

## Ombudsman's press statement **2005-2006 Annual Report**

I have this morning tabled my Annual Report, documenting the work of the NSW Ombudsman in 2005-2006.

In the last year the NSW Ombudsman:

- received 10,304 written complaints or reports, including 3,753 police complaints
- handled another 23,011 informal complaints
- finalised 33,107 matters
- reviewed the death of 184 children and persons with a disability and reported on our findings
- completed 66 investigations
- audited 8,000 police records, and the child protection practices of 31 agencies
- monitored the investigation of 381 matters alleging serious misconduct towards children
- visited 60 regional towns, 27 correctional centres and 9 juvenile justice centres
- presented 230 presentations and training courses
- finalised or tabled 3 special reports and 8 review reports on new laws, and
- coordinated 2,500 community visitor attendances at 1,210 services.

The Ombudsman deals with more complaints than any other NSW watchdog agency and we continue to make a difference. We have again this year achieved thousands of positive outcomes for complainants, and made hundreds of recommendations to improve agencies' systems and procedures. Many of these are recorded in my report.

Examples include:

- almost \$13 million in increased funding by the government to make the land valuations system fairer, following our findings of substantial flaws in the work of the Valuer General
- uncovering and stopping illegal charges by local councils for information they are required to provide to ratepayers for free
- improving complaints handling by many agencies including NSW Police, childcare centres and Railcorp, and
- conducting research into matters such as sexual grooming of children, police search powers and the conditions in licensed boarding houses.

An effective Ombudsman is essential for fair and accountable government. But it is not, of itself, a complete remedy for the excesses of administration. Agencies need to ensure the effectiveness of their own arrangements for responding to the community, or disclosures of wrong conduct by employees.

There are three discrete areas about these arrangements I will highlight today.

Access to information is the beginning point of accountability. The *Freedom of Information Act*, a cornerstone of information access, has as its stated objective to extend as far as possible the rights of the public to obtain access to information held by government.

The past decade has seen a consistent and clearly unwelcome downward trend in the full release of documents by government agencies on request. Ten years ago, four out of every five freedom of information applications made in NSW resulted in the full release of documents. This year, however, barely half of all applications resulted in the full release of information. Available statistics confirm that the position in NSW compares unfavourably with every mainland state and the Commonwealth. In addition, decisions in almost one in three applications were outside the legal time period allowed. This is clearly not freedom of information but rather a lack of information.

Although new government guidelines, prepared in consultation with the Ombudsman, reflect our view that information should be given where it can, this is only a partial solution.

For over ten years, my office has called for a comprehensive review of Freedom of Information laws. Fifty piecemeal amendments have made much of the Act unwieldy and unworkable. And new technology and electronic records have rendered some provisions less effective or relevant. The consequence of a less effective Act and poor quality decisions under it, is less accountable government. Because of the importance of Freedom of Information laws, I am considering conducting a wide ranging review of them in the coming year.

A second essential element of accountability is a robust framework for public servants to come forward and report misconduct in the public interest. Employees need to trust these arrangements if they are to make disclosures.

For many years the Ombudsman has called for changes to the *Protected Disclosures Act*. This year we made submissions to yet another Parliamentary Committee review of the Act. We are also providing expert assistance to a national research project examining the management and protection of public sector whistleblowers.

In my view, NSW whistleblower protection laws leave much to be desired. They are not effective in protecting employees against reprisal – no prosecutions for detrimental action have ever been successful. The arrangements also fail to properly coordinate a whole of government approach to informing and advising public sector employees about their rights and responsibilities. Until these and other matters are addressed, there is limited encouragement for public sector staff to report wrong conduct, and every opportunity for those who have acted wrongly to exact revenge.

A final and emerging theme touched on in my report, is the need for agencies to be able to communicate effectively. This is especially important where the wellbeing of the most vulnerable in our community is the purpose of the communication.

It is sometimes a difficult task – to balance the right of privacy against the needs for agencies to share information about vulnerable persons. However, where there are real risks if information is not appropriately and expeditiously shared, arrangements should facilitate and not hinder free communication. The failure to communicate and share information is an issue in much of our work, from workplace child protection to the safety of children in homes where there is domestic violence or drug use. Part of the cause, in my view, is the complex and cumbersome array of privacy rules binding public and private sector agencies, which are in urgent need of review.

As always, this year has brought difficult issues to the Ombudsman. Our achievements continue to demonstrate the importance of our role as a strong and effective watchdog for the community.

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