Oversight of public administration refers to the ability of an external body to review the conduct and decisions of government agencies and public officials. Such review may be by way of investigation, inspection or audit and can be based on a complaint, a legal obligation, or the oversight body’s ‘own motion’.

**Rationale**

The aim of external oversight is to maintain the integrity of government agencies and public officials by holding them accountable for actions and decisions they will make while carrying out their duties. Accountability is a keystone of representative government, as it enhances public confidence in the government sector and, conversely, helps ensure that government is responsive to the interests of the public.

External oversight also provides a quality control mechanism for any internal review process existing within government agencies. While customers should be encouraged to use agencies’ internal review systems, in most cases they should have the option to seek to have their complaints resolved externally if they remain dissatisfied.

Central to effective accountability is the ability to access relevant information about the operations of government. This includes the ability of oversight bodies to obtain the information they need from agencies within their jurisdiction, as well as the ability of the general public to obtain information from government agencies on issues that concern them.

**Benefits to agencies**

The benefits of oversight to agencies include:

- providing technical advice and guidance about how to deal with complaints, investigations and other probative issues
- providing advice in relation to best practice across agencies with similar functions
- aiding the agency in demonstrating integrity
- providing an independent and impartial perspective, and drawing attention to issues agencies may have overlooked
- supporting the agency, and in many cases providing an explanation to the complainant, where the oversight body finds the agency has acted appropriately
- providing advice about how to remedy identified problems where the oversight body finds the agency has acted inappropriately
- conducting investigations beyond the resources or expertise of the agency

**Primary oversight bodies**

In NSW there are several oversight bodies that have the power to investigate, review and audit government agencies and public officials.

The four primary oversight bodies are the Ombudsman, the Independent Commission Against Corruption (ICAC), the Auditor-General and the Law Enforcement Conduct Commission (LECC). These bodies operate independently of government and are impartial in all functions. Their findings are reported to the agency concerned and, if appropriate, to Parliament.

Amongst other roles, the NSW Ombudsman is the ‘general jurisdiction’ independent review body. This means it holds primary responsibility for ensuring that public sector agencies act reasonably and comply with the law and best practice in public administration. It does this by responding to complaints about, and investigating, monitoring, reviewing and auditing various aspects of the conduct, policies and procedures of these agencies.
The ICAC is responsible for the investigation, exposure and prevention of corrupt conduct in the public sector. Its aims are to protect the public interest, prevent breaches of public trust and guide the conduct of public officials. It is specifically responsible for exposing and preventing corruption involving or affecting public authorities or officials, and educating public authorities, public officials and members of the public about corruption and its detrimental effects on public administration and the community.

The NSW Auditor-General is responsible for ensuring financial probity and efficiency in the public sector. The Audit Office assists the Auditor-General in fulfilling this role. The primary mechanisms used to achieve this are financial audits, compliance audits and performance audits.

The LECC is the body responsible for the investigation, detecting, and prevention of misconduct by police.

Methods of oversight

There are five primary methods used by external oversight bodies in NSW to carry out their functions. The method employed will depend on the nature of the matters being reviewed, and on the jurisdiction and functions of the particular oversight body.

The five primary methods of oversight are:

1. **Investigating complaints** – Most oversight agencies are able to investigate complaints made to them about the conduct of public officials, and policies, procedures and decisions of public sector agencies within their jurisdiction.

2. **Assessing investigations conducted by agencies** – In some circumstances, oversight bodies are able to assess the standard and outcomes of investigations conducted by government agencies. For example, the Ombudsman assesses the standard of investigations conducted by public and private agencies into child protection related allegations. The Ombudsman also has monitoring and audit powers in relation to the handling of public interest disclosures by agencies.

3. **Mandatory reporting of allegations** – There are certain obligations on CEOs to report matters to an oversight body, for example reports of suspected corrupt conduct to ICAC and reports of child protection related matters to the Ombudsman.

4. **Scrutinising complaint handling systems** – The Ombudsman is responsible for keeping under scrutiny the systems in place in a range of agencies to deal with complaints, including their relevant policies, practices and procedures.

5. **Conducting audits** – Oversight bodies may conduct audits of certain systems and procedures of the agencies within their jurisdiction. For example, the Auditor-General has an annual accounting audit role, and a discretionary role to conduct compliance and performance audits, and the Ombudsman can audit systems and practices of various agencies within its jurisdiction.

For further information, see:

- **NSW Ombudsman Public Sector Agency fact sheets**:
  - 10: Jurisdiction of the Ombudsman
  - 20: Transparency and accountability.

Contact us for more information

Our business hours are: Monday to Friday, 9am–5pm (Inquiries section closes at 4pm)

If you wish to visit us, we prefer you make an appointment. Please call us first to ensure your complaint is within our jurisdiction and our staff are available to see you.

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Email nswombo@ombo.nsw.gov.au
Web www.ombo.nsw.gov.au

General inquiries 02 9286 1000

Toll free (outside Sydney metro) 1800 451 524
National Relay Service 133 677

Telephone Interpreter Service (TIS): 131 450
We can arrange an interpreter through TIS or you can contact TIS yourself before speaking to us.


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This fact sheet is one of a series produced by the NSW Ombudsman. Feedback is welcome.