any public authority if the Ombudsman is satisfied that the information concerned is relevant to the functions or practices of the public authority and the information is not personal information. The Ombudsman also now has the power to disclose information to a police officer, the Department of Community Services or any other public authority considered appropriate, if the information relates to the safety, welfare or well-being of a child or young person; or to any person in order to prevent or lessen the likelihood of harm being done to any person.

Part 3A of the Act was also amended by the *Child Protection Legislation Amendment Act 2003*. See chapter 4: child protection team for further details.

## impending expansion of child protection jurisdiction

The following legislation will come into effect on 30 September 2004:

- Chapter 12 of the *Children and Young Persons (Care and Protection) Act 1998*
- Item 23 of Schedule 2 to the *Children and Young Persons Legislation (Repeal and Amendment) Act 1998*
- *Children (Care and Protection) Repeal Regulation 2004*, which repeals the *Centre Based and Mobile Child Care Services Regulation (No 2) 1996* and the *Family Day Care and Home Based Child Care Services Regulation 1996*.
- *Children's Services Regulation 2004*

These changes will mean that children's services will be governed entirely by the *Children and Young Persons (Care and Protection) Act 1998* and the regulation made under that Act. From 30 September 2004 our child protection jurisdiction will include all family day care services and mobile and home based children's services. Currently our jurisdiction only covers child-care centres, residential child-care centres and family day care services that operate under the supervision of public authorities such as local government bodies.

## minor changes to community services legislation

This year there were minor amendments to the *Community Services (Complaints, Reviews and Monitoring) Act 1993* (CS-CRAMA) in relation to the death review function, with a very minor amendment of s. 43 and the savings and transitional provisions dealing with the commencement of the *Commission for Children and Young People Amendment (Child Death Review Team) Act 2003*. (This latter Act has since been repealed).

There was also a minor amendment to s. 24 of CS-CRAMA relating to the application of the provisions of the *Ombudsman Act* to complaints made under CS-CRAMA. The new s. 24 (2A) provides for regulations to be made to modify the application of the *Ombudsman Act* relating to non-government organisations.

# I: legislation governing our work

The following pieces of legislation have an impact on our work, by giving us functions, powers and responsibilities.

- *Ombudsman Act 1974*
- *Community Services (Complaints, Reviews and Monitoring) Act 1993*
- *Enabling legislation for each NSW university*, as amended by the *Universities Legislation Amendment (Financial and Other Powers) Act 2001*
- *Freedom of Information Act 1989*
- *Police Act 1990* (formerly the *Police Service Act 1990*)
- *Protected Disclosures Act 1994*
- *Witness Protection Act 1995*
- *Law Enforcement (Controlled Operations) Act 1997*
- *Telecommunications (Interception)(NSW) Act 1987*
- *Child Protection (Offenders Registration) Act 2000*
- *Crimes (Administration of Sentences) Amendment Act 2002*
- *Crimes (Forensic Procedures) Act 2000*
- *Crimes Legislation Amendment Act 2002* (Schedule 10)
- *Children (Criminal Proceedings) Act 1987*, as amended by the *Children (Criminal Proceedings) Amendment (Adult Detainees) Act 2001*
- *Crimes Legislation Amendment (Penalty Notices) Act 2002*
- *Firearms Amendment (Public Safety) Act 2002*
- *Justice Legislation Amendment (Non-Association and Place Restriction) Act 2001*
- *Law Enforcement (Powers and Responsibilities) Act 2002*
- *Police Powers (Drug Detection Dogs) Act 2001*
- *Police Powers (Drug Premises) Act 2001*
- *Police Powers (Internally Concealed Drugs) Act 2001*
- *Police Powers (Vehicles Act) 1998*, as amended by the *Police Powers (Vehicles) Act 2001*
- *Summary Offences Amendment (Places of Detention) Act 2002*

## J: significant committees

### internal

#### **Joint Consultative Committee**

Chris Wheeler, Vince Blatch, Terry Chenery, Anne Radford, Debbie Pinches, Eileen Graham, Katharine Ovenden, Kathryn McKenzie, Wayne Kosh

#### **Team Managers**

Anita Whittaker, Anne Radford; Julianna Demetrius, Katharine Ovenden; Jennifer Owen, Jennifer Agius

#### **Aboriginal Complaints Unit Steering Committee**

Steve Kinmond, Anne Barwick, Jennifer Owen, Katharine Ovenden, Julianna Demetrius, Gary Dawson, Terry Chenery; Joanne Scott, Sheila O'Donovan

#### **Community Liaison/Projects Group**

Anne Barwick, Jennifer Owen, Anne Radford, Sheila O'Donovan, Eileen Graham, Kate Jonas, Julianna Demetrius, Lisa Du, Carolyn Campbell-McLean, Betsy Coombes

#### **Information Management Steering Committee**

Greg Andrews, Teresa Sulikowski, Katharine Ovenden, Vincent Riordan, Anita Whittaker, Jennifer Owen

#### **Legislative Review Team Steering Committee**

Julianna Demetrius, Steve Kinmond, Emma Koorey, Simon Cohen, Glenn Payton, Kim Swan, Stephen Murray

#### **Library Business Focus Group**

Anita Whittaker, Jennifer Owen, Anne Radford, Christine Brunt, Investigation Officer, Sophie Woods, Glenn Payton, Sharat Arora

#### **Reviewable Disability Deaths Advisory Committee and Reviewable Child Deaths Advisory Committee**

(Office representatives only – see 'Reviewing Deaths' for details of external membership)

Bruce Barbour - Chair, Steve Kinmond - Deputy Chair  
Security Committee

Chris Wheeler, Anita Whittaker, Teresa Sulikowski

### external (office representatives only)

#### **Ombudsman – Bruce Barbour**

Regional Vice President for the Australasian and Pacific Ombudsman Regional group and Director on the Board of the International Ombudsman Institute; Institute of Criminology Advisory Committee; Ombudsman Network Group (network of oversight agencies); Standing Committee with NSW Police

#### **Deputy Ombudsman – Chris Wheeler**

Protected Disclosures Act Implementation Steering Committee; Ombudsman Network Group

#### **Deputy Ombudsman (Community Services) and former Assistant Ombudsman (Police) – Steve Kinmond**

Reviewable Disability Deaths Advisory Committee; Reviewable Child Deaths Advisory Committee; Standing Committee with NSW Police; Police Aboriginal Strategic Advisory Council (PASAC); Internal Witness Advisory Committee

#### **Assistant Ombudsman (General) – Greg Andrews**

Department of Corrective Services/Ombudsman Liaison Committee; Department of Juvenile Justice/Ombudsman Liaison Committee; Department of Local Government/Ombudsman Liaison Committee; Community Services Panel Churchill Fellowships

#### **Assistant Ombudsman (Children and Young People) – Anne Barwick**

Ombudsman Child Protection Forum; Department of Education and Training/Ombudsman Liaison Meeting; CCER/Ombudsman Liaison Meeting; Child Protection and Sex Crimes Squad Advisory Council; Working with Children Check Working Party; Department of Juvenile Justice/Ombudsman Liaison Meeting

#### **A/Assistant Ombudsman (Police) – Simon Cohen**

Standing Committee with NSW Police; Ombudsman Professional Standards Command Committee; c@tsi Liaison Committee; YAPA and Youth Justice Coalition

#### **Senior Investigation Officer – Jennifer Agius**

Department of Corrective Services/Ombudsman Liaison Committee

#### **Analyst/Programmer c@tsi – Janine Allen**

c@tsi Development Team Meetings

#### **Senior Investigation Officer – Lindy Annakin**

Department of Juvenile Justice/Ombudsman Liaison Meeting

#### **Senior Investigation Officer – Margo Barton**

Joint Initiatives Group

#### **Investigation Officer – Vince Blatch**

Department of Corrective Services/Ombudsman Liaison Committee; Corrective Services Support Line Steering Committee

#### **Senior Investigation Officer – Geoff Briot**

Corruption Prevention Network Steering Committee

#### **Principal Investigation Manager – Patrick Broad**

Ombudsman/PIC Oversight Liaison Committee

#### **Senior Investigation Officer – Heather Brough**

Ombudsman/SCIA Information Exchange Forum

#### **Senior Investigation Officer – Peter Burford**

Internal Witness Advisory Council

## J: significant committees

**Investigation Officer – Tamaris Cameron**

CCER/Ombudsman Liaison Meeting; Network of Government Agencies - Gay, Lesbian, Bisexual and Transgender Issues

**Investigation Officer – Terry Chenery**

Sydney Aboriginal and Torres Strait Islander Interagency; PASAC; Aboriginal Strategic Direction Meeting (NSWP)

**Project Manager, Executive – Selena Choo**

Protected Disclosures Act Implementation Steering Committee

**Senior Investigation Officer – John Davies**

Department of Local Government Liaison Committee

**Project Manager Research – Brendan Delahunty**

Safe Custody Reference Group (NSWP)

**Team Manager – Julianna Demetrius**

Standing Committee with NSW Police; PASAC; Aboriginal Strategic Direction Meeting (NSWP); YAPA and Youth Justice Coalition

**Public Relations Officer – Lisa Du**

Online Legal Information Network; NSW Government Web Managers Group

**CAMS Business Manager – Michael Gleeson**

Ombudsman and Police c@tsi Steering Committee; Tri-Agency Business Advisory Panel (NSWP, PIC and Ombudsman)

**Investigation Officer – Jacqueline Grima**

Department of Health/Ombudsman Liaison Meeting

**Senior Investigation Officer – Kate Jonas**

Child Protection Learning and Development Forum

**Project Manager Research – Emma Koorey**

Drug Detection in Border Areas Trial Project Steering Committee

**Investigation Officer – Wayne Kosh**

Administrative Decisions Tribunal FOI Users Group; Administrative Decisions Tribunal General Division Rule Sub-Committee

**Investigation Officer – Teresa Law**

Department of Education and Training/Ombudsman Liaison Meeting

**Senior Investigation Officer – Elizabeth Le Brocq**

Department of Education and Training/Ombudsman Liaison Meeting

**Project Officer – Gabrielle Moran**

Association of Childrens Welfare Agencies, Out-of-home Care Forum, Research Forum and Centre for Community Welfare Training, Foster Care Training Steering Committee

**Investigation Officer – Oliver Morse**

Department of Juvenile Justice/Ombudsman Liaison Committee

**Team Manager – Katharine Oviden**

Catholic Commission for Employment Relations/Ombudsman Liaison Meeting

**Project Manager Research – Glenn Payton**

Law Enforcement (Powers & Responsibilities) Act Steering Committee (observer status); Crimes Legislation Amendment (Penalty Notices Offences) Act Steering Committee (observer status)

**Senior Investigation Officer – Sue Phelan**

Department of Juvenile Justice/Ombudsman Liaison Meeting; Department of Corrective Services/Ombudsman Liaison Meeting; Department of Health/Ombudsman Liaison Meeting; DoCS/Ombudsman Liaison Meeting

**Senior Investigation Officer – Yvon Piga**

Ombudsman/SCIA Information Exchange Forum

**Investigation Officer – Michael Quirke**

Ombudsman/PIC Oversight Liaison Committee

**Senior Investigation Officer – Vincent Riordan**

Tri-Agency Business Advisory Panel (NSWP, PIC & Ombudsman); Employee Risk Management Project (NSWP); NSWP/PIC/Ombudsman Joint Research Committee (Early Warning Systems); Ombudsman/SCIA Information Exchange Forum

**Team Manager – Anne Radford**

Joint Initiatives Group

**Investigation Officer – Joanne Scott**

Sydney Aboriginal and Torres Strait Islander Interagency; Police Aboriginal Strategic Direction Advisory Council (PASAC)

**Investigation Officer – Natasha Seipel**

Department of Juvenile Justice/Ombudsman Liaison Meeting; Department of Corrective Services/Ombudsman Liaison Meeting

**Investigation Officer – David Snell**

Ombudsman/SCIA Information Exchange Forum

**Manager IT – Teresa Sulikowski**

PCCM WAN Management Forum

**Principal Investigator – Kylie Symons**

Ombudsman Child Protection Forum

**Network Administrator – Chetan Trivedi**

PCCM WAN Management Forum

**Legal Officer – Greg Williams**

Children's Legal Issues Committee, NSW Law Society 2003/2004; Government Solicitors Committee, NSW Law Society 2003/2004 Legislation and Policy Working Party (DoCS and CCYP); Ombudsman Child Protection Forum; Industrial Relations Commission – Court Users Forum

## K: publications list

The Ombudsman Act prevents us from releasing any information relating to an investigation unless it has been tabled in Parliament. For this reason, most of our reports are not available to the public. The following is a list of recent reports to Parliament and other publications. For a more detailed list, phone 02 9286 1000 or visit our web site at [www.ombo.nsw.gov.au](http://www.ombo.nsw.gov.au).

Ⓜ = Available at website in Acrobat PDF

### reports to parliament

Reports to Parliament are \$11 including GST unless otherwise stated. Postage is included within Australia only.

- 2004 Assisting homeless people – the need to improve their access to accommodation and support services Ⓜ
- 2004 DADHC – the need to improve services for children, young people and their families Ⓜ
- 2003 Speedometers and speeding fines: A review of police practice
- 2003 Vehicle Powers: Report under s.16 of the Police Powers (Vehicles) Act
- 2002 Improving the management of complaints: Police complaints and repeat offenders
- 2002 Improving the management of complaints: Assessing police performance in complaint management
- 2002 DOCS–CRITICAL ISSUES  
Concerns arising from investigations into the Department of Community Services
- 2002 Improving the management of complaints: Identifying and managing officers with complaint histories of significance
- 2000 Police and improper use of e-mail
- 2000 Vehicle powers, questions and answers (\$15)
- 2000 The handling of child abuse allegations against employees: An investigation into the system used by the NSW Department of Education and Training
- 2000 Investigation into Kariong Juvenile Justice Centre (\$20)

### issue and discussion papers

Issue and discussion papers are free.

DP= Discussion Paper IP= Issues Paper

- 2004 DP: Police Powers Review of the Police Powers (Drug Detection Dogs) Act Ⓜ
- 2004 DP: The Police Powers (Internally Concealed Drugs) Act 2001 Ⓜ
- 2004 IP: The Adequacy of the Protected Disclosures Act to achieve its Objectives Ⓜ
- 2004 DP: The Review of the Children (Criminal Proceedings) Amendment (Adult Detainees) Act 2001 Ⓜ
- 2004 DP: Review of the Firearm and Explosive Detection Dogs Legislation Ⓜ
- 2003 DP: Put on the Spot – Criminal Infringement Notices: Review of the Crimes Legislation Amendment (Penalty Notice Offences) Act 2002 Ⓜ
- 2003 DP: The Child Protection (Offenders Registration) Act 2000
- 2003 DP: The Justice Legislation Amendment (Non-association and Place Restriction) Act 2001 Ⓜ
- 2003 DP: The Police Powers (Drug Premises) Act 2002 Ⓜ
- 2001 DP: The Forensic DNA Sampling of Serious Indictable Offenders Ⓜ

### annual reports

- 2003 NSW Ombudsman Annual Report 2002-2003 (\$22)
- Previous Annual Reports available: 1999-2000 and 2001-2002 (\$11)
- 2003 Controlled Operations Annual Report 2002- 2003 Ⓜ
- Previous Controlled Operations Annual Reports available: 1998-99, 1999-2000, 2001-2002 Ⓜ
- 2003 Official Community Visitors Scheme Annual Report



## K: publications list

### guidelines and tool kits

Guidelines and tool kits are free unless otherwise stated. Postage is included within Australia only.

- 2004 The Complaint Handlers Tool kit (2nd Edition) (\$99)
- 2004 Dealing with Difficult Complainants
- 2004 Investigating Complaints – A manual for Investigators
- 2004 Effective Complaint-handling
- 2004 Child Protection in the Workplace: responding to allegations against employees 
- 2004 Protected Disclosure Guidelines (5th Edition) (\$49.50)
- 2003 Good Conduct and Administrative Practice (\$49.50)
- 2002 Enforcement Guidelines for Councils (\$33)
- 2002 Model Internal Reporting Policy for Councils
- 2002 Model Internal Reporting Policy for Agencies Other than Councils
- 2001 Child Protection Legislation: What Employers and Employees Need to Know
- 2001 Developing a Child Protection Policy: A Practical Guide for Agencies
- 2000 Better Service and Communication for Councils (\$16.50)
- 2000 Options for Redress: Guidelines for redress for detriment arising out of maladministration
- 1996 Public Sector Mediation Guidelines

### brochures and poster

Our brochures are free of charge.

- General information (including Arabic, Chinese, Croatian, English, Greek, Hindi, Indonesian, Italian, Korean, Persian, Russian, Samoan, Serbian, Spanish, Tamil, Turkish, Vietnamese)
- That's not fair!
- Thinking about blowing the whistle?
- Compic Poster

### information inserts

Information inserts are available for free in conjunction with our general information brochure.

- Trouble with council?
- Some tips for making a complaint
- Problems with police?
- Unhappy with an FOI decision?
- Guarantee of service
- Problems in detention?
- Know your rights as a consumer of community services
- Got a problem with out-of home care services for children and young people?
- Got a problem with a disability service?
- Got a problem with a Home and Community Care (HACC) service?
- Got a problem with a Supported Accommodation and Assistance Program (SAPP) service?
- Got a problem with a child protection or support service provided by the Department of Community Services?
- Got a Complaint? — Youth Brochure
- Official Community Visitors: A Voice for People in Care

### fact sheets

Our fact sheets are free of charge.

#### Community Services Division Fact Sheets

- 1: The Ombudsman's role in the community
- 2: Handling Complaints
- 3: Reviewable deaths – children and young people, and people with disability
- 4: Licensed boarding houses
- 5: Apologies by Community Service Providers

#### Council Fact Sheets

- 1: Having trouble with unlawful development activity?
- 2: Unhappy with a proposed development?
- 3: Having trouble with your development application?
- 4: Having trouble with your rates and charges?
- 5: Apologies by Councils

## K: publications list

### Child Protection Fact Sheets

- 1: Keeping records
- 2: How we assess an investigation
- 3: Planning an investigation
- 4: Conducting an investigation
- 5: Responsibilities of heads of agencies
- 6: Who is the 'head of agency' in a child care centre?
- 7: Recognising and managing conflicts of interest
- 8: Reviewing your child protection policy
- 9: Risk management following an allegation of child abuse against an employee
- 10: How we audit agencies that provide services for children
- 11: Apologies and Child Protection

### Public Sector Agencies Fact Sheets

- 1: Apologies by Public Officials and Agencies
- 2: Bad Faith, Bias and Breach of Duty
- 3: Conflicts of Interest
- 4: Discretionary Powers
- 5: Enforcement
- 6: Frankness and Candour
- 7: Handling Complaints

### Official Community Visitors Scheme information sheet

### Fine enforcement information sheet

### Women's information sheet

## L: our staff

Aaron Magner	Christine Brunt	Glynis Bartley	Julianna Demetrius
Adam Glen	Christine Carter	Greg Andrews	Julie Brown
Adam Johnston	Christine Flynn	Greg Williams	Julie Power
Alan Matchett	Claire Carroll	Heather Brough	Julie Ross
Alex Hicks	Claire Golledge	Helen Evans	Julie Withers
Alison Leslie	Cuong Tran	Helen Ford	Juliet Dimond
Alison McKenzie	Daryn Nickols	Helen Mueller	Julua Hamel
Alison Shea	David Begg	Helle McConnochie	Karen Bevan
Allison Lawrence	David Chie	Ian McCallan-Jamieson	Karen Price
Anika Dell	David Mewing	Ian Robinson	Kate Doherty
Anita Whittaker	David Snell	Ivy Kwan	Kate Jonas
Anne Barwick	David Watson	Jacinta Ballinger	Kate Merryweather
Anne Penny	David Wright-Smith	Jacqueline Grima	Kate Owens
Anne Radford	Debbie Pinches	Jacqui Yanez	Katerina Paneras
Bao Nguyen	Edwina Pickering	Jan Coughlan	Katharine Ovenden
Barbara McAuley	Eileen Graham	Jane Moores	KathrynMcKenzie
Betsy Coombes	Elizabeth Humphrys	Jane O'Toole	Kathy Karatasas
Beverley Willis	Elizabeth Le Brocq	Janet Coppin	Katie Hall
Bina Aswani	Emily Dempster	Janette Ryan	Katrina Sanders
Birgit Cullen	Emily Minter	Janine Allen	Katy Knock
Brendan Delahunty	Emma Koorey	Jayson Leahy	Kelvin Simon
Brooke Madison	Faye Greville	Jennifer Agius	Kerrie Gazzard
Bruce Barbour	Fiona Avery	Jenny Owen	Kerrin Begaud
Caroline Tjoa	Fortunee Ovidia	Jessica Farrell	Kim Castle
Carolyn Campbell-McLean	Gabrielle McNamara	Jillian Burford	Kim Swan
Catherine Mullane	Gabrielle Moran	Jo Flanagan	Kirsteen Banwell
Cathrine Loren	Galina Laurie	Jo Scott	Kyle Foley-Dean
Cathy Ciano	Gary Dawson	Joanne Jones	Kylie Symons
Cathy Samuels	Gaye Josephine	John Davies	Laurel Russ
Charlene Joyce	Geoff Briot	John McKenzie	Les Szaraz
Chetan Trivedi	Geoff Pearce	Josephine Formosa	Liani Stockdale
Chris Wheeler	Glenn Payton	Judith Grant	Lilia Meneguz

## L: our staff

Lily Enders	Melissa Heggie	Rebeca Garcia	Stephen Murray
Lin Phillips	Merly Vasquez-Lord	Rebecca Piper	Steve Chen
Lindy Annakin	Michael Conaty	Rhonda Christie-Barker	Steve Kinmond
Lisa Du	Michael Gleeson	Richard Lee	Storm Stanford
Lois Stevenson	Michael Quirke	Robbin Paul	Sue Meade
Lorna Watson	Michael Randell	Robert Fitzgerald	Sue Phelan
Louise Clarke	Michele Powell	Robert Wingrove	Sue Sullivan
Lucy Abdipranoto	Michelle Chung	Rosemary Kusuma	Tamaris Cameron
Lynda Coe	Michelle Stewart	Ruth Barlow	Tania Martin
Lynne Whittall	Monalyn Afflick	Ruth Richter	Tanya Govey
Mani Maniruzzaman	Monica Wolf	Sally Haydon	Tara Croft
Marcelle Williams	Nadine Woodward	Samantha Guillard	Tasha Daldaris
Margaret Kaye	Natasha McPherson	Samantha Langran	Teresa Law
Margaret Smee	Natasha Seipel	Sanya Silver	Teresa Sulikowski
Margaret Von Konigsmark	Ngoc Chung	Sarah Bell	Terry Chenery
Margo Barton	Nicole Blundell	Sarah Crawford	Terry Manns
Maria Papagrigoriou	Nicole Tarrant	Sarah Harris	Therese Griffith
Marianne Adzich	Oliver Morse	Selena Choo	Tony Day
Marie Lee	Opal Kiang	Seranie Gamble	Tricia Kelly
Marie Smithson	Pamela Rowley	Sharat Arora	Victor Darcy
Marina Paxman	Patrick Broad	Sheena Fenton	Vince Riordan
Mark Mallia	Paula Novotna	Sheila O'Donovan	Vincent Blatch
Mary McCleary	Pauline O'Callaghan	Shelagh Doyle	Violeta Brdaroska
Maryanne Borg	Peter Burford	Simon Cohen	Wayne Kosh
Matthew Dening	Peter Jackson	Sophie Woods	Wendy Parsons
Matthew Harper	Phil Abbey	Stan Waciega	Yvon Piga
Mele Tapa	Phil Janson	Stella Donaldson	Zaldy Bautista
Melissa Clements	Raymond Williams	Stephanie Taplin	

## M: glossary

AIS	Association of Independent Schools	EEO	Equal employment opportunity
CCER	Catholic Commission for Employment Relations	FOI	freedom of information
CCYP	Commission for Children and Young People	ICAC	Independent Commission Against Corruption
CS-CRAMA	Community Services (Complaints, Reviews and Monitoring) Act 1993	MRRC	Metropolitan reception and remand centre
CSSL	Corrective services support line	ODEOPE	Office of the Director of Equal Opportunity in Public Employment
DADHC	Department of Ageing, Disability and Home Care	PIC	Police Integrity Commission
DCS	Department of Corrective Services	PJC	Parliamentary Joint Committee on the Office of the Ombudsman and the Police Integrity Commission
DET	Department of Education and Training	PIIP Act	Privacy and Personal Information Act 1998
DJJ	Department of Juvenile Justice	SAAP	supported accommodation assistance program
DoCS	Department of Community Services	SMAP	special management area placement
EAPS	Ethnic affairs priority statement		

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