

Community education and training

Our community education and training program provides workshops and other activities for public sector agencies, non-government organisations, consumers of community services, and a range of other community groups across NSW. It allows us to share information and expertise, build capacity, and increase community awareness of our work. It also gives us opportunities to get feedback from our stakeholders and identify critical issues of concern for members of the public.

The training we offer for public sector agencies and community services focuses on promoting good administrative conduct, fair decision-making and high standards of service delivery. We also provide briefings and information sessions, give presentations, and develop resources and publications. The audits and reviews we conduct with agencies and services, such as our complaint-handling reviews, are also an important part of our ongoing responsibility to educate our stakeholders. For more details about our work in this area, see page 94 in Stakeholder engagement.

In addition to these activities and the liaison and consultation work our staff do during projects and investigations, we have dedicated units and positions within our office that focus on working directly with the community. These include our Aboriginal Unit, our youth liaison officer and our community relations officer.

“**The feedback I received about your training was excellent, and I hope to roll it out to other staff. A quality training session is hard to find, and yours is one.**”

Our training program – who, what and where

Delivering training is a way for us to help the agencies we oversee maximise the efficient use of their resources. We provide training to state and federal government agencies, oversight bodies and other Ombudsman offices in Australia and overseas.

We also have a specific function under the *Community Services (Complaints, Reviews and Monitoring) Act 1993* (CS-CRAMA) to educate service providers, clients, carers and the community about standards for the delivery of community services in NSW.

Our workshops are designed to be highly interactive. They give participants clear guidance and practical strategies to improve both their own skills and knowledge and the service delivery standards of their organisations.

During 2010-2011 we offered more than 10 different types of training workshops. These workshops were offered on an ‘open’ basis on our public training calendar and on an ‘in-house’ basis tailored to suit the needs of a variety of organisations.

We delivered more than 150 workshops, reaching over 3,000 people. Of these workshops, 86 were delivered in Sydney, 44 in regional centres in NSW and 24 were delivered in other Australian states.

We continually review our training packages to ensure our materials are up-to-date, relevant and useful for participants.

During 2010-2011 we reviewed our employment-related child protection training packages, the toolkit we provide to consumers of community services, and our training package on the art of negotiation.

Feedback about our training

Of the 2,016 people that completed evaluations after participating in our training workshops in 2010-2011:

- | 98% (1,981) would recommend the workshop to others
- | 97% (1,964) rated our trainers as excellent/good
- | 97% (1,955) rated the content of the workshop covered as excellent/good
- | 95% (1,917) rated the resources provided as excellent/good.

” Our training focuses on providing easy-to-use frameworks and tools that can assist participants, including step-by-step models on how to handle a complaint or plan an investigation. Feedback also indicates that participants find workshops to be a useful opportunity to share experiences and network with other staff from their own and other sectors. Comments from participants show that they take away practical strategies they can apply when they return to their workplace, and even in their personal lives.

“**The sessions were fantastic yesterday, everyone thought they were great and it has been an absolute pleasure to organise it with you.**”

Figure 56: Training workshops delivered 2010-2011

Type of training	No. of workshops	No. of participants
General complaint-handling training workshops	91	1,954
Community services training workshops	41	747
Employment-related child protection training workshops	24	390
Total	156	3,091

Complaint-handling training workshops

Two of our flagship workshops are *Complaint-handling for frontline staff* and *Managing unreasonable complainant conduct*. Both workshops aim to help participants increase their understanding of the complaint-handling process and develop skills and strategies to effectively deal with complaints and resolve issues. Specific complaint-handling and complaint management workshops have been developed for the community services sector (see below). We also offer workshops on negotiation skills, Aboriginal cultural appreciation and disability awareness.

In the past year we delivered a total of 91 complaint-handling training workshops to 1,954 participants (not including the community-service specific complaint-handling workshops). We delivered 72 of these workshops 'in-house' and 19 workshops as part of our calendar of training. Of these 91 workshops, 45 were delivered in the Sydney metro region, 22 in regional NSW, 23 in other states (including ACT, Qld, SA, Vic), and one workshop was delivered in Canada. Some of the NSW regional centres we visited to deliver general training include Albury, Armidale, Bathurst, Coffs Harbour, Gosford, Newcastle, Nowra, Queanbeyan, Tamworth and Wollongong.

Managing unreasonable complainant conduct

Since 2006, the Australian Parliamentary Ombudsman Offices have been collectively working on the Managing Unreasonable Complainant Conduct Project.

The project's first stage produced a project report and the first edition of the practice manual. Although the strategies in this first edition cover most of the circumstances that can arise when dealing with unreasonable complainant conduct, some strategies can only be used by agencies that have the discretion to end their relationship with a complainant. Also, because some smaller service providers and those involved in remote service delivery have limited resources, they may have difficulties implementing some of the strategies suggested in the manual. As a result, the nine Australasian Parliamentary Ombudsman embarked upon Stage 2 of the project in early 2010.

As part of Stage 2, in conjunction with other Ombudsman offices, we held 27 focus groups across Australia and sent over 50 questionnaires to rural and remote agencies across NSW. The focus groups were attended by a total of 95 agencies, represented by 179 staff members.

As Stage 2 has progressed, we have also identified a need to help agencies develop policies and procedures for managing unreasonable complainant conduct. We have therefore developed an implementation framework and model policy to help agencies ensure that their policies and procedures are fair and consistent and comply with the approach advocated in our practice manual. These documents will be available in the upcoming months with the publication of the second edition of the practice manual.

Managing protected disclosures

Training with the ICAC

This year, together with the ICAC, the Deputy Ombudsman for public administration delivered five workshops on managing protected disclosures. Ninety one people from a range of public agencies, including local councils, attended these workshops. The information provided included how to protect whistleblowers – people who report improper, corrupt or unlawful behaviour in the public sector – and how to effectively manage their disclosures.

Our new public interest disclosures oversight role

From 1 July 2011, the NSW Ombudsman has a new oversight role for public interest disclosures. In June 2011, our Public Interest Disclosures (PID) Unit ran three information sessions to introduce the changes to the *Public Interest Disclosures Act 1994* and explain what public sector agencies need to do and when. These sessions were aimed at staff working in state and local government agencies.

We will continue to offer these information sessions in 2011-2012, including targeted sessions for specialist groups. The first of our new PID training packages will be available later this year.

The PID Unit have issued a number of guidelines and fact sheets, and more will be progressively released during 2011-2012. For more details about our work in this area, see page 48 in Public interest disclosures.

Community services training workshops

We provide a range of training workshops, awareness activities and resources for the community services sector to help service providers more effectively handle and manage complaints. These workshops also cover their complaint-handling obligations under CS-CRAMA.

Our workshops for consumers of community services and their families, carers and advocates cover information about community services in NSW, the role of the Ombudsman, and the rights of people who use community services. They also provide practical information and tips to build confidence in raising issues and resolving complaints with service providers.

In 2010–2011 we delivered 41 training workshops specifically tailored for community service providers, consumers and advocates, reaching more than 747 people. Of these workshops, 28 were delivered in-house to service providers, and seven were consumer-specific workshops. We delivered 19 of these workshops in regional centres, including Albury, Coffs Harbour, Dubbo, Kiama, Lismore, Newcastle, Orange, Queanbeyan, Tamworth, and Wagga Wagga.

During 2010-2011 we delivered 21 *Frontline skills for complaint-handling* workshops. This workshop helps community services staff that come into regular contact with clients to develop effective skills and appropriate strategies for complaint-handling.

Staff from the community services sector also regularly attend our other complaint-handling training and employment-related child protection training workshops, bringing the total number of people we trained from the sector during 2010-2011 to 1,078.

This year we once again participated in National Disability Services Regional Support Worker forums. We gave a presentation on frontline skills for complaint-handling to disability support workers in Tamworth and Wagga Wagga, and will present another workshop in Blacktown later this year.

During the past year, we also delivered a number of workshops to government agencies from the human services cluster. We delivered six general training in-house workshops reaching 124 staff, and a number of individual staff from Ageing, Disability and Home Care (ADHC), Community Services, Housing NSW and Juvenile Justice attended our 'open' workshops. For more information about our work in the community services sector, see page 80 and 86 in Human services section.

During 2010-2011 we also delivered the last of our domestic violence advocacy training workshops as part of the 'Reaching out for rights' Project – delivered in partnership

with Women's Legal Services NSW. This advocacy training aimed to provide workers in the community, health and legal sectors with the skills they need to help women experiencing family violence to successfully navigate the justice system. For more details about our work in the area of domestic violence, please see page 61 in Policing.

“ The most useful thing about this workshop was becoming aware that it is ok to complain. ”

Training for consumers of community services and their advocates

Our *The Rights Stuff* workshop is designed for people who use community services and their families, carers and advocates and explains an individual's rights as a service user. It also provides practical information and tips to build confidence in raising issues with service providers, assist people to build positive relationships with their service providers, and work with them to resolve complaints.

We are also regularly invited to deliver general information sessions to consumer and advocacy groups. This year we gave presentations to various community groups – including an Arabic Mothers group run by the Canterbury Child and Family Health team, newly arrived migrants at the Fairfield ACL, carer support groups in Albury and Dee Why, Central Advocacy Western Sydney (CAWS) Advocates, and the Tenants Advocacy Forum .

Employment-related child protection training workshops

Our employment-related child protection training is designed for people who undertake and review investigations of reportable conduct allegations involving employees. Together with our briefing sessions, resources and audits, our training workshops aim to help agencies to strengthen their responses to child protection allegations made against their employees. For more information about our work in this area, see page 74-79 in Children and young people.

We delivered 11 *Responding to allegations against employees workshops* during 2010-2011, reaching 117 people. Two of the workshops were delivered in regional NSW, and nine in the Sydney Metro region.

We also delivered 13 *Handling serious allegations workshops* to 219 participants.

“ This workshop is significant in all aspects of initial response, planning, managing and conducting investigations and the complexities of findings and interpretations. ”

“ On the day and informally, the workshop was voted by managers to be the best workshop ‘they have ever attended’! On behalf of our managers, thank you for providing us with such a fabulous learning opportunity and experience. ”

Safeguarding children seminar

In May 2011, we participated in a joint seminar with the Australian Childhood Foundation. The seminar was held in Perth and was aimed at strengthening organisational responses to the suspected abuse and exploitation of children and young people by staff or volunteers.

Community education activities

Our community education activities aim to lower barriers to access our services, make sure people understand the work we do, and help us identify issues that are important to the public.

These community activities include:

- | conducting forums
- | providing information sessions for specific groups
- | giving presentations at conferences, seminars and meetings
- | attending community events
- | hosting international delegations.

This year we delivered a total of 140 presentations, forums, information sessions and other educational activities reaching over 7,000 people in 32 different locations across NSW.

Ombudsman Outreach Forums

We held two of Ombudsman outreach forums this year – we visited Taree in March and Orange in May. Both forums were well attended, with over 150 participants in Taree and 70 in Orange. We plan to hold more forums during the second half of 2011 in Moree, Goulburn and Ballina.

“ I wish to express my appreciation for the opportunity to attend this forum. I found the information very informative, especially as I had no idea of how the Ombudsman's Office worked and the subjects they covered. I will certainly attend future discussions. Again, thank you. ”

For more information about other forums and roundtables we hosted for our stakeholders during 2010-2011, including roundtables for the disability services and child and family services sectors, see page 94 in Stakeholder engagement.

Information sessions for students

During 2010-2011 we delivered five information sessions to over 150 students and teachers in Orange, Taree, Meadowbank, Bankstown and Ultimo.

In 2010 the Ombudsman visited Mudgee High School to talk about the work of our office and present a prize to the student who won our 2009 Law Week competition. Our youth liaison officer and other staff from our office also regularly give presentations to legal studies and other students at high schools.

“ We also provide a range of resources for students on our website. ”

Information sessions for the NSWPF

Our staff regularly provide information sessions as part of the NSW Police Force's (NSWPF) training for executive officers, internal investigators and student police officers. During 2010-2011 we delivered 13 of these sessions

to approximately 1,500 police officers in Parramatta, Hurstville, Goulburn and Newcastle. These sessions covered our functions and role in the police complaints process as well as current issues affecting the police complaints system.

Presentations at conferences, seminars and meetings

In 2010-2011, we delivered over 75 presentations at events such as the following:

- | Australian and New Zealand Law and Education Association Conference – the Ombudsman gave a presentation to 200 delegates on our role in the child protection and education sectors
- | Corruption Prevention Network Conference – the Ombudsman gave a presentation to 300 delegates on public sector ethical standards
- | National Investigations Symposium – together with the ICAC and the Institute of Public Affairs Australia we hosted this symposium for public sector investigators and complaint-handlers in Sydney. We also delivered a managing unreasonable complainant conduct training workshop for delegates
- | National Local Government Customer Service Network Conference, Canberra – presentation on complaint-handling
- | Justice Health Consumer Group meeting – presentation with the Health Care Complaints Commission on the roles of our agencies in inmate health complaints
- | NSWPF Investigations Symposium in Parramatta – presentation to 80 delegates on the role of our Secure Monitoring unit
- | NSWPF Executive Officer's Forum in Dubbo – presentation by our Deputy Ombudsman (Police and Compliance) on complaint trends and current projects
- | National Disability Services Annual Conference – the Community Services and Disability Commissioner gave a presentation on our work in the community services sector
- | Association of Children's Welfare Agencies' Leaving Care Forum – presentation on the findings of our review of young people leaving care
- | provided briefing sessions on our employment-related child protection role delivered to the independent schools sector, and various education seminars including the Australian Teacher Registration Authorities Annual Network Meeting
- | Australasian Conference on Child Death Inquiries and Reviews, Brisbane – presentation on our child death review function
- | Aboriginal Community Transport Forum – presentation by the Director of our Strategic Projects Division to 70 delegates on our work to improve service delivery to Aboriginal people with a disability
- | Regional Youth Development Officer Network Conference – presentation by our youth liaison officer on the role of our office and our work with young people.

The Community Services and Disability Commissioner also spoke at meetings of various peak bodies – including the Aboriginal Child, Family & Community Care State Secretariat, Association of Children's Welfare Agencies and the Education Centre Against Violence – on our work in the community services sector, and to various local health networks (area health services) on the implementation of *Keep Them Safe*.

The Deputy Ombudsman (Public Administration) also made a number of presentations about complaint management and public disclosures at conferences, symposiums and forums organised by the Local Government Association, CEO's Breakfast, Commonwealth Alternative Dispute Resolution Inter-Agency Group, Administrative Law, Private Health Insurance Ombudsman, Government Lawyers Association, and Judicial Commission of NSW.

Attending community events

During 2010-2011 we participated at over 15 community events including:

- | The Association of Children's Welfare Agencies Conference 2010, the NSW Chapter of In Control Australia's BiG Event, Broken Hill's Disability Service Provider Expo, and the Inner West Disability Services Expo. We also provided information for distribution at the Home and Community Care NSW Aged Care Conference, and the Carers NSW 2011 Biennial Conference
- | Aboriginal Information Road Shows organised by the Department of Premier and Cabinet, and Good Service Forums in a number of regional locations
- | community events such as the Mardi Gras Fair Day 2011, 2011 Refugee Symposium and Refugee Week's Putting the pieces together forum, NAIDOC Week events, Sydney's Homeless Connect, Central Coast Community Legal Services Expo, and the Harmony Day Expo in Parramatta
- | shared information stalls with other oversight agencies at International Women's Day, Senior's Day at the Royal Easter Show, Eastwood Community Information Expo 2011, and the African Summer Festival.

Hosting international delegations

We regularly host visits from international delegations from a range of government agencies and oversight bodies and provide them with briefings on our jurisdiction and the work we do. During 2010-2011 we delivered 11 of these briefings to 215 delegates. Eight of these visits were by groups from the People's Republic of China – from agencies such as the Ministry of Justice, Ministry of Supervision and various courts. We also hosted a group of executive level Vietnamese public servants as part of their AusAID-funded Public Sector Management course, and another delegation from the Kenyan Anti-Corruption Commission. For more information about our international work, see page 99.

Producing publications and resources

Our community education activities also include producing a range of accessible resources, guidelines and newsletters. For example, this year we issued or updated fact sheets, guidelines, electronic newsletters, submissions, annual reports and special reports to Parliament. We also distributed subject-specific summaries of our 2010–2011 annual report to a range of peak bodies and organisations in the child welfare, disability, justice and Aboriginal community sectors.

This year we also contributed to the 2011 'Child Safety Handbook'. This is a resource distributed free of charge to primary school children throughout NSW and helps to increase community awareness of our role in the area of child protection.

Accessible resources

General information about our office is available in a range of accessible formats – including large print, braille, audio and accessible CD. These resources were distributed this year to key disability advocacy services through Vision Australia. Our toolkit for consumers of community services is also available in an audio format.

This year we also reviewed our community language information resources. We developed a multilingual brochure with basic information about our services in 26 community languages, and a fact sheet 'Making a complaint to the Ombudsman' translated into 46 community languages. These resources will be released later in 2011.

Fact sheets

During 2010-2011 we updated and issued new fact sheets for the Community Services sector on reviewable deaths, licensed boarding houses, and our work with Juvenile Justice and official community visitors. We also updated our public sector and council fact sheets, and our information sheets for women and for young people and the police. We issued an employment-related child protection practice update as well as a new factsheet to help agencies with Ombudsman inquiries and investigations.

Guidelines

The second edition of our *Effective complaint-handling guidelines* was released in 2010, as was our updated toolkit for consumers of community services in NSW – *The Rights Stuff: Tips for making complaints and solving problems*.

We also released the first set of our public interest disclosure (PID) guidelines and factsheets for public agencies. A series of additional PID resources will be released in stages throughout 2011-2012.

For the full list of the publications we updated or released during 2010-2011, see Appendix Q.

Ombo Info – our electronic newsletter

Our electronic newsletter *Ombo Info* is published at least twice a year and aims to increase public awareness about the work that we do. The newsletter features information on our current work, recent reports, new and updated resources, and news about our community education and training program and events. The newsletters we released in 2010-2011 covered topics ranging from improving probity standards for funded organisations, service provision to the Bourke and Brewarrina communities, responding to the asbestos problem: the need for significant reform in NSW, and police handling of domestic and family violence complaints.

Our PID unit also released their first electronic newsletter in 2011 with information to help public sector agencies implement the changes to their responsibilities under the amended *Public Interest Disclosures Act 1994*.

To subscribe to receive *Ombo Info* or the Public Interest Disclosures e-news, please visit our website at www.ombo.nsw.gov.au.

Working with Aboriginal communities

Increasingly, our work with Aboriginal communities involves looking for practical strategies to tackle major issues that impact on the health and wellbeing of Aboriginal people, particularly in relation to child protection, policing, out-of-home care, access to disability support and other critical services. We review the efficiency and effectiveness of service delivery to some of the most disadvantaged locations in NSW, and recommend ways that government can work with communities on the reforms needed to deliver real improvements.

Our Aboriginal Unit is part of our strategic projects division, a multidisciplinary team responsible for reviewing whole-of-government service delivery. The work of this unit, supported by our senior staff, has enabled us to establish and strengthen close links with Aboriginal communities, their leaders and with the frontline agencies and services that work with them.

Many of our current efforts to assist Aboriginal communities stem from our responsibility to audit the implementation of the *NSW Interagency Plan to Tackle Child Sexual Assault in Aboriginal Communities 2006-2011* (Interagency Plan), which we outlined in last year's annual report.



This year we visited the Cape York partnership communities to inform our own work with Aboriginal communities in NSW.

Addressing Aboriginal disadvantage

The broad goals of the Interagency Plan – which include reducing disadvantage and dysfunction in Aboriginal communities, building up Aboriginal leadership and increasing family and community safety and wellbeing – recognise that child sexual assault cannot be tackled in isolation from addressing broader issues of Aboriginal disadvantage.

While we are not required to report on the findings of our audit of the Interagency Plan until the end of 2012, we had intended to publish an interim report examining progress against the plan's three key areas – law enforcement and justice, early intervention and prevention, and strengthening Aboriginal communities – by mid 2011. However, as a result of our ongoing work in relation to the audit and our other related functions, we decided there was a need to urgently examine and report on a number of specific issues relating to Aboriginal disadvantage more broadly which, unless effectively addressed, will continue to undermine efforts to tackle child sexual assault.

In December 2010, we made a special report to Parliament detailing the findings and recommendations of our *Inquiry into service provision to the Bourke and Brewarrina communities*. The inquiry was instigated in response to longstanding concerns held by Aboriginal leaders about the quality of service delivery to vulnerable children and their families in both communities. While our report focused on addressing the critical challenges in Bourke and Brewarrina, its recommendations are directly relevant to other high-need rural and remote communities in NSW.

Making significant inroads into tackling Aboriginal disadvantage is dependent on better meeting the needs of these types of communities. While most Aboriginal people in NSW live in urban locations, compared with the population as a whole they are more likely to live in regional or remote areas. For a range of reasons – including vast geographical distances and more limited access to services, infrastructure and employment – rural and remote communities tend to experience increased disadvantage.

As our inquiry clearly demonstrated, simply directing additional funds to more Aboriginal programs is not the solution. Rather, what is needed is to rebuild the broader service system to achieve a more targeted response to those individuals and communities most in need of assistance and support.

Our report recommended that the Department of Premier and Cabinet, together with the (then) Department of Human Services, develop an action plan to:

- | rebuild the way services are planned and delivered to disadvantaged Aboriginal communities, including addressing chronic staffing shortages in Western NSW and building the capacity of the Aboriginal service sector
- | develop an 'intelligence-driven' child protection practice to identify the children and families at most risk
- | undertake a comprehensive needs assessment in these communities and a related integrated service planning and delivery approach which involves centralised planning and funding processes that bring together local, state and federal agencies to reduce duplication and improve efficiency
- | implement strong and effective leadership and governance arrangements, including accountability mechanisms for ensuring ongoing monitoring of service outcomes.

At the time of writing, we had not received a formal response to our recommendations.

Since issuing our Bourke and Brewarrina report, there have been a number of significant developments, including the election of a new government in NSW, which recently announced the establishment of a Ministerial Taskforce on Aboriginal Affairs. This announcement coincided with the preparation of our further report to Parliament, *Addressing Aboriginal disadvantage: the need to do things differently*.

The report was informed by our many years of work in relation to improving service delivery to Aboriginal people, who – despite significant investments by state and federal governments and modest improvements in some areas – continue to experience poorer outcomes than non-Aboriginal people across almost every economic, health and environmental measure. It also drew on our more recent consultations with Aboriginal communities, and the agencies that provide services to them, as part of our audit of the Interagency Plan and our Bourke and Brewarrina inquiry.

The report provided us with an opportunity to highlight a number of issues that have been repeatedly raised with us during these consultations, including poor school attendance by Aboriginal students, and severely limited access to forensic medical examinations for children who have been sexually assaulted living in remote parts of the state.

The report outlined the need for a critical 'rethink' about the way that government works with Aboriginal communities, and for reforms to the 'infrastructure' governing Aboriginal affairs in NSW more generally. In particular, the report discussed the need to:

- | recognise and practically support the important role of Aboriginal leaders in bringing about change
- | develop a clear plan to strengthen the Aboriginal service sector
- | Improve the capacity to respond to vulnerable children and adolescents, particularly in western NSW
- | facilitate innovative local approaches to education, with a particular focus on improving school attendance
- | develop an integrated, statewide strategy to build the economic capacity of Aboriginal communities.

The over-riding theme of the report was the urgent need to establish a stronger accountability framework for addressing Aboriginal disadvantage at a statewide level. The essential components of this framework are:

1. Strong leadership and governance arrangements to drive action and measure results, including establishing positions with sufficient authority to coordinate government action in regions and in identified priority locations.
2. Integrated decision-making at all levels of government about local service planning, funding and delivery, including streamlining the administration of funding arrangements with the non-government sector.
3. More rigorous and meaningful data collection, analysis and public reporting on progress made against key indicators at a local community and statewide level.
4. A statutory agency to provide independent scrutiny of the steps taken to implement the government's approach to addressing Aboriginal disadvantage and the outcomes achieved.

We will outline our examination of the government's response to our findings and recommendations in next year's annual report.

Reviewing a group of children and young people at risk

In last year's annual report we announced our intention to examine information holdings relating to all children (Aboriginal and non-Aboriginal) from two nominated locations in western NSW. This work follows on from previous work in western NSW and is part of our audit of the Interagency Plan.

We are currently reviewing the circumstances of 48 'at risk' children between the ages of nine and 12 from these two communities, who meet one or more of the following criteria:

- | a high level of non-school attendance
- | a high number of days absent due to suspension
- | a high rate of police contact
- | police included the child on their 'priority list'
- | police records indicated that the child was at risk of sexual harm or abuse/neglect
- | education records indicated that the child was at risk of sexual harm or abuse/neglect.

Our aim is to assist agencies develop a clear picture of information holdings and the number of families and children involved, and to determine the extent and nature of the existing need in these locations. This work should help agencies to identify what can and cannot realistically be done for the children and families identified.

After receiving key data from the NSWPF and the Office of Education about the identified risk factors, we undertook a detailed examination of each child's situation. This included their police and child protection history (via Community Services's KiDS system and the NSWPF's COPS database) and other information from police, education, health and the (then) Department of Human Services's Child Wellbeing Unit's WellNet database. We also reviewed the policing history of the parents or carers of these children.

Our reviews also included an analysis of how each child's case had been handled and an assessment of any immediate risks for the child or their siblings. Any cases that indicated imminent risks were immediately raised with Community Services.

We are now examining what the data reveals about whether and how the most vulnerable children and their families in the two locations are being identified, and the nature of collaborative work being undertaken by agencies at a local level to ensure adequate supports are provided to these families. This review will also allow us to test the effectiveness of some of the key reforms to the child protection system.

Our review has already underscored the extremely limited capacity of Community Services to provide a basic child protection service to high-need families in remote communities. In part, this is due to critical staffing shortages in the western region. Information provided to us recently by Community Services about current staffing capacity and caseloads across a number of western region community service centres, has confirmed that staff shortages are a critical problem.

In addition, our work to date has reinforced that police and education information holdings are pivotal in identifying and assessing risks to children. What we have seen so far has also confirmed our view that there is an urgent need for an 'intelligence-driven' child protection approach to be adopted.

Once our data analysis has been completed we plan to consult human service and justice agency representatives about our findings including any systemic issues identified.

Strengthening Aboriginal out-of-home care services

As at June 2010, Aboriginal children comprised one-third of the more than 17,000 children in out-of-home care (OOHC) in NSW.

Last year we began a comprehensive review of Aboriginal OOHC services. The purpose of our review was to examine the systems Aboriginal OOHC agencies have for handling complaints and how well they are fulfilling their child protection responsibilities under Part 3A of the *Ombudsman Act 1974*. Our goal is to strengthen these agencies by helping them to improve their systems and practices.

Our initial reviews of three of these services identified some excellent practice, but also revealed a need for agencies to improve their understanding of their legislative child protection responsibilities and their complaint-handling systems. There was a clear need for agencies to develop procedures based on the NSW legislative framework for the protection of children. Particular improvements were also needed to recording practices, and the information and training provided to employees of the services. Also identified was a need to develop separate procedures to handle complaints and staff grievances.

Given the many common issues raised by our audits, we provided training to Aboriginal OOHC agencies in December last year on handling employment-related child protection allegations, including allegations that involve criminal conduct. The training was funded by AbSec, the peak NSW Aboriginal body providing child protection and OOHC policy advice to the government and non-government sector.

In addition, the Deputy Ombudsman and the Children's Guardian met with the AbSec Board in April this year to discuss the need to better align the accreditation requirements of the Children's Guardian with the Ombudsman's notification requirements for employment-related child protection allegations. It was agreed that we would support AbSec's senior accreditation officer by providing training and resources to work with each out-of-home care service to ensure their policies and systems meet both sets of requirements. This individual assistance aimed to help minimise duplicated effort by oversight and regulatory bodies in creating policies about similar issues.

To allow agencies time to develop and implement the revised policies and procedures, we have delayed auditing the remaining five Aboriginal out-of-home care services until early 2012.

Aboriginal young people and the criminal justice system

Aboriginal people, including young people, are significantly over-represented in all levels of the criminal justice system – and this is directly related to the broader social and economic disadvantage faced by many Aboriginal communities. For example, young people who are Aboriginal and have come to the attention of police are more likely to be transferred to court and less likely to receive a warning than young people in similar circumstances who are not Aboriginal. Aboriginal defendants are also more likely to face a bail determination and the possibility of being unable to meet bail conditions, breach bail conditions or be refused bail.

Reviewing young offender legal referrals and Aboriginal cautioning

The *Young Offenders Act 1997* encourages police to divert young offenders – who meet certain conditions set out in the Act – from the criminal justice system. Young offenders who satisfy these conditions may be cautioned or participate in a youth justice conference, rather than face charges at court. One of the conditions is a requirement that the child admits the offence.

Since its introduction, the Young Offenders Act has included provision for a 'cooling off' period of between 10 and 21 days. This allows a young person time to seek legal advice and/or change their mind about whether they wish to admit to an offence and therefore potentially be eligible to be cautioned.

The Act also allows police to ask a 'respected member of the community' to caution young offenders under the Act. It specifically provides that 'a caution may be given by a respected member of the Aboriginal community if the child is a member of that community'.

We previously completed an investigation in 2005 into the police use of interventions under the Young Offenders Act. We were pleased with the way the NSWPF responded at that time to our recommendations aimed at addressing a number of issues identified through the investigation.

At the PASAC meeting in May 2010, information was presented comparing the numbers of Aboriginal and non-Aboriginal young people charged in recent years and the recorded reasons for these charges. PASAC considered how many of these young people might have been eligible for cautions under the Young Offenders Act if two key police protocols – the young offenders legal referral (YOLR) protocol and the cautioning young people (CYP) protocol – were more widely and effectively used.

The YOLR protocol provides practical guidance to police on ways to use the 'cooling off' period in 'after hours' arrest situations where it may not be practicable for a young person to consult a legal representative. It aims to facilitate the use of the 'cooling off' provision and increase the number of young people, especially Aboriginal young people, who are eligible for caution or conference – and therefore reduce the number of young offenders appearing before the courts.

The CYP protocol provides a framework for police – through youth liaison officers – to promote, recruit and train respected Aboriginal community members to take a role in cautioning.

After a request from the Commissioner of Police at another PASAC meeting later in 2010, we agreed to convene a

meeting with the NSWPF, Legal Aid NSW (the Children's Legal Service) and the Aboriginal Legal Service (NSW/ACT). The meeting, in April 2011, provided an opportunity for agencies to review the adequacy and effectiveness of the YOLR protocol and the CYP protocol and share information about the operation of the Young Offenders Act.

The meeting was very constructive, with robust consideration of key issues including:

- | the effectiveness of current referral processes
- | practical constraints on the capacity of Legal Aid and Aboriginal Legal Service (ALS) solicitors to provide quality legal advice by telephone after hours
- | ways to improve outcomes for young people with better use of the diversionary processes under the Act.

At the end of the meeting there was broad agreement on an action plan to reinvigorate and improve the use of the cooling off period through the YOLR, and support the involvement of respected community members in cautioning young people.

Specific agreement was reached to:

- | review the Legal Aid Youth Hotline protocol between the NSWPF and Legal Aid
- | better align the separate NSWPF agreements – with Legal Aid about the use of the Youth Hotline and with the ALS about use of the ALS Hotline
- | trial the revised YOLR and 'community cautioner' protocols in two busy local area commands in western Sydney.

In late May, we circulated an action plan to all parties and were pleased to see that everyone involved had responded by taking steps to implement the actions listed within the agreed timeframes. We can already report that significant progress on updating the Youth Hotline protocol has been made.

We received advice recently that Campbelltown and Macquarie Field's local area commands have relaunched the YOLR scheme with one young person accessing the scheme in the week after its launch. Information and statistical data will be gathered from these two commands to assist in reviewing the operation of the scheme. Discussions between NSWPF and the ALS are also well underway to develop a protocol for the use of the ALS hotline.

We will continue to monitor outcomes in coming months and provide support where appropriate.

Inquiry into Indigenous youth in the criminal justice system

Early intervention in the lives of children is critical to breaking the cycle of Aboriginal disadvantage and reducing the contact these vulnerable young people have with the criminal justice system. We have consistently argued – most recently in our report to Parliament, *Addressing Aboriginal disadvantage: the need to do things differently* – that addressing the high level of Aboriginal young people's involvement with the criminal justice system ultimately depends on improving agency strategies to identify and manage those young people and their families at greatest risk and provide well-integrated services to them. Unless young

people receive the care, support and services they need when they are very young, their involvement in the criminal justice system can begin early and escalate significantly.

On 21 June 2011, the House of Representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs released *Doing Time – Time for Doing*, the report of its inquiry into Indigenous youth in the criminal justice system. Our submission to the inquiry was extensively quoted in the report. For example, our argument that human services agencies should take an 'intelligence driven' approach to the early identification of vulnerable children and young people who are at risk, and undertake integrated case management to support them and their families, was specifically noted.

Among other things, the inquiry highlighted the need for a broad suite of safe accommodation options to be available to young Aboriginal people, something we also emphasised in our recent report to Parliament about addressing Aboriginal disadvantage.

Visiting juvenile justice and correctional centres

Staff from our Aboriginal Unit accompanied staff from our corrections unit and human services staff on 12 visits to juvenile justice and correctional centres this year. This helps to ensure that Aboriginal detainees have the opportunity to speak with another Aboriginal person about any concerns they may have. During our visits we also see if centres are making adequate efforts to meet the cultural needs of Aboriginal detainees and inmates.

Supporting Aboriginal people with disabilities

It has been almost a year since the release of our special report to Parliament, *Improving service delivery to Aboriginal people with a disability*, in which we reported on our review of the implementation of Ageing Disability and Home Care's (ADHC's) Aboriginal Policy Framework and Aboriginal Consultation Strategy. ADHC responded very positively to the report, providing a formal response in April this year, and a further update more recently.

ADHC has taken action to implement a number of significant initiatives in response to our recommendations. These include establishing an Aboriginal Advisory Committee, developing and launching a comprehensive accountability framework for its work to improve service delivery to Aboriginal people, and implementing programs to employ more Aboriginal staff.

Membership of the Aboriginal Advisory Committee includes ADHC's Chief Executive, the Deputy Directors-General and representatives of the Ministerial Advisory Committee on Ageing, the NSW Disability Council, the NSW Carers Council, the Home Care Advisory Board and the chair of the HACC Gathering Committee. According to the Aboriginal Cultural Inclusion Framework, the committee 'will inform a strategic and coordinated approach to ensure culturally inclusive service delivery'.

The Aboriginal Cultural Inclusion Framework 2011-2015 was developed in direct response to our recommendation that ADHC develop an accountability framework incorporating a range of key result areas, including raising awareness among and consulting effectively with Aboriginal communities; increasing Aboriginal employment; improving access to services and providing more flexible services. The framework consolidates ADHC's overall approach to providing services to Aboriginal people with a disability, their families and carers. Importantly, it articulates a strong commitment to improved monitoring and reporting in this area.

ADHC has also developed 'Aboriginal Jobs Together' – a workforce development initiative to build organisational capacity and increase Aboriginal employment – in response to our report. ADHC has indicated that it will work with Aboriginal Affairs NSW to increase Aboriginal employment in the NGO sector, contributing \$700,000 over two years as part of its Aboriginal Employment Capability and Development Innovations Fund. We are aware that expressions of interest for NGOs to partner with the National Disability Service have been received. Successful applicants

will be able to negotiate a tailored package of integrated services to support the ongoing placement of an Aboriginal trainee/cadet. We have requested further information about the range of incentives, tools and support for Aboriginal employment initiatives as well as the status of the employment trial and how many cadet traineeships positions have been filled.

As the above initiatives demonstrate, the progress that ADHC has made in response to our report has been positive. We will continue to monitor ADHC's implementation of these initiatives to assess their practical impact.

Handling complaints

Staff from our Aboriginal Unit regularly meet with local service providers, agencies and community members to talk about ways to improve outcomes for Aboriginal people. Handling complaints about policing remains an important part of our work, but Aboriginal communities and services also raise a range of other concerns with us.

Case study 78: Births, deaths and marriages

An Aboriginal woman contacted our office to complain that she was asked to pay for a change of name certificate by the Registry of Births, Deaths and Marriages. She is one of the Stolen Generation and only recently became aware of her birth name.

We advised the complainant that although the Registry was entitled to charge her for any service they provided, she could apply to them for special consideration to have the fees waived. We arranged for her to be contacted by an Aboriginal staff member from the Registry to discuss her concerns.

Although it appeared that this individual complaint was resolved, it drew our attention to how the Registry deals with clients from the Stolen Generation and how this is reflected in the public information available on their website and at individual registries.

We found that the Registry website had very little information for Aboriginal clients. There was no other information on the website specifically for them and no indication that their enquiry could be handled by an Aboriginal staff member on request.

Our Aboriginal Unit suggested a number of changes to improve accessibility for Aboriginal clients and to be more responsive and inclusive of their needs.

Following our suggestions, the Registry developed a fact sheet and changes to their webpage to inform Aboriginal clients of the services they provide – including the Registry's Indigenous Access Program and particular information relevant to those of the Stolen Generation.

Case study 79: Urgent need to find a new home

We try to address a complainant's concerns quickly and informally – especially when the issues are urgent.

A Sydney family contacted us a week before Christmas after a young nephew who was visiting from out of town was critically wounded outside the family's home. Their nephew had been talking with some young people who were not known to the family, when a fight broke out. Three shots were fired, hitting the nephew in his leg and hip.

Shots were also fired at the family's home. According to the family, the same young men returned later that night, shouting threats and attempting to gain entry. The family said they feared for their safety, and claimed that Housing NSW would not help them to find safe alternative accommodation. The men responsible for the shooting were at large and it seemed that police also held fears for the family's safety.

We contacted Housing NSW to discuss the family's situation and explain that, in our view, their fears were genuine. They then gave the family – including extended family members who were visiting for Christmas – access to emergency accommodation for a few days and arranged to meet with them to discuss a priority transfer.

In the days that followed we received several calls from the family. We explained Housing NSW's process for assessing priority transfers, the information they would need from the family, and how to request a review if the family was unhappy with the outcome.

Two days before Christmas the family called again, thanking us for our help. They advised that Housing NSW had approved the transfer and that they were about to pick up keys to their new home.

Case study 80: A proud family history

A man contacted our Aboriginal Unit about seeking a descendant claim for lost wages through the Aboriginal Trust Fund Repayment Scheme. He confirmed that he had difficulty with reading and understanding legal terms and asked for our assistance.

The man advised that his father, who was now deceased, had worked throughout his working life in the New England and North Coast of NSW as a labourer, stockman, station hand and shearer. This was before he enlisted in 1940 during World War II.

The man also asserted that – to the best of his knowledge – his father was not paid the wages due to him for this entire period. He explained that, through Aboriginal oral history and discussions with family members, he believed that his father's money – like so many Aboriginal people involved in similar jobs – was either paid into a trust fund administered by the Aboriginal Protection Board or by the Aboriginal Welfare Board.

After a number of phone calls, we were able to explain the process involved and assist the man in his journey with the Aboriginal Trust Fund Repayment Scheme Panel.

Case study 81: A successful conciliation

We received a complaint from the NSWALC about significant delays in processing land claims by the then Land and Property Management Authority (LPMA). A previous complaint on this issue had been resolved after additional funding had been made available to the LPMA's Aboriginal land claims unit. NSWALC complained to us again when it became clear that funding in and of itself would not resolve the concerns they had – which now also included communication difficulties between the two agencies.

We identified factors suggesting that conciliation might be a more appropriate solution than written

inquiries. This was because the two agencies have an ongoing relationship, the matter included issues of communication and trust better dealt with through face-to-face discussions, and they each have vested interests in resolving the problem. Both agencies agreed to take part in the conciliation and were willing to put to one side larger legal questions that were awaiting legal advice or a determination by a court.

The conciliation was successful, enabling both the NSWALC and LPMA representatives to 'clear the air' and lay the groundwork for a more constructive working relationship. They endorsed a 15-point agreement which included improved sharing of information, measures aimed at speeding up processing, giving priority generally to the oldest claims and other practical improvements. Both parties have since advised us that they were satisfied with the process.

The participants commented that the conciliation process had been effective and efficient, providing a chance to openly discuss previously contentious issues on 'neutral ground'.

Working with other agencies, organisations and community groups

Our partnerships with other agencies and organisations in NSW are critically important to our work in relation to Aboriginal communities. This year we facilitated several high level meetings with agencies to progress specific issues.

For example, in March this year the Ombudsman and Deputy Ombudsman met with the Director-General of Education, the Commissioner of Police and the CEO of Aboriginal Affairs NSW to discuss the need for innovative approaches to address the concerns of one particularly vulnerable Aboriginal community about poor school attendance and suspension practices. An outcome of this meeting was an agreement by the agencies to establish a trial of a dedicated School Liaison Police Officer in the community. See page 95 in Stakeholder engagement for more details.

Last year, we also convened a meeting with the Deputy-Director General of NSW Health, the Commissioner of Police, and the CEOs of Aboriginal Affairs NSW and Community Services, to explore a range of options for improving access to forensic medical examinations for victims of sexual assault in rural and remote locations, where many of the most disadvantaged Aboriginal communities are located. As a result of this meeting, a pilot forensic assessment triage service, which involves Aboriginal health workers carrying out an initial assessment of sexual assault victims to ascertain the need for a forensic examination to be performed by a paediatrician, was established in Walgett. This service has since commenced, and NSW Health is now considering establishing additional triage/assessment services in a number of western NSW communities.

This year we have also established close links with the Australian Crime Commission (ACC). With our assistance, the ACC recently convened a meeting in Canberra to discuss how best to progress the findings of their National Indigenous Intelligence Taskforce around abuse of power and fraud in Aboriginal communities. The ACC led discussions about the difficulties encountered in proving fraud when a service's financial documentation is very poor. This also raises questions about the adequacy of

existing agency requirements on funded organisations to report on funding expenditure and service outcomes, and the robustness of agencies' monitoring of compliance. In this regard, our recent report on addressing Aboriginal disadvantage highlighted the need to streamline the administration of the NGO sector and strengthen probity standards.

There was support from meeting participants for the adoption of a consistent approach by all state and federal agencies in relation to funding reporting requirements and related accountability measures. As a result, we convened a meeting with NSW oversight agencies and Aboriginal Affairs NSW to ensure that we all work collaboratively on this issue.

Other federal government agencies are also increasingly taking an interest in our work with Aboriginal communities. For example, during the year we met with the Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA) and the Coordinator General for Remote Indigenous Services – who oversees the performance of Australian government agencies in meeting their commitments to implement the National Partnership Agreement on Remote Service Delivery (RSD).

During the year we also met several times with the Audit Office to discuss our audit of the implementation of the Interagency Plan and how our offices can better work together in relation to issues affecting Aboriginal people. The Audit Office discussed the proposed scope of their performance audit of the Two Ways Together plan and advised us that our report about service delivery to Bourke and Brewarrina report would be a key source of information for their audit. A regular liaison arrangement was agreed so that both of our agencies can take into account each other's planned activities when developing work programs for the coming year.

We also share information about our work with Aboriginal communities with other Ombudsman offices and oversight bodies through regular forums and targeted visits.

During 2010–2011, we also:

- | met regularly with Aboriginal representative organisations, Aboriginal service providers and Aboriginal staff in key agency roles to discuss service delivery issues and gather information to inform our audit work
- | liaised with Aboriginal Affairs NSW – at both a corporate and local level – to discuss our audit programs, provide feedback and exchange information about service delivery in the regions we visit
- | provided briefings to the Aboriginal Child Sexual Assault Ministerial Advisory Panel (MAP), an expert advisory panel set up to advise the Minister for Aboriginal Affairs on implementing the Interagency Plan
- | met with the National Indigenous Intelligence Taskforce (NIITF) to discuss their role in examining child sexual assault and abuse of power in Aboriginal communities, and how we can best discharge our responsibilities to share information with the NIITF when required

| attended the Education National Aboriginal Attendance Forum – this forum brought together seven representatives from each state's education department as well as the Department of Education, Employment and Workplace Relations (DEEWR) and the NSW Aboriginal Education Consultative Group (AECG). Since our participation in this forum, the NSW Department of Education and Communities has indicated that they are keen to discuss the issues that have arisen from our consultations with Aboriginal communities and education staff about school attendance.

Community groups

Much of our current work in Aboriginal communities is focused on practical ways to improve child protection and wellbeing. We also reach out to communities through a number of established programs, such as the Good Service forums. These forums give us the opportunity to inform Aboriginal communities about our role and their right to complain about difficulties with government or non-government agencies. This year, staff from our Aboriginal Unit attended Good Service forums in Tamworth, Gunnedah, Guyra, Muswellbrook, Karuah, Taree, Nambucca Heads, Narrabri, Toomelah and Boggabilla.

This year we began participating in the Aboriginal Community Information & Assistance Road Shows organised by the Department of Premier and Cabinet. We visited several centres in the Far South Coast region, enabling us to promote awareness of our role and reach many community members. A key outcome of the Far South Coast event was an informal roundtable discussion with key stakeholders including Aboriginal Affairs NSW, the NSWPF Aboriginal Community Liaison Officers and Community Justice Centre mediators from Sydney.

During 2010–2011, we also:

- | participated in five NAIDOC week events, informing hundreds of community members of our role
- | gave a presentation to 80 people about our work with Aboriginal communities to a statewide gathering of Aboriginal Home and Community Care workers in Wollongong
- | participated in a workshop of 80 people at the Quirindi Women's Aboriginal Forum, presenting information about our role in auditing the Interagency Plan and leading a discussion on related issues. Participants at the forum included the Education Centre Against Violence, Attorney General's Department staff, Wirringa Baiya Aboriginal Women's Legal Centre and community members
- | gave a presentation to a group of 20 students at the Tranby Aboriginal College, an organisation delivering education to Aboriginal students from across Australia, about the role of the Ombudsman and our Aboriginal Unit.
- | responded to an invitation from IDEAS NSW, a disability peak organisation, to deliver a presentation to their staff on the role of our office and in particular, our work in auditing ADHC's service provision to Aboriginal people with a disability
- | gave a presentation at the Mount Druitt Aboriginal Community Forum, on behalf of the Western Region Aboriginal Education Team, about the role of our Aboriginal Unit and our work in relation to examining education outcomes for Aboriginal students and ways to improve school attendance.

- | gave a presentation about the findings of our review of the implementation of ADHC's Aboriginal Policy Framework to 20 staff members from ADHC at their Aboriginal Employee Network Forum
- | attended the Foster Carer's Carnival, organised by the Association of Children's Welfare Agencies, and met with and distributed promotional materials including fact sheets and brochures to over 200 community members
- | gave a presentation at the AusAid Child Protection Forum in Melbourne on the key principles of complaint-handling and practical strategies for identifying and responding to the needs of children and families in small, remote communities that have limited access to services. This was based on our experience working with Aboriginal communities
- | provided a briefing on the work of our Aboriginal Unit at the Aboriginal Education Consultative Group Information session held in Katoomba
- | gave a presentation to the NSWPF's Western Region Professional Standards Duty Officer and Executive Officer Forum in Dubbo to discuss the role of our Aboriginal Unit and how we handle complaints. The session was opened by Assistant Commissioner Peter Gallagher – the Western Region Commander and Aboriginal Corporate Spokesperson – and included NSWPF inspectors and executive officers
- | gave a presentation to 90 people at the Aboriginal Legal Service Conference held in Terrigal about our role in handling police complaints and matters involving the care and protection of children.

On behalf of the Working Group for the Aboriginal Women's Forum against Child Sexual Assault, we would like to thank you for your involvement in the forum ... without your support the forum would not have been as successful as it was, and again we thank you

— The working group of the Aboriginal Women's Forum Against Child Sexual Assault, Quirindi.

Financials

The financial statements provide an overview of our financial activities during 2010-2011. These statements, our supporting documentation, and our systems and processes have all been reviewed by the Audit Office. We received an unqualified audit report.

As a response to legislative changes, we received additional funding from the Government for our new public interest disclosure responsibilities as well as for the transfer of the Child Death Review Team to our office. In the reporting year, these funds were used primarily to establish these roles, which included the recruitment of staff.

Our staff expenses such as salaries, payroll tax and superannuation continued to account for just under 80% of all our expenses. The running of the office cost us about \$4.6 million.

We focused on increasing the level of revenue we generate – a strategy to assist us deal with the ongoing budget pressures we face. Through better co-ordination, we were able to increase revenue from our training and education activities by 83% over the previous year.

This year we continued to refine our internal budget management processes, devolving more responsibility to cost centre managers. We also consolidated our audit and risk activities, with the Audit and Risk Committee providing an increased level of assurance to the Ombudsman that our processes comply with legislative requirements and accounting standards.

Highlights

- Strengthened our financial governance framework through the work of our Audit and Risk Committee. [SEE PAGE 114](#)
- Secured additional funding for our new responsibilities with respect to public interest disclosures and supporting the work of the Child Death Review Team. [SEE PAGE 114](#)
- Generated \$861,000 in revenue, up from \$436,000 the previous year, enabling us to extend our community outreach and project work and other core activities. [SEE PAGE 115](#)
- Received an unqualified audit report from the NSW Audit Office for our financial records and systems. [SEE PAGE 116](#)
- Paid 99.84% of our accounts on time, exceeding our performance indicator. [SEE PAGE 115](#)
- Included financial management as a compulsory training course in our leadership development program. [SEE PAGE 115](#)
- Through better management of our claims, reduced our workers compensation expenses by 11%. [SEE PAGE 115](#)



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Our financials

We have previously reported about the effects of ongoing efficiency dividends as well as the impact of unfunded pay increases. This year was the first full year of our major structural change, which we implemented to cut costs to relieve our ongoing funding issues. A successful strategy of the restructure was the better coordination of our training and education activities, and the development of fee based training courses. Our revenue generated by training has allowed the office to undertake significant proactive project work as well as supporting other core work.

We have continued to refine our internal budget management processes and have devolved responsibility for financial management to all cost centre managers. To support our managers we organised financial management and budgeting training.

Our Audit and Risk Committee continued its role in providing assurance that our financial processes comply with legislative and office requirements. See Corporate governance on page 15 for more details on our Audit and Risk Committee.

This year we began a review of our chart of accounts as well as our accounting manual. Our chart of accounts categorises our expenses and revenues as well assets and liabilities to assist with the reporting and analysis of our financial position. We need to make sure that the categories we use are relevant not only to us but link to how we need to report to NSW Treasury. Our accounting manual outlines our accounting policies as well as internal processes. It guides our accounting staff in their day to day work and provides a guide for our auditors. We will finish our review of both these documents in 2011-2012.

The Ombudsman receives funding from the NSW Government. Although we account for these funds on an office wide basis - as reflected in our financials - internally we allocate them between our three business branches and corporate. The NSW state budget reports expenses and allocations against service groups. In previous years we had four service groups. From 2010-2011 NSW Treasury has determined that we will only be reporting against one group - 'Complaint Advice, Referral, Resolution or Investigation'. Figure 59 shows the net cost of services by service group for the last five years.

Figure 57: Net cost of services by service group

Service groups	06/07 \$'000	07/08 \$'000	08/09 \$'000	09/10 \$'000	10/11 \$'000
Complaint advice, referral, resolution or investigation	n/a	n/a	n/a	n/a	23,425
Complaint advice, referral, resolution or investigation	9,263	9,755	10,405	9,447	n/a
Oversight of agency investigation of complaints	4,124	4,344	4,633	4,206	n/a
Scrutiny of complaint-handling systems	6,272	6,604	7,043	6,814	n/a
Review of the implementation of legislation	1,194	1,087	273	233	n/a
Total	20,853	21,790	22,354	20,700	23,425

Revenue

Most of our revenue comes from the government in the form of a consolidated fund appropriation. This is used to meet both recurrent and capital expenditure. Consolidated funds are accounted for on the statement of comprehensive income, after the net cost of service is calculated to allow for the movement in accumulated funds to be determined for the year. The government also makes provision for certain employee entitlements such as long service leave.

Our initial 2010-2011 recurrent consolidated fund allocation was \$21.460 million and our final allocation was \$21.804 million. We received additional funding to establish the public interest disclosures (PID) unit and to support the child death review team following its transfer to our office.

Included in our allocation is funding for our review of the implementation of new police powers. Details of these reviews can be found in the Policing chapter. \$275,000 was provided for our legislative review work in 2010-2011, which represents 1.26% of the Ombudsman's total recurrent allocation.

In 2010-2011 we budgeted that the Crown Entity would accept \$964,000 of employee benefits and other entitlements. However, the actual acceptance was about \$1,394,000. This variance is primarily due to adjustments to our long service leave liability after actuarial advice in June 2011.

We were initially allocated \$314,000 for our capital program but spent \$369,000 following a supplementation to establish the PID function at the office. Our capital program included buying desktop and laptop computers, upgrading hardware, purchasing new office equipment, and updating and improving our fit-out.

We generated \$861,000 through sales of our publications, bank interest, fee for service training courses and the consultancy services we provide to other ombudsman offices through AusAid programs. We needed to adopt a proactive approach to generating revenue to help with ongoing budget pressures. By coordinating our activities and identifying training needs in agencies and the non-government sector, we have been able to significantly increase our revenue. This additional revenue has enabled us to undertake more proactive project work as well as supporting other core work. See figure 60.

Figure 58: Revenue from other sources

Revenue from other sources	Revenue \$'000
Workshops and publication sales	583
Bank interest	85
Grants and contributions	46
Other revenue	147
Total	861

There is a breakdown of our revenue, including capital funding and acceptance of employee entitlements, in figure 61.

Figure 59: Total revenue 2010-2011

Government	Revenue \$'000
Recurrent appropriation	21,804
Capital appropriation	369
Acceptance of certain employee entitlements	1,394
Total government	23,567
From other sources	861
Total	24,428

Expenses

Most of our revenue is spent on employee-related expenses such as salaries, superannuation entitlements, long service leave and payroll tax. Our statement of comprehensive income shows that last year we spent more than \$19.2 million - or 79.1% of our total expenses - on employee-related items.

Salary payments to staff were 11.6% higher than the previous year. As a result, our superannuation expenses also increased as did our payroll tax related items. Our long service leave expenses increased by \$460,000 - this was partly due to adjustments requested after an actuarial review. Our workers compensation costs were \$71,000, over 11% lower than the previous year.

The day-to-day running of our office costs us over \$4.6 million. Our significant operating items are rent, fees such as contractor costs, travel, maintenance, training, printing and stores. There were no consultants engaged during 2010-2011.

The financial statements show that \$463,000 was expended for depreciation and amortisation. As we spent \$369,000 on our capital program, we had an decrease in our non-current asset base.

Although capital funding is shown on the operating statement, capital expenditure is not treated as an expense - it is reflected on the balance sheet.

Figure 60: Total expenses 2010-2011

Expenses category	Total \$'000
Employee-related	19,222
Depreciation and amortisation	463
Other operating expenses	4,612
Total	24,297

Performance indicator: Accounts paid on time

Quarter	Target %	Paid on time %	Paid on time \$'000	Paid \$'000
September 2010	98	100	2,305	2,305
December 2010	98	99.75	2,011	2,016
March 2011	98	99.61	2,529	2,539
June 2011	98	100	1,151	1,151
Total	98	99.84	7,996	8,011

Note: this table does not include direct salary payments to staff – but includes some employee-related payments such as payments to superannuation funds.

We have an accounts payable policy that requires us to pay accounts promptly and within the terms specified on the invoice. However, there are some instances where this may not be possible - for example, if we dispute an invoice or don't receive it with enough time to pay within the specified timeframe. We therefore aim to pay all our accounts within the specified timeframe 98% of the time. During 2010-2011 we paid 99.84% of our accounts on time. This exceeded our target and is a slight decline in our performance from last year. We have not had to pay any penalty interest on outstanding accounts.

Assets

Our statement of financial position shows that we had \$3.25 million in assets at 30 June 2011. The value of our current assets decreased by \$25,000 from the previous year, while the value of our non-current asset base decreased by \$85,000.

Just under 52% of our assets are current assets, which are categorised as cash or receivables. Receivables are amounts owing to us and include bank interest that has accrued but not been received, fees for services that we have provided on a cost recovery basis, and GST to be recovered from the Australian Taxation Office. Also included in receivables are amounts that we have prepaid. We had \$400,000 in prepayments at 30 June 2011. The most significant prepayments were for rent and maintenance renewals for our office equipment and software support.

Our cash balance includes a \$33,000 advance payment from the New Zealand, Commonwealth and other state Ombudsman to cover costs for developing guidelines and training Ombudsman staff in dealing with unreasonable complainant conduct. We cannot use these funds for any other purpose so it is classified as a 'restricted asset'.

Our non-current assets, which are valued at \$1,566 million are categorised as:

- | plant and equipment - our network infrastructure, computers and laptops, fit-out, office equipment and
- | intangible assets - network operating and case management software.

We were allocated \$314,000 in 2010-2011 for asset purchases and spent \$369,000 following a supplementation for the establishment of the PID unit. This is reflected in our capital consolidated fund appropriation. We used this money to buy computer hardware and office equipment as well as undertaking some fit-out modifications. We also upgraded our network infrastructure to position us for implementing a virtual desktop environment.

Liabilities

Our total liabilities at 30 June 2010 are \$2.423 million, a decrease of \$252,000 over the previous year. Over 86% of this is the provision that we make for employee benefits and related on-costs, including untaken recreation (annual) leave plus on-costs. The Crown Entity accepts the liability for long service leave. We owe about \$271,000 for goods or services that we have received but have not yet been invoiced. The value of accounts on hand at 30 June 2010 was \$127,551. Please see figure 63. We monitor the amounts that we owe on a regular basis to make sure that we are paying accounts within terms.

Figure 61: Analysis of accounts on hand at the end of each quarter

	Sep-10	Dec-10	Mar-11	Jun-11
Current (ie within due date)	188,589	27,140	301,811	127,551
Less than 30 days overdue	-	3,675	-	-
Between 30 days and 60 days overdue	-	-	-	-
Between 60 days and 90 days overdue	-	-	-	-
More than 90 days overdue	-	-	-	-
Total accounts on hand	188,589	30,815	301,811	127,551

Financial statements

Our financial statements are prepared in accordance with legislative provisions and accounting standards. They are audited by the NSW Auditor General, who is required to express an opinion as to whether the statements fairly represent the financial position of our office. We received an unqualified audit report. The audit report as well as the financials follow.



I believe the audit evidence I have obtained is sufficient and appropriate to provide a basis for my audit opinion.

My opinion does *not* provide assurance:

- about the future viability of the Office
- that it has carried out its activities effectively, efficiently and economically
- about the effectiveness of its internal control
- about the assumptions used in formulating the budget figures disclosed in the financial statements
- about the security and controls over the electronic publication of the audited financial statements on any website where they may be presented
- about any other information which may have been hyperlinked to/from the financial statements.

Independence

In conducting my audit, I have complied with the independence requirements of the Australian Auditing Standards and other relevant ethical pronouncements. The PF&A Act further promotes independence by:

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



Peter Achterstraat
Auditor-General

21 September 2011
SYDNEY

20 September 2011

Statement by the Ombudsman

Pursuant to section 45F of the *Public Finance and Audit Act 1983* and to the best of my knowledge and belief I state that:

- (a) the accompanying financial statements have been prepared in accordance with the provisions of the Australian Accounting Standards (which include Australian Accounting Interpretations), the *Public Finance and Audit Act 1983*, the Financial Reporting Code for Budget Dependent General Government Sector Agencies, the applicable clauses of the Public Finance and Audit Regulation 2010 and the Treasurer's Directions;
- (b) the statements exhibit a true and fair view of the financial position of the Ombudsman's Office as at 30 June 2011, and transactions for the year then ended; and
- (c) there are no circumstances which would render any particulars included in the financial statements to be misleading or inaccurate.



Bruce Barbour
Ombudsman

Start of the audited financial statements

Ombudsman's Office

Statement of comprehensive income for the year ended 30 June 2011

	Notes	Actual 2011 \$'000	Budget 2011 \$'000	Actual 2010 \$'000
Expenses excluding losses				
Operating expenses				
Employee-related	2(a)	19,222	18,724	16,997
Other operating expenses	2(b)	4,612	4,044	3,808
Depreciation and amortisation	2(c)	463	453	330
Total Expenses excluding losses		24,297	23,221	21,135
Revenue				
Sale of goods and services	3(a)	583	100	317
Investment revenue	3(b)	85	36	50
Grants and contributions	3(c)	46	-	-
Other revenue	3(d)	147	-	69
Total Revenue		861	136	436
(Gain)/loss on disposal	4	(11)	-	1
Net Cost of Services	17	23,425	23,085	20,700
Government Contributions				
Recurrent appropriation	5(a)	21,804	21,460	19,833
Capital appropriation	5(b)	369	314	751
Acceptance by the Crown Entity of employee benefits and other liabilities	6	1,394	964	948
Total Government Contributions		23,567	22,738	21,532
Surplus/(deficit) for the year		142	(347)	832
Other comprehensive income				
Other comprehensive income for the year		-	-	-
Total comprehensive income for the year		142	(347)	832

The accompanying notes form part of these financial statements.

Ombudsman's Office

Statement of changes in equity for the year ended 30 June 2011

	Notes	Accumulated funds 2011 \$'000	Accumulated funds 2010 \$'000
Balance at 1 July		688	(144)
Surplus/(deficit) for the year		142	832
Other comprehensive income			
Total other comprehensive income		-	-
Total comprehensive income for the year		142	832
Balance at 30 June		830	688

The accompanying notes form part of these financial statements.

Ombudsman's Office

Statement of financial position as at 30 June 2011

	Notes	Actual 2011 \$'000	Budget 2011 \$'000	Actual 2010 \$'000
Assets				
Current Assets				
Cash and cash equivalents	8	1,073	1,189	1,084
Receivables	10	614	651	628
Total Current Assets		1,687	1,840	1,712
Non-Current Assets				
Plant and equipment	11	1,145	1,123	1,173
Intangible assets	12	421	389	478
Total Non-Current Assets		1,566	1,512	1,651
Total Assets		3,253	3,352	3,363
Liabilities				
Current Liabilities				
Payables	13	697	695	585
Provisions	14	1,652	1,650	1,482
Other	15	54	590	590
Total Current Liabilities		2,403	2,935	2,657
Non-Current Liabilities				
Provisions	14	20	20	18
Total Non-Current Liabilities		20	20	18
Total Liabilities		2,423	2,955	2,675
Net Assets/(Net Liabilities)		830	397	688
Equity				
Accumulated funds		830	397	688
Total Equity		830	397	688

The accompanying notes form part of these financial statements.

Ombudsman's Office

Statement of cash flows for the year ended 30 June 2011

	Notes	Actual 2011 \$'000	Budget 2011 \$'000	Actual 2010 \$'000
Cash flows from operating activities				
Payments				
Employee-related		(17,524)	(17,485)	(15,950)
Other		(5,696)	(4,488)	(4,368)
Total Payments		(23,220)	(21,973)	(20,318)
Receipts				
Sale of goods and services		665	100	358
Interest received		96	23	23
Other		642	505	474
Total Receipts		1,403	628	855
Cash Flows from Government				
Recurrent appropriation		21,804	21,460	20,352
Capital appropriation (excluding equity appropriations)		369	314	751
Net Cash Flows from Government	17	22,173	21,774	21,103
Net cash flows from operating activities		356	429	1,640
CASH FLOWS FROM INVESTING ACTIVITIES				
Proceeds from sale of plant and equipment		17	–	1
Purchases of leasehold improvements, plant and equipment and infrastructure systems		(384)	(324)	(751)
Net cash flows from investing activities		(367)	(324)	(750)
Net increase/(decrease) in cash		(11)	105	890
Opening cash and cash equivalents		1,084	1,084	194
Closing cash and cash equivalents	8	1,073	1,189	1,084

The accompanying notes form part of these financial statements.

Ombudsman's Office

Summary of compliance with financial directives for the year ended 30 June 2011

	2011			2010			
	Recurrent app'n \$'000	Expenditure/ net claim on consolidated fund \$'000	Capital app'n \$'000	Expenditure/ net claim on consolidated fund \$'000	Recurrent app'n \$'000	Capital app'n \$'000	Expenditure/ net claim on consolidated fund \$'000
Original budget appropriation/expenditure							
Appropriation Act	21,460	21,460	314	314	19,827	785	751
Additional appropriations	-	-	-	-	-	-	-
Section 21A PF&AA – special appropriation	-	-	-	-	-	-	-
Section 24 PF&AA – transfers of functions between departments	-	-	-	-	-	-	-
Section 26 PF&AA – Commonwealth specific purpose payments	-	-	-	-	-	-	-
	21,460	21,460	314	314	19,827	785	751
Other appropriations/expenditure							
Treasurer's advance	516	344	59	55	763	-	-
Section 22 – expenditure for certain works and services	-	-	-	-	-	-	-
Transfers to/from another agency (s.31 of the Appropriation Act)	-	-	-	-	-	-	-
Other (payroll tax adjustments)	-	-	-	-	-	-	-
	516	344	59	55	763	-	-
Total appropriations/expenditure/net claim on consolidated fund	21,976	21,804	373	369	20,590	785	751
Amount drawn down against appropriation		21,804		369			751
Liability to consolidated fund*		-		-		519	-

The Summary of compliance is based on the assumption that Consolidated fund monies are spent first (except where otherwise identified or prescribed).

* If there is a 'Liability to consolidated fund', this represents the difference between the 'Amount drawn down against appropriation' and the 'Total expenditure/net claim on consolidated fund'.

Notes to the financial statements for the year ended 30 June 2011

1 Summary of significant accounting policies

(a) Reporting entity

The Ombudsman's Office is a NSW Government Department. Our role is to make sure that public and private sector agencies and employees within our jurisdiction fulfill their functions properly. We help agencies to be aware of their responsibilities to the public, to act reasonably and to comply with the law and best practice in administration.

The office is a not-for-profit entity (as profit is not its principal objective) and we have no cash generating units, although we have some revenue generating activities which provide relief with ongoing budget pressures. The reporting entity is consolidated as part of the NSW Total State Sector Accounts.

The financial statements for the year ended 30 June 2011 has been authorised for issue by the NSW Ombudsman on 20 September 2011.

(b) Basis of preparation

Our financial statements are general purpose financial statements, which has been prepared in accordance with:

- | applicable Australian Accounting Standards (which include Australian Accounting Interpretations);
- | the requirements of the *Public Finance and Audit Act 1983* and Regulations; and
- | the financial reporting Directions published in the Code for Budget Dependent General Government Sector Agencies or issued by the Treasurer.

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

Judgments, key assumptions and estimations made are disclosed in the relevant notes to the financial statements.

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

The accrual basis of accounting and applicable accounting standards have been adopted.

(c) Statement of compliance

The financial statements and notes comply with Australian Accounting Standards, which include Australian Accounting Interpretations.

(d) Insurance

Our insurance activities are conducted through the NSW Treasury Managed Fund Scheme of self insurance for Government agencies. The expense (premium) is determined by the Fund Manager, and is calculated by our past claims experience, overall public sector experience and ongoing actuarial advice.

(e) Accounting for the Goods and Services Tax (GST)

Incomes, expenses and assets are recognised net of GST, except that:

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

Cash flows are included in the statement of cash flows on a gross basis. However, the GST components of cash flows arising from investing and financing activities which is recoverable from, or payable to, the Australian Taxation Office are classified as operating cash flows.

(f) Income recognition

Income is measured at the fair value of the consideration or contribution received or receivable. Additional comments regarding the accounting policies for the recognition of income are discussed below.

(i) Parliamentary appropriations and contributions

Parliamentary appropriations and contributions from other bodies (including grants) are generally recognised as income when we obtain control over the assets comprising the appropriations/contributions. Control over appropriations and contributions is normally obtained upon the receipt of cash.

An exception to this is when appropriations remain unspent at year end. In this case, the authority to spend the money lapses and generally the unspent amount must be repaid to the Consolidated Fund in the following financial year. As a result, unspent appropriations are accounted for as liabilities rather than revenue. The liability is disclosed in Note 15 as part of 'Other current liabilities'.

(ii) Sale of goods

Revenue from the sale of goods such as publications are recognised as revenue when we transfer the significant risks and rewards of ownership of the assets.

(iii) Rendering of services

Revenue from the rendering of services such as conducting training programs, is recognised when the service is provided or by reference to the stage of completion, for instance based on labour hours incurred to date.

(iv) Investment revenue

Interest revenue is recognised using the effective interest method as set out in AASB 139 *Financial Instruments: Recognition and Measurement*.

Ombudsman's Office

Notes to the financial statements for the year ended 30 June 2011

(g) Assets

(i) Acquisitions of assets

The cost method of accounting is used for the initial recording of all acquisitions of assets controlled by us.

Cost is the amount of cash or cash equivalents paid or the fair value of the other consideration given to acquire the asset at the time of its acquisition or, where applicable, the amount attributed to that asset when initially recognised in accordance with the requirements of other Australian Accounting Standards.

Fair value is the amount for which an asset could be exchanged between knowledgeable, willing parties in an arm's length transaction.

(ii) Capitalisation thresholds

Individual plant and equipment and intangible assets costing \$5,000 and above are capitalised. For those items that form part of our IT network, the threshold is \$1,000 individually.

(iii) Revaluation of plant and equipment

Physical non-current assets are valued in accordance with the 'Valuation of Physical Non-Current Assets at Fair Value' Policy and Guidelines Paper (TPP 07-1). This policy adopts fair value in accordance with AASB 116 *Property, Plant and Equipment*.

Plant and equipment is measured on an existing use basis, where there are no feasible alternative uses in the existing natural, legal, financial and socio-political environment. However, in the limited circumstances where there are feasible alternative uses, assets are valued at their highest and best use.

Non-specialised assets with short useful lives are measured at depreciated historical cost, as a surrogate for fair value.

Our assets are short-lived and their costs approximate their fair values.

(iv) Impairment of plant and equipment

As a not-for-profit entity with no cash generating units, we are effectively exempted from AASB 136 *Impairment of Assets* and impairment testing. This is because AASB 136 modifies the recoverable amount test to the higher of fair value less costs to sell and depreciated replacement cost. This means that, for an asset already measured at fair value, impairment can only arise if selling costs are material. Selling costs are regarded as immaterial.

(v) Depreciation of plant and equipment

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

All material separately identifiable components of assets are depreciated over their shorter useful lives.

Depreciation rates used:

Computer hardware	25%
Office equipment	20%
Furniture & fittings	10%

Amortisation rates used:

Leasehold improvements	Useful life of 10 years or to the end of the lease, if shorter.
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(vi) Restoration costs

Whenever applicable, the estimated cost of dismantling and removing an asset and restoring the site is included in the cost of an asset, to the extent it is recognised as a liability.

(vii) Maintenance

The costs of day-to-day servicing or maintenance are charged as expenses as incurred, except where they relate to the replacement of a part or component of an asset, in which case the costs are capitalised and depreciated.

(viii) Leased assets

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

Operating lease payments are charged to the statement of comprehensive income in the periods in which they are incurred.

Lease incentives received on entering non-cancellable operating leases are recognised as a lease liability. This liability is reduced on a straight line basis over the lease term.

(ix) Intangible assets

We recognise intangible assets only if it is probable that future economic benefits will flow to the office and the cost of the asset can be measured reliably. Intangible assets are measured initially at cost. Where an asset is acquired at no or nominal cost, the cost is its fair value as at the date of acquisition.

The useful lives of intangible assets are assessed to be finite.

Intangible assets are subsequently measured at fair value only if there is an active market. As there is no active market for our intangible assets, they are carried at cost less any accumulated amortisation.

Notes to the financial statements for the year ended 30 June 2011

Our intangible assets are amortised using the straight-line method over a period of five years.

The amortisation rates used:

- I Computer software 20%.

Intangible assets are tested for impairment where an indicator of impairment exists. If the recoverable amount is less than its carrying amount the carrying amount is reduced to recoverable amount and the reduction is recognised as an impairment loss. However, as a not-for-profit entity, the office is effectively exempted from impairment testing (refer to Note 1(g)(iv)).

(x) Receivables

Receivables are non-derivative financial assets with fixed or determinable payments that are not quoted in an active market. These financial assets are recognised initially at fair value, usually based on the transaction cost or face value.

Subsequent measurement is at amortised cost using the effective interest method, less an allowance for any impairment of receivables. Any changes are recognised in the surplus/(deficit) for the year when impaired, derecognised or through the amortisation process.

Short-term receivables with no stated interest rate are measured at the original invoice amount where the effect of discounting is immaterial.

(h) Liabilities

(i) Payables

These amounts represent liabilities for goods and services provided to us as well as other amounts. Payables are recognised initially at fair value, usually based on the transaction cost or face value. Subsequent measurement is at amortised cost using the effective interest method. Short-term payables with no stated interest rate are measured at the original invoice amount where the effect of discounting is immaterial.

(ii) Employee benefits and other provisions

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

Liabilities for salaries and wages (including non-monetary benefits), and annual leave that fall due wholly within 12 months of the reporting date are recognised and measured in respect of employees' services up to the reporting date at undiscounted amounts based on the amounts expected to be paid when the liabilities are settled.

Long-term annual leave that is not expected to be taken within 12 months is measured at the present value in accordance with AASB 119 *Employee Benefits*. Market yields on government bonds rates of 5.21% are used to discount long-term annual leave.

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

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

(b) Long service leave and superannuation

Our liabilities for long service leave and defined benefit superannuation are assumed by the Crown Entity. We account for the liability as having been extinguished, resulting in the amount assumed being shown as part of the non-monetary revenue item described as 'Acceptance by the Crown Entity of employee benefits and other liabilities'.

Long service leave is measured at present value in accordance with AASB 119 *Employee Benefits*. This is based on the application of certain factors (specified in NSWTC 09/04) to employees with five or more years of service, using current rates of pay. These factors were determined based on an actuarial review to approximate present value.

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

(i) Equity

(i) Accumulated Funds

The category accumulated funds includes all current and prior period retained funds.

(ii) Reserve Accounts

Separate reserve accounts are recognised in the financial statements only if such accounts are required by specific legislation or Australian Accounting Standards (e.g. asset revaluation reserve and foreign currency translation reserve).

(j) Budgeted amounts

The budgeted amounts are drawn from the budgets formulated at the beginning of the financial year with any adjustments for the effects of additional appropriations approved under s.21A, s.24 and s.26 of the *Public Finance and Audit Act 1983*.

Ombudsman's Office

Notes to the financial statements for the year ended 30 June 2011

The budgeted amounts in the statement of comprehensive income and statement of cash flow are generally based on the amounts disclosed in the NSW Budget Papers (as adjusted above). However, in the statement of financial position, the amounts vary from the Budget Papers, as the opening balances of the budgeted amounts are based on carried forward actual amounts; that is per audited financial report (rather than carried forward estimates).

(k) Comparative information

Except when an Accounting Standard permits or requires otherwise, comparative information is disclosed in respect of the previous period for all amounts reported in the financial statements.

(l) New Australian Accounting Standards issued but not effective

At the reporting date, the following new Accounting Standards (which include Australian Accounting Interpretations) have not been applied and are not yet effective as per Treasury mandate:

- | AASB 9 (December 2010) and AASB 2010-7 *Financial Instruments: Disclosure*;
- | AASB 124 and AASB 2009-12 *Related Party Transaction*;
- | AASB 2009-14 regarding amendments to Interpretation - *Prepayments of a Minimum Funding Requirement*;
- | AASB 1053 and AASB 2010-2 regarding differential reporting;
- | AASB 2010-4 regarding annual improvements;
- | AASB 2010-5 regarding editorial corrections;
- | AASB 2010-6 regarding disclosures on transfers of financial assets;
- | AASB 2010-8 regarding deferred tax : recovery of underlying assets;
- | AASB 2010-9 regarding severe hyperinflation and removal of fixed dates for first time adopters;
- | AASB 2010-10 regarding removal of fixed dates for first time adopters;
- | AASB 1054 *Australian Additional Disclosures*;
- | 2011-1 Amendments to Australian Accounting Standards arising from the Trans-Tasman Convergence Project;
- | 2011-2 Amendments to Australian Accounting Standards arising from the Trans-Tasman Convergence Project - Reduced Disclosures requirements;
- | 2011-3 Amendments to Australian Accounting Standards - Orderly Adoption of Changes to the ABS GFS Manual and Related Amendments;
- | Interpretation 4 - Determining whether an arrangement contains a lease;
- | Interpretation 115 - Operating leases - incentives -October 2010 (Compilation);
- | Interpretation 127 - evaluating the substance of Transactions involving the Legal Form of a lease - October 2010.

The office had adopted AASB 2009–6 amendments to Australian Accounting Standards which make changes to financial statements terminology to better align with IFRS requirements. Our primary financial statements have been replaced with 'statement of comprehensive income', 'statement of financial position' and 'statement of changes in equity'.

(m) Going concern

The Ombudsman's Office is a 'going concern' public sector agency. We will receive Parliamentary appropriation as outlined in the NSW Budget Papers for 2011–2012 in fortnightly instalments from the Crown Entity.

As at 30 June 2011 our total assets exceeded our total liabilities, although our current liabilities were more than our current assets. Current liabilities include provision for leave of \$1.6 million of which \$1.3 million is expected to be payable within the next 12 months. Also refer to Note 14.

(n) Equity Transfers

The transfer between NSW public sector agencies of net assets as a result of an administrative restructure, transfers of all or part of programs/functions and 'equity appropriations' are treated as contributions by owners and recognised as an adjustment to "Accumulated Funds". This treatment is consistent with AASB 1004 *Contributions* and Australian Interpretation 1038 *Contributions by Owners made to Wholly-Owned Public Sector Entities*.

Transfers arising from an administrative restructure involving not-for-profit entities and for-profit government departments are recognised at the amount at which the assets and liabilities were recognised by the transfer or immediately prior to the restructure. Subject to below, in most instances this will approximate fair value. All other equity transfers are recognised at fair value, except for intangibles. Where an intangible has been recognised at (amortised) cost by the transferor because there is no active market, the agency recognises the asset at the transferor's carrying amount. Where the transferor is prohibited from recognising internally generated intangibles, the agency does not recognise that asset.

During the reporting year the Child Death Review Team was transferred from the Commission for Children and Young People to the Ombudsman's Office. Most of the funding for this activity was provided in the Budget appropriation for 2010-2011, however some additional funding was provided by way of supplementation. No assets or liabilities were transferred. No comparative data has been included in these financial statements due to impracticality or immateriality as it would be impracticable to obtain accurate balances for the Child Death Review Team in light of these being immaterial in value.

Ombudsman's Office

Notes to the financial statements for the year ended 30 June 2011

	2011 \$'000	2010 \$'000
2 Expenses excluding losses		
(a) Employee-related expenses		
Salaries and wages (including recreation leave)	15,671	14,043
Superannuation – defined benefit plans	413	425
Superannuation – defined contribution plans	1,127	1,042
Long service leave	960	500
Workers' compensation insurance	71	80
Payroll tax and fringe benefit tax	980	907
	19,222	16,997
(b) Other operating expenses include the following:		
Auditor's remuneration – audit of the financial statements	27	25
Operating lease rental expense – minimum lease payments	1,930	1,873
Insurance	16	12
Fees	1,100	654
Telephones	100	97
Stores	111	113
Training	165	101
Printing	121	107
Travel	400	415
Books, periodicals & subscriptions	47	49
Advertising	72	3
Energy	48	53
Motor vehicle	24	25
Postal and courier	26	26
Maintenance – non-Employee-related*	272	173
Other	153	82
	4,612	3,808
* Reconciliation – Total maintenance		
Maintenance expenses – contracted labour and other	272	173
Employee-related maintenance expense included in Note 2(a)	86	82
Total maintenance expenses included in Notes 2(a) and 2(b)	358	255
(c) Depreciation and amortisation expense		
Depreciation		
Plant, equipment and leasehold improvements	324	209
Total depreciation expense	324	209
Amortisation		
Intangible assets	139	121
Total amortisation expense	139	121
Total depreciation and amortisation expenses	463	330

Ombudsman's Office

Notes to the financial statements for the year ended 30 June 2011

	2011 \$'000	2010 \$'000
3 Revenue		
(a) Sale of goods and services		
Sale of publications	2	1
Rendering of services	581	316
	583	317
(b) Investment revenue		
Interest	85	50
	85	50
(c) Grants and contributions		
Unreasonable Complainants Conduct Project	46	–
	46	–
(d) Other revenue		
Miscellaneous	147	69
	147	69
4 Gain/(loss) on disposal		
Gain/(loss) on disposal	11	(1)
	11	(1)
5 Appropriations		
(a) Recurrent appropriation		
Total recurrent draw-downs from Treasury (per Summary of compliance)	21,804	20,352
Less: Liability to Consolidated Fund (per Summary of compliance)	–	519
	21,804	19,833
Comprising: Recurrent appropriations (per Statement of comprehensive income)	21,804	19,833
	21,804	19,833
(b) Capital appropriation		
Total capital draw-downs from Treasury (per Summary of compliance)	369	751
	369	751
Comprising: Capital appropriations (per Statement of comprehensive income)	369	751
	369	751
6 Acceptance by the Crown Entity of employee benefits and other liabilities		
The following liabilities and/or expenses have been assumed by the Crown Entity or other government agencies:		
Superannuation – defined benefit	413	425
Long service leave	960	500
Payroll tax on superannuation	21	23
	1,394	948
7 Service groups of the agency		
The Ombudsman's Office has one service group – the independent resolution, investigation or oversight of complaints made by the public about agencies within the jurisdiction of the Ombudsman and the scrutiny of complaint handling and other systems of those agencies.		

Ombudsman's Office

Notes to the financial statements for the year ended 30 June 2011

	2011 \$'000	2010 \$'000
8 Current assets – cash and cash equivalents		
Cash at bank and on hand	1,073	1,084
	1,073	1,084
For the purposes of the statement of cash flows, cash and cash equivalents include cash at bank and on hand.		
Cash and cash equivalent assets recognised in the statement of financial position are reconciled at the end of the year to the statement of cash flows as follows:		
┆ Cash and cash equivalents (per statement of financial position)	1,073	1,084
┆ Closing cash and cash equivalents (per statement of cash flows).	1,073	1,084
Refer Note 19 for details regarding credit risk, liquidity risk and market risk arising from financial instruments.		
9 Restricted assets – cash		
Unreasonable Complainants Conduct Project	33	43
Liability to Consolidated Fund	–	519
	33	562
Since 2007-08 the Ombudsman has received funding from the Commonwealth and other State Ombudsman offices as well as the New Zealand Ombudsman for the Unreasonable Complainant Conduct project. Phase 2 of this project commenced in 2011. Amounts not expensed at 30 June 2011 are treated as a restricted asset for use in future year.		
10 Current assets – receivables		
Transfer of leave and wages	15	–
Workshops	45	34
Reimbursement of expenses	11	–
Bank interest	47	34
GST receivable	96	97
Legal fees	36	36
Less: Allowance for impairment	(36)	–
Prepayments	400	427
	614	628
Details regarding credit risk, liquidity risk and market risk, including financial assets that are either past due or impaired, are disclosed in Note 19.		
Prepayments		
Salaries and wages	–	18
Maintenance	94	96
Prepaid rent	162	157
Worker's compensation insurance	–	81
Subscription/membership	22	12
Training	38	19
Employee assistance program	6	6
Insurance - general and motor vehicles	–	17
Cleaning	8	8
Travel	7	3
Other	63	10
	400	427

Ombudsman's Office

Notes to the financial statements for the year ended 30 June 2011

11 Non-current assets – plant and equipment

	Plant and equipment \$'000	Leasehold improvement \$'000	Furniture and fitting \$'000	Total \$'000
At 1 July 2010 – fair value				
Gross carrying amount	1,781	1,356	737	3,874
Accumulated depreciation	(1,401)	(928)	(372)	(2,701)
Net carrying amount	380	428	365	1,173

At 30 June 2011 – fair value

Gross carrying amount	1,543	1,391	931	3,865
Accumulated depreciation	(1,220)	(1,056)	(444)	(2,720)
Net carrying amount	323	335	487	1,145

Reconciliation

A reconciliation of the carrying amount of each class of assets at the beginning of and end of financial years is set out below:

Year ended 30 June 2011

Net carrying amount at start of year	380	428	365	1,173
Additions	70	39	194	303
Disposals – gross cost	(308)	(4)	–	(312)
Depreciation write back on disposal	305	–	–	305
Depreciation expense	(124)	(128)	(72)	(324)
Net carrying amount at end of year	323	335	487	1,145

At 1 July 2009 – fair value

Gross carrying amount	1,572	1,285	554	3,411
Accumulated depreciation	(1,339)	(881)	(318)	(2,538)
Net carrying amount	233	404	236	873

At 30 June 2010 – fair value

Gross carrying amount	1,781	1,356	737	3,874
Accumulated depreciation	(1,401)	(928)	(372)	(2,701)
Net carrying amount	380	428	365	1,173

Reconciliation

A reconciliation of the carrying amount of each class of assets at the beginning of and end of financial years is set out below:

Year ended 30 June 2010

Net carrying amount at start of year	233	404	236	873
Additions	258	71	183	512
Disposals – gross cost	(49)	–	–	(49)
Depreciation write back on disposal	46	–	–	46
Depreciation expense	(108)	(47)	(54)	(209)
Net carrying amount at end of year	380	428	365	1,173

12 Non-current assets – intangible assets

	1 July 2010 \$'000	1 July 2009 \$'000	30 June 2011 \$'000	30 June 2010 \$'000
Software				
Gross carrying amount	3,116	3,080	2,116	3,116
Accumulated amortisation	(2,638)	(2,720)	(1,695)	(2,638)
Net carrying amount	478	360	421	478

Ombudsman's Office

Notes to the financial statements for the year ended 30 June 2011

	2011 \$'000	2010 \$'000
Reconciliation		
A reconciliation of the carrying amount of software at the beginning of and end of financial years is set out below:		
Net carrying amount at start of year	478	360
Disposals – gross cost	(1,082)	(203)
Depreciation write back on disposal	1,082	203
Additions	82	239
Amortisation expense	(139)	(121)
Net carrying amount at end of year	421	478
13 Current liabilities – payables		
Accrued salaries, wages and on-costs	426	294
Creditors	271	291
	697	585
14 Current/non-current liabilities – provisions		
Current employee benefits and related on-costs		
Recreation leave	937	836
Annual leave loading	201	170
Provision for related on-costs on recreation leave	130	116
Provision for related on-costs on long service leave	384	360
	1,652	1,482
Non-current employee benefits and related on-costs		
Provision for related on-costs on long service leave	20	18
	20	18
Aggregate employee benefits and related on-costs		
Provisions – current	1,652	1,482
Provisions – non-current	20	18
Accrued salaries, wages and on-costs (Note 13)	426	294
	2,098	1,794
The value of annual leave and associated on-costs expected to be taken within 12 months is \$1,268,000. The office has a proactive annual leave management program, whereby all staff are encouraged to take their full entitlement each year.		
The value of long service leave on-costs expected to be settled within 12 months is \$64,000 and \$340,000 after 12 months.		
15 Current/non-current liabilities – other		
Current		
Unreasonable Complainants Conduct Project	33	43
Prepaid income	21	28
Liability to Consolidated Fund	–	519
	54	590
16 Commitments for expenditure		
(a) Operating lease commitments		
Future non-cancellable operating lease rentals not provided for and payable:		
Not later than one year	2,368	2,636
Later than one year and not later than five years	7,971	8,812
Total (including GST)	10,339	11,448
The leasing arrangements are generally for leasing of property, which is a non-cancellable operating lease with rent payable monthly in advance. During 2009-10, we exercised our option to extend our accommodation lease for a further 5-year term. The total operating lease commitments including GST input tax credits of \$939,792, (2010: \$1,040,789) which are expected to be recoverable from the Australian Taxation Office.		

Ombudsman's Office

Notes to the financial statements for the year ended 30 June 2011

	2011 \$'000	2010 \$'000
16 Commitments for expenditure cont'd.		
(b) Commitments for Other Expenditure		
Future expenses not provided for and payable:		
Not later than one year	31	82
Total (including GST)	31	82

We have purchase commitments of \$31,000, included GST input tax credits of \$2,909 (2010: \$6,941) which are expected to be recoverable from the Australian Taxation Office.

17 Reconciliation of cash flows from operating activities to net cost of services

Net cash from operating activities	356	1,641
Cash flows from Government/Appropriations	(22,173)	(21,103)
Acceptance by the Crown Entity of employee benefits and other liabilities	(1,394)	(948)
Depreciation and amortisation	(463)	(330)
Decrease/(increase) in provisions	(172)	(15)
Increase/(decrease) in prepayments	(27)	127
Increase/(decrease) in payables	(112)	(128)
Increase/(decrease) in receivables	13	66
Decrease/(increase) in other liabilities	536	(8)
Net gain/(loss) on sale of plant and equipment	11	(2)
Net cost of services	(23,425)	(20,700)

18 Budget review

Net Cost of Services

The actual net cost of services is higher than budget by \$340,000 due to a number of factors. We took a proactive approach to revenue generation during the year by expanding our external training program. This resulted in a \$483,000 increase in our revenue, over budget. Our overall employee related expenses were \$498,000 more than budget which included payments to three staff accepting a voluntary redundancy. Our other operating expenses increased by \$568,000 when compared to our budget mainly due to the increases in insurance, fees, training, advertising and maintenance expenses. The Office also received \$516,000 additional funding from NSW Treasury for our expanded public interest disclosure role (\$398,000) and to support the child death review team (\$118,000).

Assets and Liabilities

Current assets are lower than budget by \$153,000 due to higher than anticipated expenses which saw a lower cash at bank and lower receivables than expected. Our total liabilities were \$532,000 lower than budget due to a combination of proactive leave management and repayment of funds back to Treasury.

Cash flows

Net cash flows from operating activities were lower than budget by \$73,000. Total payments were higher than budget by \$1.2 million and total receipts by \$775,000. Government contributions were higher than budget by \$399,000, as the office received \$516,000 for new and/or expanded roles.

19 Financial instruments

The Office's principal financial instruments are outlined below. These financial instruments arise directly from the Office's operations and are required to finance our operations. The Office does not enter into or trade financial instruments, including derivative financial instruments, for speculative purposes.

The Office's main risks arising from financial instruments are outlined below, together with the Office's objectives, policies and processes measuring and managing risk. Further quantitative and qualitative disclosures are included throughout these financial statements. The Audit and Risk Committee has overall responsibility for the establishment and oversight of risk management and reviews and agrees policies for managing each of these risks. Risk management policies are established to identify and analyse the risks faced by the Office, to set risk limits and controls and to monitor risks. Compliance with policies is reviewed by the Audit and Risk Committee on a continuous basis.

Ombudsman's Office

Notes to the financial statements for the year ended 30 June 2011

Class	Note	Category	Carrying Amount	
			2011 \$'000	2010 \$'000
Financial assets				
Cash and cash equivalents	8	N/A	1,073	1,084
Receivables ¹	10	Receivables (at amortised cost)	77	104
Financial liabilities				
Payables ²	13	Financial liabilities measured at amortised cost	697	585

Notes

¹ Excludes statutory receivables and prepayments (i.e. not within scope of AASB 7).

² Excludes statutory payables and unearned revenue (i.e. not within scope of AASB 7).

(b) Credit risk

Credit risk arises when there is the possibility of the Ombudsman's debtors defaulting on their contractual obligations, resulting in a financial loss to the Ombudsman's Office. The maximum exposure to credit risk is generally represented by the carrying amount of the financial assets (net of any allowance for impairment). Credit risk is managed through the selection of counterparties and establishing minimum credit rating standards. Credit risk arises from the financial assets of the Ombudsman's Office, including cash, receivables and authority deposits. No collateral is held by the Ombudsman's Office and the Office has not granted any financial guarantees.

Cash

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

Receivables – trade debtors

All trade debtors are recognised as amounts receivable at balance date. Collectability of trade debtors is reviewed on an ongoing basis. Debts which are known to be uncollectible are written off. An allowance for impairment is raised when there is objective evidence that we will not be able to collect all amounts due. The credit risk is the carrying amount (net of any allowance for impairment, if there is any). No interest is earned on trade debtors. The carrying amount approximates fair value. Sales are made on 14-day terms. The Ombudsman's Office is not exposed to concentration of credit risk to a single debtor or group of debtors.

	Total* \$'000	Past due but not impaired* \$'000	Considered impaired* \$'000
2011			
< 3 months overdue	55	55	–
3 months – 6 months overdue	2	2	–
> 6 months overdue	36	–	36
2010			
< 3 months overdue	26	26	–
3 months – 6 months overdue	–	–	–
> 6 months overdue	36	36	–

* Each column in the table reports 'gross receivables'. The ageing analysis excludes statutory receivables, as these are not within the scope of AASB 7 and excludes receivables that are not past due and not impaired. Therefore, the 'total' will not reconcile to the receivables total recognised in the statement of financial position.

(c) Liquidity risk

Liquidity risk is the risk that the Ombudsman's Office will be unable to meet its payment obligations when they fall due. The Ombudsman's Office continuously manages risk through monitoring future cash flows to ensure adequate holding of high quality liquid assets.

Bank overdraft

The office does not have any bank overdraft facility. During the current and prior years, there were no defaults or breaches on any loans payable. No assets have been pledged as collateral. The office exposure to liquidity risk is deemed insignificant based on prior periods data and current assessment of risk.

Ombudsman's Office

Notes to the financial statements for the year ended 30 June 2011

Trade creditors and accruals

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

Payables	Weighted average effective interest rate	Nominal amount# \$'000	Interest rate exposure			Maturity dates		
			Fixed interest rate	Variable interest rate	Non-interest bearing	< 1 yr	1-5 yrs	5 yrs
2011								
Accrued salaries, wages and on-costs	–	426	–	–	426	426	–	–
Creditors	–	271	–	–	271	271	–	–
	–	697	–	–	697	697	–	–
2010								
Accrued salaries, wages and on-costs	–	294	–	–	294	294	–	–
Creditors	–	291	–	–	291	291	–	–
	–	585	–	–	585	585	–	–

The amounts disclosed are the contractual undiscounted cash flows of each class of financial liabilities based on the earlier date on which the office can be required to pay.

(d) Market risk

Market risk is the risk that the fair value or future cash flows of a financial instrument will fluctuate because of changes in market prices. The Ombudsman's Office exposure to market risk is primarily through interest rate risk. The Ombudsman's Office has no exposure to foreign currency risk and does not enter into commodity contracts.

The effect on the result and equity due to a reasonably possible change in risk variable is outlined in the information below for interest rate risk. A reasonably possible change in risk variable has been determined after taking into account the economic environment in which the Ombudsman's Office operates and the timeframe for the assessment (i.e. until the end of the next annual reporting period). The sensitivity analysis is based on risk exposures in existence at the statement of financial position date. The analysis is performed on the same basis for 2011. The analysis assumes that all other variables remain constant.

	Carrying amount \$'000	–1%		+1%	
		Results \$'000	Equity \$'000	Results \$'000	Equity \$'000
2011					
Financial assets					
Cash and cash equivalents	1,073	(11)	(11)	11	11
Receivables	77	77	N/A	N/A	N/A
Financial liabilities					
Payables	697	N/A	N/A	N/A	N/A
2010					
Financial assets					
Cash and cash equivalents	1,084	(11)	(11)	11	11
Receivables	104	N/A	N/A	N/A	N/A
Financial liabilities					
Payables	585	N/A	N/A	N/A	N/A

Ombudsman's Office

Notes to the financial statements for the year ended 30 June 2011

(e) Fair value

Financial instruments are carried at cost. The fair value of all financial instruments approximates their carrying value.

	2011		2010	
	Carrying amount \$'000	Fair value \$'000	Carrying amount \$'000	Fair value \$'000
Financial assets				
Cash	1,073	1,073	1,084	1,084
Account receivables	77	77	104	104
Financial liabilities				
Account payables	697	697	585	585

20 Contingent liabilities

There are no contingent assets or liabilities for the period ended 30 June 2011 (2010: nil).

21 After balance date events

There were no after balance date events (2010: nil).

End of the financial statements

Appendices

We are required under legislation or policy to provide information in our annual report on a range of government programs or on specific issues such as credit card use. For ease of reporting, we group a number of these requirements in the Appendices. Details of annual reporting compliance can be found in Appendix M.

We are required to provide statistical information on access applications under the *Government information (Public Access) Act 2009* (see Appendix O), provide a progress report on our implementation of a range of access and equity programs (see Appendix P) and to list the legislation under which we operate (see Appendix N).

We also use the appendices to provide some statistical information on the work that we do – giving detailed breakdown of complaints received in our public administration division by agency or by council (see Appendix F – J); by program areas in our community services jurisdiction (see Appendix C - E) or by the category of police complaints (see Appendix A).

We also take the opportunity to provide an update on our current legislative reviews (see Appendix B) and to comply with our reporting obligations under the *Law Enforcement (Powers and Responsibilities) Act 2002* (see Appendix K).

Details of the publications that we produced during the year can be found in Appendix Q.



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Appendix A

Profile of notifiable police complaints 2010-2011

Figure 62: Action taken on finalised notifiable complaints about police officers in 2010-2011

Category	Allegations declined	Allegations subject of investigation	Allegations conciliated or informally resolved	Total
Arrest				
Improper failure to arrest	2	4	4	10
Unlawful arrest	34	25	13	72
Unnecessary use of arrest	30	19	18	67
Total	66	48	35	149
Complaint-handling				
Deficient complaint investigation	6	7	1	14
Fail to report misconduct	2	86	9	97
Fail to take a complaint	4	2	8	14
Inadequacies in informal resolution	0	1	1	2
Provide false information in complaint investigation	4	71	13	88
Total	16	167	32	215
Corruption/misuse of office				
Explicit threats involving use of authority	3	4	4	11
Improper association	45	59	21	125
Misuse authority for personal benefit or benefit of an associate	39	62	26	127
Offer or receipt of bribe/corrupt payment	17	10	2	29
Protection of person(s) involved in criminal activity (other)	1	0	0	1
Total	105	135	53	293
Custody/detention				
Detained in excess of authorised time	0	6	1	7
Escape from custody	1	1	4	6
Fail to allow communication	1	0	2	3
Fail to caution/give information	1	1	4	6
Fail to meet requirements for vulnerable persons	3	2	2	7
Improper treatment	11	24	38	73
Inadequate monitoring of persons in custody	1	5	2	8
Unauthorised detention	9	11	4	24
Total	27	50	57	134
Driving-related offences/misconduct				
Breach pursuit guidelines	1	15	1	17
Dangerous driving causing grievous bodily harm/death	1	3	0	4
Drink-driving offence	2	23	0	25
Fail to conduct breath test/analysis	0	0	1	1
Negligent/dangerous driving	1	9	7	17
Unnecessary speeding	2	8	4	14
Total	7	58	13	78
Drug-related offences/misconduct				
Cultivate/manufacture prohibited drug	4	1	0	5
Drinking/under the influence on duty	1	6	4	11
Protection of person(s) involved in drug activity	30	14	13	57
Supply prohibited drug	22	15	8	45
Use/possess restricted substance	3	5	0	8
Use/possession of prohibited drug	18	23	5	46
Total	78	64	30	172

Category	Allegations declined	Allegations subject of investigation	Allegations conciliated or informally resolved	Total
Excessive use of force				
Assault	206	239	116	561
Firearm discharged	1	1	0	2
Firearm drawn	3	4	4	11
Improper use of handcuffs	3	17	2	22
Total	213	261	122	596
Information				
Fail to create/maintain records	14	56	33	103
Falsify official records	9	68	11	88
Misuse email/internet	0	15	8	23
Provide incorrect or misleading information	16	67	19	102
Unauthorised access to information/data	10	120	28	158
Unauthorised access/disclosure/alteration of information/data	1	10	0	11
Unauthorised disclosure of information/data	54	79	54	187
Unreasonable refusal to provide information	2	0	1	3
Total	106	415	154	675
Inadequate/improper investigation				
Delay in investigation	8	11	21	40
Fail to advise outcome of investigation	0	1	3	4
Fail to advise progress of investigation	7	2	4	13
Fail to investigate (customer service)	182	79	99	360
Improper use of crime scene powers	1	0	0	1
Improper/unauthorised forensic procedure	0	0	1	1
Improperly fail to investigate offence committed by another officer	2	2	0	4
Improperly interfere in investigation by another police officer	8	14	6	28
Inadequate investigation	138	108	108	354
Total	346	217	242	805
Misconduct				
Allow unauthorised use of weapon	0	3	0	3
Conflict of interest	13	43	20	76
Detrimental action against a whistleblower	0	7	1	8
Dishonesty in recruitment/promotion	1	0	1	2
Disobey reasonable direction	3	41	7	51
Failure to comply with code of conduct (other)	87	292	177	556
Failure to comply with statutory obligation/procedure (other)	22	175	82	279
False claiming for duties/allowances	0	10	3	13
Inadequate management/maladministration	31	84	61	176
Inadequate security of weapon/appointments	2	30	30	62
Inappropriate intervention in civil dispute	2	3	1	6
Minor workplace-related misconduct	2	33	14	49
Other improper use of discretion	4	13	7	24
Unauthorised secondary employment	9	17	6	32
Unauthorised use of vehicle/facilities/equipment	16	82	13	111
Workplace harassment/victimisation/discrimination	35	90	40	165
Total	227	923	463	1,613
Other criminal conduct				
Fraud	0	9	0	9
Murder/manslaughter	2	0	0	2
Officer in breach of domestic violence order	1	17	0	18
Officer perpetrator of domestic violence	4	12	0	16
Officer subject of application for domestic violence order	5	17	2	24
Other indictable offence	26	103	7	136
Other summary offence	28	175	11	214
Sexual assault/indecent assault	10	42	3	55
Total	76	375	23	474

Category	Allegations declined	Allegations subject of investigation	Allegations conciliated or informally resolved	Total
Property/exhibits/theft				
Damage to	6	5	5	16
Fail to report loss	0	2	2	4
Failure or delay in returning to owner	19	13	5	37
Loss of	6	9	22	37
Theft	8	37	12	57
Unauthorised removal/destruction/use of	2	12	13	27
Total	41	78	59	178
Prosecution-related inadequacies/misconduct				
Adverse comment by Court/costs awarded	1	4	22	27
Fail to attend Court	2	10	19	31
Fail to check brief/inadequate preparation of brief	2	20	22	44
Fail to notify witness	1	11	13	25
Fail to serve brief of evidence	0	8	13	21
Failure to charge/prosecute	19	14	30	63
Failure to use Young Offenders Act	0	0	1	1
Improper prosecution	34	9	9	52
Mislead the Court	5	6	1	12
PIN/TIN inappropriately/wrongly issued	7	1	3	11
Total	71	83	133	287
Public justice offences				
Fabrication of evidence (other than perjury)	23	18	3	44
Involuntary confession by accused	2	0	1	3
Make false statement	30	13	1	44
Other pervert the course of justice	25	35	4	64
Perjury	7	9	1	17
Withholding or suppression of evidence	9	6	3	18
Total	96	81	13	190
Search/entry				
Failure to conduct search	0	0	4	4
Property missing after search	2	4	3	9
Unlawful entry	4	4	3	11
Unlawful questioning during a search	0	0	1	1
Unlawful search	25	23	21	69
Unreasonable/Inappropriate conditions/damage	1	12	2	15
Wrongful seizure of property during search	1	5	1	7
Total	33	48	35	116
Service delivery				
Breach domestic violence SOPs	7	7	7	21
Fail to provide victim support	23	24	19	66
Fail/delay attendance to incident/'000'	14	10	16	40
Harassment/intimidation	107	33	74	214
Improper failure to WIPE	11	7	11	29
Improper use of move on powers	3	0	1	4
Neglect of duty (not specified elsewhere)	15	38	15	68
Other (customer service)	138	68	112	318
Rudeness/verbal abuse	96	55	102	253
Threats	26	27	37	90
Total	440	269	394	1,103
Total summary of allegations	1,948	3,272	1,858	7,078

The number of allegations is larger than the number of complaints received because a complaint may contain more than one allegation about a single incident or involve a series of incidents.

Appendix B

Current legislative reviews

Legislation	Brief description
<i>Terrorism (Police Powers) Act 2002 - Parts 2A and 3</i>	<p>Part 2A allows police to hold people suspected of involvement in terrorist-related activities in preventative detention. Part 3 allows police and Crime Commission officers to execute covert search warrants to respond to suspected terrorist acts. We now have an ongoing role to keep the exercise of these powers under scrutiny, and report to the Attorney General and Minister for Police every three years.</p> <p>The Attorney General tabled our second report under this Act on 24 August 2011. This report covers the period 2008-2010. The report is available on our website</p>
<i>Law Enforcement (Powers and Responsibilities) Act 2002 - Part 6A</i>	<p>Introduced in the <i>Law Enforcement Legislation Amendment (Public Safety) Act 2005</i>, this legislation gives police additional powers to prevent or control large-scale public disorder.</p> <p>We have an ongoing role to review any use of this legislation. The NSW Police Force is required to report to us every six months about the use of the powers.</p>
<i>Crimes (Criminal Organisations Control) Act 2009</i>	<p>This legislation allowed the Commissioner of Police to seek a declaration from a judge that a gang or organisation be declared a 'criminal organisation'. It allowed police to apply to the Supreme Court for control orders against members of a declared organisation to prevent them from associating and restrict their activities.</p> <p>The High Court determined that this legislation was constitutionally invalid on 23 June 2011.</p> <p>The Attorney General has announced he is reviewing the legislation in light of the High Court's decision.</p>

Appendix C

Child and family services

Figure 63: Complaints issues for child and family services received in 2010-2011

Figure 63 shows the issues that were complained about in 2010-2011 in relation to child and family services. Please note that each complaint we received may have more than one issue.

Program area	Child protection		Out-of-home care		Children's services		Family support		Adoption		Total
	Formal	Informal	Formal	Informal	Formal	Informal	Formal	Informal	Formal	Informal	
Casework	70	91	50	74	0	2	1	1	0	0	289
Meeting individual needs	5	22	66	122	3	2	1	0	0	1	222
Object to decision	16	65	34	81	2	3	0	1	1	0	203
Case management	4	12	33	40	0	1	0	1	0	1	92
Customer service	6	31	8	38	3	7	1	1	0	0	95
Complaints	14	30	13	22	5	4	1	1	0	0	90
Information	11	29	14	40	0	4	0	2	1	0	101
Assault/abuse in care	6	16	4	20	1	4	0	1	0	0	52
Investigation	11	15	5	9	0	0	1	2	0	0	43
Professional conduct	9	22	8	14	1	1	0	0	0	0	55
Allowances/fees	2	1	16	25	9	18	3	5	0	0	79
Clients rights/choice/participation	1	4	6	6	0	1	0	0	0	0	18
Policy/procedure/law	4	6	0	5	2	2	0	0	0	0	19
Legal problems	7	8	0	4	0	0	0	0	0	0	19
Service management	1	3	3	9	2	1	0	0	0	0	19
Access to service	0	0	2	1	2	5	1	1	0	0	12
File/record management	0	0	2	0	0	0	0	0	0	0	2
Safety	0	1	0	3	0	3	0	0	0	0	7
Client finances and property	0	0	3	1	0	1	1	0	0	0	6
Service funding/licensing/monitoring	0	0	0	0	0	2	0	0	1	0	3
Outside our jurisdiction	6	20	3	13	0	6	0	0	0	0	48
Not applicable	1	5	1	6	0	0	0	1	0	0	14
Total	174	381	271	533	30	67	10	17	3	2	1,488

Figure 64: Formal complaints finalised for child and family services in 2010-2011

Figure 64 shows the outcomes of formal complaints finalised about child and family services this year.

Program area	A	B	C	D	E	F	G	Total
Child protection services	55	68	36	4	1	5	3	172
Out-of-home care	70	99	101	6	0	4	4	284
Children's services	15	11	6	0	0	0	1	33
Family support services	1	5	5	0	0	0	0	11
Adoption	2	1	2	0	0	0	0	5
Total	143	184	150	10	1	9	8	505

Description

- A** Complaint declined at outset
- B** Complaint declined after inquiries
- C** Complaint resolved after inquiries, including local resolution by the agency concerned
- D** Service improvement comments or suggestions to agency
- E** Referred to agency concerned or other body for investigation
- F** Direct investigation
- G** Complaint outside jurisdiction

Appendix D

Disability services

Figure 65: Complaints issues for disability services received in 2010-2011

Figure 65 shows the issues that were complained about in 2010-2011 in relation to disability services. Please note that each complaint we received may have more than one issue.

Program area	Disability accommodation		Disability support		Total
	Formal	Informal	Formal	Informal	
Meeting individual needs	24	18	8	10	60
Case management	16	18	9	7	50
Assault/abuse in care	16	7	1	5	29
Service management	2	4	3	3	12
Customer service	2	3	12	19	36
Professional conduct	3	4	2	1	10
Access to service	3	1	6	4	14
Complaints	2	4	8	4	18
Client rights/choice/participation	1	5	2	2	10
Object to decision	4	5	9	11	29
Safety	2	2	0	1	5
Casework	0	1	1	1	3
Information	1	4	2	2	9
Investigation	0	0	1	0	1
Service funding/licensing/monitoring	1	2	0	2	5
Client finances and property	0	1	1	0	2
Policy/procedure/law	1	1	0	0	2
File/record management	0	0	0	0	0
Allowances/fees	0	0	4	6	10
Legal problems	0	0	0	1	1
Outside our jurisdiction	5	4	2	2	13
Not applicable	0	0	0	2	2
Total	83	84	71	83	321

Figure 66: Formal complaints finalised for disability services in 2010-2011

Figure 66 shows the outcomes of formal complaints we received about disability services this year.

Program area	A	B	C	D	E	F	G	Total
Disability accommodation services	5	23	44	8	0	4	5	89
Disability support services	12	26	34	1	0	0	4	77
Total	17	49	78	9	0	4	9	166

Description

- A** Complaint declined at outset
- B** Complaint declined after inquiries
- C** Complaint resolved after inquiries, including local resolution by the agency concerned
- D** Service improvement comments or suggestions to agency
- E** Referred to agency concerned or other body for investigation
- F** Direct investigation
- G** Complaint outside jurisdiction

Appendix E

Other community services

Figure 67: Number of formal and informal matters about other community services received in 2010–2011

Agency category	Formal	Informal	Total
Community Services			
Supported accommodation and assistance program services	1	3	4
General community services	4	1	5
Aged services	0	0	0
Disaster welfare services	0	0	0
Other	9	0	9
Subtotal	14	4	18
ADHC			
Supported accommodation and assistance program services	0	0	0
General community services	0	2	2
Aged services	5	32	37
Disaster welfare services	0	0	0
Other	2	0	2
Subtotal	7	34	41
Other government agencies			
Supported accommodation and assistance program services	0	0	0
General community services	0	0	0
Aged services	0	0	0
Other	2	2	4
Disaster welfare services	0	0	0
Subtotal	2	2	4
Non-government funded or licensed services			
Supported accommodation and assistance program services	11	12	23
General community services	2	4	6
Aged services	5	6	11
Other	3	2	5
Disaster welfare services	0	0	0
Subtotal	21	24	45
Other (general inquiries)	0	6	6
Agency unknown	1	7	8
Outside our jurisdiction	0	4	4
Subtotal	1	17	18
Total	45	81	126

Some complaints about supported accommodation and general community services may involve complaints about child and family and disability services.

Figure 68: Complaints issues for other community services received in 2010-2011

Figure 68 shows the issues that were complained about in 2010-2011 in relation to general community services. Please note that each complaint we received may have more than one issue.

Program area	Other community services		Total
	Formal	Informal	
Access to service	5	8	13
Customer service	4	13	17
Professional conduct	3	4	7
Complaints	1	6	7
Meeting individual needs	4	4	8
Object to decision	5	8	13
Allowances/fees	3	5	8
Information	3	5	8
Clients rights/choice/participation	2	2	4
Case management	1	1	2
Service funding/licensing/monitoring	1	2	3
Files/record management	0	0	0
Assault/abuse in care	2	0	2
Casework	1	3	4
Service management	1	0	1
Policy/procedure/law	0	0	0
Investigation	0	2	2
Safety	0	0	0
Legal problems	0	0	0
Client finances and property	0	3	3
Outside our jurisdiction	9	4	13
Not applicable	0	11	11
Total	45	81	126

Figure 69: Formal complaints finalised for other community services in 2010-2011

Figure 69 shows the outcomes of formal complaints finalised about general community services this year.

Program area	A	B	C	D	E	F	G	Total
Supported accommodation and assistance program services	3	8	1	1	0	0	0	13
General community services	4	1	0	1	0	0	0	6
Aged services	2	3	4	0	0	0	2	11
Other	5	1	1	0	0	0	8	15
Total	14	13	6	2	0	0	10	45

Description

- A** Complaint declined at outset
- B** Complaint declined after inquiries
- C** Complaint resolved after inquiries, including local resolution by the agency concerned
- D** Service improvement comments or suggestions to agency
- E** Referred to agency concerned or other body for investigation
- F** Direct investigation
- G** Complaint outside jurisdiction

Appendix F

Public sector agencies

Figure 70: Action taken on formal complaints finalised in 2010–2011

Figure 70 shows the action we took on each of the written complaints that we finalised this year about public sector agencies (except the NSW Police Force, Community Services and ADHC and those relating to child protection notifications), broken down into agency groups. See Appendices G, H, I and J for a further breakdown into specific agencies in those groups.

Complaint about	Assessment only	Preliminary or informal investigation								Formal investigation				Total
	A	B	C	D	E	F	G	H	I	J	K	L	M	
Human services agencies (Housing NSW, Health)	199	8	30	8	108	21	5	2	4	0	1	0	0	386
Bodies outside jurisdiction	429	0	0	0	0	0	0	1	0	0	0	0	0	430
Local government	613	6	216	2	47	29	7	0	0	0	2	0	2	924
Departments and authorities	760	26	325	10	190	43	23	1	1	0	2	0	1	1,382
Freedom of information	17	1	26	2	33	5	1	0	0	2	2	0	0	89
Corrections and Justice Health	153	53	348	8	275	36	10	14	0	0	1	0	0	898
Total	2,171	94	945	30	653	134	46	18	5	2	8	0	3	4,109

Description

Decline after assessment only, including:

A Conduct outside jurisdiction, trivial, remote, insufficient interest, commercial matter, right of appeal or redress, substantive explanation or advice provided, premature — referred to agency, concurrent representation, investigation declined on resource/priority grounds

Preliminary or informal investigation:

B Substantive advice, information provided without formal finding of wrong conduct

C Advice/explanation provided where no or insufficient evidence of wrong conduct

D Further investigation declined on grounds of resource/priority

E Resolved to Ombudsman's satisfaction

F Resolved by agency prior to our intervention

G Suggestions/comment made

H Consolidated into other complaint

I Conciliated/mediated

Formal investigation:

J Resolved during investigation

K Investigation discontinued

L No adverse finding

M Adverse finding

Appendix G

Departments and authorities

Figure 71: Action taken on formal complaints about departments and authorities finalised in 2010–2011

Agency	Assessment only	Preliminary or informal investigation									Formal investigation				Total
	A	B	C	D	E	F	G	H	I	J	K	L	M		
Aboriginal Affairs NSW	5	0	0	0	0	0	0	0	0	0	0	0	0	5	
Administrative Decisions Tribunal	0	1	0	0	0	0	0	0	0	0	0	0	0	1	
Agency not named	3	1	0	0	0	0	0	0	0	0	0	0	0	4	
Ambulance Service of NSW	1	0	1	0	0	0	0	0	0	0	0	0	0	2	
Attorney General	6	0	3	0	3	0	0	0	0	0	0	0	0	12	
Board of Studies NSW	0	0	1	0	0	0	0	0	0	0	0	0	0	1	
Border Rivers Catchment Management Authority	1	0	0	0	0	0	0	0	0	0	0	0	0	1	
Building & Construction Industry Long Service Payments Corporation	1	0	0	0	0	0	0	0	0	0	0	0	0	1	
Building Professionals Board	1	0	1	0	0	0	0	0	0	0	0	0	0	2	
Casino, Liquor and Gaming Control Authority	2	0	2	0	0	0	0	0	0	0	0	0	0	4	
Central government	0	0	0	0	0	0	0	0	0	0	0	0	1	1	
Charles Sturt University	1	0	3	0	1	1	0	0	0	0	0	0	0	6	
Communities NSW	1	0	1	0	1	0	0	0	0	0	0	0	0	3	
Community Relations Commission	1	0	0	0	0	0	0	0	0	0	0	0	0	1	
Consumer, Trader & Tenancy Tribunal	22	0	0	0	0	0	0	0	0	0	0	0	0	22	
Country Energy	6	0	0	0	0	0	0	0	0	0	0	0	0	6	
CountryLink	1	0	0	0	0	0	0	0	0	0	0	0	0	1	
Crown Solicitor's Office	1	0	0	0	0	0	0	0	0	0	0	0	0	1	
Darkinjung Local Aboriginal Land Council	1	0	0	0	0	0	0	0	0	0	0	0	0	1	
Deniliquin Aboriginal Land Council	1	0	0	0	0	0	0	0	0	0	0	0	0	1	
Dental Council of New South Wales	2	0	5	0	1	0	0	0	0	0	0	0	0	8	
Department of Education and Communities	72	1	19	0	10	5	5	0	0	0	0	0	0	112	
Department of Energy, Utilities and Sustainability	1	0	0	0	0	0	0	0	0	0	0	0	0	1	
Department of Environment, Climate Change and Water	5	0	8	1	2	2	2	0	0	0	1	0	0	21	
Department of Health	1	0	0	0	0	0	0	0	0	0	0	0	0	1	
Department of Industry and Investment	5	1	1	0	1	0	1	0	0	0	0	0	0	9	
Department of Attorney General and Justice	0	0	1	0	0	0	0	0	0	0	0	0	0	1	
Department of Lands	7	1	5	0	1	0	0	0	1	0	0	0	0	15	
Department of Planning	5	1	1	1	0	0	0	0	0	0	0	0	0	8	
Department of Premier and Cabinet	5	0	1	0	1	0	0	0	0	0	0	0	0	7	
Department of Services, Technology and Administration	1	0	3	0	0	0	0	0	0	0	0	0	0	4	
Department of Water and Energy	2	0	1	0	0	0	1	0	0	0	0	0	0	4	
Director of Public Prosecutions	6	0	0	0	0	0	0	0	0	0	0	0	0	6	
Electoral Commission NSW	2	0	0	0	0	0	0	0	0	0	0	0	0	2	
Energy Australia	6	0	0	0	0	0	0	0	0	0	0	0	0	6	
Fair Trading	36	0	12	2	6	1	0	0	0	0	0	0	0	57	

Agency	Assessment only	Preliminary or informal investigation									Formal investigation				Total
	A	B	C	D	E	F	G	H	I	J	K	L	M		
First State Superannuation Trustee Corporation	1	0	0	0	0	0	0	0	0	0	0	0	0	1	
Forests NSW	1	0	0	0	0	0	0	0	0	0	0	0	0	1	
Greyhound and Harness Racing Regulatory Authority	1	0	0	0	0	0	0	0	0	0	0	0	0	1	
Guardianship Tribunal	3	0	1	0	0	0	0	0	0	0	0	0	0	4	
Heath Care Complaints Commission	12	0	3	1	1	0	0	0	0	0	0	0	0	17	
Hunter Water Corporation Limited	0	0	0	0	0	0	1	0	0	0	0	0	0	1	
Independent Pricing and Regulatory Tribunal	1	0	0	0	0	0	0	0	0	0	0	0	0	1	
Integral Energy	5	0	0	0	0	0	0	0	0	0	0	0	0	5	
Jenolan Caves Reserve Trust	5	0	0	0	0	0	0	0	0	0	0	0	0	5	
Land and Property Management Authority	8	0	8	0	2	0	0	0	0	0	0	0	0	18	
LANDCOM (NSW Land and Housing Corporation)	1	0	0	0	0	0	0	0	0	0	0	0	0	1	
Lands Board	1	0	0	0	0	0	1	0	0	0	0	0	0	2	
Legal Aid Commission of New South Wales	23	2	3	0	2	0	1	0	0	0	0	0	0	31	
Lifetime Care and Support Authority	0	0	1	0	0	0	0	0	0	0	0	0	0	1	
Livestock Health and Pest Authority	2	0	3	0	2	0	0	0	0	0	0	0	0	7	
Local Aboriginal Land Council (unnamed)	0	0	1	0	0	0	0	0	0	0	0	0	0	1	
Local government	1	0	1	0	0	0	0	1	0	0	0	0	0	3	
Macquarie University	9	0	7	0	1	0	0	0	0	0	0	0	0	17	
Medical Council of New South Wales	2	0	1	0	0	0	0	0	0	0	0	0	0	3	
Motor Accidents Authority	1	0	1	0	0	0	0	0	0	0	0	0	0	2	
Murrumbidgee Catchment Management Authority	0	0	1	0	0	0	0	0	0	0	0	0	0	1	
National Parks & Wildlife Service	2	0	0	0	0	0	0	0	0	0	0	0	0	2	
New South Wales Aboriginal Land Council	0	0	0	0	1	0	0	0	0	0	0	0	0	1	
NSW Businesslink Pty Ltd	1	0	0	0	0	0	0	0	0	0	0	0	0	1	
NSW Fire Brigades	1	0	2	0	0	0	0	0	0	0	0	0	0	3	
NSW Food Authority	1	0	2	0	0	0	0	0	0	0	0	0	0	3	
NSW Maritime Authority	6	0	3	0	2	1	0	0	0	0	0	0	0	12	
NSW Office of Liquor, Gaming and Racing	4	2	1	0	2	0	0	0	0	0	0	0	0	9	
NSW Office of Water	1	0	1	0	0	0	0	0	0	0	0	0	0	2	
NSW Trustee and Guardian	36	1	22	0	25	1	2	0	0	0	0	0	0	87	
Nurses and Midwifery Council	1	0	0	0	0	0	0	0	0	0	0	0	0	1	
Office of Public Guardian	2	0	0	0	1	0	0	0	0	0	0	0	0	3	
Office of State Revenue	19	1	6	1	3	0	0	0	0	0	0	0	0	30	
Office of the Information Commissioner New South Wales	1	0	0	0	0	0	0	0	0	0	0	0	0	1	
Office of the Legal Services Commissioner	6	0	0	0	0	0	0	0	0	0	0	0	0	6	
Parramatta Park Trust	0	0	2	0	0	0	0	0	0	0	0	0	0	2	
Primary Industries	6	0	2	0	2	0	0	0	0	0	1	0	0	11	
PRIVACY NSW	2	0	0	0	0	0	0	0	0	0	0	0	0	2	
Psychologists Council	2	0	0	0	0	0	0	0	0	0	0	0	0	2	
Rail Corporation New South Wales (RailCorp)	35	1	7	0	5	3	1	0	0	0	0	0	0	52	
Registrar of Aboriginal Land Rights Act	1	0	0	0	0	0	0	0	0	0	0	0	0	1	
Registry of Births, Deaths and Marriages	12	0	2	0	1	2	1	0	0	0	0	0	0	18	

Agency	Assessment only	Preliminary or informal investigation									Formal investigation				Total
	A	B	C	D	E	F	G	H	I	J	K	L	M		
Roads and Traffic Authority	108	4	49	0	43	10	2	0	0	0	0	0	0	216	
Rural Assistance Authority	1	1	1	0	1	0	0	0	0	0	0	0	0	4	
Rural Fire Service NSW	2	0	1	0	0	0	0	0	0	0	0	0	0	3	
Sheriff's Office	7	0	0	0	0	0	1	0	0	0	0	0	0	8	
South Eastern Sydney and Illawarra Area Health Service	0	0	0	0	0	0	2	0	0	0	0	0	0	2	
Southern Cross University	3	0	0	0	2	1	0	0	0	0	0	0	0	6	
State Authorities Superannuation Trustee Corporation	0	0	1	0	0	0	0	0	0	0	0	0	0	1	
State Debt Recovery Office	90	3	70	1	54	6	1	0	0	0	0	0	0	225	
State Emergency Service	1	0	1	0	0	0	0	0	0	0	0	0	0	2	
State Transit Authority of NSW	15	1	2	0	2	1	0	0	0	0	0	0	0	21	
State Water Corporation	1	0	0	0	1	0	0	0	0	0	0	0	0	2	
Sydney Ferries Corporation	2	0	0	0	0	0	0	0	0	0	0	0	0	2	
Sydney Harbour Foreshore Authority	2	0	0	0	0	0	0	0	0	0	0	0	0	2	
Sydney Water Corporation	5	0	0	0	0	0	0	0	0	0	0	0	0	5	
TAFE	14	0	9	0	1	2	0	0	0	0	0	0	0	26	
Tharawal Local Aboriginal Land Council	1	0	0	0	0	0	0	0	0	0	0	0	0	1	
Transport Infrastructure Development Corporation	1	0	1	0	0	0	0	0	0	0	0	0	0	2	
Transport NSW	14	0	4	0	0	0	0	0	0	0	0	0	0	18	
University of New England	3	0	3	0	0	0	0	0	0	0	0	0	0	6	
University of New South Wales	10	0	5	0	0	0	0	0	0	0	0	0	0	15	
University of Newcastle	4	0	1	0	2	1	0	0	0	0	0	0	0	8	
University of Sydney	5	0	1	2	0	0	0	0	0	0	0	0	0	8	
University of Technology	5	1	1	0	0	0	0	0	0	0	0	0	0	7	
University of Western Sydney	7	1	12	1	1	2	0	0	0	0	0	0	0	24	
University of Wollongong	4	0	2	0	0	1	0	0	0	0	0	0	0	7	
Valuer General	5	0	1	0	1	2	0	0	0	0	0	0	0	9	
Victims Compensation Tribunal	1	0	0	0	0	0	0	0	0	0	0	0	0	1	
WorkCover Authority	20	2	10	0	5	1	1	0	0	0	0	0	0	39	
WSN Environmental Solutions	2	0	0	0	0	0	0	0	0	0	0	0	0	2	
Total	760	26	325	10	190	43	23	1	1	0	2	0	1	1,382	

Description

Decline after assessment only, including:

A Conduct outside jurisdiction, trivial, remote, insufficient interest, commercial matter, right of appeal or redress, substantive explanation or advice provided, premature — referred to agency, concurrent representation, investigation declined on resource/priority grounds

Preliminary or informal investigation:

B Substantive advice, information provided without formal finding of wrong conduct

C Advice/explanation provided where no or insufficient evidence of wrong conduct

D Further investigation declined on grounds of resource/priority

E Resolved to Ombudsman's satisfaction

F Resolved by agency prior to our intervention

G Suggestions/comment made

H Consolidated into other complaint

I Conciliated/mediated

Formal investigation:

J Resolved during investigation

K Investigation discontinued

L No adverse finding

M Adverse finding

Figure 72: Action taken on formal complaints about Human services agencies (Housing NSW and Health) in 2010-2011

Agency	Assessment only	Preliminary or informal investigation									Formal investigation				Total
	A	B	C	D	E	F	G	H	I	J	K	L	M		
Department of Health	61	0	4	4	3	2	2	0	0	0	1	0	0	77	
Housing Appeals Committee	1	0	1	0	0	0	0	0	0	0	0	0	0	2	
Housing NSW	137	8	25	4	105	19	3	2	4	0	0	0	0	307	
Total	199	8	30	8	108	21	5	2	4	0	1	0	0	386	

Description

Decline after assessment only, including:

A Conduct outside jurisdiction, trivial, remote, insufficient interest, commercial matter, right of appeal or redress, substantive explanation or advice provided, premature — referred to agency, concurrent representation, investigation declined on resource/priority grounds

Preliminary or informal investigation:

B Substantive advice, information provided without formal finding of wrong conduct

C Advice/explanation provided where no or insufficient evidence of wrong conduct

D Further investigation declined on grounds of resource/priority

E Resolved to Ombudsman's satisfaction

F Resolved by agency prior to our intervention

G Suggestions/comment made

H Consolidated into other complaint

I Conciliated/mediated

Formal investigation:

J Resolved during investigation

K Investigation discontinued

L No adverse finding

M Adverse finding

Appendix H

Local government

Figure 73: Action taken on formal complaints about local government finalised in 2010–2011

Figure 73 shows the action we took on each of the written complaints finalised this year about individual councils.

Council	Assessment only		Preliminary or informal investigation							Formal investigation				Total
	A	B	C	D	E	F	G	H	I	J	K	L	M	
Accredited certifier	0	0	1	0	0	0	0	0	0	0	0	0	0	1
Armidale Dumaresq Council	1	0	2	0	0	0	0	0	0	0	0	0	0	3
Auburn Council	1	0	2	0	1	0	0	0	0	0	0	0	0	4
Ballina Shire Council	4	0	2	0	1	1	0	0	0	0	0	0	0	8
Bankstown City Council	8	0	2	0	1	0	0	0	0	0	0	0	0	11
Bega Valley Shire Council	4	0	5	0	0	1	0	0	0	0	0	0	0	10
Bellingen Shire Council	9	0	1	0	1	0	0	0	0	0	0	0	0	11
Berrigan Shire Council	1	0	0	0	0	0	0	0	0	0	0	0	0	1
Blacktown City Council	13	0	3	0	1	2	0	0	0	0	0	0	0	19
Bland Shire Council	0	1	0	0	0	0	0	0	0	0	0	0	0	1
Blayney Shire Council	0	0	1	0	0	0	0	0	0	0	0	0	0	1
Blue Mountains City Council	12	0	2	0	0	0	0	0	0	0	0	0	0	14
Bombala Council	1	0	1	0	0	0	0	0	0	0	0	0	0	2
Botany Bay City Council	4	0	3	0	0	0	0	0	0	0	0	0	0	7
Broken Hill City Council	1	0	2	0	1	0	0	0	0	0	0	0	0	4
Burwood Council	5	0	3	0	0	0	0	0	0	0	0	0	0	8
Byron Shire Council	3	1	4	0	2	0	0	0	0	0	0	0	0	10
Cabonne Council	1	0	2	0	0	0	0	0	0	0	0	0	0	3
Camden Council	1	0	1	0	0	0	0	0	0	0	0	0	0	2
Campbelltown City Council	3	0	0	0	0	0	0	0	0	0	0	0	0	3
Canterbury City Council	11	0	0	0	2	0	0	0	0	0	0	0	0	13
Cessnock City Council	8	0	2	0	3	1	0	0	0	0	0	0	0	14
City of Canada Bay Council	7	0	4	0	1	0	0	0	0	0	0	0	0	12
Clarence Valley Council	5	0	0	0	1	1	0	0	0	0	0	0	0	7
Cobar Shire Council	2	0	0	0	0	0	0	0	0	0	0	0	0	2
Coffs Harbour City Council	5	0	0	0	0	0	0	0	0	0	0	0	0	5
Coolamon Shire Council	1	0	0	0	0	0	0	0	0	0	0	0	0	1
Cooma-Monaro Shire Council	0	0	1	0	0	0	0	0	0	0	0	0	0	1
Cootamundra Shire Council	1	0	0	0	0	0	0	0	0	0	0	0	0	1
Council not named	4	0	0	0	0	0	0	0	0	0	0	0	0	4
Cowra Shire Council	2	0	1	0	0	0	0	0	0	0	0	0	0	3
Deniliquin Council	1	0	0	0	0	0	0	0	0	0	0	0	0	1
Dubbo City Council	1	0	0	0	0	0	0	0	0	0	0	0	0	1
Dungog Shire Council	1	0	0	0	0	0	0	0	0	0	0	0	0	1
Eurobodalla Shire Council	5	0	3	0	2	1	0	0	0	0	1	0	0	12
Fairfield City Council	5	0	2	0	0	0	0	0	0	0	0	0	0	7
Forbes Shire Council	1	0	0	0	0	0	0	0	0	0	0	0	0	1
Gilgandra Shire Council	1	0	0	0	0	0	0	0	0	0	0	0	0	1
Glen Innes Severn Shire Council	0	0	0	0	0	1	0	0	0	0	0	0	0	1
Gloucester Shire Council	1	0	0	0	0	0	0	0	0	0	0	0	0	1
Goldenfields Water County Council	0	0	0	0	0	1	0	0	0	0	0	0	0	1
Gosford City Council	10	1	5	0	1	1	0	0	0	0	0	0	0	18
Goulburn Mulwaree Shire Council	4	0	2	0	0	0	0	0	0	0	0	0	0	6
Great Lakes Council	5	0	3	0	0	0	0	0	0	0	0	0	0	8
Greater Hume Shire Council	1	0	0	0	0	0	0	0	0	0	0	0	0	1
Greater Taree City Council	4	0	2	0	0	0	0	0	0	0	0	0	0	6
Griffith City Council	0	0	1	0	0	0	0	0	0	0	0	0	0	1

Council	Assessment only	Preliminary or informal investigation									Formal investigation				Total
	A	B	C	D	E	F	G	H	I	J	K	L	M		
Gundagai Shire Council	0	0	1	0	0	0	0	0	0	0	0	0	0	1	
Gwydir Shire Council	1	0	0	0	1	0	0	0	0	0	0	0	0	2	
Harden Shire Council	0	0	2	0	0	0	1	0	0	0	0	0	0	3	
Hawkesbury City Council	5	0	4	0	1	0	0	0	0	0	0	0	0	10	
Holroyd City Council	2	0	1	0	0	0	0	0	0	0	0	0	0	3	
Hornsby Shire Council	13	0	4	0	0	0	0	0	0	0	0	0	0	17	
Hunters Hill Municipal Council	0	0	0	0	0	1	1	0	0	0	0	0	0	2	
Hurstville City Council	14	0	3	0	0	1	0	0	0	0	0	0	0	18	
Kempsey Shire Council	3	0	1	0	2	0	0	0	0	0	0	0	0	6	
Kiama Municipal Council	3	0	0	0	0	0	0	0	0	0	0	0	0	3	
Kogarah Municipal Council	2	0	4	0	0	0	0	0	0	0	0	0	0	6	
Ku-Ring-Gai Municipal Council	9	0	3	0	1	0	0	0	0	0	0	0	0	13	
Kyogle Shire Council	2	0	1	0	2	0	0	0	0	0	0	0	0	5	
Lake Macquarie City Council	13	0	5	0	1	1	0	0	0	0	0	0	0	20	
Lane Cove Municipal Council	3	0	1	0	1	0	0	0	0	0	0	0	0	5	
Leeton Shire Council	1	0	0	0	0	0	0	0	0	0	0	0	0	1	
Leichhardt Municipal Council	3	0	3	0	0	0	0	0	0	0	0	0	0	6	
Lismore City Council	5	0	2	0	0	0	0	0	0	0	0	0	0	7	
Lithgow City Council	0	0	0	0	1	0	0	0	0	0	0	0	0	1	
Liverpool City Council	16	0	1	0	0	0	0	0	0	0	0	0	0	17	
Liverpool Plains Shire Council	1	0	1	0	0	1	0	0	0	0	0	0	0	3	
Maitland City Council	3	0	0	0	0	0	0	0	0	0	0	0	0	3	
Manly Council	19	0	6	1	1	0	0	0	0	0	0	0	2	29	
Marrickville Council	7	0	4	0	2	0	0	0	0	0	0	0	0	13	
Mid-Western Regional Council	1	0	1	0	0	0	0	0	0	0	0	0	0	2	
Midcoast Water	2	0	1	0	0	0	0	0	0	0	0	0	0	3	
Moree Plains Shire Council	3	0	2	0	0	0	0	0	0	0	0	0	0	5	
Mosman Municipal Council	4	0	1	0	0	0	0	0	0	0	0	0	0	5	
Murray Shire Council	0	0	0	0	0	1	0	0	0	0	0	0	0	1	
Muswellbrook Shire Council	1	0	0	0	0	0	0	0	0	0	0	0	0	1	
Nambucca Shire Council	3	0	1	0	0	1	0	0	0	0	0	0	0	5	
Narrabri Shire Council	2	0	0	0	0	0	0	0	0	0	0	0	0	2	
Narrandera Shire Council	2	0	0	0	0	0	0	0	0	0	0	0	0	2	
Narromine Shire Council	0	0	1	0	0	0	0	0	0	0	0	0	0	1	
Newcastle City Council	14	0	8	0	2	0	0	0	0	0	0	0	0	24	
North Coast Water	1	0	0	0	0	0	0	0	0	0	0	0	0	1	
North Sydney Council	2	0	3	0	0	1	0	0	0	0	0	0	0	6	
Oberon Shire Council	0	0	0	0	0	0	1	0	0	0	0	0	0	1	
Orange City Council	1	0	2	0	0	0	0	0	0	0	0	0	0	3	
Palerang Council	3	0	0	0	0	0	1	0	0	0	0	0	0	4	
Parramatta City Council	12	0	3	0	0	0	0	0	0	0	0	0	0	15	
Penrith City Council	4	0	0	0	0	1	0	0	0	0	0	0	0	5	
Pittwater Council	56	0	5	0	0	0	0	0	0	0	0	0	0	61	
Planning Assessment Commission	1	0	0	0	0	0	0	0	0	0	0	0	0	1	
Port Macquarie-Hastings Council	12	0	5	0	0	0	1	0	0	0	0	0	0	18	
Port Stephens Shire Council	13	0	5	0	0	1	0	0	0	0	0	0	0	19	
Queanbeyan City Council	1	0	3	0	0	0	0	0	0	0	0	0	0	4	
Randwick City Council	6	0	4	0	1	1	0	0	0	0	0	0	0	12	
Richmond Valley Council	3	0	2	0	0	0	0	0	0	0	0	0	0	5	
Rockdale City Council	7	0	2	0	0	1	0	0	0	0	0	0	0	10	
Rous County Council	2	0	0	0	0	0	0	0	0	0	0	0	0	2	
Ryde City Council	5	0	0	0	0	1	0	0	0	0	0	0	0	6	
Shellharbour City Council	4	0	3	0	1	0	1	0	0	0	0	0	0	9	
Shoalhaven City Council	7	1	5	0	1	2	0	0	0	0	1	0	0	17	

Council	Assessment only	Preliminary or informal investigation									Formal investigation				Total
	A	B	C	D	E	F	G	H	I	J	K	L	M		
Singleton Shire Council	3	0	5	0	1	0	0	0	0	0	0	0	0	9	
Snowy River Shire Council	5	0	0	0	0	0	0	0	0	0	0	0	0	5	
Strathfield Municipal Council	3	0	1	0	0	0	0	0	0	0	0	0	0	4	
Sutherland Shire Council	16	1	7	0	0	1	0	0	0	0	0	0	0	25	
Sydney City Council	13	0	1	0	2	0	0	0	0	0	0	0	0	16	
Tamworth Regional Council	2	0	0	0	1	0	0	0	0	0	0	0	0	3	
Temora Shire Council	1	0	0	0	0	0	0	0	0	0	0	0	0	1	
Tenterfield Shire Council	3	0	0	0	0	2	0	0	0	0	0	0	0	5	
The Hills Shire Council	10	0	1	0	1	0	0	0	0	0	0	0	0	12	
Tumut Shire Council	0	0	1	0	0	0	0	0	0	0	0	0	0	1	
Tweed Shire Council	11	1	3	0	0	0	0	0	0	0	0	0	0	15	
Upper Hunter Shire Council	2	0	1	0	0	0	0	0	0	0	0	0	0	3	
Upper Lachlan Shire Council	3	0	1	0	0	1	1	0	0	0	0	0	0	6	
Wagga Wagga City Council	1	0	0	0	0	0	0	0	0	0	0	0	0	1	
Walgett Shire Council	1	0	0	0	2	0	0	0	0	0	0	0	0	3	
Warren Shire Council	1	0	0	0	0	0	0	0	0	0	0	0	0	1	
Warringah Council	19	0	9	0	1	0	0	0	0	0	0	0	0	29	
Waverley Council	7	0	1	0	0	0	0	0	0	0	0	0	0	8	
Weddin Shire Council	1	0	0	0	0	0	0	0	0	0	0	0	0	1	
Wellington Council	1	0	1	0	0	0	0	0	0	0	0	0	0	2	
Willoughby City Council	5	0	0	0	1	0	0	0	0	0	0	0	0	6	
Wingecarribee Shire Council	9	0	5	0	0	0	0	0	0	0	0	0	0	14	
Wollondilly Shire Council	6	0	2	0	0	0	0	0	0	0	0	0	0	8	
Wollongong City Council	15	0	5	1	0	1	0	0	0	0	0	0	0	22	
Woollahra Municipal Council	4	0	1	0	0	0	0	0	0	0	0	0	0	5	
Wyang Shire Council	11	0	2	0	1	0	0	0	0	0	0	0	0	14	
Yass Valley Council	3	0	2	0	1	0	0	0	0	0	0	0	0	6	
Young Shire Council	2	0	0	0	0	0	0	0	0	0	0	0	0	2	
Total	613	6	216	2	47	29	7	0	0	0	2	0	2	924	

Description

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Preliminary or informal investigation:

- B** Substantive advice, information provided without formal finding of wrong conduct
C Advice/explanation provided where no or insufficient evidence of wrong conduct
D Further investigation declined on grounds of resource/priority
E Resolved to Ombudsman's satisfaction
F Resolved by agency prior to our intervention
G Suggestions/comment made
H Consolidated into other complaint
I Conciliated/mediated

Formal investigation:

- J** Resolved during investigation
K Investigation discontinued
L No adverse finding
M Adverse finding

Appendix I

Corrections

Figure 74: Action taken on formal complaints about people in custody finalised in 2010–2011

Figure 74 shows the action we took on each of the formal complaints finalised this year concerning people in custody.

Council	Assessment only	Preliminary or informal investigation									Formal investigation				Total
	A	B	C	D	E	F	G	H	I	J	K	L	M		
Corrective Services NSW	127	49	256	6	190	24	8	12	0	0	1	0	0	673	
GEO Australia	16	3	75	2	70	9	2	0	0	0	0	0	0	177	
Justice Health	9	1	17	0	15	3	0	2	0	0	0	0	0	47	
Serious Offenders Review Council	1	0	0	0	0	0	0	0	0	0	0	0	0	1	
Total	153	53	348	8	275	36	10	14	0	0	1	0	0	898	

Description

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Preliminary or informal investigation:

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Formal investigation:

- J** Resolved during investigation
K Investigation discontinued
L No adverse finding
M Adverse finding

Figure 75: Number of formal and informal complaints about correctional centres, DCS and GEO received in 2010–2011

Institution	Formal	Informal	Total
Bathurst Correctional Centre	36	132	168
Berrima Correctional Centre	2	14	16
Broken Hill Correctional Centre	1	4	5
Cessnock Correctional Centre	12	40	52
Community Offender Services	22	64	86
Compulsory Drug Treatment Correctional Centre	1	4	5
Cooma Correctional Centre	13	25	38
Corrective Services	106	289	395
Court Escort/Security Unit	13	6	19
Dawn De Loas Special Purpose Centre	13	60	73
Dillwynia Correctional Centre	11	50	61
Emu Plains Correctional Centre	5	47	52
Glen Innes Correctional Centre	1	4	5
Goulburn Correctional Centre	55	160	215
Grafton Correctional Centre	12	65	77
Head Office, Department Corrective Services	0	1	1
High Risk Management Correctional Centre	41	45	86
Ivanhoe (Warakirri) Correctional Centre	2	5	7
John Morony Correctional Centre	4	47	51
Junee Correctional Centre	103	312	415
Justice Health	43	262	305
Kariong Juvenile Correctional Centre	29	45	74
Kirkconnell Correctional Centre	4	51	55
Lithgow Correctional Centre	7	70	77
Long Bay Hospital	5	60	65
Mannus Correctional Centre	1	7	8
Metropolitan Remand and Reception Centre	45	213	258
Metropolitan Special Programs Centre	38	251	289
Mid North Coast Correctional Centre	28	190	218
Oberon Correctional Centre	0	2	2
Outer Metropolitan Multi Purpose Centre	5	9	14
Parklea Correctional Centre	68	256	324
Parramatta Correctional Centre	6	19	25
Periodic Detention Centres	0	4	4
Serious Offenders Review Council	1	3	4
Silverwater Correctional Centre	7	59	66
Silverwater Women's Correctional Centre	15	110	125
South Coast Correctional Centre	12	52	64
Special Purpose Prison Long Bay	39	21	60
St Heliers Correctional Centre	4	18	22
State Parole Authority	0	16	16
Tamworth Correctional Centre	4	18	22
The Forensic Hospital	3	5	8
Wellington Correctional Centre	45	232	277
Women's Transitional Centres	1	2	3
Yetta Dhinnakkal (Brewarrina) Correctional Centre	1	1	2
Total	864	3,350	4,214

Some complaints may involve more than one centre.

Appendix J

Freedom of information

Figure 76: Action taken on formal complaints about FOI finalised in 2010–2011

Figure 76 shows the action we took on each of the written complaints finalised this year about individual public sector agencies relating to freedom of information.

Council	Assessment only	Preliminary or informal investigation								Formal investigation				Total
	A	B	C	D	E	F	G	H	I	J	K	L	M	
Ambulance Service of NSW	0	0	1	0	1	0	0	0	0	0	0	0	0	2
Attorney General	0	0	0	0	1	0	0	0	0	0	0	0	0	1
Ballina Shire Council	0	0	0	0	1	0	0	0	0	0	0	0	0	1
Coffs Harbour City Council	0	0	1	0	0	0	0	0	0	0	0	0	0	1
Communities NSW	0	0	0	0	1	0	0	0	0	0	0	0	0	1
Community Services NSW	1	0	0	0	0	0	0	0	0	0	0	0	0	1
Corrective Services NSW	1	0	3	0	0	0	0	0	0	0	0	0	0	4
Department of Education and Training	2	0	2	0	2	1	0	0	0	0	0	0	0	7
Department of Environment, Climate Change and Water	0	0	0	1	1	0	0	0	0	0	0	0	0	2
Department of Lands	1	0	0	0	1	0	0	0	0	0	0	0	0	2
Department of Planning	0	0	1	0	2	0	0	0	0	0	0	0	0	3
Department of Premier and Cabinet	0	0	3	1	0	1	0	0	0	1	1	0	0	7
Department of Services, Technology and Administration	0	0	0	0	0	1	0	0	0	0	0	0	0	1
Department of Water and Energy	0	0	1	0	0	0	0	0	0	0	0	0	0	1
Gosford City Council	0	0	1	0	0	0	0	0	0	0	0	0	0	1
Greyhound and Harness Racing Regulatory Authority	0	0	0	0	1	0	0	0	0	0	0	0	0	1
Hunter and New England Area Health Service	1	0	0	0	1	0	0	0	0	0	0	0	0	2
Independent Pricing and Regulatory Tribunal	0	0	1	0	0	0	0	0	0	0	0	0	0	1
Justice Health	0	0	0	0	1	0	0	0	0	0	0	0	0	1
Manly Council	0	0	0	0	0	0	1	0	0	0	0	0	0	1
Newcastle City Council	1	0	0	0	0	0	0	0	0	0	0	0	0	1
NSW Maritime Authority	1	0	0	0	1	0	0	0	0	0	0	0	0	2
NSW Police Force	5	1	7	0	13	1	0	0	0	1	0	0	0	28
Outside our jurisdiction - Ministers/MPs/Governor/Parliament	1	0	0	0	0	0	0	0	0	0	0	0	0	1
Penrith City Council	0	0	1	0	0	0	0	0	0	0	0	0	0	1
Rail Corporation New South Wales (RailCorp)	0	0	1	0	1	0	0	0	0	0	1	0	0	3
Roads and Traffic Authority	0	0	1	0	0	0	0	0	0	0	0	0	0	1
Ryde City Council	0	0	0	0	0	1	0	0	0	0	0	0	0	1
Shellharbour City Council	0	0	1	0	0	0	0	0	0	0	0	0	0	1

Council	Assessment only	Preliminary or informal investigation								Formal investigation				Total
	A	B	C	D	E	F	G	H	I	J	K	L	M	
State Transit Authority of NSW	0	0	0	0	2	0	0	0	0	0	0	0	0	2
Sydney Ferries Corporation	0	0	0	0	1	0	0	0	0	0	0	0	0	1
Sydney West Area Health Service	0	0	1	0	0	0	0	0	0	0	0	0	0	1
Transport NSW	2	0	0	0	1	0	0	0	0	0	0	0	0	3
Tweed Shire Council	1	0	0	0	0	0	0	0	0	0	0	0	0	1
Upper Lachlan Shire Council	0	0	0	0	1	0	0	0	0	0	0	0	0	1
Total	17	1	26	2	33	5	1	0	0	2	2	0	0	89

Description

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J Resolved during investigation

K Investigation discontinued

L No adverse finding

M Adverse finding

Appendix K

Report on police use of emergency powers to prevent or control public disorder

This report is provided in accordance with section 87O(5) of the *Law Enforcement (Powers and Responsibilities) Act 2002* (LEPRA). Under LEPRA, the Ombudsman must report annually on our work in keeping under scrutiny the exercise of powers conferred on police to prevent or control public disorder.

Emergency powers were given to police to deal with actual or threatened large-scale public disorder. The initial powers were temporary, but in December 2007 the NSW Parliament decided to continue the powers – known as Part 6A LEPRA or the emergency powers. It also extended the Ombudsman's role to keep under scrutiny the use of the emergency powers.

Part 6A provides police with extraordinary powers in circumstances where the authorising officer reasonably believes large-scale public disorder is occurring or is threatened to occur in the near future, and they are satisfied that the emergency powers are reasonably necessary to control that public disorder. The powers include establishing a cordon or roadblock around a target area or road, stopping and searching vehicles or pedestrians in the target area, requiring identification details of people in the target area, seizing and detaining things including mobile phones and vehicles, and directing groups to disperse. Police can also impose emergency alcohol free zones and prohibitions on the sale or supply of liquor.

Under Part 6A, the Commissioner of Police must provide the Ombudsman with a report about any uses of the powers within three months. The Ombudsman may also require the Commissioner or any public authority to provide information about the exercise of those powers. Under a memorandum of understanding, the NSWPF has agreed to provide us with biannual reports that cover all uses of the Part 6A powers, details of any instances where the powers were seriously considered but not used, and advice about training undertaken and amendments to policies and procedures.

Police used the emergency powers on one occasion in 2010-2011 at Wallaga Lake Koori Village. They seriously considered using the powers on three other occasions, but decided to control the situation by other means.

Using the powers at Wallaga Lake Koori Village

On 3 March 2011, Assistant Commissioner Michael Fuller authorised use of the emergency powers for a period of 48 hours to respond to public disorder in Wallaga Lake Koori Village. This is a small community on the south coast of NSW, falling within the boundaries of the Far South Coast Local Area Command (LAC).

Background to the use of the powers

Police have documented a history of tension in the community going back over a number of years, particularly involving disputes between certain family groups living in the village. Conflict between these groups escalated in December 2010 and January 2011. There were fights involving significant numbers of people and injuries to some of those involved. The conflict continued throughout February, and in late February police received information

that some parties were using social networking media to rally support for an open conflict between the factions. Supporting documentation shows that people from other locations intended to come to Wallaga Lake Koori Village to join the conflict.

On 2 March 2011, two violent confrontations took place between the feuding groups involving approximately 20 people. Police reported that people were armed with 'boondi sticks', iron bars and axe handles. They reported that two vehicles being driven menacingly collided. Five people were hospitalised as a result of the fracas.

The application for authorisation to use the emergency powers paints a picture of the public disorder in the village. Police patrolled Wallaga Lake throughout 3 March 2011, and received information that extended family members were travelling from other locations to take part in the conflict. The local pre-school closed due to fears of violence in the community. By mid afternoon, police observed large groups of people congregating and consuming alcohol. They also received information that some community members had started gathering ammunition, petrol bombs had been made for an anticipated confrontation that evening, and firearms may be present in the community. That afternoon, police patrols noted fires that appeared to have been lit by community members. One group had blocked the single access roadway to the village and set fire to a vehicle. Groups of non-residents affiliated with the feuding community members started to arrive and police negotiated with some of them to leave the area due to safety concerns. Additional police, including officers from outside the area and the Region Operational Support Group and the Public Order Riot Squad, were called to assist in patrols and in responding to the anticipated violence.

Before the authorisation to use the emergency powers, police established a roadblock to deter people from entering the village to participate in the conflict. Police advise they used 'breach of the peace powers' and section 186 of LEPRA to do this, and then negotiated with people to persuade them to leave the area. Section 186 LEPRA, which is not an emergency power but one of the ordinary powers available to police, enables them to temporarily close a road or road-related area to traffic during any temporary obstruction or danger to traffic or for any temporary purpose.

Police records are unclear about how many people arrived and tried to gain entry to Wallaga Lake Koori Village on the afternoon of 3 March 2011. One record indicates that police turned away three car loads, another suggests that police were outnumbered by 80 people trying to gain access to the village to fight. During the afternoon, police evacuated 39 people – of which 15 were community members from one side of the conflict – due to safety concerns, and arranged temporary emergency accommodation for them.

It appears that police were successful in keeping non-residents from entering the village and joining in any public disorder before the authorisation to use the emergency powers. However the Far South Coast Commander applied for authorisation to use the Part 6A powers on the evening of 3 March 2011, because of the presence of alcohol, information about firearms and weapons, and threats made by both the groups. The application stated that police had a strong belief the public disorder would 'continue and pose serious risk to the public safety of the residents of Wallaga Lake Koori Village'.

Authorisation to use the emergency powers

On the evening of 3 March 2011, the Acting Superintendent of Far South Coast LAC applied to Assistant Commissioner Michael Fuller for authorisation to use the emergency powers set out in Part 6A of LEPRA. Authorisation was granted at 9.45pm that evening to use the emergency powers for 48 hours.

The authorisation permitted police to establish a cordon or roadblock around a target area or road, stop and search vehicles or pedestrians in the target area, require identification details of people in the target area, seize and detain things, and direct groups to disperse.

Part 6A of LEPRA sets out that authorisation may be given to prohibit the sale or supply of liquor and establish emergency alcohol-free zones. On this occasion, the Assistant Commissioner determined that these powers were not immediately necessary and no authorisation was given to use them.

The target area for the use of the powers covered areas where public disorder was expected to occur, including the entrances and exits for the village. Officers assisting with this incident were given maps and briefed about the extent of the target area.

The commander's intent for the use of the emergency powers was:

To facilitate a safe and secure environment within the Wallaga Lake Koori Village through the use of Local, Region and Specialist resources to ensure the safety of residents of the village, the security of residents property and to prevent the escalation of Public Disorder.

How police used the powers

Police used high visibility patrols to try to monitor the situation and maintain order before, after and during the emergency authorisation period. During the operation, they used roadblocks to prevent people entering the village. It is unclear how many vehicles or people were turned away while the powers were in use as no records were kept at the roadblock sites. Other documents created during and after the operation estimate the numbers turned away from the village. One estimate was that 80 people were turned away, another estimated 35 people. Yet another estimate was that 15 vehicles were stopped at the two roadblocks that police established at the access points to the village – and only two of these were allowed entry after providing valid reasons. Under the authorisation, police could stop and search vehicles within the target area and search people and anything in their possession or control. Police created COPS records about stopping and searching two vehicles on 4 March 2011, obtaining details of the occupants as permitted by the emergency powers. The occupants of the vehicles were directed away from the area and police indicate they complied without incident. The available police records do not detail any other searches or indicate that any items were seized by police. Another vehicle was stopped on 4 March 2011 inside the target area. Police checks revealed the driver was disqualified and the vehicle was unregistered and uninsured, so they issued the driver with a court attendance notice for these offences.

An operation log notes on the afternoon of Sunday 5 March 2011 that six vehicles containing non-residents were prevented from entering the village. Presumably police used the emergency powers to obtain details of the occupants of the vehicles to find out if they were residents, but use of this power was not documented.

A range of available powers were ultimately not used by police – including the power to seize and detain things, disperse groups (police indicated that groups of people were turned away by negotiation rather than by being ordered to leave), and power to stop vehicles that are outside the target area if police suspect on reasonable grounds that the occupants intend to participate in the public disorder.

The emergency powers remained in force for the full 48 hours. Periodic police reports throughout the operation indicate a de-escalation of tensions and no further incidents of public disorder occurred either within or outside the village during the operation.

No arrests were made as a result of the use of the emergency powers. However, seven people were arrested and charged with offensive conduct and one was charged with breach of bail as a result of the violent confrontations on 2 March 2011.

It appears that police did try to work with community members to de-escalate community tensions. During the incident they liaised with social workers, Aboriginal Legal Service and Aboriginal Land Council and Aboriginal housing providers to help understand the situation and work towards some solutions. After the incident, officers from the NSWPF participated in a multi-agency meeting chaired by the Department of Premier and Cabinet to discuss longer term solutions to the community tensions.

Police reported positive feedback was received from Aboriginal elders about the police response helping to de-escalate the situation.

NSWPF review of the use of emergency powers

Following the operation, the Southern Region and Far South Coast LAC conducted debriefs. These noted the use of the Part 6A powers had been effective and generally the operation ran smoothly.

Two primary issues were identified about the Part 6A powers:

- | The local area commander suggested that NSWPF needed a template to make applications for Part 6A powers. Although there is a template for the authorisation, there is no template application form.
- | A number of uses of the powers during the 48 hour authorisation period were not recorded. An Inspector from the Far South Coast LAC commented 'it appears only a proportion of the activity conducted by police in terms of preventing vehicles from entry at the roadblocks to Wallaga Lake was captured'.

A further internal review of the use of the emergency powers conducted by the Commander of the Major Events and Incidents Group noted both these issues.

The Public Order Law Manual states that 'it is desirable to record the name of persons refused permission to enter or leave a checkpoint and brief reasons for that refusal. The information could be recorded on a running sheet or in an official notebook'. The reviewing commander indicated that had information about people refused entry into the village been recorded in this way, it could have later been transferred to the COPS database.

The reviewing commander considered the threat of large scale public disorder 'certainly existed' and the use of the powers was appropriate in these circumstances. He stated:

The provision of these additional powers greatly assisted police in preventing persons entering the village for the purpose of engaging in violence and property damage. The evidence indicates that numerous non-residents were refused entry to the target area. Had these persons gained entry and engaged in criminal activity I have no doubt that both police and the general public would have incurred serious injuries.

The reviewing commander noted that police did not unnecessarily invoke alcohol restrictions and did not restrict the entry of residents and others who had a legitimate need to enter the village. He noted that the key strategy of establishing roadblocks and controlling access to the village was effective in preventing the anticipated disorder and patrols within the target area maintained peace.

The NSWPF review made no recommendations for changes in legislation, policy or internal procedures. They undertook to work towards preparing a template application form for use of the powers to be included in the *Public Order Law manual*, and noted this incident will now serve as a case study in the Incident Commanders Course.

Ombudsman's comments

We reviewed the available documentation about the incident, including the debriefing and internal review documents. Police appeared to be managing the situation reasonably well before the authorisation to use emergency powers. They had established a roadblock and were effectively using high-visibility patrols and negotiation to deter people from entering the village and avoid further incidents of affray. There is no definition of 'large scale' in the Act. However available documentation clearly suggests that incidents of violence and disorder had taken place, resulting in injury to people and damage to property. Police subsequently advised us that the additional powers available under Part 6A (such as searching people and vehicles and seizing things) may have been necessary if their other strategies failed to maintain order.

In general, it appears that the powers were used selectively and with restraint – restrictions on the use or sale of alcohol were not imposed and police appear to have negotiated with community members to de-escalate tensions.

Our central concern with this operation is the lack of records about the people refused entry to the village under the emergency powers. Although running logs from the forward command post provide an overview of the operation, there appears to be no records from the roadblock sites. Also, the only other records of exercising powers under Part 6A relate to three vehicles stopped within the target area on 4 March 2011. This clearly does not account for the larger numbers refused entry. It is also unclear whether police conducted searches of vehicles at the roadblock sites.

It appears the orders to officers at the roadblock may have changed during the course of the authorisation period. A reference in a police timeline of events occurring on 3 March indicates 'roadblock and vehicle searches being conducted on vehicles as they arrive no persons able to enter however able to leave – nil issues'. An operational log dated 5 March 2011 indicates staff were given verbal orders 'confirming residents allowed in/out upon confirmation they are actually residents ... non-residents not permitted to enter Wallaga Lake Village'.

The lack of documentation about those refused access makes it difficult to determine if any residents were inappropriately refused entry to the village and their homes. An absence of such records would also make it difficult to

address any complaints that may be received from people who feel they have been unreasonably excluded from their home or workplace.

The law about establishing a roadblock under the emergency powers states that police may prevent people entering or leaving the target area. They must not refuse permission for a person to leave the area unless it is reasonably necessary to do so to avoid a risk to public safety or the person's own safety. Although the legislation is silent on the issue of refusing individuals access to their homes if they are within the target area, the *Public Order Law manual* indicates that people who have a legitimate reason to enter an area – such as work or residence – should generally not be prevented from entering unless the circumstances pose a real risk to their safety.

We received one inquiry call during the authorisation period from a resident who indicated he had been prevented entry to the village, but no formal complaint was made.

We have commented in previous reports about keeping appropriate records about the exercise of the emergency powers. In this case, although it may not have been possible to record each individual refused entry due to the volume of people at the roadblock, it may have been possible for officers to record the vehicle registration details.

The measures proposed by the commander reviewing the use of the emergency powers appear appropriate. We note that police debriefs identified record-keeping as a matter of concern. We will continue to monitor the way police record their use of the emergency powers.

Considered uses of the powers

We were advised in November 2010 that the NSWPF seriously considered using the Part 6A powers on three occasions during the reporting period.

All three occasions were in early April 2010, and related to police concerns about possible violence between rival motorcycle gangs in the Kings Cross and Bankstown areas. On one occasion informal risk assessments determined the risk of large-scale public disorder was low and the local area command decided not to apply for a Part 6A authorisation.

On the second and third occasions that the powers were considered, police monitored the presence of rival gang members and decided that ordinary police powers were sufficient to manage the situation – and the threat of public disorder did not eventuate. No applications were made for authorisation of the powers for these incidents.

This advice tends to show that the NSWPF continues to assess whether the powers may be necessary to respond to threats of large-scale public disorder or whether ordinary police powers may be sufficient. This kind of assessment is important given the impact the emergency powers may have on members of the public, including those not involved in any public disorder.

Appendix L

Committees

Significant committees

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

Staff member	Committee name
Ombudsman Bruce Barbour	Board member, Pacific Ombudsman Alliance; Institute of Criminology Advisory Committee; Reviewable Disability Deaths Advisory Committee; Reviewable Child Deaths Advisory Committee; Public Interest Disclosures Steering Committee (part year); Convenor, NSW Child Death Review Team
Deputy Ombudsman (Public Administration & Strategic Projects Branch) Chris Wheeler	Local Government Liaison Group; Public Information Disclosure Steering Committee
Deputy Ombudsman/Community and Disability Services Commissioner Steve Kinmond	Police Aboriginal Strategic Advisory Committee (PASAC); Reviewable Disability Deaths Advisory Committee; Reviewable Child Deaths Advisory Committee
Former Deputy Ombudsman (Police & Compliance) Greg Andrews	International Network for the Independent Oversight of Police; Early Intervention System Steering Committee
Director Corporate Anita Whittaker	Management board of the NSW Audit and Risk Practitioners Group
Principal Investigator Sue Phelan	Child Protection and Sex Crimes Squad Advisory Council
Director, Strategic Projects Division Julianna Demetrius	PASAC, NSW Police Force Domestic Violence Steering Committee
Manager, Aboriginal Unit Laurel Russ	PASAC
Division Manager (Public Administration Division) Anne Radford	Complaint Handlers Information Sharing and Liaison Group (formerly JIG)
Inquiries and Resolution Team Manager Vince Blatch	Complaint Handlers Information Sharing and Liaison Group
Senior Investigation Officer Maxwell Britton	Corruption Prevention Network
Division Manager (Strategic Projects Division) Brendan Delahunty	PASAC
Community Education & Training Coordinator Anna Papanastasiou	Network of Government Agencies: Gay, Lesbian, Bisexual and Transgender Issues

Reviewable Disability Deaths Advisory Committee

Mr Bruce Barbour	Ombudsman (chair)
Mr Steve Kinmond	Deputy Ombudsman and Community and Disability Services Commissioner
Ms Margaret Bail	Human services consultant
Professor Helen Beange AM	Clinical Professor, Faculty of Medicine, University of Sydney
Ms Linda Goddard	Acting Undergraduate Courses Director, Senior Lecturer: Intellectual Disability, Chronic Care and Mental Health, School of Nursing, Midwifery & Indigenous Health, Charles Sturt University
Assoc Prof Alvin Ing	Senior Staff Specialist, Respiratory Medicine, Bankstown-Lidcombe Hospital and Senior Visiting Respiratory Physician, Concord Hospital
Dr Cheryl McIntyre	General practitioner, Obstetrician (Inverell)
Dr Ted O'Loughlin	Senior staff specialist, Gastroenterology, The Children's Hospital at Westmead
Dr Rosemary Sheehy	Geriatrician/Endocrinologist, Sydney Local Health Network
Ms Anne Slater	Physiotherapist, Allowah Children's Hospital (resigned March 2011)
Assoc Prof Ernest Somerville	Director, Comprehensive Epilepsy Service, Prince of Wales Hospital
Assoc Prof Julian Trollor	Chair, Intellectual Disability Mental Health, School of Psychiatry, Head, Department of Developmental Disability Neuropsychiatry, University of New South Wales

Appendix M

Compliance annual reporting requirements

Under the *Annual Reports (Departments) Act 1985*, the Annual Reports (Departments) Regulation 2010 and various Treasury circulars, our office is required to include in this report information on the following topics:

Topic	Comment/location
Access	Back cover
Aims and objectives	Pages 16-17
Charter	Inside front cover
Consultants	We used no consultants this year
Consumer response	Pages 12
Controlled entities	We have no controlled entities
Code of conduct amendments	Code of conduct was reviewed and there were no substantial changes made and is available on our website at www.ombo.nsw.gov.au
Credit card certification	The Ombudsman certifies that credit card use in the office has met best practice guidelines in accordance with Premier's memoranda and Treasury directions.
Departures from <i>Subordinate Legislation Act 1989</i>	This year we did not depart from the requirements of the Subordinate Legislation Act.
Disability plans	Appendix P
Economic or other factors	Pages 19, 114-116
Electronic service delivery	We have an electronic service delivery program to meet the government's commitment that all appropriate government services be available electronically. We provide an online complaints form, an online publications order form and a range of information brochures on our website.
Energy management	Pages 20-21
Equal Employment Opportunity	Pages 25-26
Evaluation of programs worth at least 10% of expenses and the results	We reviewed our work processes and how we capture and report on data across all our programs.
Executive positions	Pages 24-25
Financial statements and identification	Pages 116-136
Funds granted to non-government community organisations	We did not grant any funds of this sort
<i>Government Information (Public Access) Act 2009</i>	Appendix O
Guarantee of service	Inside front cover
Human resources	Pages 24-25
Is the report available in non-printed formats?	Yes
Is the report available on the internet?	Yes, at www.ombo.nsw.gov.au
Legal change	Appendix N
Letter of submission	Page 1
Major works in progress	There were no such works
Management and activities	This report details our activities during the reporting period. Specific comments can be found on pages 2-13.
Management and structure: names of principal officers, appropriate qualifications; organisational chart indicating functional responsibilities	Pages 6-7
Multicultural policies and services program (formerly Ethnic Affairs Priority Statement)	Appendix P and page 21
Must distinguish between complaints made directly to our office and those referred to us	There were seven complaints referred to us from other agencies.
NSW Government Action Plan for Women	Appendix P
Occupational health and safety	Page 26-27

Topic	Comment/location
Particulars of any matter arising since 1 July 2011 that could have a significant effect on our operations or a section of the community we serve	Not applicable
Particulars of extensions of time	No extension applied for
Payment of accounts	Page 115
Privacy management plan	We have a privacy management plan as required by s.33(3) of the <i>Privacy and Personal Information Protection Act 1988</i> and includes our obligations under the <i>Health Records and Information Privacy Act 2002</i> . This year we received in April 2011 and finalised in June 2011 one request for an internal review under Part 5 of the Act. We also finalised in August 2010 a request for an internal review received in June 2010.
Promotion – overseas visits	Pages 99–100
Research and development	Pages 61–62, 105-107 and Appendices B and K
Risk management and insurance activities	Pages 15
Summary review of operations	Pages 4 and 6
Time for payment of accounts	Page 116
Total external costs incurred in the production of the report	\$35,000 (including GST)
Unaudited financial information to be distinguished by note	Not applicable
Waste	Page 20

Appendix N

Legislation and legal matters

Legislation relating to Ombudsman functions

- | *Ombudsman Act 1974*
- | *Community Services (Complaints, Reviews and Monitoring) Act 1993*
- | *Police Act 1990*
- | *Government Information (Public Access) Act 2009*
- | *Government Information (Information Commissioner) Act 2009*
- | *Freedom of Information Act 1989* – applied by the *Government Information (Public Access) Act 2009*
- | *Public Interest Disclosures Act 1994*
- | *Witness Protection Act 1995*
- | Enabling legislation for NSW universities – as amended by the *Universities Legislation Amendment (Financial and Other Powers) Act 2001*
- | *Children and Young Persons (Care and Protection) Act 1998*
- | *Commission for Children and Young People Act 1998*
- | *Law Enforcement (Controlled Operations) Act 1997*
- | *Telecommunications (Interception and Access) (New South Wales) Act 1987*
- | *Law Enforcement (Powers and Responsibilities) Act 2002*
- | *Surveillance Devices Act 2007*
- | *Terrorism (Police Powers) Act 2002*
- | *Criminal Procedure Act 1986*

Litigation

In 2010-2011, we were a party (as third respondent) to the following legal action:

- | *Micro Focus (US) Inc & Ors v NSW Police Force, Police Integrity Commission & NSW Ombudsman* - in the Federal Court of Australia seeking orders under s.115(2) of the *Copyright Act 1968* (Cth).

Legal changes

Children Legislation Amendment (Wood Inquiry Recommendations) Act 2009

This Act amended, among other Acts, the *Commission for Children and Young People Act 1998* to give effect to recommendations of the Special Commission of Inquiry into Child Protection Services in NSW (the Wood Inquiry) that the NSW Ombudsman convenes the Child Death Review Team and takes responsibility for the team's secretariat and research functions. This amendment came into operation on 11 February 2011.

Crimes (Criminal Organisations Control) Act 2009

This Act provided for an eligible judge to make a declaration for an organisation and a control order for a member of a declared organisation. It gave the NSW Ombudsman the function of monitoring the exercise of powers under this Act and reporting to the Attorney General and the Commissioner of Police. On 23 June 2011, this Act was declared invalid by the High Court in *Wainohu v State of New South Wales* [2011] HCA 24.

Protected Disclosures Amendment (Public Interest Disclosures) Act 2010

This Act amended the *Protected Disclosures Act 1994* to:

- | extend its protections to include compensation for reprisals and injunctions to prevent reprisals
- | reduce the threshold for protection to include whistleblowers who honestly believe on reasonable grounds that their disclosure shows or tends to show wrongdoing by a public authority – including a failure to exercise functions in accordance with the *Government Information (Public Access) Act 2009*
- | change its name to the *Public Interest Disclosures Act 1994*.

The amending Act also gave the Ombudsman oversight functions that include monitoring and auditing the compliance of public authorities with the requirements of the Public Interest Disclosures Act, and established a Public Interest Disclosures Steering Committee – chaired by the Ombudsman – to provide advice and report to the Minister. These amendments came into operation on 1 July 2011.

External legal advice sought

- | Mr MG Sexton SC, Solicitor General, with Dr JG Renwick – advice about the exercise of the Ombudsman's functions under the *Surveillance Devices Act 2007*.
- | Mr MG Sexton SC, Solicitor General - advice about the *Telecommunications (Interception and Access) Act 1979* (Cth).
- | Mr A Robertson SC (now The Honourable Justice Robertson of the Federal Court of Australia) with Ms K Stern – advice about the scope of the Ombudsman's powers under Part 8A of the *Police Act 1990*.

Appendix O

GIPA Report

The following information is provided under section 125 of the *Government Information (Public Access) Act 2009* and clause 7 of the *Government Information (Public Access) Regulation 2009*.

We have continually reviewed the open access information we make available to the public. The secrecy provisions of the Ombudsman Act prevent us from making information about much of our work publicly available, but despite this we have:

- | made our policy documents available in pdf format on our website, and we are continuing to update these as changes are made
- | placed information about our work on the latest news section of our website. This provides details about visits to rural and regional centres, training sessions conducted and other information that may be of broader public interest. This section of the website is usually updated twice a month
- | prepared a number of e-newsletters that provide information about our work. These include *Ombo-info*, which has a subscription list of 1,500, and the public interest disclosures e-news that has a distribution list of 450
- | provided speeches made by the Ombudsman and Deputy Ombudsman in pdf format on our website.

We received one valid access application during 2010-2011 and seven invalid applications. We gave full access to the information sought in the valid access application. The invalid applications mainly sought access to documents relating to our complaint handling, investigative and reporting functions – this is excluded information under Schedule 2 to the Act.

Schedule 2: Statistical information about access applications

(Clause 7)

Table A: Number of applications by type of applicant and outcome

	Access granted in full	Access granted in part	Access refused in full	Information not held	Information already available	Refuse to deal with application	Refuse to confirm/deny whether information is held	Application withdrawn
Media	–	–	–	–	–	–	–	–
Members of Parliament	–	–	–	–	–	–	–	–
Private sector business	–	–	–	–	–	–	–	–
Not-for-profit organisations or community groups	–	–	–	–	–	–	–	–
Members of the public (application by legal representative)	–	–	–	–	–	–	–	–
Members of the public (other)	1	–	–	–	–	–	–	–

Table B: Number of applications by type of application and outcome

	Access granted in full	Access granted in part	Access refused in full	Information not held	Information already available	Refuse to deal with application	Refuse to confirm/deny whether information is held	Application withdrawn
Personal information applications	1	-	-	-	-	-	-	-
Access applications (other than personal information applications)	-	-	-	-	-	-	-	-
Access applications that are partly personal information applications and partly other	-	-	-	-	-	-	-	-

Table C: Invalid applications

Reason for invalidity	No of applications
Application does not comply with formal requirements (section 41 of the Act)	2
Application is for excluded information of the agency (section 43 of the Act)	5
Application contravenes restraint order (section 110 of the Act)	-
Total number of invalid applications received	7
Invalid applications that subsequently became valid applications	-

Table D: Conclusive presumption of overriding public interest against disclosure: matters listed in Schedule 1 to Act

	Number of times consideration used*
Overriding secrecy laws	-
Cabinet information	-
Executive Council information	-
Contempt	-
Legal professional privilege	-
Excluded information	-
Documents affecting law enforcement and public safety	-
Transport safety	-
Adoption	-
Care and protection of children	-
Ministerial code of conduct	-
Aboriginal and environmental heritage	-

Table E: Other public interest considerations against disclosure: matters listed in table to section 14 of Act

	Number of occasions when application not successful
Responsible and effective government	–
Law enforcement and security	–
Individual rights, judicial processes and natural justice	–
Business interests of agencies and other persons	–
Environment, culture, economy and general matters	–
Secrecy provisions	–
Exempt documents under interstate Freedom of Information legislation	–

Table F: Timeliness

	Number of applications
Decided within the statutory timeframe (20 days plus any extensions)	1
Decided after 35 days (by agreement with applicant)	–
Not decided within time (deemed refusal)	–
Total	1

Table G: Number of applications reviewed under Part 5 of the Act (by type of review and outcome)

	Decision varied	Decision upheld	Total
Internal review	–	–	–
Review by Information Commissioner	–	1	1
Internal review following recommendation under section 93 of Act	–	–	–
Review by ADT	–	–	–
Total	–	1	1

Table H: Applications for review under Part 5 of the Act (by type of applicant)

	Number of applications for review
Applications by access applicants	1
Applications by persons to whom information the subject of access application relates (see section 54 of the Act)	–

Appendix P

Access and equity programs

Multicultural action plan

Key priority area	Planned outcome	Strategies	Progress report	
Planning and evaluation	Integrate multicultural policy goals into our corporate and business planning and review mechanisms.	Develop a multicultural action plan which includes performance measures, strategies to assess progress, and indicators for improved performance.	<ul style="list-style-type: none"> We developed our multicultural action plan (MAP), detailing strategies and actions to improve our services to culturally and linguistically diverse (CALD) people, and it has been approved by the Ombudsman. Our MAP is outcome-ocused with assigned responsibilities. It is a living document with a built-in monitoring and reporting mechanism. 	
		Ensure that strategies to address issues relating to CALD people are reflected in or linked to our corporate plan and relevant business plans.	<ul style="list-style-type: none"> Strategies to address issues relating to CALD people are linked to our corporate plan and relevant business plans. We have developed an office-wide reporting mechanism that helps our business units to capture, report on and monitor all outreach activities – including those that may affect CALD people. Senior management is given quarterly reports on the implementation of our MAP. 	
		Gather and analyse information about issues affecting CALD people and inform business planning processes.	<ul style="list-style-type: none"> We are reviewing the way we collect and use demographic data to better inform our business planning process and to improve service provision to all vulnerable groups, including CALD people. 	
	Policy development and service delivery is informed by our expertise, client feedback and complaints, and participation on advisory boards, significant committees and consultations.		Establish a cross-office MAP advisory committee to ensure that all business areas participate in the multicultural planning process.	<ul style="list-style-type: none"> Our MAP advisory committee, headed by a senior officer and with representatives from all business areas, meets regularly to provide advice and support and to monitor the implementation of our MAP.
			Ensure that the needs of CALD people are reflected in our stakeholder engagement strategy.	<ul style="list-style-type: none"> The needs of CALD people are reflected in the office stakeholder engagement plan that will be incorporated into all relevant business plans.
			Consult regularly with key multicultural groups to identify gaps in our awareness strategies and service delivery and ensure that issues identified are reflected in our planning process.	<ul style="list-style-type: none"> We consult with key CALD organisations such as migrant resource centres, migrant workers networks and ethno specific community organisations to promote our services to CALD communities, and to identify gaps in our awareness strategies and service deliveries.
			Take all reasonable steps to encourage CALD people to participate in relevant committees, roundtable discussions and public forums.	<ul style="list-style-type: none"> We consulted with key CALD organisations such as the Multicultural Disability Advocacy Association on a range of issues relevant to CALD people with disabilities. We have included CALD people, where appropriate, in any consultations for our project and other core business work.

Key priority area	Planned outcome	Strategies	Progress report
Capacity building and resourcing	Senior management actively promote and are accountable for the implementation of the principles of multiculturalism within the office and wider community.	Multicultural plan endorsed and promoted to staff by Ombudsman.	<ul style="list-style-type: none"> Our MAP was approved as office policy by the Ombudsman and made available to all staff.
	Our capacity is enhanced by the employment and training of people with linguistic and cultural expertise.	Ensure that our MAP assigns clear responsibilities to key staff and division management for its implementation, and review their performance agreements to ensure accountabilities for multicultural affairs are clearly assigned.	<ul style="list-style-type: none"> The Director Corporate is the appointed lead officer for our multicultural policies and programs planning process, and holds overall responsibility for developing and implementing our MAP. Our MAP assigns clear responsibilities to all relevant staff.
		Use Community Language Allowance Scheme (CLAS), monitor its implementation, and develop a register of staff who have bilingual skills and cultural and community knowledge to assist in our communications with our clients.	<ul style="list-style-type: none"> We have actively promoted and used the CLAS program within our office. Four staff members who receive the CLAS allowance jointly cover five community languages. Our CLAS register is available on our intranet for all staff to use.
Program and services	Identify barriers to access to our services for CALD communities, and develop programs and services to address issues identified.	Review our guidelines on the use of interpreters and translators and provide training to all staff.	<ul style="list-style-type: none"> All our frontline staff are trained in the use of interpreters and translators.
	Use a range of communication formats and channels to inform CALD communities about our programs, services and activities.	Ensure that our budget for interpreter services and interpreter use is monitored and reviewed.	<ul style="list-style-type: none"> We have allocated funds for providing interpreting and translation services. A register of our use of interpreting and translation services is kept to inform our decision-making in developing community language information.
		Review our information in community languages and develop accessible and appropriate information material in a range of formats (written, audio, online, etc) to meet the specific needs of CALD communities following consultation with key community organisations.	<ul style="list-style-type: none"> We have conducted a comprehensive review of our community language information resources. We developed a multilingual brochure with basic information about our services in 26 community languages. We developed a fact sheet 'Making a complaint to the Ombudsman' and had it translated into 46 community languages. Our information in community languages has been checked by community 'readers' for language and cultural appropriateness.
		Explore and recommend where appropriate the use of a range of technology in targeted community languages to facilitate communication with CALD people and improve access to our services.	<ul style="list-style-type: none"> We are addressing the information needs of CALD communities in our website review and rebuilding project.
		Develop initiatives to raise awareness of, and celebrate the contribution of, CALD people.	<ul style="list-style-type: none"> We participated in various multicultural events to raise awareness of our services among CALD communities, particularly the new and emerging communities. We held information stalls at the African Summer Festival in Parramatta, the Community Information Expo in Eastwood, the Putting the Pieces Together Forum in Parramatta, and the 2011 Refugee Symposium in Fairfield. We promoted our services to newly arrived migrants through adult migrant education services, such as Fairfield ACL.

Disability action plan

Outcomes	Strategies	Report
Identify and remove barriers to services for people with disabilities	Identify barriers to services for people with disabilities including physical, infrastructural, procedural and social barriers.	<ul style="list-style-type: none"> We conducted an internal survey to identify staff skills and knowledge needs in service delivery to people with disabilities. We are conducting further staff consultation to help us develop relevant resources and training programs. Gave ongoing feedback to ADHC on their Aboriginal Cultural Inclusion Framework and other strategies for supporting Aboriginal people with disabilities.
	Incorporate disability access issues in the planning process to reflect the needs of people with disabilities.	<ul style="list-style-type: none"> We linked strategies to address issues relating to people with disabilities to our corporate plan and relevant business plans. Our disability action plan (DAP) advisory committee monitored the implementation of our DAP strategies. We provided senior management with quarterly reports on the implementation of our DAP.
	Review our complaint-handling practices to remove barriers for people with disabilities.	<ul style="list-style-type: none"> We reviewed our complaint-handling practices to identify any gaps in service provision for people with disabilities. We are developing a guideline for dealing with complaints from people with disabilities.
	Improve data and data collection in relation to disability issues.	<ul style="list-style-type: none"> We are reviewing the way we collect and use demographic data to better inform our business planning process and to improve service provision to all vulnerable groups, including people with disabilities.
	Improve disability awareness among all staff.	<ul style="list-style-type: none"> Our disability awareness training program is compulsory for all staff and staff attendance is monitored. We continued to support the Don't Dis My Ability campaign and used the opportunity to raise awareness of disability issues and celebrate the achievements of people with disabilities. We promoted disability awareness and provided resources on issues relating to people with disabilities via emails or on our disability resources intranet page. We used forums such as staff meetings to update all staff on the systemic issues affecting people with disabilities and our investigation and project work on improving access to services for people with disabilities and their carers.
Provide information in a range of formats that are accessible to people with disabilities	Improve the accessibility of key information about our services.	<ul style="list-style-type: none"> We updated our easy English pamphlet for people with language difficulties. We produced our general information brochure in a range of accessible formats – including large print, braille, audio and accessible CD – and distributed these resources to all key disability advocacy services through Vision Australia. Our toolkit for consumers of community services in NSW is available in audio.
	Improve the overall usability and accessibility of our website.	<ul style="list-style-type: none"> We are reviewing and rebuilding our website and ensuring it meets the accessibility standards set out in the web content accessibility guidelines.
Make government buildings and facilities physically accessible to people with disabilities	Identify physical and infrastructural barriers to access for people with disabilities.	<ul style="list-style-type: none"> We completed a range of building fit out work – including installing clear and legible braille and tactile signage at our reception area, altering doors and doorways, installing accessible door handles on external doors on all floors, and ensuring unobstructed access to workstations. We used a range of assistive tools such as the TTY and the National Relay Service to improve access for people with disabilities.
	Develop and implement an improvement plan to reduce the barriers identified	<ul style="list-style-type: none"> We developed an office access improvement plan with a priority list based on a comprehensive audit conducted by a certified building inspector, and we are working through the list to improve physical access to our office.
Assist people with disabilities to participate in public consultations and to apply for and participate in government advisory boards and committees	Encourage people with disabilities to take part in our consultative process.	<ul style="list-style-type: none"> We consulted over 300 parents and carers of children with disabilities across NSW about their experience in seeking and obtaining specialist disability and mainstream services and support. We issued a report that highlights the key issues raised in these consultations, outlines recent developments, and indicates the areas that we are pursuing with government agencies.
	Ensure that our venues for public consultations are accessible to people with disabilities.	<ul style="list-style-type: none"> We have an outreach venue checklist and an accessible venue register to assist staff in booking venues for outreach activities.

Outcomes	Strategies	Report
Increase employment participation of people with disabilities in the NSW public sector	Ensure our recruitment practices for all positions are accessible and non-discriminatory.	<ul style="list-style-type: none"> We reviewed our recruitment process to identify and remove barriers for people with disabilities at every stage of recruitment. We are reviewing our job pack to ensure that information about promoting a non-discriminatory workplace, including reasonable adjustment policies, is provided to all job applicants.
	Promote employment opportunities to people with disabilities.	<ul style="list-style-type: none"> As a member of the Australian Employers Network on Disabilities, we participated in training to raise awareness of employment issues faced by people with disabilities.
	Take all reasonable steps to increase employment participation for people with disabilities.	<ul style="list-style-type: none"> We are committed to making reasonable adjustments on request. We reviewed our reasonable adjustment policy and developed a guideline to assist staff processing reasonable adjustment applications.

Action plan for women

Objective	Outcomes for 2010-2011
Reduce violence against women	<ul style="list-style-type: none"> Two members of staff attended the Australian Domestic and Family Violence Clearinghouse (ADFVC) forum and workshop in May 2011, which examined risk factors associated with domestic violence deaths and institutional responses that can help prevent such tragedies. The forum focused on systemic gaps in policies, training and resources. Forum speakers included representatives from the Coroners Prevention Unit, Victoria, ADFVC and the University of Manitoba in Canada. Also in May 2011, staff attended the DV Prosecutor's Course Focus Group at Parramatta Police HQ. Over the past 18 months, the specialist legal consultant within the NSWPF's Domestic and Family Violence Team has been identifying and mentoring prosecutors with the experience and aptitude to be recognised as specialist domestic violence prosecutors. This meeting brought together these specialist prosecutors to brainstorm the structure and content of the two day face-to-face component of the specialist domestic violence course for prosecutors, which will also include a three day e-learning component. We were invited to the meeting as part of our ongoing role in monitoring systemic issues in relation to the policing of domestic violence following our 2006 report to Parliament. The NSWPF are planning to roll out the e-learning component in the last quarter of 2011, with the first session of the face to face component of the training scheduled for February 2012. Tabled a report to Parliament on our audit of the NSWPF's handling of domestic and family violence complaints. At the request of Dr Rita Shackel from the Sydney University Institute of Criminology, we gave a presentation on Aboriginal Child Sexual Assault (ACSA) to a group of Sri-Lankan Fellowes involved in increasing the capacity of Sri-Lankan professionals to deal with child sexual abuse. Attendees included representatives from the Safe Families Program, AANSW and NSW Health. This seminar allowed us to share important information about how to work with communities who are reluctant to report sexual assault, mistrust government agencies and fear retribution. It also helped to build research capacity/learnings with international partners and promote our ACSA research with the Sydney Institute of Criminology.
Promote safe and equitable workplaces that are responsive to all aspects of women's lives	<ul style="list-style-type: none"> We help female staff balance work and care responsibilities by ensuring access to flexible working conditions – including flexible working hours, part-time and job-share arrangements, and leave for family responsibilities. We are committed to achieving and maintaining a harassment free workplace, and have policies and procedures for dealing with workplace grievance and harassment complaints.
Maximise the interests of women	<ul style="list-style-type: none"> We reviewed and updated our women's fact sheet which provides information about our work concerning women, such as overseeing complaints about police failure to deal appropriately with reports of domestic violence and sexual assault. We joined the 2011 International Women's Day celebration by having an information stall at Martin Place. Our staff distributed information about our work and services to hundreds of women attending the event, and provided advice to women who had problems with specific government and non-government agencies.
Improve the access of women to educational and training opportunities	<ul style="list-style-type: none"> We provide equal training and development opportunities for all our staff. We implement government policies on EEO and select and promote staff on merit.
Promote the position of women	<ul style="list-style-type: none"> We are committed to achieving equality and justice for women and have started a review and redevelopment of our Women's Action Plan. We have a diverse workforce featuring a very high representation of women at all levels. Women make up 72.9% of total staff and 68.3% of staff grade six and above. 58% of executive staff, that is our statutory and senior officers are women. 50% of our division managers are women.

Appendix Q

Publications list

We produce a range of publications including general information for the public, guidelines for agencies and organisations we oversight, discussion papers seeking information from the public, final reports at the conclusion of legislative reviews, annual reports outlining the work we have done during the financial year and special reports to Parliament about public interest issues. A full list of our publications we issued during 2010–2011 is available online at www.ombo.nsw.gov.au in Acrobat PDF. Alternative formats can be provided by contacting us.

Special reports to Parliament

- | Responding to the asbestos problem: the need for significant reform in NSW
- | People with disabilities and the closure of residential centres
- | Improving service delivery to Aboriginal people with a disability
- | Unresolved issues in the transfer of the NSW Child Death Review Team to the Office of the NSW Ombudsman
- | Audit of NSW Police Force handling of Domestic and Family Violence complaints
- | Improving probity standards for funded organisations
- | Inquiry into service provision to the Bourke and Brewarrina communities

Annual reports

- | NSW Ombudsman Annual Report 2009-2010
- | Law Enforcement (Controlled Operations) Act Annual Report 2009-2010
- | Official Community Visitors Annual Report 2009-2010

Reports and submissions

- | Report on review of children on statutory care orders with a view to restoration
- | Report on review of the impact of Criminal Infringement Notices on Aboriginal communities
- | Report under Section 49(1) of the *Surveillance Devices Act 2007* for the six months ending 30 June 2010
- | Report under Section 49(1) of the *Surveillance Devices Act 2007* for the six months ending 31 December 2010
- | Report under Section 242(3) of the *Law Enforcement (Powers and Responsibilities) Act 2002* for the period ending 28 May 2010
- | Submission: Inquiry into the high level of involvement of Indigenous juveniles and young adults in the criminal justice system
- | Submission by the NSW Ombudsman Office to the NSW Law Reform Commission Inquiry into Penalty Notices December 2010
- | Submission: Inquiry into services provided or funded by ADHC for children with disabilities (hard copies not available)
- | Submission: Inquiry into services provided or funded by ADHC

Fact sheets and guidelines

- | Child protection fact sheet - Practice Update 2/2010: Reportable Conduct: sexual offences and sexual misconduct
- | Community Services fact sheets 3 to 4 (updated)
- | Cooperative arrangements between the Children's Guardian, Ombudsman and Official Community Visitors
- | Council fact sheets 1 to 3 (updated)
- | Overview of Ombudsman Investigation Process
- | Public Sector Agencies fact sheets 2 to 25 (updated)

- | Official Community Visitors fact sheet 2: Responding to OCV visit reports for service providers
- | What do changes to the public interest disclosures system mean for your public authority?
- | Public Interest Disclosure guidelines A1, A2, B1, B2, E2
- | Model internal reporting policies for public authorities and local government
- | Effective complaint-handling guidelines – 2nd edition

Brochures

- | General information (updated)
- | A voice for people in care (updated)

Newsletters

- | *OmboInfo* Volume 3 Issue 2 (electronic only)
- | *OmboInfo* Volume 1 Issue 4 (electronic only)
- | PID e-news Issues 1 to 4

Glossary

AbSec	Aboriginal Community Care State Secretariat	RTA	Roads and Traffic Authority
ACWA	Association of Children's Welfare Agencies	RYDON	Regional Youth Development Officers Network
ACWP	Aboriginal Community Working Party	SDRO	State Debt Recovery Office
ADHC	Ageing, Disability and Home Care	YLO	Youth liaison officer
AIS	Association of Independent Schools	WDVCAS	Women's Domestic Violence Court Assistance Scheme
ASD	<i>Aboriginal Strategic Direction</i>	WWCC	Working With Children Check
APOR	Australasian and Pacific Ombudsman Region		
CALD	Culturally and linguistically diverse		
CCYP	Commission for Children and Young People		
CEN	Christian Education Network		
CHD	Community Housing Division		
CINs	Criminal infringement notices		
CPR	Child Protection Register		
CSA	Christian Schools Association		
CS-CRAMA	<i>Community Services (Complaints, Reviews and Monitoring) Act 1993</i>		
DAP	Disability Action Plan		
DLG	Division of Local Government		
DVLO	Domestic violence liaison officer		
DEC	Department of Education and Communities		
DFACS	Department of Family and Community Services NSW		
EEO	Equal employment opportunity		
FOI	Freedom of Information		
GIPA Act	<i>Government Information (Public Access) Act 2009</i>		
HACC	Home and community care		
ICAC	Independent Commission Against Corruption		
ICV	In-car video		
IOI	International Ombudsman Institute		
JCC	Joint Consultative Committee		
JGOS	<i>Joint Guarantee of Service for people with mental health problems and disorders living in Aboriginal, community and public housing</i>		
JIRT	Joint Investigation Response Team		
KIDS	Key Information Directory System		
LEPRA	<i>Law Enforcement (Powers and Responsibilities) Act 2002</i>		
LWB	Life Without Barriers		
MAP	Multicultural Action Plan		
MOU	Memorandum of understanding		
MSPC	Metropolitan Special Programs Centre		
MRG	Mandatory Reporter Guide		
NSWALC	NSW Aboriginal Land Council		
NSWPF	NSW Police Force		
OLGR	Office of Liquor, Gaming and Racing		
OCVs	Official community visitors		
OH&S	Occupational health and safety		
OOHC	Out-of-home care		
PASAC	Police Aboriginal Strategic Advisory Committee		
PID Act	<i>Public Interest Disclosures Act 1994</i>		
PIC	Police Integrity Commission		
PJC	Parliamentary Joint Committee on the Office of the Ombudsman and the Police Integrity Commission		
POA	Pacific Ombudsman Alliance		
PIPI Act	<i>Privacy and Personal Information Act 1998</i>		
PSA	Public Service Association		
PSC	Professional Standards Command		
RCU	Reportable conduct unit		
ROSH	Risk of significant harm		

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Complaining to the Ombudsman

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

How do I make a complaint?

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

What should I include with my complaint?

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

What happens to my complaint?

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

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

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

What happens in an investigation?

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

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

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

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

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

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

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

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

Acknowledgements

Our annual report is a public record of our work and through it we are accountable to the people of NSW. Our report is prepared against criteria set out by NSW Treasury and the Annual Report Awards. It is available from our office or our website at www.ombo.nsw.gov.au.

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Contacting NSW Ombudsman

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

Level 24, 580 George Street
Sydney NSW 2000

General inquiries: 02 9286 1000
Toll free (outside Sydney metro): 1800 451 524
Fax: 02 9283 2911

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