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## **NSW Ombudsman Annual Report 2015–16**

Professor John McMillan AO, Acting NSW Ombudsman, tabled his office's annual report in Parliament today. **'Every year, my office is in contact with tens of thousands of people in government, in the private and community sectors, and with individuals who turn to us for help'**, said Professor McMillan. **'This annual report shows how we use those interactions to make a difference.'**

**'We help individuals resolve problems with bureaucracy'**, said the Acting Ombudsman. **'We work with agencies to build stronger administrative safeguards for the community. And we also pass on our experience and insights by participating in law reform, delivering training and leading forums and discussions.'**

### Workload statistics

In 2015–16, the NSW Ombudsman:

- received a total of 41,535 new matters (30,177 informal and 11,358 formal), a slight increase on the 40,306 matters received in the previous year
- finalised 10,807 formal matters
- reviewed the NSW Police Force's handling of 1,667 complaints
- spent 94 person days visiting adult correction and juvenile justice centres
- visited 35 communities in NSW.

### Practical help to resolve problems

The report features some of the practical outcomes we achieved this year. We:

- obtained an apology from the NSW Police Force for the actions of officers who mocked a man with disability (page 46)
- persuaded an agency to withdraw a \$637 penalty notice against a man who inadvertently underpaid his registration by \$1 (page 62)
- conciliated a dispute between a woman and a school, to improve their communication about her child's education (page 67)
- ensured that an inmate with cerebral palsy could get special shoes (page 72)
- encouraged a council to reconnect a family's water supply after the landlord improperly arranged for it to be disconnected (page 79)
- arranged for the basketball courts at a remote school to remain open over the Christmas holidays so local students had somewhere to socialise (page 117).

### Improving whole-of-government complaint handling

In 2015-16, we worked on a project to improve complaint handling across government. In partnership with the Customer Service Commissioner, we developed six complaint handling commitments, which should lead to more effective complaint handling and improved complainant satisfaction. Those commitments have been endorsed for implementation across the NSW public sector (page 59).

## Protecting vulnerable members of our community

In 2015–16 we continued our work to protect vulnerable members of our community, through handling complaints about community services, and working with service providers to improve their systems. The ‘Human services’ chapter of the report contains a range of case studies that show some examples (starting on page 81).

The Human services chapter also includes a report on the activities of the NSW Child Death Review Team, which is chaired by the Ombudsman (page 96) and discusses our work coordinating the Official Community Visitor scheme (page 113).

**‘The NSW Ombudsman is a national leader in administering reportable conduct schemes to prevent workplace child abuse and abuse and neglect of people with disability’**, said Professor McMillan.

**‘In 2015-16, we received 686 disability reportable incident notifications, and 1,385 employment-related child protection notifications. We made sure the allegations were reported to the police where appropriate, or investigated by the employer or service provider’**, said the Acting Ombudsman. **‘In a large proportion of cases, we oversaw the employer’s investigation to ensure that it was done properly.’**

### ***Child protection***

In connection with our child protection role, we:

- provided submissions and appeared before the Royal Commission into Institutional Responses to Child Sexual Abuse (page 90)
- made a special report to Parliament ‘Strengthening the oversight of workplace child abuse allegations’ (page 91)
- held a reportable conduct forum attended by over 800 representative of government and non-government sectors (page 92)
- advised government bodies in other Australian states and territories about establishing their own reportable conduct schemes (page 92).

### ***People with disability***

We also developed and promoted systemic improvements for people with disability. For example, we:

- made submissions to inquiries about safeguards for the National Disability Insurance Scheme (NDIS); preventing elder abuse; and the role and functions of the Public Guardian (Appendix H)
- ran workshops for disability service staff on responding to serious incidents in a disability service setting (page 107)
- delivered training to help people with disability, and their supporters, to understand and use their right to complain about unfair or improper treatment (page 110).

### ***Working with Aboriginal communities***

The ‘Working with Aboriginal communities’ chapter (starting on page 114) shows how we addressed a broad range of matters affecting Aboriginal communities in NSW, including child protection, handling asbestos and getting fluoride added to a town water supply. We also made a special report to Parliament ‘Fostering economic development for Aboriginal people in NSW’.

This chapter also contains the second public report of our monitoring of OCHRE – the NSW Government’s plan for Aboriginal affairs (from page 121).

### ***Reviewing legislation***

During the year, we reported to Parliament on the operation of the consorting law in NSW (page 50). That report highlighted the impact of the law on children, the homeless and Aboriginal people, and has been influential in the review and development of consorting provisions in other Australian jurisdictions.

### **What’s next?**

The NSW Ombudsman Annual Report 2015–16 also foreshadows some of the major tasks that the office will work on in 2016–17 (pages 23–30).

**‘Our police oversight functions will be taken over by the new Law Enforcement Conduct Commission (LECC), which is due to commence operation in January 2017’,** said Professor McMillan. **‘While the loss of our police jurisdiction and the staff in our police division will be a disappointment, we are determined to assist a smooth transition of our functions to the LECC.’**

Some of the other important projects for the NSW Ombudsman in 2016–17 include:

- tabling the report of ‘Operation Prospect’ in Parliament before the end of 2016
- completing four reviews of new legislation giving police additional powers and providing our reports to the Attorney General for tabling
- holding a public forum on addressing the abuse, neglect and exploitation of people with disability in disability and community settings (in November 2016)
- tabling the NSW Child Death Review Team’s report of child deaths occurring in 2015 (in late November 2016)
- developing a business case for a web-based complaint management system for public sector agencies, in partnership with the Department of Finance, Service and Innovation (the second phase of our whole-of-government complaint handling improvement project)
- examining and reporting on best practice in behaviour support for school students, with a particular focus on students with disability and additional support needs
- reviewing the operation of the Joint Investigation Response Team (JIRT) – the interagency model for responding to allegations of sexual abuse and serious physical abuse and neglect against children in NSW. JIRT aims to deliver improved outcomes for vulnerable children and young people by providing coordinated safety, justice and health responses.

**‘Looking back over 2015–16, I am proud to see all that we achieved’,** said the Acting Ombudsman. **‘I acknowledge the valuable support from within and outside the office, and look forward to a challenging and equally productive 2016–17.’**

The report can be downloaded from the NSW Ombudsman’s website at <http://www.ombo.nsw.gov.au/news-and-publications/publications/annual-reports/nsw-ombudsman>.