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NSW Ombudsman
safeguarding your interests

Annual Report Summary 1993-1994

Who We Are

The Office of the NSW Ombudsman was established in 1974. We are an independent authority and can report directly to Parliament.

What We Do

The Ombudsman's Office protects the rights and interests of consumers of government services. It also helps to ensure public officers act fairly and reasonably.

We do not have enough resources to investigate every complaint. We give priority to complaints that affect many people or where there is a serious abuse of powers.

When we investigate a complaint, our prime responsibility is to get the facts and to recommend solutions. We are not on anyone's side. When allegations are made, it's our job to find out the truth.

If a complaint is justified, we will recommend action to fix the problem. This may solve an individual's complaint but more often will focus on fixing deficiencies in the law or with administrative practice, procedures or policies.

To Our Readers

Our annual report is a public record of our accountability. We are accountable to the people of NSW through the state parliament. The first part of our annual report looks at our people, performance and organisation. The remainder of the report is structured around the type of work we do. Investigating complaints is central to our role and this report examines in detail the types of complaints we received last year. It also examines how we communicate with our clients and how we manage our resources.

Front Cover

The front cover cartoon was inspired by a comment by Mr Justice Lee who said in the court case [Moroney v the Ombudsman](#):

"[the Ombudsman] can bring the lamp of scrutiny to otherwise dark places, even over the resistance of those who would draw the blinds."

Most of the cartoons in this report were drawn by Steve Panozzo.

Contents

Overview <i>Safeguarding the public interest</i>	2
<hr/>	
The Ombudsman's Report <i>Surviving into the 2000's</i>	4
<hr/>	
The Year at a Glance <i>Complaints up 10% & finalisations up 34%</i>	10
<hr/>	
Our Organisation <i>Organised to meet our clients' needs</i>	12
<hr/>	
Our People <i>A unique mix of expertise and experience</i>	14
<hr/>	
Our Performance <i>Consistent improvements across all areas</i>	16
<hr/>	
Police <i>Police processes systematically improved</i>	20
<hr/>	
Public Authorities <i>Greater emphasis on informal resolutions</i>	28
<hr/>	
Prisons <i>A pressured correctional system leads to more complaints</i>	30
<hr/>	
Local Councils <i>Improved accountability encouraged</i>	34
<hr/>	
Awareness and Access <i>New directions planned</i>	38
<hr/>	
Resources <i>Office restructure increases staff specialisation</i>	41
<hr/>	
Financial Summary	44

This is a summary of our 1993-1994 Annual Report. A full copy is available for \$15 from our public relations officer. Call (02) 286 1008 for further information.

Overview

Our Charter

The Office of the NSW Ombudsman was established by the *Ombudsman Act* on 18 October 1974. Part 3 of the Act, which enabled us to investigate the conduct of public authorities commenced on 12 May 1975.

From 1 December 1976 the Ombudsman was empowered to investigate certain complaints against local government authorities. In December 1986 that power was extended, allowing us to investigate members and employees of such authorities.

The Ombudsman's powers to investigate complaints against police came into force in 1978 with the *Police Regulation (Allegations of Misconduct) Act*. This role was significantly expanded in February 1984 when we were given the power to directly reinvestigate complaints about the conduct of police officers. The *Police Service (Complaints, Discipline and Appeals) Amendment Act 1993* replaced that Act and amended the *Police Service Act 1990*. The new Act expanded our role in the investigation of complaints about police officers even further.

The *Ombudsman Amendment Act 1989* improved our independence by removing the power to approve the appointment of Deputy Ombudsman and Assistant Ombudsman from Cabinet. Under this Act, this control was given to the Ombudsman.

In November 1987, the Ombudsman was declared to be an inspecting authority in terms of the *Telecommunications (Interception) (New South Wales) Act 1987*. As such, we regularly inspect the records of authorities which intercept telephone calls. The Ombudsman is precluded by law from reporting the results of inspections in the annual report.

On 1 July 1989 the NSW *Freedom of Information Act* commenced. Our office has an external review role under that Act.

Changes to the *Ombudsman Act* in January 1991 meant we were no longer subject to the *Freedom of Information Act* in relation to our complaint handling, investigative and reporting functions. A further amendment in 1993 enabled the Ombudsman to present reports directly to the presiding officer of each House of Parliament.

A Joint Parliamentary Committee was established in December 1990 to oversee the Ombudsman's Office, with a power of veto over the appointment of the Ombudsman.

Our Mission

Our mission is:

"To safeguard the public interest by providing for the redress of justified complaints and promoting fairness, integrity and practical reforms in public administration in NSW."

Our Guarantee of Service

Our Guarantee of Service states:

"If you have a complaint about a NSW government authority or public servant, my staff will guarantee to give it the most careful attention."

If it is something we can and should investigate, we will do this as quickly as possible, acting fairly and independently. If your complaint is justified we will recommend changes to fix the problem."

If we don't investigate your complaint, we will explain why. If we can suggest another way to solve your problem, we will tell you."

There are limits to our powers and resources, but within those limits we will do whatever we can to help you."

Our Values

Our key values are to:

- ❖ act with integrity;
- ❖ vigorously pursue truth, without fear or favour;
- ❖ set aside personal interests and views in the discharge of functions;
- ❖ discharge all duties and responsibilities conscientiously and competently;
- ❖ treat our clients courteously, attentively and sensitively;
- ❖ implement fair procedures; and
- ❖ use our resources efficiently and effectively.

Key Result Areas

The following are some of the key result areas and goals identified in our Corporate Plan (as revised this year).

Investigations

When assessing complaints we aim to give priority to complaints which identify structural and procedural deficiencies in NSW's public administration; individual cases of serious abuse of powers, especially where there are no alternative and satisfactory means of redress; and to ensure the timely and accurate assessment of complaints.

When handling complaints we aim to ensure that all complaints are dealt with promptly, appropriately, effectively and efficiently; to achieve our Guarantee of Service; to develop and promote the effective mediation and conciliation of complaints, where appropriate; and to promote the development and implementation of effective internal complaint handling in public authorities to improve accountability and customer satisfaction.

In relation to complaint outcomes we aim to identify, investigate and report on, in particular: structural and procedural deficiencies in public administration; and individual cases of serious abuse of powers; to achieve improvements in public administration in NSW through such things as informal negotiation, advice, guidelines, information and recommendations; and to resolve complaints about defective public administration through mediation, conciliation or explanation, where appropriate.

Freedom of Information

To ensure agencies implement the *Freedom of Information Act* in accordance with its terms and objects.

Telecommunications interception

To ensure compliance of eligible authorities with the *Telecommunications (Interception) (NSW) Act 1987* in order to provide a balance between the interest of the community in having serious crimes solved and the privacy of individuals.

Access and awareness

To increase Parliamentary and community awareness of the role and functions of, and services offered by, the Ombudsman.

To promote access for Aboriginal and Torres Strait Islanders, disadvantaged and ethnic groups, and people with disabilities.

The Corporate Plan also contains human resources, finance and information technology goals.

Safeguarding public interests by redressing justified complaints and promoting fairness, integrity and practical reforms in NSW's public administration.

Ombudsman's

Surviving and Thriving into the 2000's

As this is my last annual report as Ombudsman it is appropriate I report on some of the major changes to my office during my stewardship.

In this overview I outline how my office has met the challenge to survive as a healthy body, giving value to the public it serves, while positively impacting on the state's administration service delivery. It is an outline of giving value for money - a return on funds invested in the institution.

The Challenge

When I first became Ombudsman, there were few guidelines to cope with the challenge of change. As a product of the early 1970's, the institution was extremely new to Australia.

When adopted, the Ombudsman was valued more by politicians and governments as a symbolic feature of a mature democratic system. By the late 1980's that enthusiasm had waned. Pressing financial problems confronting all governments brought about a change of emphasis. Governments started questioning whether they could still afford such institutions and whether they were still performing functions of value. The Ombudsman, a creation of Parliament, could not look to its parental body for the financial and moral support it had come to expect.

Funds were curtailed and as the public sector was down-sized, more, rather than less was expected of the Ombudsman. In addition, the government saw that by giving the office new functions, the cost of setting up separate bureaucracies could be avoided. In NSW, auditing the records of the agencies authorised to intercept telecommunications

was added to my responsibilities as a curious additional function. Freedom of information and jurisdiction over Aboriginal Land Councils soon followed. Now whistleblower legislation is about to be effected. On the one hand such actions demonstrate confidence in the office. However, it tended to raise public expectations and the opportunity to disappoint our client base grew.

Added to this, the public were confused by the use of the term 'Ombudsman' in private industry.

How Could We Survive?

While it was unlikely the Ombudsman would disappear, it seemed possible that expansion of its principles was handicapped.

Our first reaction was instinctive and protective. Our attention focused on advising Parliament through a series of reports of the financial difficulties confronting the office. It is easy to see now that this was a naive approach which could have eroded public confidence in the office. The public had come to expect the Ombudsman to be effective in its purpose - negative reports tended only to cut away this hard won confidence. It became clear that the way to survival was to **prove the value of the office.**

Establishing Our Value

There are two ways to establish the office's value. They may seem to run counter to one another but they need not - and indeed will only be effective if they do not. The Ombudsman must establish:

1. a public position so government threats of funding cuts or reduction of jurisdiction will be politically impossible; and
2. acceptance within the public service as a valuable management tool.



Achieving these goals requires a fine but not impossible balance. The Ombudsman's Office most at risk is that which has no public profile. Even if it is a useful management tool, in times of economic stringencies such an office will still be seen as a luxury that can be done without. If there is no public to make a fuss, an Ombudsman's Office can quietly disappear.

Good media relations

Under my stewardship we developed strategies to keep our work in the media spotlight. While partially handicapped in this endeavour by strict secrecy provisions and

lacking the legislative power to make public statements, we highlighted notable cases of public interest in a series of special reports to parliament. We also put significant resources into producing annual reports that show the work we do and achievements made.

The Commonwealth Ombudsman carried out a significant survey in 1991. The NSW Ombudsman had the highest public identification rate in Australia. Our own research shows the media is the main source of information for potential complainants to learn about the Ombudsman's existence.

Report

Furthermore, publicity is the Ombudsman's ultimate weapon to influence public authorities to implement recommendations. Developing good media relations is, therefore, a fundamental survival strategy.

A valuable management tool

Before 1992 we identified key target areas where we could be of value to the public sector.

Firstly, we developed a strategic focus for assessing complaints. Given that our resources only allow us to make inquiries or carry out investigations on slightly more than half the complaints we receive, we started giving priority to complaints that indicated systemic deficiencies in public administration and individual cases of serious abuse of power.

The search for system fixes became our focus over and above, but without forgetting the need to redress the individual grievances of the complainant.

This year I am able to report to Parliament that 79 per cent of the recommendations made in the reports under the Ombudsman Act involved changes to law, policy or procedures.

With 91 per cent of recommendations implemented, this is a substantial achievement in terms of the Ombudsman contributing to real public sector reforms and not simply being a body to mollify unhappy customers of government services.

Secondly, we recognised we were in a privileged and unique position to use the data, intelligence and corporate knowledge gleaned from the complaints we receive. This information is a valuable public sector management tool and we embarked on putting this knowledge and data to good use. We set about a proactive program to improve communication with public sector agencies and encourage better complaint handling and the provision of quality service by those agencies.

Complaint handling in the public sector (CHIPS)

The first major initiative was to survey the NSW public sector to examine how agencies identified and managed grievances. Agencies willingly cooperated but the exercise revealed that less than 20 per cent had

systems in place. They were nevertheless receptive to the implementation of systems suited to their needs. Drawing on our vast experience of grievances and the resolution of complaints we saw we would be able to provide useful guidelines. Thus began the Complaint Handling in the Public Sector (CHIPS) program. The first phase of CHIPS was the production of a booklet *Guidelines for Effective Complaint Management*. These basic guidelines were very well received and are still in high demand. A second edition is being prepared. Some agencies have incorporated these principles into their own internal complaint systems and others have endorsed them. The Department of Local Government for example has issued a practice note on complaint handling to all councils in NSW. About 90 per cent of that practice note is taken verbatim (with acknowledgment) from our booklet.

Introducing agencies to mediation

The next logical step was to create a training model, introducing agencies to alternative dispute resolution skills. Initially, courses were designed to train mediators. To date more than 150 public servants have been trained to accredited standards as mediators and are now registered to a central panel and available for use across the whole of the state's public sector. My office is now designing courses for other aspects of the process. By introducing better systems in this area and securing their acceptance through the public sector, my office saves the government many times the cost of our own budget. Consultation involving the CHIPS program has opened up greater contact between the Ombudsman and most agencies. It is freeing up, as a result, formalities that otherwise protract the process of investigations. It has expanded into direct consultation between myself and CEO's on complaints about denial of access under FOI legislation in an endeavour to bring about more rapid resolution through alternative dispute resolution. Success has been notable here.

Streamlining external review of FOI complaints

I am introducing another tool to facilitate freedom of information external reviews. Up to now, where my office disagrees with a

determination the approach has been to prove our view. I now intend to focus more on the clearly stated objects of the *Freedom of Information Act*, and as a further method of external review reverse the onus of proof at the beginning of the process. Agencies may be asked to justify to my office why access to documents has been refused. If the forthcoming justification fails to convince my office, the general presumption will be that the documentation should have been released, and this is likely to be the recommendation in any report. To assist agencies I will soon publish my first *FOI Policies and Guidelines*.

Freedom of information is of significantly less use if disclosure of information cannot be achieved in a reasonable time frame. We are currently re-engineering our external review procedure in an effort to speed up turn around times and increase the procedure's credibility with users.

Informal assistance in customer relations

In a further search of ways to upgrade performance, we offered one of our senior investigation officers to a complaint prone agency. The officer worked within the agency's customer relations section to identify problems and advise remedial administrative action. This three day exercise proved valuable. It identified areas for reform that were readily adopted to good effect by the agency. Significantly the investigation officer was able to identify that progress had been made by the agency in recent times. This indicated that much of the perception of its poor performance was historical baggage - the agency was already on the way to upgrading its performance. This acknowledgment was, I hope, encouragement to further pursue improved service qualities.

Customer response information system

It must be recognised that to make proper use of the resources represented by complaints, that there has to be enough of a system to record, classify, aggregate and analyse, and then report in ways that will provide feedback and drive necessary change. My office has installed and now trialled for almost a year a specialist customer service software package (CRIS) which is demonstrated on an ongoing basis to agencies as part of the

education process. The system is designed to speedily log details of all telephone complaints and prompts our inquiry officers with relevant information and advice which they can give to the complainants. This ensures consistent and high quality advice is provided to the public. The sophisticated statistical reporting features of the software mean we can also track complaint trends easily and use that data to target our investigation resources.

Complainant satisfaction survey

In promoting the right of citizens to expect quality service from government agencies, we have been telling public sector agencies they must get to know the expectations and satisfaction levels of their customers. They must start evaluating their services through the eyes of the customers and be prepared to change their procedures as far as possible, and where appropriate, to better meet those expectations to increase the quality of service they provide.

In delivering that message I have not been afraid to apply the same principles of accountability to my own office. A major survey of complainants carried out last year canvassed issues of:

- ❖ how people found out about the Ombudsman;
- ❖ their understanding of my role and function;
- ❖ their expectations about what we would do and how long we should and actually did take to do it;
- ❖ how well we identified the crucial issues in their complaint;
- ❖ the ease of understanding our correspondence;
- ❖ the helpfulness and courtesy of my staff; and
- ❖ among many other things, their overall satisfaction with the outcome of making their complaint.

We are now using that feedback to fine tune our procedures and plan information campaigns to target specific groups who were revealed by the survey as having special needs or having unrealistic expectations.

One significant finding of our complainant survey was that the highest levels of complainant satisfaction came from those

This illustration by Jenny Coopes appeared in the Sun Herald, 10 April 1994. It accompanied a profile article by Elizabeth Wynhausen "Reined-in power without the glory".



complainants whose complaints were either subject to the long and relatively costly in-depth formal investigations under the Ombudsman Act (less than five per cent of all complaints) or whose complaints about police misconduct were conciliated without the need for investigation.

This has given further impetus to my attempts to get the police to conciliate more complaints as opposed to conducting costly, and usually nonproductive investigations.

Public authority satisfaction survey
We have now done a similar survey of all public sector agencies. We are intent on examining our performance in light of agencies' perceptions in the same way as we adjusted procedures to our complainants' responses. Without customer surveys an Ombudsman's Office cannot measure its performance and satisfaction rating.

Data from these surveys has also given us reinforcement for pursuing our proactive program to encourage alternative dispute resolution in public sector agencies.

Conciliation of police complaints

The police currently absorb 64 per cent of our resources. The Joint Parliamentary Committee on the Office of the Ombudsman emphasised

the need to lift conciliation above the six per cent rate achieved by police over the first five years of my term. I had reported adversely to Parliament on two occasions in this period, on the failure by police to emphasise this most basic tool of customer satisfaction.

Recently, working closely with the Police Association and police management in the area of professional responsibility, a 300 per cent improvement was achieved. Conciliations are now running at 22 per cent of total police complaints. This success rate, however, is still not considered adequate. Together we identified the obstacles and effected a change of process that undoubtedly will now clear the way to reaching the current target of 40 per cent.

When this happens, resources of both my office and the Police Service will be freed to move into areas of greater need. It is a reform that has the potential of saving hundreds of thousands, and possibly up to several million, dollars now spent by the police and my office conducting and monitoring formal police investigations of complaints.

Major investigations of public interest

A further strategy to reinforce our value and credibility has been my preparedness to conduct major investigations of public interest issues with the cooperation of, or at times at the request of, Ministers of the Crown and Parliamentary Committees.

In 1990 my Assistant Ombudsman conducted an investigation into allegations of systematic bashings in the NSW prison system at the request of the then Minister for Corrective Services. It was a major investigation utilising Royal Commission powers in which evidence was taken from 149 witnesses. Special supplementation was approved by Treasury to fund the inquiry.

Last year my office conducted a major preliminary investigation of the Department of Housing and Treasury's involvement in the Homefund housing loans saga. This investigation, designed to complement the

work of the Parliamentary Select Committee, involved examining hundreds of files and provided the documentary base upon which the Select Committee relied. The investigation was funded by the Select Committee and cost a mere \$52,000.

Currently, I am conducting a major review of race relations and the NSW Police Service. The inquiry is a major undertaking. A discussion paper identifying issues for public submissions was released in June. This is the first time an investigation by the Ombudsman has invited submissions from the public. The inquiry is partly funded by the Ministry of Police, indicating a commitment from the government to address the problem and is expected to cost no more than \$100,000.

This may seem a departure from traditional roles played by the Ombudsman, but such inquiries are an important role for an organisation uniquely placed to identify problems and recommend changes.

Have We Met the Challenge?

Does all this work achieve recognition? The answer of course is mixed. I feel confident in saying the existence of the Ombudsman's Office in NSW is unlikely to be questioned in the immediate future due to our quality of work and our public visibility. Our procedures and approaches have been subject to several inquiries by Parliamentary Committees over the past five years and the quality of our investigations have never been faulted.

After a long battle, I have recently been granted a substantial capital grant to upgrade the information technology used by my office to better equip us to do business. I have not received any extra funds for the implementation of my new police powers.

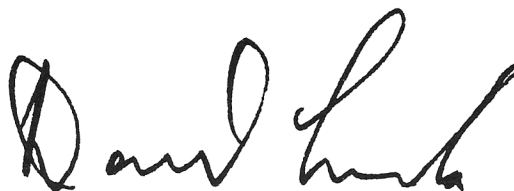
Relations with government are never easy for an Ombudsman and their responses do not always make sense in terms of administrative logic.

On the positive side, however, the outcome of the new proactive approach, has already provided undoubted benefits, not the least of which is improvements to the financial situation of the office assisting it to function more effectively.

It might be said also at this time that the office has been forceful in forging its own destiny. It is not appropriate to detail here the major administrative changes to my office, however, it may be noted that we have undertaken major administrative reforms which have produced savings equivalent to five per cent of our total budget, which have been transferred into investigation resources to deal with the increasing complaint load. I raise this here simply because if the Ombudsman is to survive, the office must demonstrate it functions efficiently as well as effectively, if it is to command respect for its process. Above all, I believe my office is now better equipped by this change of focus. I believe it will remain a resource for the public sector, relevant to government and to Parliament, while not losing sight of the complaint-handling role itself. The basic thing is that an Ombudsman can never take jurisdiction and function for granted. An Ombudsman must continually question, "What are we here for? What outcomes should we be achieving? How can we do things better?"

Conclusions

I have confidence the Office of the Ombudsman will continue to play an important role in the administrative framework of NSW. It has met and risen above all of its challenges to date, and has come through stronger than before. That is as it should be, because in my view the concept is one of the most exciting additions to the administrative framework that has come about this century.



David Landa
NSW Ombudsman

The year at

Notable Achievements

- ❖ 7,364 complaints determined - over 1,000 more than 1992-1993.
- ❖ 56 per cent increase in number of police complaints conciliated.
- ❖ 4 per cent decrease in average turnaround time for investigations since 1992-1993.
- ❖ Ombudsman vindicated in Supreme Court challenge by Police Commissioner in relation to our investigation and proposed adverse comments about the Commissioner's decision to drop Raymond Denning from the Witness Protection Scheme.
- ❖ Christopher Barnes awarded his Higher School Certificate.
- ❖ RTA transfer of vehicle registration system improved to better protect owners.
- ❖ Building Services Corporation implements new consumer protection procedures.
- ❖ Police allow telephone call following arrest.
- ❖ Police notify parents of child's attendance at police station.
- ❖ Department of School Education reviews notification procedures for child sexual assault allegations.
- ❖ Department of Community Services commissions independent investigation into a state run accommodation service for children with disabilities.
- ❖ Wollongong City Council transfers land, acquired in questionable circumstances, back to residents.

- ❖ Maclean Council reviews procedures for dealing with unauthorised work.
- ❖ Lord Howe Island Board develops new tender procedures.
- ❖ Ashfield Council appoints risk manager to deal with liability claims.
- ❖ Inmates compensated for lost property worth more than \$34,000.
- ❖ Department of Corrective Services reviews buy ups policy and process of internally charging inmates.
- ❖ Improved security of urine testing by the Department of Corrective Services.
- ❖ New contact visit area planned for Maitland Correctional Centre.
- ❖ More than one third of our investigation staff receive professional mediation training.

Challenges

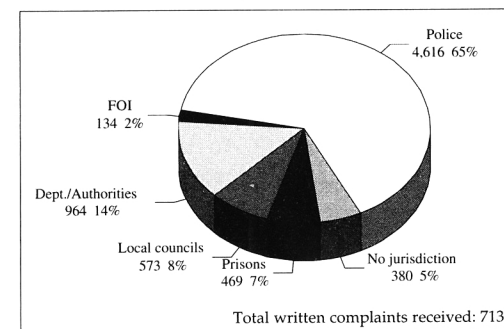
- ❖ Continuing legal action from authorities attempting to prevent the Ombudsman investigating their conduct.
- ❖ No resources provided to implement new direct investigation powers in relation to police conduct.

The Future

In the coming year we will aim to:

- ❖ increase the number of disputes resolved through mediation and conciliation;
- ❖ further develop our public awareness programs;
- ❖ improve our liaison with other investigative agencies; and
- ❖ improve agencies' compliance with the terms and objectives of the *Freedom of Information Act*.

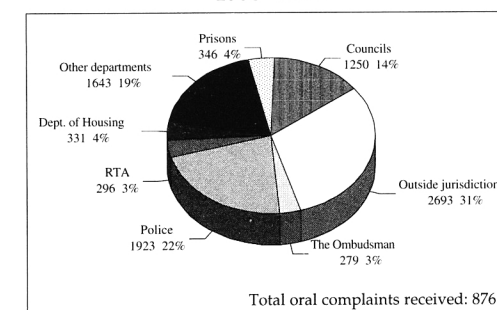
Total Written Complaints Received
1993 -1994



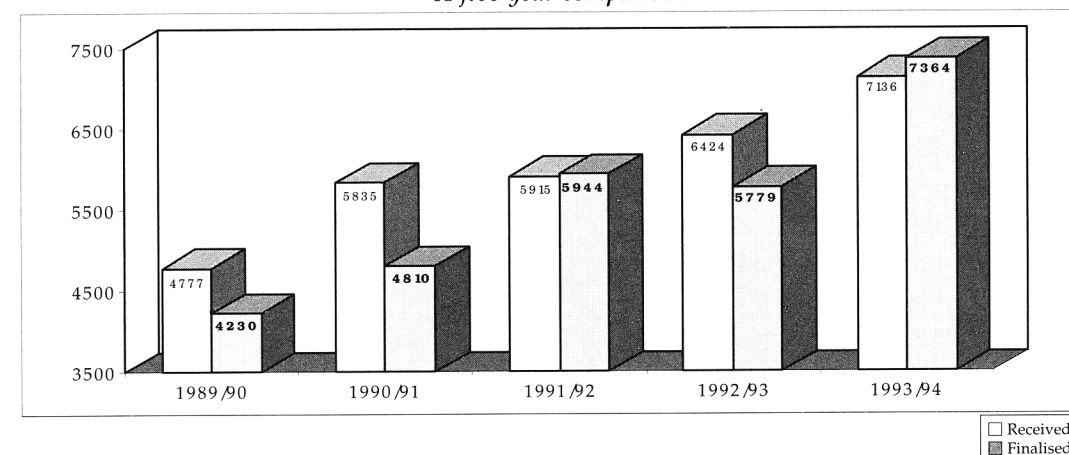
Formal Reports
1993 - 1994

Departments and authorities	6
Local councils	6
Prisons	1
FOI	1
Police	
Sustained	424
Not sustained	400
TOTAL	838

Subject of Oral Complaints
1993 -1994



Written Complaints Received Compared to Complaints Finalised
A five year comparison



a glance

Our

We are organised around the types of complaints our clients bring to us. Most complaints are about the police service and its officers. Therefore more than half of our people work in a team which specifically deals with complaints about police. Complaints about other state government authorities are dealt with by our general team.

The type of people who work for us as investigators come from a wide range of backgrounds, including:

- ❖ state, federal, Hong Kong and military police;
- ❖ local government and town planning;
- ❖ specialist local government and environmental law
- ❖ youth and community work,
- ❖ parole work,
- ❖ mediation;
- ❖ journalism, teaching, policy advice, librarian, accounting, management consulting; and
- ❖ other investigative agencies.

The unique mix of people and expertise within the office ensures the workings of the public sector are thoroughly understood and positive and useful recommendations are consistently made.

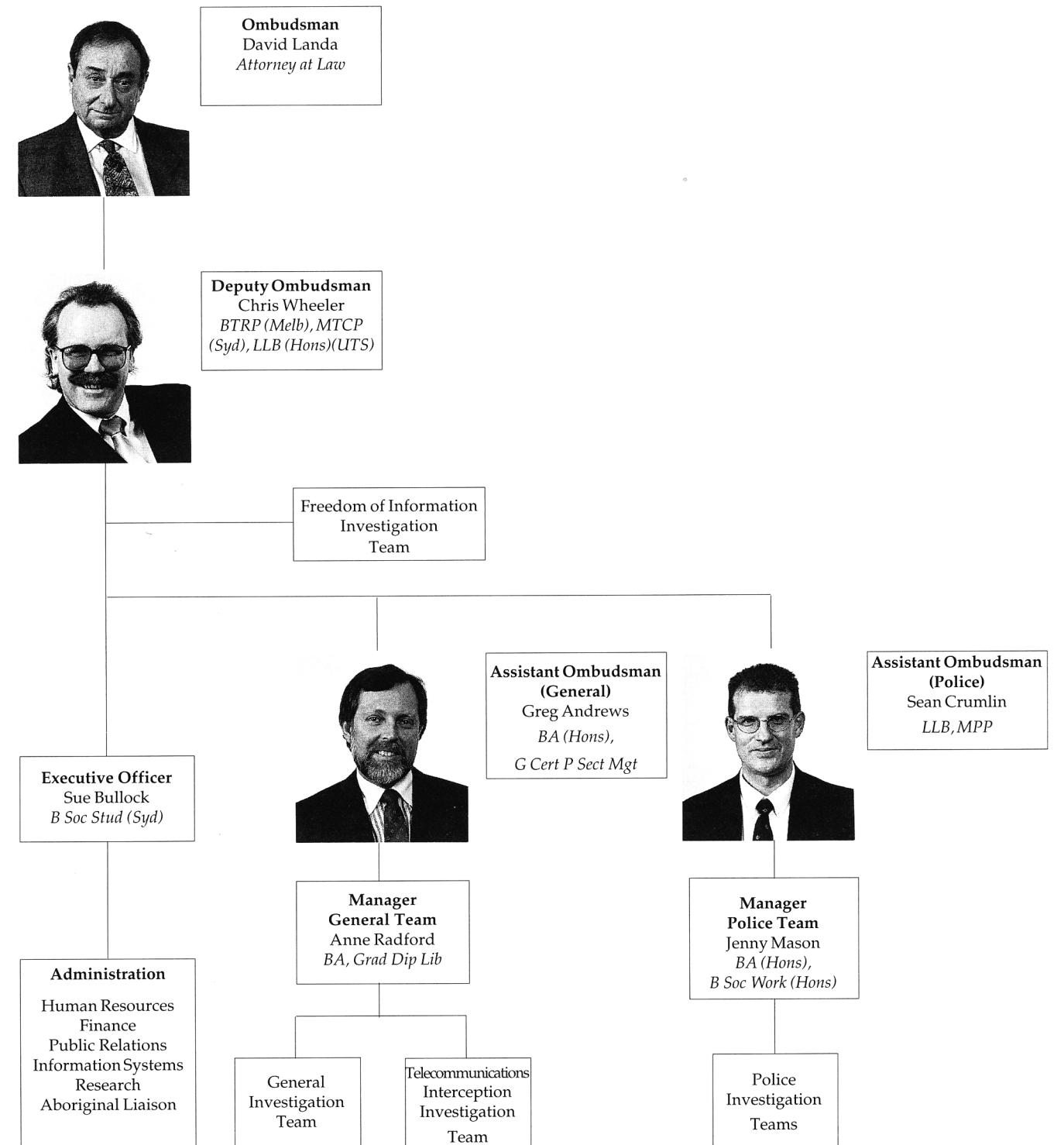
The principal officers for the period of this report were:

- Ombudsman**
David Landa, Attorney at Law
- Deputy Ombudsman**
John Pinnock, BA LLM (Syd), (to 28.6.1994)
Chris Wheeler, BTRP (Melb), MTCP (Syd), LLB (Hons)(UTS) (from 29.6.1994)
- Assistant Ombudsman (General)**
Greg Andrews, BA (Hons), G Cert P Sect Mgt
- Assistant Ombudsman (Police)**
Kieran Pehm, BA LLB, (to 5.5.94)
Sean Crumlin, LLB, MPP, (from 23.5.94)
- Complaints Manager (General)**
Anne Radford, BA, Grad Dip Lib
- Complaints Manager (Police)**
Jennifer Mason, BA (Hons), B Soc Work (Hons)
- Executive Officer**
Sue Bullock, B Soc Stud (Syd)

The Ombudsman is a member of the Community Services Review Council by virtue of his office. The Assistant Ombudsman (General), Greg Andrews, is a nonvoting member of the Prisoners Legal Service Advisory Sub Committee of the Legal Aid Commission.

Parliament

Joint Parliamentary Committee of the NSW Ombudsman



Organisation

Our

The Ombudsman has the power to call on witness to give evidence. We conduct about 12 major hearings each year as part of our investigative process (left).



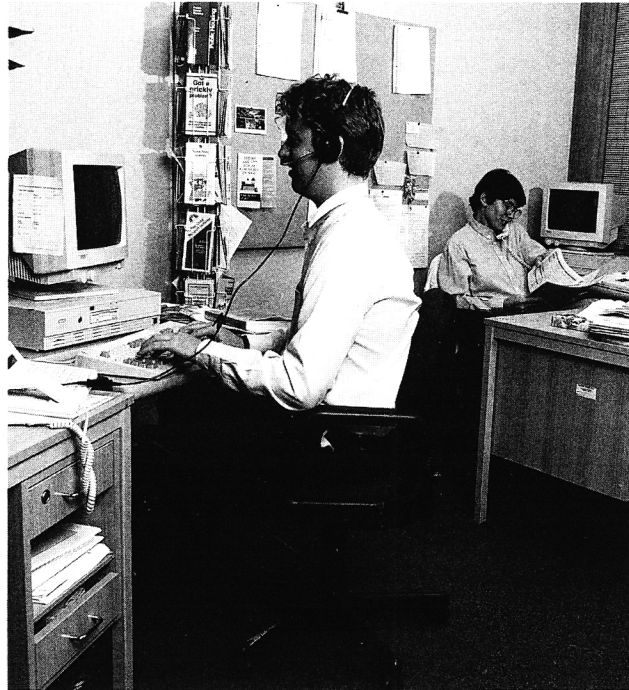
Our inquiries people provide the first point of contact for most of our clients. Our inquiries section took nearly 9,000 oral complaints during the year (right).



We are particularly concerned in making authorities more accountable to their clients and proactive in their complaint management. We work with them whenever possible to ensure this occurs (left).



Our officers finalised nearly 7,000 written complaints last year, so although we work in the field as often as possible, most work was done in the office (right).



Formal investigations often take longer than most people think. They are usually very time and resource consuming. Evidence must be gathered from various sources and witnesses interviewed.



Our officers visit all correctional centres throughout the state on a regular basis to take complaints from prisoners and discuss issues with staff. During the year officers visited every centre in the state at least once.

People

Our

Corporate Goals	Achievement Indicators
<p>Complaint Assessment To give priority to complaints identifying structural and procedural deficiencies in NSW's public administration and individual cases of serious abuse of powers especially where there are no other means of redress.</p>	<p>92% of complaints under <i>Ombudsman Act</i> assessed within 24 hours of receipt.</p> <p>90% of complaints under <i>Police Service Act</i> assessed within 48 hours of receipt.</p> <p>Average time taken to send acknowledgements on <i>Ombudsman Act</i> complaints: 4.6 days</p> <p>Police complaints declined at outset: 80% notified within 14 days</p> <p>Requests for review of determinations as percentage of total complaints finalised: <i>Ombudsman Act</i> complaints 7% Police complaints 3.7%</p> <p>Complaints within jurisdiction declined at outset: <i>Ombudsman Act</i> complaints 35% (44% in 92/93) Police complaints 35% (42% in 92/93)</p>
<p>Complaint Resolution To resolve complaints about defective public administration.</p>	<p>61% of complaints within jurisdiction of <i>Ombudsman Act</i> resolved through provision of information/ advice or constructive action by public authority (23% increase over 92/93 results).</p> <p>56% increase in number of police cases conciliated.</p> <p>84% satisfaction rate among complainants with police complaints conciliated.</p> <p>Over one third of investigation staff have received professional training in mediation.</p> <p>82% of complaints made under <i>Ombudsman Act</i> finalised in less than 60 days (average: 51 days).</p> <p>Only 7% of complaints within jurisdiction of <i>Ombudsman Act</i> declined at outset for reasons of resources or priority.</p>

Corporate Goals	Achievement Indicators
<p>Investigations To promote practical reforms in public administration through recommendations arising from effective resource efficient investigations employing fair procedures.</p>	<p>91% of recommendations made in reports under s.26 <i>Ombudsman Act</i> implemented.</p> <p>87% of recommendations made under <i>Police Services Act</i> implemented.</p> <p>79% of reports under <i>Ombudsman Act</i> and 14% of reports about police misconduct under <i>Police Service Act</i> contain recommendations involving changes to law, policy or procedures.</p> <p>4% decrease in average turnaround time for investigations since 92/93.</p>
<p>Complaints Handling in Public Sector To promote the development of effective internal complaint handling in public authorities to ensure accountability and customer satisfaction.</p>	<p>120 public sector officers have completed <i>Ombudsman</i> mediation training courses since inception.</p> <p>11% of complaints within jurisdiction of <i>Ombudsman Act</i> declined as premature and referred for internal complaint resolution.</p> <p>Customer Response Information System implemented to log telephone complaints and demonstrated to range of public authorities.</p>
<p>Corporate Services To provide quality management support to enhance service delivery and provide effective accountability mechanisms to meet the <i>Ombudsman's</i> statutory obligations and corporate objectives.</p>	<p>Review of organisational structure completed and reforms implemented.</p> <p>Performance management system developed and being progressively implemented.</p> <p>Review of work practices in light of complainant satisfaction survey results completed.</p> <p>Information technology strategic and tactical plans developed.</p>

Note: These corporate goals relate to our Corporate Plan prior to its revision in mid 1994.

Performance

Corporate Goals	Achievement Indicators
<p>Financial Services To make the most effective use of financial and physical resources through financial planning and control.</p>	<p>Activity based costing implemented.</p> <p>Issue of unqualified certificate by Auditor-General</p> <p>98% of accounts processed on time.</p> <p>100% of financial returns and reports provided to Treasury on time.</p>
<p>Human Resources To ensure productivity, staff development and a creative, safe and satisfying work environment.</p>	<p>Investigation techniques course developed with Australian Federal Police and attended by 80% of Ombudsman investigation staff.</p> <p>73% of staff participated in formal training activities.</p> <p>3.65% of total salaries expenditure dedicated to staff development.</p> <p>Negotiations for an enterprise agreement begun.</p>
<p>Public Image To increase community awareness of the role of the Ombudsman and promote access to the office for disadvantaged groups.</p>	<p>All adult and juvenile correctional centres visited.</p> <p>13 major country towns received public awareness visits in addition to regular visits to Newcastle and Wollongong.</p> <p>Multilingual information pamphlets produced.</p> <p>Specialist investigation teams created.</p> <p>Lectures delivered to 7 police training courses and 8 intakes of prison officers.</p> <p>Audits of conciliation records conducted at 6 police stations.</p>

Joint Parliamentary Committee

Amendments to the *Ombudsman Act* in 1990 created a committee known as the Joint Parliamentary Committee on the Office of the Ombudsman. The committee has broad functions relating to the monitoring and review of the exercise by the Ombudsman of his functions under various Acts. This power does not extend to reconsidering the exercise of the Ombudsman's discretion to investigate or not investigate matters, or determinations he makes relating to particular investigations or complaints.

The committee carried out two major inquiries during the year:

- ❖ **Inquiry into the Adequacy of the Funds and Resources Available to the Ombudsman** was completed with the issue of the committee's report in September 1993.

This was the first major external review of the operations of the Ombudsman's Office since its inception. As part of its inquiry, the committee commissioned KPMG Peat Marwick to carry out a management review of the office.

The major recommendations arising from the inquiry including an organisational restructure of the office were adopted and have since been implemented.

- ❖ **Inquiry into the Level of Understanding of Young People, Aborigines, Members of Ethnic Communities and Minority or Disadvantaged groups, of the Role of the Ombudsman and the Extent of Their Access to His Office** was completed with the issue of the committee's report in September 1994.

The report was supportive of a number of initiatives of the Ombudsman including client satisfaction surveys and outreach visits and made a series of recommendations to strengthen these approaches. These were under consideration at the time of writing.

The committee also holds regular meetings with the Ombudsman during which members have the opportunity to raise particular matters of interest and responses to the recommendations arising from the committee's inquiries are monitored.

Complaints About Our Office

The Ombudsman encourages public sector agencies to view complaints as an opportunity to measure client satisfaction. Complaints are a source of information and useful feedback for improving services. An organisation's ability to respond to complaints in a positive and constructive manner is an essential component of providing quality service and strengthening public support for the agency. Similarly complaints about this office are viewed as an opportunity to enhance our effectiveness. The 15 complaints received this year were dealt with in the following manner.

- ❖ Five complaints were received about refusal to provide assistance and two of the complaints included allegations of rudeness. The complainants were contacted and in each case it was established that the complaints were either outside jurisdiction or that there was an alternative and more appropriate course of action. An explanation was provided concerning the office's procedures and the options available.
- ❖ Four complaints were received from public authorities about bias or lack of procedural fairness. One complaint was referred to an eminent QC to conduct an independent inquiry, while the others were reviewed by senior officers. None of the complaints were found sustained. However explanations of our procedures were provided.
- ❖ One complaint was received concerning the improper use of the office E-mail system. This complaint was included as a term of reference in the formal inquiry mentioned above. The inquiry found there had been an unintentional breach of this office's code of conduct by an officer. The Ombudsman sent a letter of apology to the public authority concerned and issued an instruction to all staff regarding the use of the E-mail system.
- ❖ One complaint was received about the referral of a letter of complaint from a prisoner to the Department of Corrective Services. The matter was investigated and it was found that the complainant's letter was ambiguous in that he had asked for the public authority to be informed of the matter. Nevertheless the complainant was provided with an explanation and the guideline to staff on disclosure of information in the office's procedures manual was amended to further highlight the need to exercise discretion when determining what information needs to be released when issues of security and possible harassment are involved.
- ❖ One complaint was received about the unreasonable disclosure of information to the wife of a person who was subject of an Ombudsman's investigation. Inquiries were made and it was established that only general information about our procedures had been provided when attempting to contact the husband. Nevertheless we apologised for any distress caused.
- ❖ Three complaints were received about delay. Two were found to be sustained. The caseloads of the officers involved were reviewed and an apology and explanation provided. In one case a written complaint had not been received. The office procedures were explained.

Police

Overview Achievements

Increased productivity

With the same resources, the police team finalised about 900 more complaints compared to the previous year. At the same time we also investigated over 200 more complaints.

In terms of volume and quality the police area team provides one of the best value for money complaint handling services of any agency in the state. With 20 staff, the team finalised 4,718 complaints over the year. In the same period, the rate of requests for review of decisions fell from nearly five per cent to three per cent, indicating increased satisfaction of complainants with outcomes.

Conciliation

The Ombudsman believes punitive measures are appropriate only in cases of obvious misconduct by police officers. We are working to promote conciliation as an alternative way to resolve disputes. Our advances are reflected in the increase of conciliations from 14 per cent of total complaints determined in the previous year to 18 per cent last year.

During the year we encouraged the Police Service to develop what we hope is a genuine commitment to conciliation. We helped develop a conciliation agreement between ourselves, the Police Service and Police Association. Staff then worked with the service to develop a consistent and comprehensible procedure.

Consultation

We successfully improved our dialogue with the community and the Police Service. Representatives of the police area team regularly addressed public and police groups. In addition we regularly met with senior management from the Police Service and ICAC to identify and resolve policy and process issues of mutual concern.

Systems approach

The police team took a systems approach to improving police processes.

The Commissioner's Instructions guide police in their daily duties. We have continued to focus on the instructions as a means of effecting change in police conduct. Some of the changes recommended by our office and adopted by the Commissioner follow.

Telephone call after arrest

For many years people who were arrested and demanded a phone call were told "you've been watching too many movies". Following representations from the Ombudsman the Police Service has agreed to amend the Commissioner's Instructions so officers must now tell people arrested they may make a call. Previously a telephone call was only allowed after a person was charged.

Parents to be notified

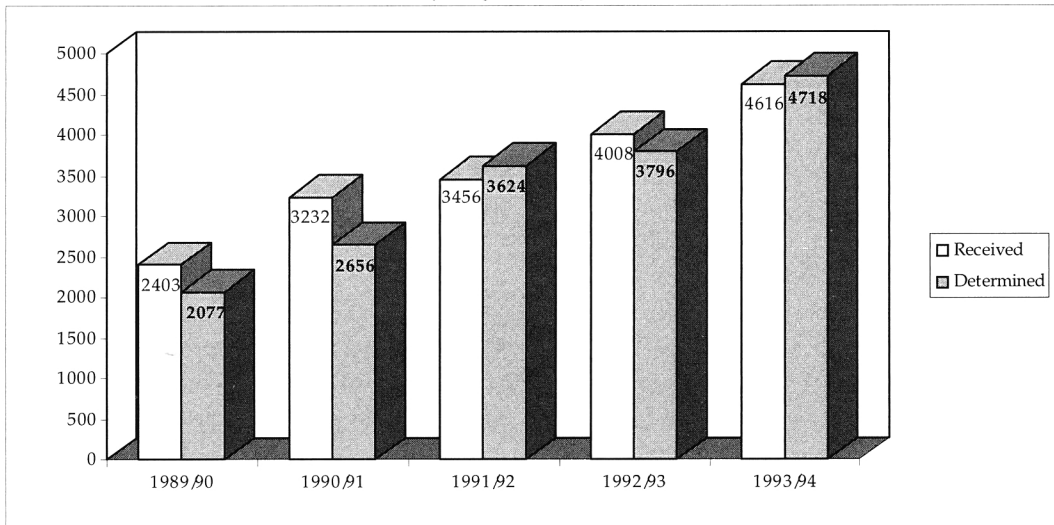
Following representations from the Ombudsman, police are now to notify parents if their child attends a police station, voluntarily or otherwise, in relation to police matters involving them. Previously police notified parents or guardians only if the child was to be interviewed.

Maintaining ethical standards

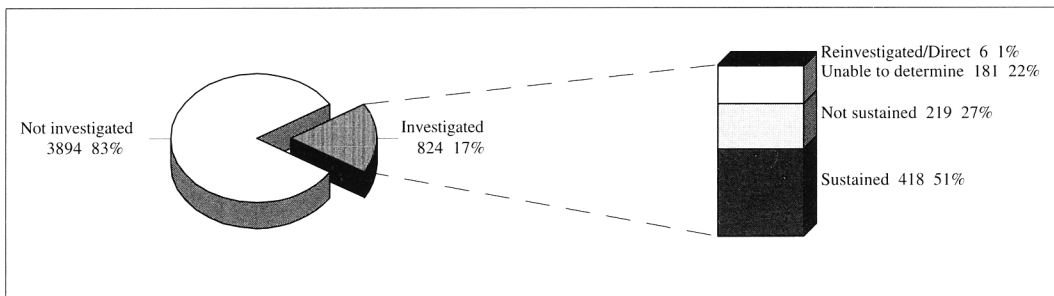
We recommended the Commissioner's Instructions define when police should not involve themselves in investigations concerning their neighbours, friends or family. As a result the Ombudsman is pleased the Commissioner has adopted the following instruction.

Be aware that situations can arise where there is a conflict between your duty as a police officer and the demands of members of the community to act, or omit to act, in a manner which is in contradiction to your official

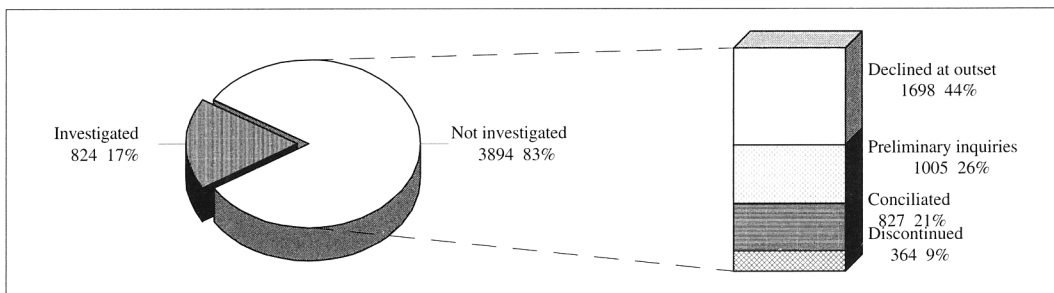
Police Complaints Received Compared with Complaints Determined
A five year comparison



Police Complaints Investigated
 1993 - 1994



Police Complaints Not Investigated
 1993 - 1994



position. These demands could come from family or friends. Do not allow yourself to be put in a position where there is an apparent conflict of interest and be conscious of the community's perceptions of the police role. Where persons with whom you are closely associated or are the subject of a police inquiry, you should seek to distance as far as practicable, from that inquiry.

In addition, the instruction advising police not to involve themselves in neighbourhood disputes has been amended. The instruction states officers should not become involved in police matters concerning friends or relatives or in which they have a direct personal interest. Such cases should be referred to other members of the service for action.

Releasing confidential information
Police are not permitted to release confidential information without proper authority. Following representations from the Ombudsman, the instructions were amended to advise police not to release information obtained from police computer systems to anyone outside the Police Service without the written authority of the officer's Commander or Branch Manager.

Powers of arrest
For many years the Ombudsman recommended changes to the guidelines for police exercising the powers of arrest. The Commissioner has now listed key points officers should consider when deciding whether to arrest.

For example, in many circumstances police need not resort to arrest to prosecute an offender. These guidelines will ensure a person is not arrested when a summons or court attendance notice would suffice. The seriousness of the matter will remain an essential factor for police to take into account when deciding whether to make an arrest.

Protecting 'whistleblowers'
Protecting a police officer's right to complain anonymously is crucial. Police are compelled to report the misconduct of other police and they can be departmentally charged for failing to do so. The *Police Service Act* provides for anonymous complaints and many police complainants conceal their identity, fearing victimisation, harassment or ostracism if they are seen as a complainant.

The Ombudsman recommended the Commissioner's Instructions clearly define a police officer's right to complain anonymously and prohibit police from attempting to identify such complainants. This has been adopted.

Clearly we have come to recognise that whistleblower legislation and regulation provide only a partial and flawed solution. It is becoming increasingly obvious that a 'safe house' totally remote from the Police Service needs to be established if honest police are to be encouraged and protected when performing their duty - if it involves blowing the whistle on corrupt police.

Challenges

Resources
Our primary challenge is lack of resources. Staff carry heavy workloads and staff turnover is high. Workload and turnover rates mean we can't give every case as much attention as we would like. In addition, **we have not been able to fully use the new powers granted to us under recent changes to the *Police Service Act* because of resource limitations.**

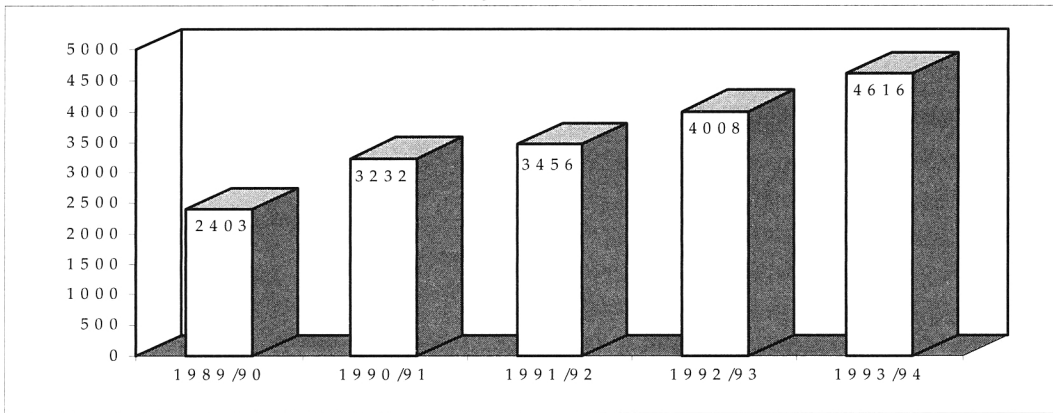
The reality is that powers without necessary resources are not true powers.

Our figures indicate we sustained 429 cases last year, compared to 182 in the previous year. This statistic indicates we have been using our scarce resources with maximum efficiency.

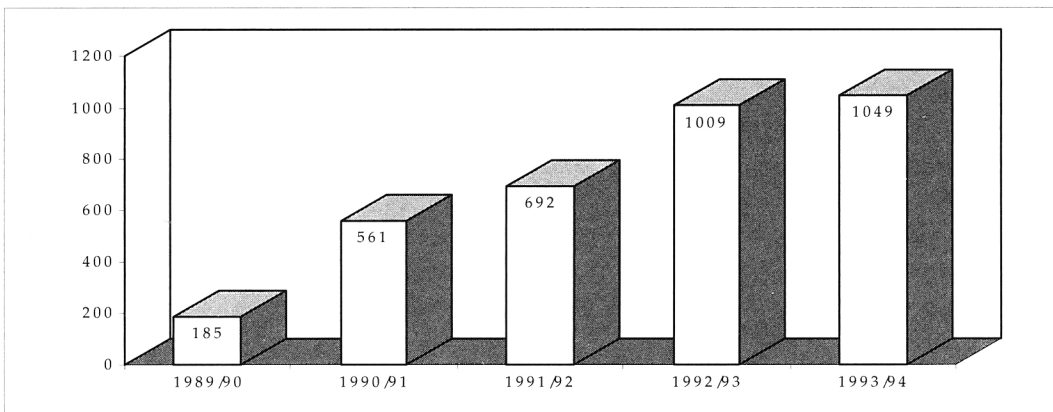
Litigation
An emerging challenge is the recent police tactic of engaging in litigation to prevent or hinder the completion of important investigations.

We aim to provide a speedy, inexpensive, alternative means of redress. The Police Service appears to be using the courts to frustrate this aim. A pattern is emerging of police lawyers demanding, in significant investigations, a right to cross examine every witness appearing under oath before the Ombudsman and/or full details of all information available to the Ombudsman at the start of investigations. The police claim their demands are made on the basis of procedural fairness. We have always scrupulously provided procedural fairness and have evolved a system to ensure procedural fairness is observed without affecting the speed and effectiveness of our investigations. We are concerned that by

Police Complaints Received
A five year comparison



Complaints by police officers or arising during an internal investigation
A five year comparison



Determination of Complaints
Not Investigated
A five year comparison

Year	Total	Declined		Investig'n discont'd	Conciliated
		At outset	After inquiry		
1989/90	1,708	977	503	99	128
1990/91	2,071	1,069	696	135	169
1991/92	2,879	1,529	696	229	424
1992/92	3,182	1,587	851	215	529
1993/94	3,894	1,698	1005	364	827

Investigations and Non-investigations
A five year comparison

Year	Complaints determined	Not investigated	Investigated
1989/90	2,077	1,708 82%	369 18%
1990/91	2,656	2,071 78%	585 22%
1991/92	3,624	2,879 79%	745 21%
1992/93	3,796	3,182 84%	614 16%
1993/94	4,718	3,894 83%	824 17%

Determination of Complaints Investigated
A five year comparison

Year	Total investigated	Sustained	Not sustained	Unable to be determined	Reinvestigate/ direct investigation
1989/90	369	68	75	99	11
1990/91	585	136	197	135	8
1991/92	745	198	318	229	7
1992/92	614	178	249	215	4
1993/94	824	418	219	181	6

granting the police demands, we will slow down and compromise our investigations, make them more expensive, increase the involvement of lawyers in the process, make the proceedings more adversarial, deter complainants from coming forward and generally frustrate our mission. If we refuse to accede to these demands, however, we foresee a continuing recourse of litigation by the police. In the unequal struggle between the slender resources of our office and the very considerable resources of the Police Service the rights of complainants to a quick, inexpensive alternative means of redress will suffer.

Future Directions

In the coming year our police area team will be aiming for achievements in four key areas.

Better value for money

We will aim to provide even better value for money by continuing and intensifying our systems approach strategy. We will use incoming complaints to focus on important police procedural issues and problems and to develop realistic and positive recommendations to overcome those problems. Ethics training for police will be a primary focus.

Improving consultation

We will aim to further improve consultation with the Police Service, complainant representative bodies such as the Legal Aid Commission, and the other relevant investigative agencies such as ICAC and the Royal Commission into the Police Service. To this end we have requested an amendment to the *Ombudsman Act* to remove legal restrictions which limit our ability to consult with other investigative bodies.

Improved consultation will reduce delays and duplication and promote a systematic overall approach to the investigation of police complaints.

Intensify use of powers

We will aim to use our new powers more extensively, energetically and creatively within the limited resources available to us.

In particular we will be using conciliation to ensure minor complaints are handled efficiently and, wherever possible, in a non-adversarial way. We will monitor our direct investigation and reinvestigation powers to

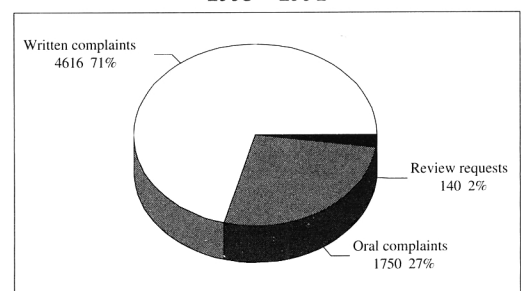
ensure more serious complaints are handled in a suitable manner. We will also vigorously defend, in court and parliament, any attempt to limit or restrict the jurisdiction of the Ombudsman by legal challenges.

Improving processes

We will continue to improve our internal processes to increase efficiency and maximise customer satisfaction. We have analysed the results of our last customer survey and are planning significant changes to our process to improve our customer satisfaction rates.

We will continue to look critically at our approach to conciliations, class or kind agreements with the Police Commissioner, our declines policy, and preliminary inquiries and investigation procedures to identify further opportunities for improvement wherever possible. We will also critically examine our public awareness strategy to identify ways of increasing our exposure to the public and in particular to disadvantaged groups.

Police Complaints Received
1993 - 1994



Determined Police Complaints
1993 - 1994

Not	Declined at outset	1,698
Investigated	Declined after inquiries	1005
	Conciliated	827
	Discontinued before Ombudsman investigation	364
Not	Not sustained finding	219
Sustained	Unable to be determined	181
	Not sustained following investigation	0
Sustained	Sustained finding without reinvestigation	418
	Sustained finding following reinvestigation by Ombudsman	6
Total		4,718

Police Complaint Profile

Complaints about police to the Ombudsman are managed by creating a file for each letter of complaint. Each complaint file may contain a number of allegations about a single incident. For example, a person arrested following a brawl at a hotel may complain of

unreasonable arrest, assault and failure to return property. One incident, one complaint, many allegations.

In cases determined last year 8,195 allegations were made. The following tables list these in categories and show how each was determined.

Breach of Police Rules or Procedure

Category	Not fully investigated	Sustained	Not sustained	Unable to be determined	Conciliation/resolved	Total
Failure to provide or delay legal rights	40	5	18	27	6	96
Inappropriate disclosure of or access to confidential information	74	44	35	109	10	173
Failure to provide information or notify	37	22	20	9	34	122
Providing false information	71	45	14	20	17	167
Failure to return property	87	9	7	5	23	131
Unreasonable treatment	328	21	52	67	224	692
Drinking on duty	13	6	7	5	0	31
Failure to identify or wear number	11	2	4	7	7	31
Failure to take action	195	19	42	34	151	441
Traffic or parking offences	97	29	15	7	32	180
Faulty policing	38	1	0	0	20	59
Misuse of office	31	11	10	7	8	67
Accidental property damage	6	1	0	0	5	12
Breach of police rules and regulations	646	298	107	28	16	1,095
Total	1,674	513	331	226	553	3,297

Arrest/Detention/Warrant

Category	Not fully investigated	Sustained	Not sustained	Unable to be determined	Conciliation/resolved	Total
Improper detention of intoxicated person	1	1	0	0	0	2
Unreasonable use of arrest or detention powers	112	17	48	40	16	233
Faulty search warrant procedure	56	8	20	13	8	105
Unjustified search or entry	44	17	36	13	16	126
Unnecessary use of force, damage or resources	70	10	32	43	14	169
Improper use of summons, enforcement order or warrant	63	2	2	0	1	68
Failure to withdraw warrant or accept fine payment	8	1	3	0	0	12
Total	354	56	141	109	55	715

Abusive Remarks or Demeanour

Category	Not fully investigated	Sustained	Not sustained	Unable to be determined	Conciliation/resolved	Total
Race related	14	1	7	15	18	55
Social prejudice	8	0	1	7	3	19
Traffic related	120	1	3	6	184	314
Other	132	18	42	53	95	340
Total	274	20	53	81	300	728

Criminal Conduct

Category	Not fully investigated	Sustained	Not sustained	Unable to be determined	Conciliation/resolved	Total
Murder or manslaughter	2	0	3	0	0	5
Sexual assault	11	11	2	3	0	27
Bribery or extortion	111	3	36	12	0	162
Theft	81	31	49	35	0	196
Drug offences	164	9	28	9	0	210
Dangerous or culpable driving	5	0	1	0	0	6
Telephone tapping	2	0	0	0	0	2
Conspiracy or cover-up	20	9	7	10	0	46
Other (eg perjury)	77	28	22	8	0	135
Total	473	91	148	77	0	789

Assault and Harassment

Category	Not fully investigated	Sustained	Not sustained	Unable to be determined	Conciliation/resolved	Total
Physical or mental injury outside police premises	90	40	74	86	2	292
Physical or mental injury inside police premises	49	5	57	59	0	170
Minor physical or mental injury outside police premises	121	11	38	50	3	223
Minor physical or mental injury inside police premises	95	3	28	36	0	162
Threats or harassment	298	12	73	75	73	531
Sexual harassment	12	7	1	2	6	28
Total	665	78	271	308	84	1,406

Management Issues

Category	Not fully investigated	Sustained	Not sustained	Unable to be determined	Conciliation/resolved	Total
Condition of cells or premises	6	0	0	0	0	6
Delay in answering correspondence	16	0	0	0	6	22
Inappropriate permit or licence action	13	4	1	0	2	20
Administrative matter arising from investigation	0	4	0	0	0	4
Other	46	2	6	0	15	69
Total	81	10	7	0	23	121

Investigations and Prosecutions

Category	Not fully investigated	Sustained	Not sustained	Unable to be determined	Conciliation/resolved	Total
Forced confession	12	1	0	14	1	28
Suppression of evidence	9	1	0	0	1	11
Suppression of evidence (traffic)	1	0	1	0	0	2
Fabrication	77	3	21	16	2	119
Fabrication (traffic)	16	10	5	2	3	36
Unjust prosecution	94	1	13	19	6	133
Unjust prosecution (traffic)	263	0	3	4	13	283
Failure to properly review prosecution	3	1	0	1	1	6
Faulty investigation or prosecution	137	39	25	16	32	249
Faulty investigation or prosecution (traffic)	29	15	2	0	14	60
Failure to prosecute	130	6	13	3	40	192
Failure to prosecute (traffic)	11	0	1	0	8	20
Total	782	77	84	75	121	1,139

Public

Overview

This section covers complaints about government departments and statutory authorities other than police, prisons, local government and reviews of FOI matters.

This year has been a period of consolidation and assessment following the restructuring of the office. During the year we received a total of 964 written complaints and 2,270 oral complaints about public authorities other than those listed above. We also received 90 requests for review of initial determinations. A further 380 complaints were received about authorities, organisations or individuals not within the Ombudsman's jurisdiction.

The level of complaints in this area remains stable and in contrast to other areas seems to have reached a plateau. Again this year we have seen a significant reduction in complaints relating to the quality of service. While it is too early to draw any strong conclusions about this, it may indicate government authorities are becoming more focused on providing quality service and consequently more responsive and adept at dealing with their own complaints.

This year a more detailed categorisation system for complaints has been adopted. This should allow us to monitor complaint trends in this area more accurately. In this period 1,043 complaints were finalised. It is pleasing to note that despite the disruption caused by the restructure of the office and the resulting large scale reallocation of files, a high level of output has been maintained.

The restructuring process provided an opportunity to thoroughly assess our work practices and procedures. A great deal of work has been undertaken to develop strategies for delivering better outcomes for both complainants and public authorities.

This reassessment has allowed us to enhance our mediation service. After carefully

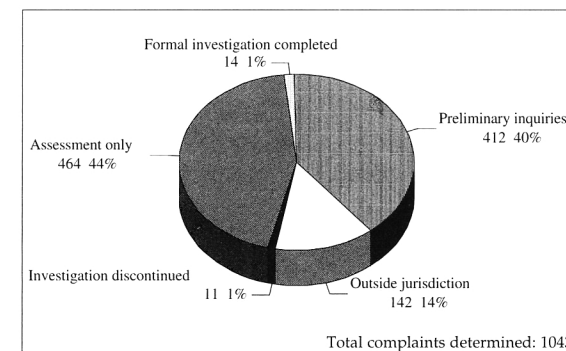
developing the procedures to ensure adherence to our legislative responsibilities, we have established a workable mediation process with highly successful outcomes. The mediations conducted to date have resulted in successful outcomes for both complainants and the public authorities involved. These outcomes have included:

- ❖ expeditious and inexpensive resolution;
- ❖ agreements reached which have been satisfactory to the parties as distinct from the imposition of a 'solution' by an external body; and
- ❖ creating an environment in which the public authority is able to learn directly from the complainant in an open and non adversarial situation.

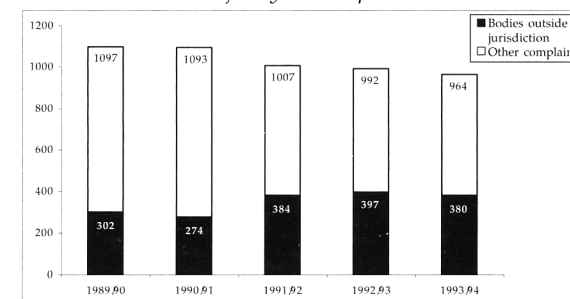
Another development has been a greater emphasis on the informal resolution of complaints. This has included an increased use of preliminary inquiries where it appears our intervention may assist in an expeditious outcome, providing improved advice to complainants concerning other avenues of redress and useful information to assist them in making their complaints. The Ombudsman sees the office as having an important role in ensuring people feel empowered in relation to their dealings with public authorities. As a corollary of this educative role to members of the public, the office actively continues its campaign of educating authorities about their responsibilities to the public.

Finally, in light of our focus on outcomes, it is important to note that the office remains committed to its investigative function; particularly with regard to matters raising issues of broad public interest. Accordingly, resources have been allocated to ensure priority is given to complaints involving issues of systemic deficiencies in public administration or serious abuse of powers.

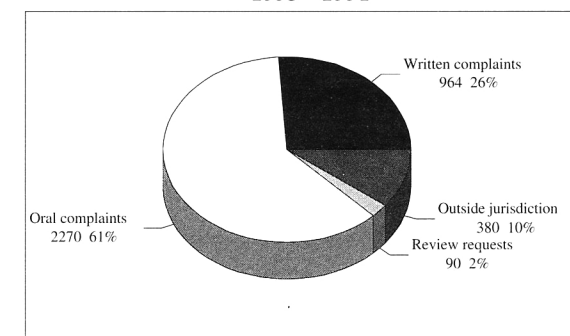
Outcome of Public Authority Complaints Determined 1993 - 1994



Public Authority Written Complaints Received A five year comparison



Public Authority Complaints Received 1993 - 1994



Nature of Public Authority Written Complaints Received 1993 - 1994

No replies, delays in action, general rudeness, poor or inadequate service	142
Failure to act	94
Failure to enforce or investigate breaches of regulations or legal obligations	77
Unreasonable, unjust or discriminatory enforcement of regulations	34
Denial of procedural fairness	20
Failure to provide reasons or explanations for action or inaction	5
Other procedural objections	80
Wrong decision: objection based on prejudice, malice or bias	21
Wrong decision: objection based on incomplete or misinterpretation of facts	21
Wrong decision: other reasons	142
Matters relating to contracts, tenders, leases or resumptions	32
Level of charges, fees, penalties or refunds	52
Matters relating to policy or legislation	27
Official information: refusal to disclose or alter and improper disclosure	34
Management: broad issues not covered above including general supervisory failure	39
Other	14
Authority outside jurisdiction	380
Finding of outside jurisdiction	133
Total	1344

authorities

Prisons

Overview

Written complaints about prisons jumped from 393 in 1992-1993 to 469 in 1993-94. We also responded to 346 telephone complaints and interviewed a further 529 prisoners during visits to gaols throughout the state. A further 38 written complaints were received about the Corrections Health Service.

Internal restructuring of our investigation teams led to a greater specialisation of staff. As a result more matters were able to be made the subject of telephone or written inquiries. Preliminary inquiries rose to 309, 117 more than the previous year. These inquiries have also been conducted more swiftly than in the past and more matters have been satisfactorily resolved with the Department of Corrective Services (DCS). In fact our office determined 492 prison related files in 1993-94, 138 more than the previous year.

We were requested to review our determination on 28 prison complaints. Most reviews affirmed our original decision. In one case we resolved the matter, in two cases we amended our decision and one matter is ongoing.

The most significant increases in complaints came from the areas of:

- ❖ property (40 complaints in 1992-93 to 62 in 1993-94);
- ❖ transfer and transport (38 in 1992-93 to 58 in 1993-94);
- ❖ classification (15 in 1992-93 to 36 in 1993-94); and
- ❖ daily routine/access to amenities/lock-ins (38 in 1992-93 to 50 in 1993-94).

Over the last few years complaints about officer conduct such as assaults and harassment have declined as a percentage of total complaints.

The NSW correctional system was placed under great pressure throughout 1993-94. The introduction of new internal management arrangements, increases in inmate numbers along with staff restrictions and a scarcity of other resources have made life very difficult for inmates and officers. So difficult that cracks in the system are becoming more obvious.

The introduction of new management structures within DCS involves fundamental changes not just to practices and procedures but to attitudes. In the long term the changes should yield significant benefits for the department and ultimately inmates. In the meantime the process of introducing these changes has been painful.

In 1993-94 there was a daily average of 6,423 prisoners in NSW prisons and more than 1,200 on periodic detention. This first figure has jumped from 6,181 in 1992-93 and 4,124 in 1987-88 (a 56 per cent increase in prison population in seven years). The continuing increase in prisoner numbers seems to be a result of the complex influences of the 'truth-in-sentencing' legislation, increased police activity and tougher sentencing generally.

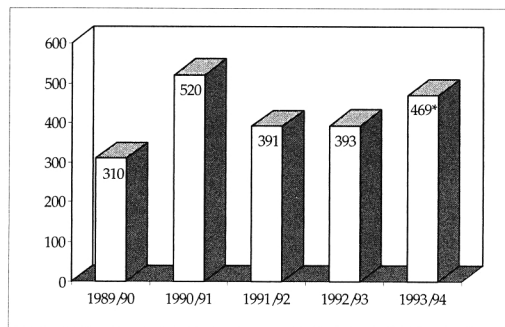
DCS reported in its 1992/93 annual report that it no longer sees inmate overcrowding as a significant problem. However the continuing increase in prisoner numbers is a major contributor to problems within the system.

Every NSW prison has a limited monthly staff overtime budget. Once this has been spent the process of 'post stripping' starts. This means security posts (towers, gates, escorts) are maintained at the expense of other duties. A reduction in these 'other duties' almost invariably involves the loss of some inmate

Prison Complaints Received by Institution
1993 - 1994

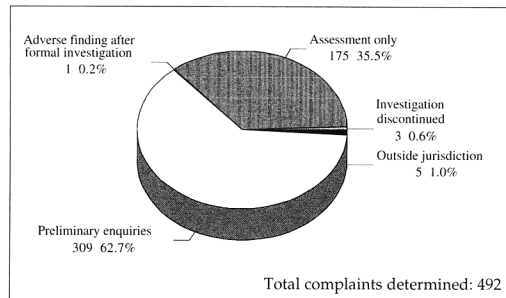
Goulburn	42
Mulawa/Norma Parker	42
Reception Industrial Centre	40
Junee	32
Prison Hospital	21
Remand Centre	20
Cooma	18
Bathurst	17
Maitland	16
Cessnock	15
Parramatta	15
Training Centre	15
Silverwater	14
Grafton	14
Special Purposes Prison	11
Tamworth	10
Lithgow	9
Parklea	7
Kirkconnell	7
John Morony	6
Emu Plains	6
Special Care Unit	3
St Heliers	3
Glen Innes	2
Oberon	1
Mannus	1
Broken Hill	1
Periodic Detention Centres	3
Department of Corrective Services	41
Others	33
TOTAL	469

**Complaints about Department of
Corrective Services**
A five year comparison

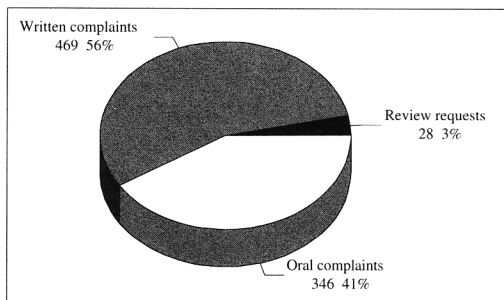


*Includes complaints about Australasian Correctional Management

Prison Complaints Determined
1993 - 1994



Prison Complaints Received
1993 - 1994



amenity; access to recreation or education, access to phone calls or the library, restricted movement around the prison, delays in seeing visitors or even legal representatives; delays in the sorting and distribution of mail, delays in transfers. There have even been instances of delays in getting medical advice or treatment.

If significant numbers of staff are absent, the prison is either partially or fully 'locked down'. This means inmates can be locked in their cells for more than two days at a time. It is under these conditions where the greatest risk lies. Not just a risk to the health of inmates but to their civil rights.

It boils down to the fact that situations arise where lack of resources can govern the conditions in which prisoners are kept. In the past, the Ombudsman has sometimes taken the view that the allocation of resources within departments or between institutions will not be examined by this office.

However, in circumstances where staffing or other deficiencies in an institution lead to improper conduct, it is within the power of this office to make an adverse finding. It is against this background that the increase in complaints from prisoners during the year must be viewed.

The Department of Corrective Services has been very responsive to our recommendations and suggestions during the year. It is hoped this situation continues. Staff reductions in the DCS's ministerial liaison unit (partly made in response to an expected reduction in complaint levels) unfortunately led to some severe delays in receiving responses to correspondence from the Ombudsman. Some relatively simple requests for information went unanswered for up to six months, despite reminder letters. Where possible we will continue to deal with institutions directly by telephone or face-to-face to reduce delays.

A glimpse of the complaints received by the Ombudsman and the major issues arising from these follows.

Corrections Health Service

Along with complaints against DCS, complaints about the Corrections Health Service (CHS) rose in 1993/94 from 16 to 38. There was also a considerable increase in the number of complaints determined by this office. This was partly due to the finalisation of a small backlog from 1992/93. A considerable number of the 529 prisoners spoken to on regular prison visits raised general concerns about medical treatment.

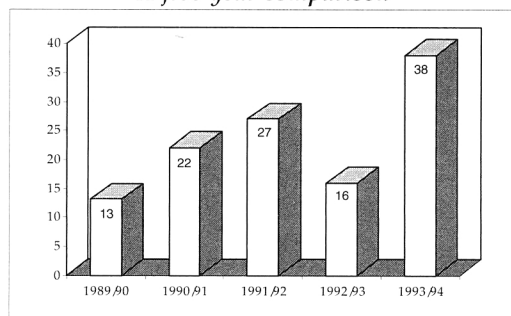
Complaints covered a range of issues but were commonly associated with the level, quality and frequency of medical care provided in NSW prisons. Delays in appointments were mentioned along with the overall lack of psychiatric and dental care. Clearly there are continuing problems in providing specialist care in the more isolated country gaols.

Current arrangements with the Department of Health provide for all approaches on matters concerning prisoner health to be sent via the Director-General to the head of the CHS. This has meant in some cases that minor matters have not been dealt with promptly and that information has not been readily made available. The Ombudsman hopes these problems will be resolved by a meeting proposed between our officers and senior Department of Health staff and the creation of a new position in Health which will deal with, amongst other things, Ombudsman complaints.

Finally, the Ombudsman trusts the level of cooperation between DCS and the CHS will continue to grow. The authorities now meet regularly at the most senior level but examples of poor communication, intra-service rivalry and short-sighted or nonexistent planning practices linger. While major steps have been taken to exchange knowledge that will be beneficial to staff of CHS and DCS as well as inmates, there is still some distance to go.

**Nature of Written Prison Complaints
1993 - 1994**

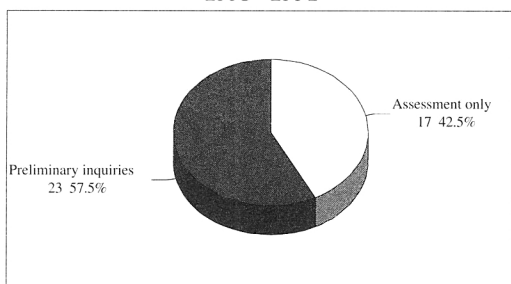
**Complaints Received About
Corrections Health Service
A five year comparison**



**Nature of Written Complaints About
Corrections Health Service
1993 - 1994**

Standard of care	32
Dental services	5
Other	1
TOTAL	38

**Corrections Health Service
Complaints Determined
1993 -1994**



Officer Misconduct	51
Threats/harassment	20
Assaults	17
Racist abuse	7
Other	7
Property	62
Loss	34
Delay in transferring	9
Confiscation	5
Failure to compensate	5
Private property policy	4
Other	5
Transfers	58
Unreasonable/refusal to	44
Form of transport	9
Interstate	2
Delay	3
Daily Routine	27
Access to amenities/activities	13
Access to telephones	10
General treatment (including time out of cells)	5
Record Keeping & Administration	22
Inaccurate records	9
Private cash accounts	8
Sentence calculation	1
Warrants	1
Appeal papers	1
Failure to reply	1
Others	1
Mail	17
Delays in delivery	11
Interception/missing	6
Visits	23
Treatment of visitors	8
Ban on visitor	6
Access to visitor	7
Searches of visitor	2
Segregation	15
Unreasonable	14
Failure to give reasons	1
Security	19
Urine analysis	14
Cell and strip searches	5
Unfair Discipline	16
Work and Education (access/removal)	10
Classification	36
Failure to Ensure Physical Safety	17
Day and Other Leave	3
Buy-ups	5
Physical	19
Unhygienic conditions	8
Lack of basic conditions	9
Yarding	2
Medical	2
Access	1
Methadone	1
Food and Diet	12
Legal	3
Probation and Parole	17
Periodic	2
Staff levels/Lock Ins	23
Other	9
TOTAL	469

Local

Overview Council Complaints

In 1993 -1994 we received 573 written complaints about councils. In addition to written complaints, we received a further 1,250 oral complaints and inquiries about council matters.

During the year we determined more complaints than we received. About half the complaints were resolved by conducting preliminary inquiries. We also conducted eleven formal investigations, six of which resulted in reports with adverse findings.

Complainants asked us to review 50 of the decisions we made. While most of these reviews affirmed our original decision, in five instances we resolved the complaint or amended our decision.

A Year of Change

The year was one of profound change and challenge for local government with the commencement of the *Local Government Act 1993* and the new regulations made under that Act. In last year's annual report the Ombudsman commented on the overall structure and intent of the new Act. It was noted the Act attempts to modernise management of local councils and introduce greater accountability.

The future

Many of the changes introduced by the new Act are still being implemented. Some have been so dramatic that it would be unreasonable to expect trouble free implementation. As a result, we have been flexible when examining compliance by councils with the new Act. In the coming year, we will expect councils to fully comply with the requirements of the new Act.

Accountability

The new Act requires councils to formulate and articulate policies and plans in relation to a large number of their activities. For instance, councils are now required to formulate a policy on approval of building applications. This policy must deal with various matters including the required approvals, matters to be considered when assessing an application for approval and who is notified about an application. Another example is the requirement that councils formulate management plans detailing activities for the following three years with a revenue policy for the following year.

A feature of these policy and plan making responsibilities is the public consultation process to be observed before the policies and plans are capable of implementation. Such processes involve exhibition of the draft policies and plans and the consideration of public submissions on their contents.

The future

We are anxious to ensure councils actively inform their local communities of these new processes to maximise public awareness of and input into the formulation of these policies and plans. Once implemented, councils' compliance with these policies and plans will be a focus in the assessment of complaints.

Internal Complaint Handling

In the modernisation of council management, the Ombudsman recommends all councils adopt a comprehensive internal complaints handling program. The benefits of such a program are enormous. As a form of customer satisfaction research, internal complaints handling systems can be used to improve service and operations.

Nature of Local Council Written Complaints Received
1993 - 1994

	93/94		93/94
Development		Engineering Services	
Objection to issue of DA	50	Road closures/access problems	10
Unsatisfactory processing of application	16	Failure to carry out work	24
Objection to refusal or conditions of DA	23	Adequacy of council work	12
		Orders to meet the costs of	
Building		or carry out work	14
Objection to issue of a BA	20	Drainage and flooding	12
Unsatisfactory processing of application	18	Traffic and parking	14
Objection to refusal or conditions of BA	8	Bonded work	2
Inadequate inspections of work	3	Orders relating to parking	10
		Community Facilities and Services	
Zoning		Parks and Reserves	3
Objection to decision to rezone	13	Other facilities and services	12
Objection to refusal to rezone	5		
Objection to rezoning procedures	3	Conduct	
Section 149 certificates	3	Misconduct of councillors	13
		Misconduct of staff	18
Enforcement		Non-pecuniary conflict of interest complaints	3
Failure to enforce DA conditions	19	Pecuniary interest complaints	10
Failure to enforce BA conditions	9		
Unauthorised development/building work	41	Corporate and Customer Services	
Objection to orders relating to		Tendering	3
development or building work	13	Insurance/liability claims	9
		Contracts and entrepreneurial activities	12
Rates and Charges		Failure to reply to correspondence	16
Objection to level of rates	2	Provision of information	12
Objection to level of charges	13	Unsatisfactory complaint handling	7
Disputed calculation of rates and charges	10	Resumptions	10
Interest charges	5	Elections	7
Recovery action	7		
Refunds	2	Other	14
Farmland rates	5	TOTAL	573
Environmental Services			
Garbage service	4		
Noise complaints	8		
Other pollution complaints	18		
Orders relating to dogs	3		
Tree preservation orders	7		

councils

The future

In the course of dealing with various councils in the past year, staff have detected a strong interest in the guidelines on internal complaint handling we prepared as part of our Complaints Handling in the Public Sector (CHIPS) project. Next year, we will monitor developments in internal complaint handling by local councils. In late 1994 we will survey public authorities, including councils, to determine how they manage complaints. We will also work with the Department of Local Government to develop a complaint handling workshop for local councils.

Good Conduct Guidelines

Our office is currently preparing guidelines on good conduct and administrative practice in local government. These guidelines are based on the findings and recommendations made in our reports over the years, the corporate knowledge and experience of our office, recommendations in ICAC and Department of Local Government and Cooperatives reports, the 1990 Local Government Code of Conduct manual, the recent Code of Conduct published by the department and the *Local Government Act 1993*.

Litigation Alternatives

We are monitoring with interest the alternative ways local councils resolve disputes about development and building applications. In particular, section 100 of the *Local Government Act* now provides applicants with the right to request a review of a decision to refuse a building application. Interest will be taken in councils' steps to inform applicants of the availability of this right and the actual conduct of such reviews.

The willingness of councils to discuss and otherwise assist applicants before and after a decision is taken on the application is also of interest to us. Lines of communication of this sort can often prevent applications being refused and then escalating to the point where appeal rights are exercised, to the cost of both council and applicant.

As noted earlier, we strongly endorse use of a local approvals mediation scheme, where external mediators are used to assist in resolving disputes between applicants and objectors.

Once appeal rights are exercised, optional mediation of matters before the Land and Environment Court is available. We hope that councils embrace the opportunity to explore a mediated settlement to matters before the court, particularly where there is dispute only on conditions imposed on development or building approvals.

Legal Services

In our last annual report we noted our support for the recommendations of the *Parliamentary Public Accounts Committee Report on Legal Services provided to Local Government*. Since then we have continued to receive many complaints about the tendency of councils to engage in costly litigation, particularly in relation to decisions made contrary to the recommendations of councils' technical staff.

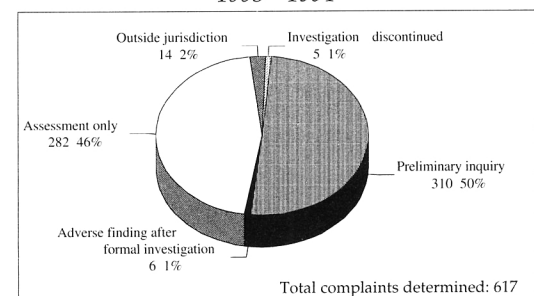
We will continue to scrutinise this matter until there is discernible improvement. In doing so, we do not seek to deny councils the right to defend sound planning and building decisions.

Another problem in the area of legal services encountered on an alarmingly regular basis is the reliance placed on legal advice by many councils in justifying their conduct to the Ombudsman. One case currently being investigated typifies the problem. Council sought advice in response to a claim by a resident that a large amount of fill had been dumped adjacent to his property in order to form an elevated sports oval without proper notification. As a result the value of his property had substantially diminished.

Council responded by seeking legal advice. It first asked "*whether it would be proper and reasonable*" to pay the resident compensation. Council later amended its instructions, asking for advice on its legal liability.

Outcome of Local Council Complaints Determined

1993 - 1994



The first set of instructions, asking whether compensation was proper and reasonable, would have been more appropriately directed at a moral philosopher than at a legal adviser.

The advice from council's lawyers was based on a chronology of events provided by council rather than council's files and was flawed. Fortunately, further advice, again on council's legal liability, was then sought from another law firm, this time based on council's files. This advice was that council was not legally liable to the resident but contained an important qualification. The advice suggested council could be liable if it encouraged the resident to rely on its advice on the height of the completed sports oval. In the process of considering this advice, little evidence has emerged demonstrating that council sought to explore whether this qualification was relevant to its liability.

The case underlines a number of problems with legal advice. Legal advisers may not be capable or suitable to advise on non-legal issues such as the reasonableness of council's conduct - a key criterion which the Ombudsman must consider when judging conduct. In the cases where legal advice obtained is qualified, it is for council to show that those qualifications have been considered and eliminated.

Positive Planning

We have traditionally not examined the merits of planning and building decisions on the basis that these are matters for determination by councils in accordance with the relevant

legislation. However, we will continue to investigate complaints that reveal improper practices and abuses of the assessment and review process. Similarly, we will continue to criticise councils who make such decisions in order to fulfil an agenda not compatible with the council's legal responsibilities or in order to appease local protest at the expense of those responsibilities.

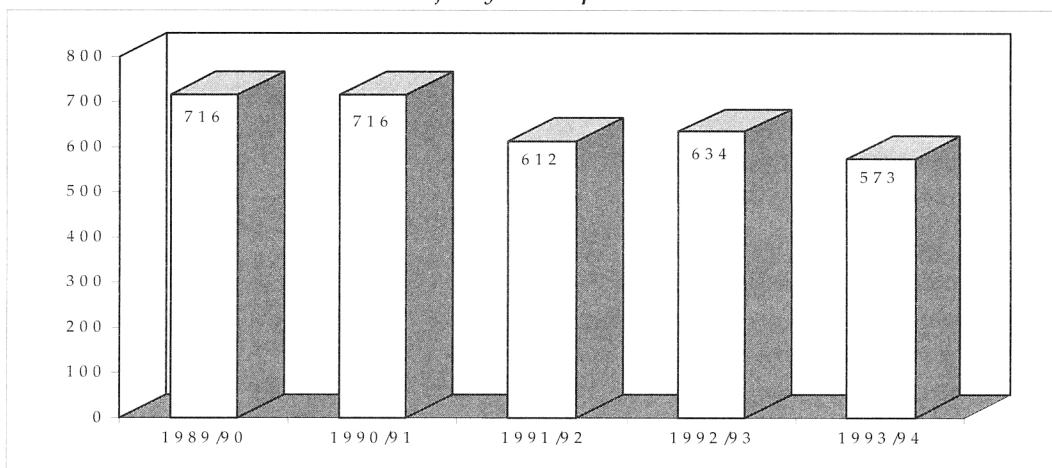
Equally open to censure are councils which decline to make a decision in relation to contentious proposals, preferring to leave the applicant to exercise their rights of appeal.

Both phenomena are contrary to councils' planning and building control responsibilities. Both almost inevitably generate large numbers of appeals against the decisions or non-decisions of such councils. This in turn wastes councils' resources on legal costs and places unfair financial burdens on applicants.

The future

We will monitor with interest the effect of section 179 of the Local Government Act which gives the Land and Environment Court a discretion to award compensation to applicants for building approval where the court is satisfied council's delay or refusal to grant consent was unduly influenced by vexatious or unmeritorious submissions or council acting vexatiously. This section underlines for councils the dangers in making decisions for reasons other than those relevant to the issue as outlined in the relevant legislation.

Local Council Complaints Received
A five year comparison



ACCESS &

Media Relations

The media are extremely important to the functioning of the office.

Our complainant survey indicates the media are the main source of information for potential complainants to learn about the Ombudsman's existence. A survey by the Commonwealth Ombudsman carried out in 1991 showed the NSW Ombudsman had the highest public identification rate in Australia. While it is often difficult to meet the needs of the media, because our legislation strictly limits the type of information we can release, we do provide information and briefings whenever possible. We also maintain a program of highlighting notable cases of public interest in special reports to Parliament and put significant resources into producing our annual reports.

In addition to playing an educative role, use of the media is the Ombudsman's ultimate weapon and is often the only way to influence public authorities in their decision to implement recommendations.

To ensure the long term survival of the office, the Ombudsman must also establish a public position so government threats of funding cuts or reduction of jurisdiction will be politically impossible. If there is no public to make a fuss, an Ombudsman's Office can quietly disappear. Developing good media relations is, therefore, a fundamental survival strategy.

During the year, we developed a media policy for the office. The policy centralises media liaison and helps to ensure the media receives consistently accurate and timely information.

We also implemented a recording system of media inquiries. This will enable us to better meet the needs of the media and plan our own campaigns more efficiently. We hope to report more fully on the frequency and type of media inquiries we receive in next year's report.

Awareness Campaigns

Awareness is of great importance to our equitable functioning. We are obviously of no use to people who do not know about us.

The Joint Parliamentary Committee's inquiry into access and awareness of our office among disadvantaged groups supported a number of our initiatives including client satisfaction surveys and outreach visits. We are currently preparing a draft Access and Awareness Plan which will incorporate a number of recommendations made by the committee to strengthen these approaches.

The plan will include awareness and access programs targeting:

- ❖ Aboriginal and Torres Strait Islander people;
- ❖ young people;
- ❖ people from a non-English speaking background;
- ❖ women;
- ❖ people who have a disability; and
- ❖ people who have a low level of literacy.

In September 1994 we prepared and distributed an information kit for electorate officers. Electorate officers play a vital role in

complaint resolution for constituents. The kit will hopefully make the resolution of more complex complaints easier for electorate officers and help reduce complaints made to our office while at the same time ensuring our office is accessible to more people across the state.

Country Outreach Program

We once again instituted a country outreach program throughout the year. Officers visited most major regional centres throughout the year and visited Newcastle monthly. During the visits we were able to provide many people with advice and took a number of formal complaints. We ensured our officers were available outside of normal working hours to allow access to as many people as possible.

The success of our program will ensure its continuation next year.

Our Inquiries Section

The Inquiries Section is the first point of contact between the public and the Office of the Ombudsman. The section includes the office receptionist and three inquiry officers. This year the section responded to 8,761 telephone complaints and inquiries and conducted 449 interviews. The main function of the section is to advise complainants about the Ombudsman's jurisdiction and the operation of the office.

If the circumstances of a telephone complaint are simple or straightforward the inquiries section attempts an immediate resolution. Many complaints arise from a failure of communication or a lack of correct information and can be adequately resolved by an officer contacting the public authority concerned.

The officers are responsible for maintaining a network of contacts within public authorities to facilitate this process. This approach has advantages for the complainant, the public authority, and the office. A quick resolution saves the time and resources of all three parties by avoiding a formal written complaint.

In accordance with the Ombudsman's Guarantee of Service the section also provides information to assist complaints outside the jurisdiction of the office.

CRIS Computer System

Last year's annual report announced the introduction of a computer system to the office. The system, known as CRIS (the Customer Response Information System) has now been in use in for a year.

CRIS is a computer register that records data on all complaints and inquiries received by the section either by telephone or personal visits to the office. The system allows the inquiry officers to input the data as it is received and to provide complainants with consistent advice.

Awareness

We aim to further develop the report functions of CRIS over the next year. It can measure the frequency and trends of complaints and give early warning of areas of public concern or procedural deficiencies in particular public authorities. It also provides an important method of measuring the workload and performance of the section.

CRIS can also be programmed to provide up to date information about complaint procedures such as internal and administrative appeal mechanisms, as well as referral advice for non-jurisdictional complaints. The information varies in detail from simple contact phone numbers and addresses for referrals, to advice on specific subject areas and relevant legislation. The benefit of this system is that the information is readily available and enables staff to provide consistent and accurate advice.

Information Sessions

As part of the Ombudsman's CHIPS (Complaint Handling in the Public Sector) program the Inquiries Section has conducted monthly information sessions with various public authorities. Managers from authorities including the Roads and Traffic Authority, Department of Housing, Department of Local Government, Building Services Corporation and the Police Customer Assistance Unit have already participated. The sessions have been an opportunity to provide feedback to authorities on the type and number of complaints received as well as promote the Ombudsman's CHIPS policy. The officers demonstrate the CRIS computer, exchange information and ideas on complaint handling, and aim to build networks between the office and the public authorities.

Resources

Human Resources

Staff

As at 30 June, 1994 we had a total of 71 staff. A comparison of staff levels over the past four financial years is shown in the table below:

Staff Levels
A four year comparison

Category	June 1991	June 1992	June 1993	June 1994
Statutory appointments	4	4	4	4
Investigative staff	53	52	48	48
Administrative staff	16	18	17	18
Trainees	1	2	2	1
Total	74	76	71	71

The above figures include staff on leave without pay and their replacements.

Wage movements

The Statutory and Other Offices Remuneration Tribunal determined a six per cent increase for the Ombudsman and SES staff to compensate for changes to fringe benefit tax increases.

All public sector staff received a four per cent salary increase in January 1994 as a result of the Public Service Association successfully arguing in the Industrial Commission that such an increase should be paid. A further three per cent increase will be paid in November 1994.

There were no other exceptional movements in wages, salaries or allowances.

Restructure

On the 16 September 1993 the Ombudsman announced his decision to restructure the office. The key features of the restructure were:

- ❖ the creation of two large specialised investigation teams, one to deal with complaints about police and the other to deal with complaints about all other public authorities, including local councils;
- ❖ the creation of two team manager positions to oversee the activities of the teams;
- ❖ the creation of additional Senior Investigation Officer positions to provide supervision and support to Investigation Officers and deal with more complex matters; and
- ❖ all investigative positions were to be filled on a permanent basis rather than by temporary contract arrangements that had been the practice for a number of years.

The decision of the Ombudsman to fill positions permanently required all positions to be spilled, advertised and filled by a competitive selection process. Most positions were permanently filled by the end of December, 1993.

Administrative and investigative delegations were also reviewed in light of the change in structure. Team Managers were given the necessary authority to manage their teams. The Premier's approval was also obtained to delegate to these new positions a suitable level of financial delegation.

Job evaluation

As a result of successfully introducing our job evaluation process, the Ombudsman was delegated the authority to classify and grade newly created positions. This delegation was made in December 1993 by the Director General, Department of Industrial Relations, Employment, Training and Further Education. Before receiving this delegation

the Ombudsman was required by the Public Sector Management Act to refer classification and grading matters to the Public Employment Relations Service.

Performance management

Due to the restructure of the office, the introduction of performance management was deferred until all appointments under the new structure had been made.

At the time of writing, agreements had been negotiated with all general area staff and negotiations were underway between supervisors and staff in the police team and administration area.

Training and development

Staff attended a variety of courses throughout the year. The major focus and commitment of training resources was to investigation courses held twice during the year. The courses, conducted by the Australian Federal Police in consultation with our office, will be held again later this year and will include investigative staff from another agency.

Another key training area is mediation. During the year, 12 staff members attended an external training course focusing on the mediation of complaints.

Once again, we used the resources of the Adult Migrant Education Service under the Skillmax program to provide English language skills to staff from non-English speaking backgrounds.

The average number of days spent on training each staff member was 3.34 days. We met our obligation under the Training Guarantee Act.

Occupational health and safety

During the year a workplace inspection was conducted and identified problems were dealt with. No major occupational health and safety issues arose during the year, nor were there any significant worker's compensation claims.

Occupational health and safety matters have been more immediately and effectively dealt with by referring them to administrative staff for action. For this reason, the OH&S workplace committee was disbanded and overall responsibility for health and safety

matters is now delegated to the Human Resource Manager.

Equal employment opportunity (EEO)

Our major EEO achievements for the year were:

- ❖ the introduction of performance management system for staff;
- ❖ the finalisation of the job evaluation process; and
- ❖ attendance of staff at English language/skills courses.

Future EEO initiatives include:

- ❖ reviewing the EEO Management Plan;
- ❖ updating goals, strategies and responsibilities to reflect the objectives of the revised corporate plan and the delegation of responsibility achieved under the office restructure.

Industrial Relations Policies and Practices

Enterprise agreement

Staff voted to begin negotiating through the Public Service Association with management for an enterprise agreement. At the time of writing, discussion between the parties was still taking place.

Unfair dismissal claim

A former staff member lodged papers in the Industrial Commission claiming unfair dismissal from the office. The matter was settled to the satisfaction of the Industrial Commission, by negotiations between the parties.

Restructure

The Public Service Association and workplace group raised a number of issues affecting staff as a result of the Ombudsman's decision to restructure the office. Issues included advertising and filling positions and management's proposed method of dealing with staff not selected for appointment to positions in the new structure.

New awards

No new awards were negotiated. However, during the year a new position of Senior Investigation Officer (Legal) was created. The specialist legal nature of the position led to its classification as a Departmental Professional Officer - the first such classification in our office.

Part-time work

During the reporting year two staff members sought part-time work after resuming duty from maternity leave. Both applications were approved. A total of three permanent staff now work part-time.

During the year, an Investigation Officer was also employed part-time to provide assistance on a short term basis.

Grievance Procedure

Our grievance procedure handling policy was reviewed and revised during the year to ensure it complied with the provisions of the Industrial Relations Act procedure.

Absenteeism

Sick leave absences of staff are reviewed regularly and staff with an unsatisfactory record are counselled.

The workload is such that staff continue to forfeit unpaid hours on a regular basis.

Trainees/Apprentices

During the reporting year, two trainees successfully completed both the on and off the job components of their traineeships. As at the 30 June, 1994 we were employing one trainee under the Careerstart program.

We do not employ any apprentices.

Representation of EEO Target Groups within Levels

	1992/93				1993/94				
	Total Staff	Women	NESB	Total Staff	Women	NESB	Total Staff	Women	NESB
Below Clerical Officer									
Grade 1	2	2 100%	2 100%	1	1 100%	0 0%			
Clerical Officer									
Grade 1 - Clerk Grade 1	12	10 83%	12 100%	13	12 92%	10 77%			
A&C Grades 1-2	6	6 100%	3 50%	5	5 100%	3 60%			
A&C Grades 3-5	7	5 71%	2 29%	12	9 75%	3 25%			
A&C Grades 6-9	37	22 59%	7 19%	31	14 45%	5 16%			
A&C Grades 10-12	3	2 67%	0 0%	5	3 60%	0 0%			
Above A&C Grade 12	4	0 0%	1 25%	4	0 0%	0 0%			
Total	71	47 66%	27 38%	71	44 62%	21 30%			

Representation and Recruitment of Aboriginal Employees and Employees with a Physical Disability

	1992/93			1993/94		
	Total staff	Aboriginal	PWPD*	Total staff	Aboriginal	PWPD*
Total employees	71	1 1%	9 13%	71	0 0%	8 11%
Recruited in the year	19	0 0%	1 5%	26	0 0%	0 0%

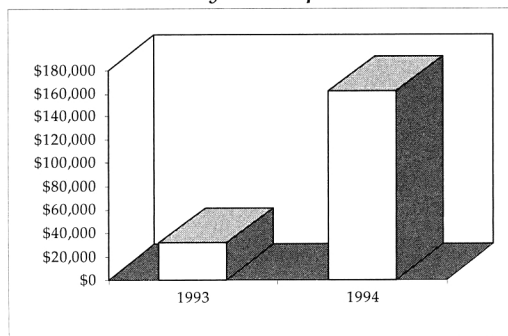
* People with a physical disability.

Financial

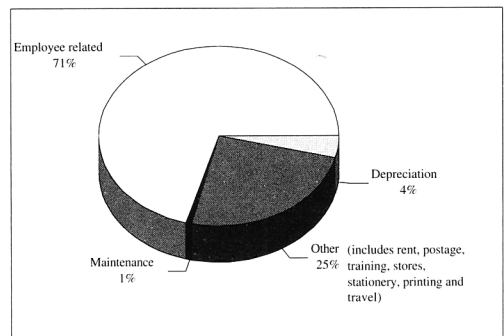
Most of our money (96 per cent) comes from the government in the form of a consolidated fund appropriation. We also generate revenue through the sale of publications, commissions on payroll deductions, trainee training subsidy, bank interest, an industry donation of hardware and special inquiries such as our 'Race Relations and Our Police' inquiry which is funded by the NSW Police Service. In comparison to the previous year, we generated significantly more revenue. This was mainly the result of funding for our special inquiries and also due to the computer hardware donation.

Most of our money (71 per cent) is spent on employee expenses. These expenses include salaries and wages, superannuation entitlements, long service leave, workers compensation insurance, payroll tax and fringe benefits tax. Last year we spent more than \$3 million on employee expenses. The day to day running of the office, including rent, postage, stores, training, printing and travel cost about \$1.18 million. Depreciation on computer equipment, furniture and fittings and other office equipment cost about \$185,000.

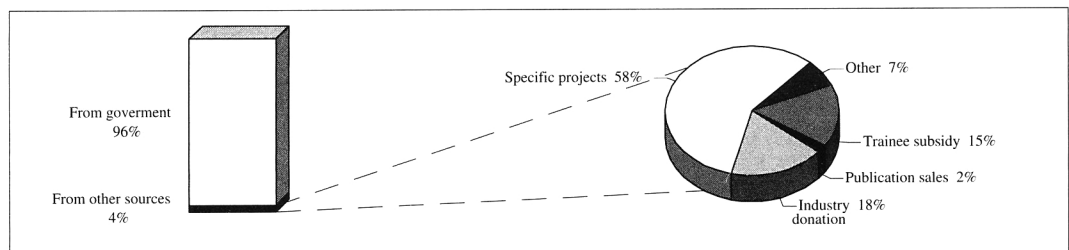
Self generating revenue
A two year comparison



Expenses
1993 - 1994



Revenue
1993 - 1994



summary

Need Help?

If you think a NSW public authority, individual public servant or police officer has acted in a wrong, unfair or unreasonable way you can tell the Ombudsman.

When to Complain

First try and resolve the problem yourself. If this fails, contact us for help.

How to Make a Complaint

Making a complaint is simple. Start by calling in or telephoning for advice.

If you decide to make a formal complaint, it must be in writing. You can write the letter in your own language. If you find composing the letter difficult, we can help. We can also arrange for translation and interpreter services.

Who Can Complain?

Any individual, company, organisation, association or public authority with an interest in the problem has a right to complain.

How Much does it Cost?

Nothing. The Office of the Ombudsman does not charge any fees to investigate a complaint.

How Long Does it Take?

The investigation of a complaint may involve just a few phone calls or may take several months, depending on its complexity and the evidence to be gathered.

How is My Complaint Investigated?

As a first step, we will usually ask the authority for an explanation of what happened. Most matters are resolved at this stage.

If the Ombudsman decides to investigate, it is done confidentially. We will ask the authority to comment on your complaint and to explain its actions.

Then we tell you what the authority has said and what we think of its explanation. We may also give you the chance to send more details or to raise other issues.

When we have finished gathering all the facts, we will contact you to explain our conclusions.

If we do not investigate, we will explain why.

How Can I Contact the Office?

You can contact our office from 9am - 5pm weekdays or at other times by appointment. We are located at Level 3, Coopers and Lybrand Building 580 George Street, Sydney, 2000.

You can call the office on (02) 286 1000 or 1800 451 524 for the cost of a local call.