

New report details oversight of NSW Government COVID-19 response and importance of integrity agencies

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The NSW Ombudsman's 2019-20 Annual report highlights the important role that oversight agencies play in NSW, especially at a time of crisis.

The report, tabled in Parliament today by Acting Ombudsman Paul Miller, provides a detailed account of the Office's work for the year, including its role in monitoring government agencies' responses to the COVID-19 pandemic.

'We prioritised our oversight of those services upon which the most vulnerable members of our community rely, especially our corrective and youth justice system,' said Mr Miller. 'We were conscious of the need to ensure that agency responses to protect inmates and staff from COVID-19 needed to be reasonable and proportionate. Reduced in-person visits by families as well as by external bodies like us also meant that there would be fewer 'eyes' in the system.'

The NSW Ombudsman also worked to ensure that those subject to hotel quarantine had an avenue of complaint. From March to June 2020, the NSW Ombudsman received 115 contacts about hotel quarantine, including: 25 actionable complaints about the Ministry of Health.

The NSW Ombudsman does not have jurisdiction to receive complaints about the NSW Police Force, but where it was contacted about those matters the office assisted by provided information and where necessary referring people to the Law Enforcement Conduct Commission.

An important part of the NSW Ombudsman's role is to receive complaints about NSW government agencies and other service providers the Ombudsman Act 1974 and the Community Services (Complaints, Reviews and Monitoring) Act. In the 2019-20 reporting period, the NSW Ombudsman received 33,036 contacts and finalised, 13,764 complaints of which 39% related to NSW Government departments and authorities and 33% to custodial services.

'The decline in complaints this year correlates entirely with the impact of COVID on us, on the public and on government service provision' said Mr Miller. 'While contacts to our office were down, receiving and assessing contacts is only a part of our work - our Assessments Unit, which is responsible for the intake and assessment of those 33,000-odd contacts, comprises just 21 staff in an office of around 120.'

The report provides an account of the office's other work, including undertaking investigations, monitoring systemic issues, assessing Aboriginal programs, receiving notifications of reportable incidents, providing education and training services,

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undertaking death reviews, providing oversight of the public interest disclosures system, and convening the Child Death Review Team.

‘One example of our impact is in asbestos management,’ said Mr Miller ‘Following special reports tabled by the then Ombudsman in 2017, in 2019 the NSW government established a new statutory advisory committee to the NSW Environment Protection Authority, supported by the allocation of \$12.7 million funding for the NSW Asbestos Plan.’

During this reporting year, the NSW Ombudsman also participated in the NSW Parliamentary Committee inquiry into the funding processes for independent oversight bodies and the recently release’s Audit Office review into the financial arrangements applying to four key integrity agencies.

Both reviews were directed primarily to the processes by which funding is provided, rather than the quantum of funding. A key focus was on whether existing processes are consistent with the essential independence of these offices.

‘In our submissions, we identified serious concerns with the current funding processes,’ said Mr Miller. ‘We suggested that Parliamentary statutory offices such as the NSW Ombudsman should have their funding recommended to Parliament through a transparent Parliamentary Committee approach.’

‘These questions about funding process are happening now at a time when serious questions are being raised about the adequacy of funding provided to bodies such as ours. Inadequacy of funding, particularly where that shortfall is chronic and worsening, point to a failure in the funding process itself.’

The NSW Ombudsman is an independent integrity office that reports directly to the NSW Parliament. Since 1975, the office has been handling complaints about, and investigating maladministration by, NSW government agencies and public officials. The office’s functions now also cover a range of activities beyond complaints and investigations.

The [NSW Ombudsman Annual Report 2019-20](#) is available on the office’s website.

The addendum to this release provides a snapshot and index of the highlights and data relating to specific aspects of the NSW Ombudsman’s operations.