



Annual Report 2023–2024

Pursuing fairness for  
the people of NSW.

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31 October 2024

The Hon Ben Franklin MLC  
President  
Legislative Council  
Parliament House  
SYDNEY NSW 2000

The Hon Greg Piper MP  
Speaker  
Legislative Assembly  
Parliament House  
SYDNEY NSW 2000

Dear Mr President and Mr Speaker

I am pleased to present the 2023-24 annual report of the NSW Ombudsman's Office, which covers the period of 12 months ending 30 June 2024.

This report is presented in accordance with section 30 of the *Ombudsman Act 1974* which includes the financial report for the period of 12 months ending 30 June 2024. It also addresses the office's annual reporting requirements in the following:

- *Government Sector Finance Act 2018* (division 7.3)
- *Government Information (Public Access) Act 2009* (section 125).

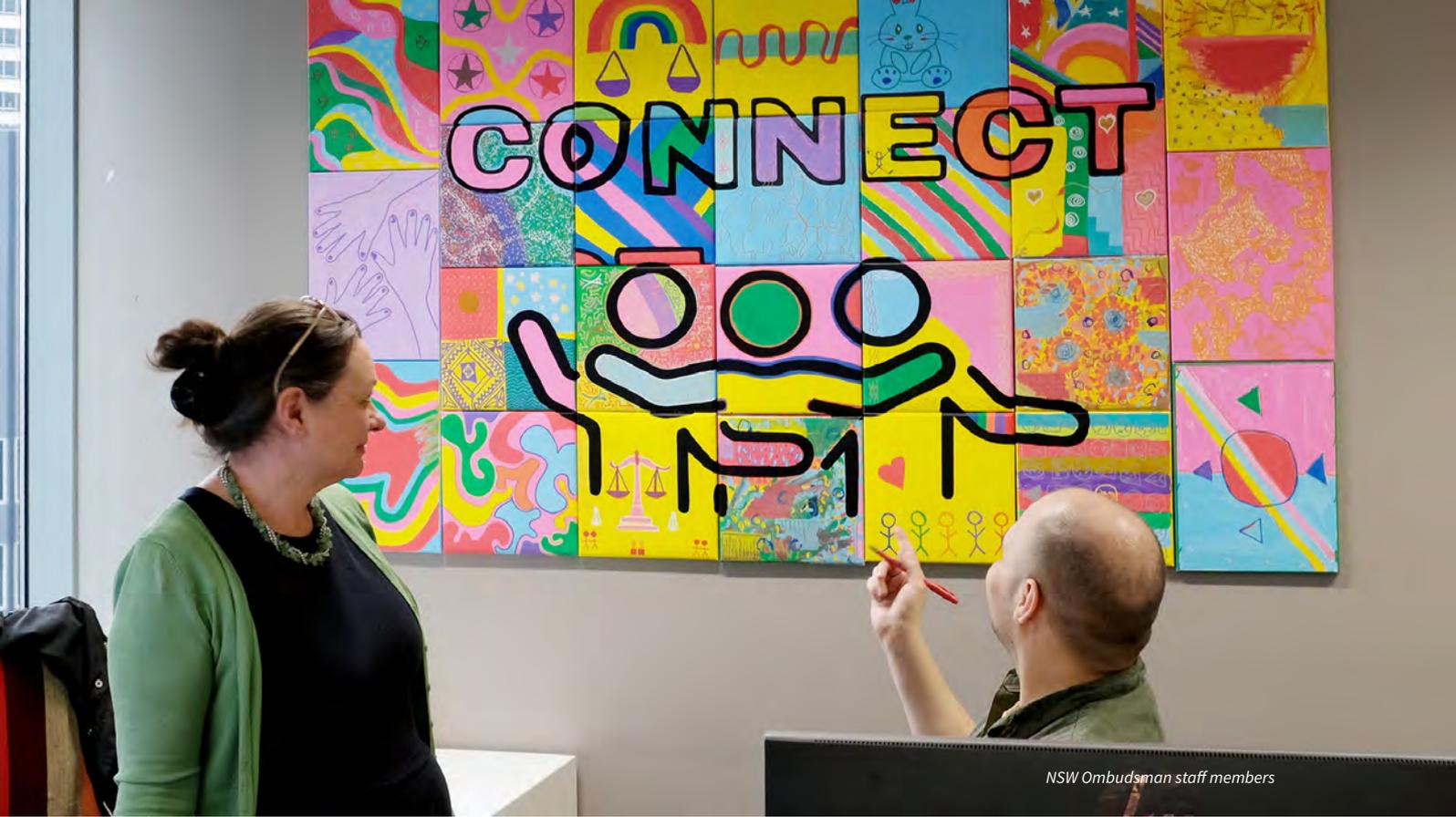
I draw your attention to section 31AA of the *Ombudsman Act 1974* in relation to the tabling of this report, and request that you make the report public forthwith.

Yours sincerely

A handwritten signature in black ink, appearing to read "Paul Miller".

Paul Miller  
**NSW Ombudsman**





NSW Ombudsman staff members

We pursue fairness for the people of New South Wales.

## Our vision

Our vision expresses what we ultimately want to see in the world:  
Everyone receives the right services and fair treatment from those we oversight.

## Our values

Our values describe the core behavioural principles that we live by and apply to everything we do.



Integrity



Impartiality



Fairness



Transparency



Professionalism



Respect

# Contents

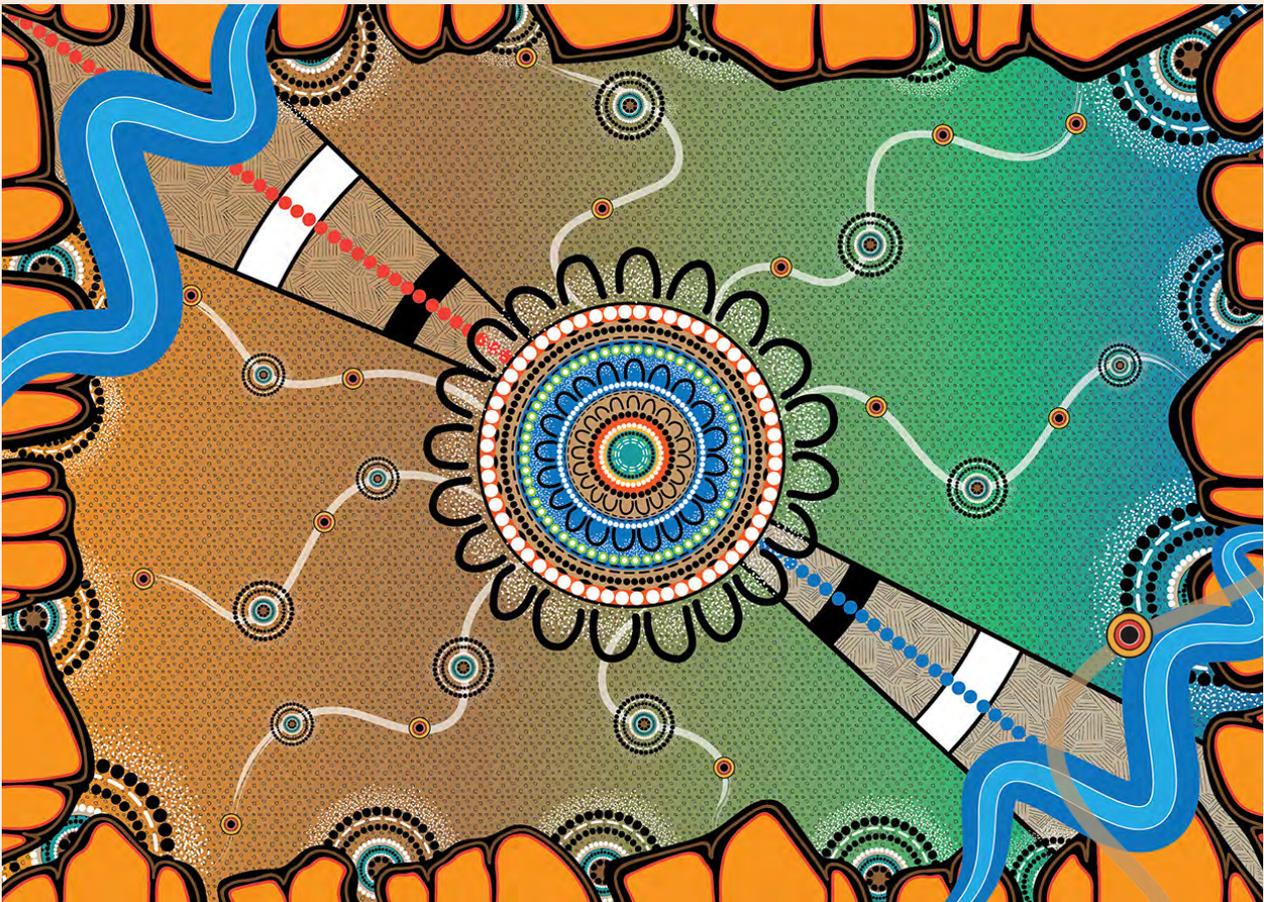
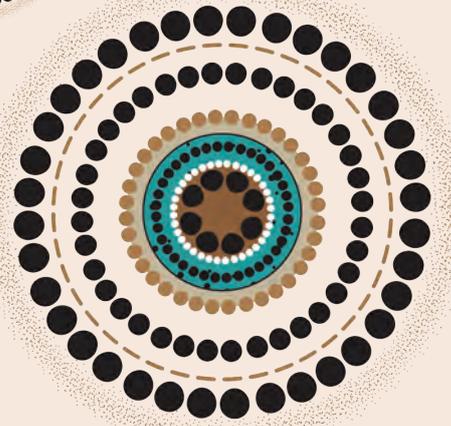
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## Acknowledgement of Country

We acknowledge the traditional and current custodians of the land of New South Wales on which our people live and work.

We pay our respects to all Elders past and present, and to the children of today who are the Elders of the future.



Artist: Jasmine Sarin, a proud Kamilaroi and Jerrinja woman, 2019





# Ombudsman's message

I am pleased to present our 2023–24 Annual Report, and my 4th such report as Ombudsman.

## Delivering against our strategic outcomes

In this report we set out how we have performed our statutory functions and our impact against our strategic outcomes:

- effective complaint resolution
- holding public authorities and community service providers to account for serious wrong conduct
- fostering improvements in public administration and community services delivery
- supporting Parliament in the exercise of its functions.

It is important in this regard to note that, while some of our work results in a public report or submission to Parliament, much of the core work of an ombudsman is conducted in the absence of the public at large. That includes our day-to-day complaint-handling work and our work conducting reviews of certain children who have died.

Most of the complaints we receive do not result in a formal investigation, as we generally aim to resolve complaints at the earliest stage possible.

For example, if a satisfactory outcome can be achieved by informal investigatory action (with what our legislation describes as 'preliminary inquiries') or by conciliation we will take that action.

This year saw an increase of 13% in the number of actionable complaints to us from the previous year.

At the same time, we are taking further investigatory action on more of those complaints. In 2022–23 we reported a 69% increase in the number of actionable complaints that we were able to take further investigatory action on. This year that number has increased again, by a further

27%. That means that, within 2 years, we have more than doubled the number of complaints on which we took investigatory action (from 1,583 in 2021–22 to 3,429 in 2023–24).

Consistent with the previous year, this year we commenced 10 new formal investigations, and we finalised 8.

We also referred (with the complainant's consent) 1,135 actionable complaints directly to the agency complained about for further action. These referrals are another efficient and effective way we can assist complaints with resolution of matters they raise with us.

## Supporting the sector with public interest disclosures

A major development for the NSW public sector during this reporting period was the commencement of the *Public Interest Disclosures Act 2022 (PID Act)*. The new PID Act is a significant legal reform to facilitate and encourage reporting of wrongdoing and strengthened protections for those who 'speak up'.

As the lead oversight agency for the PID Act, supporting agencies to prepare for the launch of the new PID Act was an area of focus for us this year.

Additionally, we have established a new Whistleblower Support Team, which provides an important link between public officials who have or are seeking to report wrongdoing in the public sector, and resources to assist and support them.

## Our oversight of automated decision-making

Our proactive approach to oversight of automated decision-making (ADM) continued this year with tabling of a groundbreaking special report to Parliament. For the first time in NSW, we led work to map the ways in which the public sector

is using, or planning to use, ADM systems in the performance of their functions (mapping project). We hope that the work will contribute to the debate about the need for transparency mechanisms for public sector use of ADM systems, including those involving the use of artificial intelligence (AI).

The mapping project was undertaken around the same time as a NSW Parliamentary Committee undertook an inquiry into the use of AI in NSW, and provides an example of how the work of a parliamentary ombudsman can support the functions of the NSW Parliament, including by providing a trusted source of independent evidence and advice to support public debate and scrutiny as well as law and policy making.

## Supporting diversity and inclusion

Our Reconciliation journey is very important to us. We have long been active in working with Aboriginal people and communities, toward ensuring fair treatment and the right services for everyone.

We were the first Australian Ombudsman to appoint a dedicated Aboriginal Deputy Ombudsman. As well as having a specific function of monitoring the Government's Aboriginal programs, a significant proportion of our complaint-handling work, as well as our work monitoring the out of home care and other community services sector, involves working closely with Aboriginal stakeholders.

This year we have established our Reconciliation Action Plan governance arrangements. I look forward to launching our first Reflect Reconciliation Action Plan in the year ahead.

In seeking to build a diverse and inclusive workforce, we have also encouraged employment of Aboriginal and Torres Strait Islander staff, who now represent over 5.4% of our workforce, and are working across various grade levels and different branches.

Our commitment to diversity and inclusion extends more broadly, and I am particularly proud to note that we achieved accreditation as a 'Disability Confident Recruiter' this year. People with disability make up 9.9% of our workforce.

## Our growth

Last year I reported on changes to our budget allocation, including increased base-line funding to address historic underfunding of existing functions, funding to enable new and enhanced functions, as well some project funding to enable work to commence on replacing outdated legacy infrastructure.

Almost all of the ongoing funding provided to this office is allocated to staffing and so the last 2 years of rapid funding growth has meant that we have given much focus to the recruitment, onboarding and development of staff. In the space of two years, we have doubled our workforce (from 121 FTE at the end of 2022 to 234 FTE at the end of 2024), restoring our office to the size it was around a decade ago.

The challenges of this rapid rebuilding of staff, at the same time as undertaking legacy infrastructure replacement, incorporating new or enhanced statutory functions and continuing to deliver and grow our day-to-day complaint-handling and other work, cannot be understated.

It has been a period of significant change and challenge for staff, and I am proud of their commitment and dedication.

## Towards the future

Our current 5-year strategic plan comes to an end in 2025, which also marks the important 50th anniversary of the NSW Ombudsman.

As we finalise implementation of our new and enhanced statutory functions, and bring to completion our major projects (including a new digital website service to complainants, and new case management system), our focus will be on enhancing the efficiency, quality and impact of all the work we do.

I am proud of the progress we have made this year, and I once again thank the staff of my office for their hard work, commitment to our shared purpose and values-driven dedication to pursuing fairness for the people of New South Wales.

Paul Miller  
NSW Ombudsman



NSW Ombudsman staff members

# 1. Overview

## 1.1 The NSW Ombudsman

The NSW Ombudsman is an independent integrity agency that pursues fairness for the people of NSW. We strive to ensure that those entrusted with public power and resources fulfil their responsibilities and treat everyone fairly.

One of our central functions is to receive and respond to complaints from the public about NSW public authorities and community service providers funded by the NSW Government.

Anyone can complain to us if they believe they have been treated unfairly by any of the bodies we oversight, or to report concerns about possible maladministration.

Our services are free to the public. We are fully independent and we act impartially in the public interest.

People who complain to us are protected by law if anyone tries to retaliate against them for making a complaint. Additional protections apply for public official whistleblowers who report serious wrongdoing to us under the *Public Interest Disclosures Act 2022*.

The NSW Ombudsman can investigate when we suspect serious maladministration, whether as a result of complaints or reports we have received, or on our own motion. Maladministration is when administrative conduct is unlawful, unjust, unreasonable, improperly discriminatory or otherwise ‘wrong’. We can also investigate and make findings when administrative conduct is lawful and in accordance with established practice, but where the law or practice is itself unjust, unreasonable or improperly discriminatory.

As well as dealing with complaints and investigating serious wrongdoing, we proactively monitor and review certain public and community sector services and systems. We can:

- monitor and assess the delivery of the NSW Government’s Aboriginal programs
- oversight the operation of the public interest disclosures (**PID**) scheme
- monitor and review the provision of NSW Government-funded community services
- review the systems and practices that public authorities and service providers themselves use to deal with the complaints they receive

- monitor the operation of the mandatory disease testing scheme
- receive notifications when children and young people are segregated in detention.

We also review the deaths of certain children and convene the Child Death Review Team (**CDRT**), which registers and conducts research on child deaths in NSW. Our focus in this work is on the child protection, health and other public and community services systems, with a view to identifying lessons and improvements that may prevent or reduce the risk of future deaths.

In connection with these functions, we aim to support public sector agencies and community service providers by providing guidance and training, with a view to helping them to improve their services and avoid maladministration in the future.

We must conduct most of our complaint-handling, investigations and other functions confidentially. However, as an independent integrity agency we report directly to Parliament. We are required to report to Parliament periodically on our various work and activities, and we can also make a special report to Parliament at any time, on any matter of public interest relating to our functions.

Through all these activities, we pursue our vision: Everyone receives the right services and fair treatment from those we oversight.

The principal legislation under which we currently operate is:

- *Ombudsman Act 1974* (**Ombudsman Act**)
- *Community Services (Complaints, Reviews and Monitoring) Act 1993* (**CS CRAMA**)
- *Public Interest Disclosures Act 2022* (**PID Act**), which replaced the 1994 Act from 1 October 2023.

## Our statutory functions

### Complaint handling

We receive complaints over the phone, in person or in writing, including via our online complaint form.

Any person can complain to us about:

- the conduct of a ‘public authority’: any action or inaction, or alleged action or inaction, relating to a matter of administration (unless it is excluded conduct) — Ombudsman Act, and
- the conduct of ‘service providers’ with respect to the provision, failure to provide, withdrawal, variation or administration of a community service — CS CRAMA.

We can also receive and deal with PIDs about serious wrongdoing in the public sector, reported to us about public officials under the PID Act. Such a disclosure could be both a PID (under the PID Act) and a complaint (under the Ombudsman Act).

We can generally deal with complaints about the conduct of:

#### NSW state government departments

As at the date of this report, there are 12 principal departments:

1. Premier’s Department
2. The Cabinet Office
3. Department of Education
4. Department of Climate Change, Energy, the Environment and Water
5. Department of Creative Industries, Tourism, Hospitality and Sport
6. Treasury
7. Department of Planning, Housing and Infrastructure
8. Ministry of Health
9. Department of Transport
10. Department of Primary Industries and Regional Development
11. Department of Communities and Justice (**DCJ**)
12. Department of Customer Service.

#### Local health districts, health specialty networks and hospitals

#### Public schools, TAFE NSW and other statutory education bodies

These include TAFE Digital and the NSW Education Standards Authority.

### **Other NSW government entities in our jurisdiction, which include:**

- NSW Government agencies — such as Fire and Rescue NSW, and Office of Sport
- statutory bodies — such as NSW Trustee and Guardian, Rental Bond Board, Health Care Complaints Commission, NSW Land and Housing Corporation, the Art Gallery of NSW and other NSW cultural agencies
- state-owned corporations — such as Sydney Water, Water NSW, Essential Energy and Forestry Corporation
- public universities established under NSW legislation.

### **Local government**

This includes councils, county councils and joint organisations. We can handle complaints about the conduct of councillors and council employees, and the administrative conduct of the council itself.

### **Custodial services**

This includes Corrective Services NSW and Youth Justice NSW (Youth Justice) (both of which are divisions of DCJ), and the Justice Health and Forensic Mental Health Network. We can also deal with complaints about the state's privately-run correctional centres.

### **Community service providers**

Under CS CRAMA, we handle complaints about:

- services provided under community welfare legislation by DCJ, and
- services provided by entities that are funded, authorised or licensed by the Minister for Families and Communities and for Disability Inclusion, the Minister for Seniors and certain other entities.

This includes the following types of services and service providers:

- child protection
- out of home care (OOHC) and permanency support
- early intervention and family support services, and
- short-term accommodation and homelessness support.

## **Own motion matters**

We can examine conduct of the agencies and officials referred to above even if we have not received a specific complaint about that conduct.

Inquiries or investigations initiated by us ('own motion' matters) can arise from information that comes to our attention through a range of means, including our various monitoring functions and our community engagement activities.

### **What we cannot do**

The Ombudsman Act prevents us from receiving and handling certain complaints. For example, we cannot deal with complaints about the conduct of:

- government ministers
- Parliament and members of Parliament
- judges and courts
- NSW Police Force (complaints about which can now be made to the Law Enforcement Conduct Commission).

We cannot deal with complaints about the Australian Government and its agencies. The Commonwealth Ombudsman is the corresponding ombudsman at the Commonwealth level to receive complaints about Commonwealth agencies.

We generally cannot deal with complaints about private companies or individuals. In some industries there is a dedicated 'industry ombudsman' who can handle such complaints, such as the NSW Energy and Water Ombudsman and the Australian Telecommunications Industry Ombudsman.

If people contact us with a complaint that we are not able to handle, we will help them find the right place for their complaint.

## **Investigation**

Most complaints do not result in an investigation under the Ombudsman Act. Generally, only those complaints or own motion inquiries that identify potentially serious or systemic maladministration are investigated.

Our investigation reports include any findings of wrong conduct and may include recommendations for action.

## Review of agencies' complaint-handling systems

Public authorities and community service providers will have their own systems for handling complaints. Agencies have their own complaint management systems. We usually expect people to contact the agency first about their complaint before making a complaint to us. If this is hard to do or someone does not feel safe doing this, we help them.

Complaints often come to us because an agency's systems have failed to result in a satisfactory resolution of the complaint.

Under the Ombudsman Act (for public authorities) and CS CRAMA (for service providers), as well as handling individual complaints, we are able to conduct a proactive review into a complaint-handling system, to ensure it is functioning effectively and fairly, and in accordance with good practice.

## Monitoring and assessment of Aboriginal programs

We have an express legislative function to monitor and assess 'Aboriginal programs'.

The Aboriginal Deputy Ombudsman leads this function.

Under Part 3B of the Ombudsman Act we have responsibility for overseeing OCHRE (Opportunity, Choice, Healing, Responsibility, Empowerment) — the plan launched by the Government in April 2013 and coordinated by the Premier's Department (Aboriginal Affairs NSW). OCHRE commits the NSW Government to working with, and in support of, Aboriginal communities by building strong working partnerships, which have at their heart respect for local Aboriginal culture, leadership and decision-making.

Our office monitors and assesses OCHRE by engaging with key stakeholders, visiting communities and attending community forums. We then provide feedback to OCHRE agencies and partners to enable them to address any issues raised early on, adopt good practices and achieve the plan's goals.

We also table public reports on OCHRE in Parliament as required. This is an important part of the accountability framework for OCHRE and an Australian first — as NSW was the first to establish a dedicated Ombudsman oversight function for Aboriginal programs, and the first to provide for the appointment of an Aboriginal Deputy Ombudsman.

In August 2024, NSW Parliament amended the definition of 'Aboriginal programs' in the Ombudsman Act. In addition to monitoring OCHRE, the Ombudsman may now also monitor and assess any Government programs primarily directed to the health, or cultural, economic, educational or other wellbeing, of Aboriginal persons or communities. The amendment took effect from 20 August 2024.

## Oversight of public interest disclosures scheme

The Ombudsman has responsibility to oversight the PID Act. The PID Act commenced on 1 October 2023, replacing the previous *Public Interest Disclosures Act 1994*. Our functions are to:

- promote public awareness and understanding of the PID Act and to promote the objects of the PID Act
- provide information, advice, assistance and training to agencies and public officials on matters relevant to the PID Act
- publish guidelines and other materials for the assistance of:
  - agencies in connection with their functions under the PID Act, and
  - public officials and other persons in connection with the operation of the PID Act and the protections available to them under the PID Act
- audit and monitor the exercise by agencies of their functions under the PID Act, other than functions exercised by an integrity agency in relation to disclosures that do not relate to the integrity agency
- provide reports and recommendations to the Minister (currently the Premier and Special Minister of State) about proposals for legislative and administrative change to further the objects of the PID Act, and
- perform other functions conferred on the Ombudsman by or under the PID Act.

The Ombudsman also chairs and staff provide secretariat support to the PID Steering Committee, which provides advice on the operation of the PID system and on possible legislative reforms.

### Community services monitoring, reviews and inquiries

Under CS CRAMA we monitor and review the delivery of community services. This includes community services that are provided by the non-government sector with funding or authorisation from the NSW Government.

Our functions include:

- to review, on application or on the Ombudsman's initiative, the situation of a child or a person in care (or a group of children)
- to monitor and review the delivery of community services, inquire into matters affecting service providers and receivers, and make recommendations for improvements in the delivery of community services, and
- to review and report on the systems of community service providers for handling complaints.

### Mandatory disease testing

We monitor and report on the operation and administration of the *Mandatory Disease Testing Act 2021 (MDT Act)*, including how agencies exercise their functions under the Act. The Act provides for the mandatory blood testing of a person. This can occur when:

- the person's bodily fluid comes into contact with a health, emergency or public sector worker, as the result of the person's deliberate action, and
- the worker may be at risk of contracting a blood-borne virus.

Agencies must notify us after determining a mandatory testing order application. The Chief Health Officer must also notify us following determination of a review.

### Reviewing the deaths of children

Under Part 6 of CS CRAMA, we review deaths of children who were in care or detention, and children who died as a result of abuse or neglect, or whose death occurred in circumstances suspicious of abuse or neglect.

Under Part 5A of CS CRAMA, we also convene and support the NSW CDRT, which examines and maintains a register of all deaths of children in NSW and undertakes research to prevent or reduce the risk of child deaths in the future.

### Monitoring the segregation of detainees in youth detention

Under the Children (Detention Centres) Regulation 2015, Youth Justice is required to notify us if a young person in detention is segregated for more than 24 hours. We are also notified if a young person is separated for more than 24 hours (for example, because of medical advice). These notifications allow us to examine the circumstances of the segregation or separation and to make inquiries if appropriate.

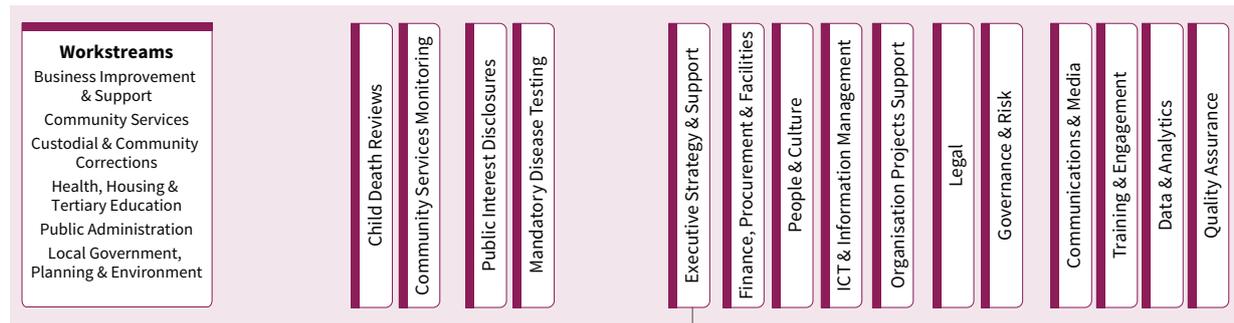
### Special reports to Parliament

We are required to make various annual and other periodic reports to Parliament in respect of specific functions. These include an annual report on our work overseeing the PID Act, a report every 3 years on our work monitoring the operation of the MDT Act, an annual report on our work convening the CDRT, and a report every 2 years that analyses the deaths of children in NSW.

Under section 31 of the Ombudsman Act, we can also make special reports to Parliament at any time on any matter arising in connection with the discharge of any of the Ombudsman's functions.

# 1.2 Organisational structure

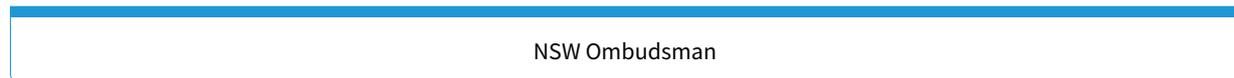
## Unit



## Branch



## Division



## Ombudsman

The NSW Ombudsman is an independent statutory officer appointed for a fixed term of up to 7 years. The current Ombudsman is:



**Paul Miller PSM** (he/him)

### Ombudsman

BEcon, LLB (Hons), LLM, MBA,  
MA (Phil), Solicitor of the  
Supreme Court of NSW

Paul was appointed Ombudsman in May 2021, having acted in the role since August 2020. Paul joined the Ombudsman's Office in April 2019 as Deputy Ombudsman (Reviews, Investigations and Community Services) and Community and Disability Services Commissioner. Paul has previously served as a Deputy Secretary with the Department of Justice and the Department of Premier and Cabinet.

## Executive team (as at date of this report)

### Monica Wolf (she/her)



#### Chief Deputy Ombudsman and Commissioner for Community Services

BA, GradDipEdSt,  
GradCertPublicPolicy,  
GradCertPSM

Monica was appointed Chief Deputy Ombudsman in August 2021. Prior to this, Monica held a number of executive roles in the organisation, including most recently, Deputy Ombudsman, Projects and Systemic Reviews. In these roles her responsibilities included leading teams responsible for reviews of the deaths of children, policy and systemic projects, and complaints and investigations. Monica worked for a 2-year period with the Royal Commission into Institutional Responses to Child Sexual Abuse, leading teams in both investigations and policy.

### Chris Clayton (he/him)



#### Chief Operating Officer/Assistant Ombudsman

BComm, GradDipCA,  
GradCertIA, CA

Chris was appointed Chief Operating Officer in August 2021. Prior to joining our office, Chris had an extensive career at the Audit Office of NSW, where he held a range of executive positions. Most recently, this included supporting the Auditor-General in overseeing audit quality, provision of audit-related technical support, innovation of audit practices and corporate governance functions.

### Joshua Faulkner (he/him)



#### Director, Corporate Services

GradCertHRM

Josh joined the NSW Ombudsman in August 2023 to lead the Corporate Services branch. He has an extensive career within the NSW Government spanning more than 15 years and has led teams in corporate communications, human resources and organisational development. Most recently he worked as a senior executive at the Department of Customer Service where he headed the Employee Experience team. As Director, Corporate Services, Josh leads the finance, human resources, information communications technology, project and change management teams and is the executive sponsor for a number of technology, transformation and people projects.

### Jacqueline Fredman (she/her)



#### Deputy Ombudsman, Complaints and Resolution/Deputy Ombudsman, Health Administration

BA, LLB, EMPA, Solicitor of the Supreme Court of NSW

Jacqueline was appointed Deputy Ombudsman, Complaints and Resolution in April 2022. Jacqueline leads the Complaints and Resolution branch, which is responsible for the management and resolution of complaints through undertaking inquiries, conciliations, referrals and investigations. She was appointed to the joint role of Deputy Ombudsman, Health Administration in October 2024. Jacqueline had been a senior executive in the Australian Public Service for 9 years, where she was Chief Corporate Officer (and previously Divisional Registrar) at the Administrative Appeals Tribunal. She previously worked as the Manager, Assessments at the NSW Independent Commission Against Corruption. Jacqueline began her career as a solicitor and later practised as a member of the NSW Bar.

## Louise Lazzarino (she/her)

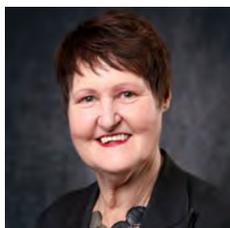


### Deputy Ombudsman, Systems Oversight

BA, LLB, LLM, GradDipLP,  
Solicitor of the Supreme  
Court of NSW

Louise commenced as an Assistant Ombudsman in July 2022, and was later appointed to the position of Deputy Ombudsman. Louise leads the Systems Oversight branch, which is responsible for the statutory functions relating to the oversight of the public interest disclosures scheme and the mandatory disease testing scheme. Most recently, she was the Director of Enforcement and Prosecutions at the State Insurance Regulatory Authority. She previously held the position of Manager, Oversight Investigations at the Law Enforcement Conduct Commission, and was an Assistant Director with the Department of Immigration and Border Protection and the Office of the Migration Agents Registration Authority in a variety of investigations and complaint-handling areas.

## Leonie Muldoon (she/her)



### Director, Enabling Services

BA, LLB (Hons), LLM, Solicitor  
of the Supreme Court of NSW

Leonie joined the NSW Ombudsman in January 2023. A lawyer by profession, Leonie was a partner at a large international law firm in their banking and finance practice before taking up a range of corporate management/leadership roles. She held diplomatic positions in Japan, India and Singapore with responsibility for trade, investment and international education. Most recently she headed the South Australian Department of Trade and Investment.

## Sanya Silver (she/her)

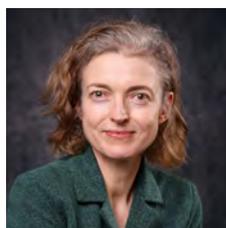


### Deputy Ombudsman, Investigations and Major Projects

BA (Hons), DipGov  
(Investigations), GradCertBus

Sanya was first appointed Acting Deputy Ombudsman in October 2021 and was later appointed to the position of Deputy Ombudsman, Investigations and Major Projects in January 2023 to lead the newly established Investigations and Major Projects Branch. Prior to this role Sanya had been in several senior complaint-handling and investigation management roles within our office. Most recently she was Investigation Manager of the Investigation Team, established to lead complex and systemic investigations across the Ombudsman's public sector and community services jurisdictions.

## Megan Smith (she/her)



### Legal Counsel

BSc (Psych) (Hons), LLB (Hons),  
Solicitor of the Supreme Court  
of NSW

Megan has been the Ombudsman's Legal Counsel since February 2016. Before joining the office, she was a solicitor at a large commercial law firm. Megan has also co-authored a textbook on equity. Megan is the principal legal advisor to the Ombudsman. She manages the provision of legal services to the office and litigation involving the Ombudsman. She also oversees the internal governance and risk unit, including policy development and governance.

## Leanne Townsend (she/her)



### Deputy Ombudsman, Aboriginal Programs

BA (Soc), MA

Leanne was appointed Deputy Ombudsman, Aboriginal Programs in March 2022. Leanne is a proud Aniwana woman from Uralla in north-western NSW. Leanne previously held the position of Chief Executive Officer of the National Aboriginal Sporting Chance Academy and prior to that was CEO of the NSW Reconciliation Council. Leanne's experience also includes Indigenous Advisor to Her Excellency Quentin Bryce, and Senior Public Affairs Officer and Executive Officer with the federal Department of Families, Community Services and Indigenous Affairs.

## Helen Wodak (she/her)



### Deputy Ombudsman, Monitoring and Review

BA, LLB, Solicitor of the Supreme Court of NSW

Helen was appointed Deputy Ombudsman, Monitoring and Review in March 2022. Helen has been working with our office since 2013, when she joined as Principal Investigator in the former Community Services Division. Helen then headed our Public Interest Disclosures team, before being appointed as Acting Deputy Ombudsman, Projects and Systemic Reviews Branch in August 2021. Prior to joining our office, Helen worked with the NSW Department of Attorney General and Justice, and with the Aboriginal Justice Agency in Darwin.

## 1.3 Factors affecting us in 2023–24

### Implementing the Strategic Plan 2020–25

#### Complaint handling

We are in the 4th year of our 5-year strategic plan, which commenced in July 2020 and was refreshed in February 2023. The strategic plan articulates our vision and outcomes as well as our core values.

An annual plan is developed each year for the activities we will carry out to bring us closer to achieving our strategic objectives. See **Section 2** for more information about our strategic plan and our key strategic activities during 2023–24.

#### Funding matters

##### 2023–24 budget

In 2023–24, the NSW Ombudsman was allocated a budget of \$53.8 million recurrent expenditure and \$1.8 million capital expenditure.

This included additional funding approved in response to 4 budget proposals, each of which sought funding for ongoing staffing roles to enable or support the performance of our functions:

- in respect of health administration (4 roles)
- to review the complaint-handling systems of public authorities, under section 25A of the Ombudsman Act (5 roles)
- to provide advice and support to public officials (whistleblowers) who have made, or are considering making, a PID, under section 72 of the PID Act (5 roles)
- to make the Deputy Ombudsman, Systems Oversight an ongoing role.

##### 2024–25 budget

In 2024–25, the NSW Ombudsman has been allocated a budget of \$56.8 million recurrent expenditure and \$6.9 million capital expenditure.

## Charter of Independence for NSW Integrity Agencies

The Government issued Treasurer's Direction TD24-12 *Charter of Independence for NSW Integrity Agencies* on 6 August 2024. The Charter is designed to safeguard the independence of integrity agencies when engaging with The Cabinet Office, Premier's Department and Treasury concerning their financial arrangements and management practices. The Charter provides:

- express recognition of our independence from Executive Government
- our exclusion from The Cabinet Office and Premier's Department financial management processes
- our exclusion from the application of efficiency dividends and other savings measures
- a transparent process for our annual budgets to be considered by the Expenditure and Review Committee
- a contingency fund that integrity agencies can, if necessary, call upon during the year if an unexpected and urgent matter arises that was not budgeted for.

## Legislative and legal matters

### Changes in Acts and subordinate legislation

On 1 October 2023 the PID Act commenced, replacing the *Public Interest Disclosures Act 1994*. Information about our PID Act functions is set out on pages 48–50. The new PID Act also amended the Ombudsman Act, the *Independent Commission Against Corruption Act 1988* and the *Law Enforcement Conduct Commission Act 2016* by conferring protections similar to those given by the PID Act to certain persons who contact, assist or otherwise interact with the Ombudsman, Independent Commission Against Corruption or Law Enforcement Conduct Commission, respectively. These new protections have introduced a new requirement concerning the disclosure of information tending to identify those persons.

During the reporting year, the following minor amendments were made to legislation relevant to the Ombudsman's functions:

- **Ombudsman Act:** a minor amendment to update references to The Cabinet Office following machinery of government changes.
- **CS CRAMA:** a minor amendment to update references to the relevant Minister and clarify that a service provider includes a person or organisation funded, authorised or licensed by a public service agency responsible to the Minister.
- **PID Act:** a minor amendment to a statutory note to reflect changes to the *Interpretation Act 1987*.

In November 2023, the mandatory notification of data breach amendments enacted in Part 6A of the *Privacy and Personal Information Protection Act 1998* also came into operation. For several years our office has voluntarily reported all data breaches to the Privacy Commissioner under the former voluntary data breach reporting scheme. In accordance with the requirements of the new scheme, our office published its Data Breach Policy, and Governance and Risk staff provided training to all Ombudsman staff on the operation of the scheme.

### Significant judicial decisions

There were no significant judicial decisions directly relating to the Ombudsman or our functions and services.

## Optional Protocol to the Convention against Torture

The Optional Protocol to the Convention Against Torture (**OPCAT**) was due to commence in Australia by 20 January 2023. It requires all Australian jurisdictions to appoint a National Preventive Mechanism (**NPM**) to inspect and report on places of detention.

We note again, as we have done so in previous reports, that NSW has still not introduced legislation nor announced an NPM to facilitate the commencement of OPCAT.

## Parliamentary committee inquiries and reports

### Ombudsman Committee report

In August 2024 the Committee on the Ombudsman, the Law Enforcement Conduct Commission and the Crime Commission published its report on the 2023 review of the annual and other reports of oversighted agencies.<sup>1</sup>

The report was a comprehensive review of the 2021–22 and 2022–23 reporting periods.

The committee’s commentary on the Ombudsman’s office was overall positive and no recommendations were directed to the Ombudsman. The committee did recommend that ‘in accordance with the Optional Protocol to the Convention Against Torture, the NSW Government nominate a National Preventative Mechanism (NPM) for New South Wales as a matter of priority.’ The committee noted favourably the preparatory work the office had done in the event the Ombudsman is nominated as an NPM.

The committee made a finding that there is limited visibility and transparency around the use of AI in the NSW public sector — and commended the proactive work of our office to increase transparency in that regard.

We were also commended for the significant amount of work preparing the sector for the commencement of the new public interest disclosures scheme.

Findings were also made by the committee in relation to suicide deaths of children aged 10–17. The important work of the CDRT was acknowledged by the committee, and the team commended for its work reviewing the suicide deaths of Aboriginal and Torres Strait Islander children and young people.

## Parliamentary Committee inquiry into rural, regional and remote health services

In previous years we reported on the Legislative Council’s Portfolio Committee No 2 — Health inquiry into health outcomes and access to health and hospital services in rural, regional and remote NSW.

The committee published its report in May 2023, which recommended, among other things, the establishment of an independent ‘Health Administration Ombudsman’ (recommendation 41).

We later sought and were granted funding to support enhanced scrutiny of health administration, with recruitment of a Deputy Ombudsman, Health Administration and a small support unit of 4 staff.

In July 2023 the Legislative Assembly Select Committee on Remote, Rural and Regional Health commenced an Inquiry into the implementation of recommendations relating to workforce, workplace culture and funding for remote, rural and regional health.

We made submissions to the committee in October 2023<sup>2</sup> and April 2024.<sup>3</sup> Our submissions set out how the role and functions of our office are consistent with the role and functions of the proposed Health Administration Ombudsman. We acknowledged that it had not always been possible to investigate all matters that may have warranted further scrutiny, given NSW public health system is the largest health care system in Australia and that our resources had been highly constrained to cover a very broad jurisdiction.

Our submissions gave a detailed overview of the progress of current and proposed activities of the office relevant to health administration including:

- our PID scheme oversight role and development of guidance material and establishment of a whistleblower support unit
- our new complaint-handling system review function
- our function to review the deaths of children.

<sup>1</sup> See report: <https://www.parliament.nsw.gov.au/ladocs/inquiries/2995/Report%20-%202023%20review%20of%20annual%20and%20other%20reports%20of%20oversighted%20agencies.PDF>.

<sup>2</sup> See our submission: <https://www.parliament.nsw.gov.au/ladocs/submissions/82283/Submission%2038%20-%20NSW%20Ombudsman.pdf>.

<sup>3</sup> See our submission: <https://www.parliament.nsw.gov.au/ladocs/submissions/85444/Submission%2041%20-%20NSW%20Ombudsman.pdf>.

In October 2023 the Ombudsman and Chief Deputy Ombudsman appeared before the committee and gave evidence about the role of the Health Administration Unit. We advised that the focus of the additional work would be:

- to increase the visibility of and access to our office to public health workers and health customers
- to identify and support an effective response to systemic administration issues identified within the sector, and
- to work collaboratively across all of the Ombudsman office's existing functional areas to ensure coordinated and impactful exercise of those functions where they impact on the health sector.

Additionally, the Ombudsman provided information about a report the office tabled in Parliament about the Public Interest Disclosures Bill 2021.<sup>4</sup> The report noted that in most other Australian jurisdictions legislation protects disclosures made about danger or risk to public health, safety or the environment and we suggested that consideration be given to making the protections available for a wider range of categories of reports.

## Other parliamentary committee inquiries

Refer to **Section 3.5** for details about other parliamentary committee inquiries we contributed to.

## Special Commission of Inquiry into offending by former Corrections Officer Wayne Astill at Dillwynia Correctional Centre

We provided a voluntary statement to the Special Commission of Inquiry into offending by former Corrections Officer Wayne Astill at Dillwynia Correctional Centre in November 2023 about the systems for receiving and dealing with complaints in correctional centres.<sup>5</sup> Following release of the Special Commission's report in March 2024, the Ombudsman wrote to the Inquiry to correct a statement made about the Ombudsman's office in the Special Commission's report.<sup>6</sup>

## 1.4 Organisational outlook

In 2024–25, we will be recognising 50 years since the commencement of the NSW Ombudsman's office. We will be marking this significant milestone with a range of activities and events, including creation of an oral history from current and previous Ombudsman and senior officeholders.

As noted above, our current strategic plan is coming to an end in June 2025 and in 2024–25 we will commence work to prepare a new plan — setting the organisational and strategic vision for our office.

A number of the projects identified as part of our *Transformation Program* will be finalised in the coming year — more information on the status of the program is in **Section 2.3**.

<sup>4</sup> See our report: [https://www.ombo.nsw.gov.au/\\_data/assets/pdf\\_file/0016/138202/Special-Report-by-the-NSW-Ombudsman-on-the-Public-Interest-Disclosures-Bill-2021.pdf](https://www.ombo.nsw.gov.au/_data/assets/pdf_file/0016/138202/Special-Report-by-the-NSW-Ombudsman-on-the-Public-Interest-Disclosures-Bill-2021.pdf).

<sup>5</sup> See voluntary statement: <https://www.ombo.nsw.gov.au/Find-a-publication/publications/submissions/royalspecial-commissions-of-inquiry/voluntary-statement-to-the-special-commission-of-inquiry-into-offending-by-former-corrections-officer-wayne-astill-at-dillwynia-correctional-centre>.

<sup>6</sup> See letter here: <https://www.ombo.nsw.gov.au/Find-a-publication/publications/submissions/royalspecial-commissions-of-inquiry/letter-in-response-to-the-published-report-of-the-special-commission-of-inquiry-into-offending-by-former-corrections-officer-wayne-astill-at-dillwynia-correctional-centre>.



*NSW Ombudsman staff members*

## 2. Strategy

## 2.1 Strategic Plan 2020–25

Our strategic plan<sup>7</sup> identifies the 4 outcomes we need to achieve to help realise our vision that: *Everyone receives the right services and fair treatment from those we oversight.*

Our vision is aspirational, and while we can contribute towards it, we have limited influence over whether it is realised. For that reason, we focus our efforts on the set of 4 Ombudsman outcomes that support the realisation of our vision, and that are more closely within our control.

**Outcome 1** is about ensuring that the people of NSW are satisfied with our customer service.

To achieve this outcome, we need to:

- listen to their complaints or questions
- provide information and guidance
- provide an impartial assessment of an agency's conduct
- help where possible to conciliate and resolve complaints
- where necessary, investigate matters of serious or systemic concern.

**Outcome 2** aims to support democratic principles and the rule of law, and to ensure citizens are protected from abuse of power and unfair treatment, by holding public authorities and community service providers to account when they engage in wrong conduct.

**Outcome 3** is about fostering enduring reforms that prevent future failings and improve public administration and service delivery. Some of the ways in which such reforms achieve these aims include:

- helping government and service providers to learn from complaints and reviews
- promoting public sector whistleblowing
- providing advice, suggestions and recommendations that are evidence-based, realistic and effective
- providing education and training to government agencies and service providers to encourage good administrative practice and build capability.

**Outcome 4** is about providing a trusted source of independent advice to Parliament. Although we are independent of all stakeholders, we report directly to the NSW Parliament, in its capacity as the representative body of the people.

See **Section 3.3** for information on our work towards achieving each of those 4 outcomes.

**Our Strategic Plan 2020–25 articulates:**

- The strategic initiatives we will pursue over the remaining period of the plan, each of which is linked to 1 or more of our 4 outcomes.<sup>8</sup> An annual plan is developed each year for the activities we will carry out in respect of those strategic initiatives. Implementation of the annual plan is overseen by the Executive team with tracking of progress completed on a quarterly basis. Some of our highlights from this year are on pages 24–25 in the **Strategic Action Plan highlights**.
- A number of distinctly 'transformative' projects to be delivered for the remainder of the plan, which had been consolidated into a *Transformation Program*: refer to **Section 2.3** for more information about that program and our progress.
- Progress towards achieving our 4 strategic outcomes to be measured by reference to a series of key performance indicators (KPI) ascribed to each outcome. Performance against KPIs is set out in **Section 3.4**.

<sup>7</sup> Revised in February 2023. See our document: [https://www.ombo.nsw.gov.au/\\_data/assets/pdf\\_file/0005/138551/Strategic-Plan-Mid-Point-Refresh.pdf](https://www.ombo.nsw.gov.au/_data/assets/pdf_file/0005/138551/Strategic-Plan-Mid-Point-Refresh.pdf).

<sup>8</sup> See Table 2 'Strategic initiatives' on p 12 of our document: [https://www.ombo.nsw.gov.au/\\_data/assets/pdf\\_file/0005/138551/Strategic-Plan-Mid-Point-Refresh.pdf](https://www.ombo.nsw.gov.au/_data/assets/pdf_file/0005/138551/Strategic-Plan-Mid-Point-Refresh.pdf).

## 2.2 Strategic Plan 2020–25 on a page

### Ombudsman vision and outcomes

#### VISION

Everyone receives the right services and fair treatment from those we oversight

#### POPULATION AND SYSTEM LEVEL OUTCOMES

Individuals get services and decisions from public authorities and community service providers that are lawful, reasonable and fair	Individuals affected by services or decisions of public authorities and community service providers that are not lawful, reasonable or fair have an effective remedy	
Public authorities and community service providers avoid unlawful, unreasonable or unfair services or decisions	Public authorities and community service providers are responsive to individuals who complain about a service or decision	Public authorities and community service providers are held to account for serious administrative wrongs

#### OMBUDSMAN LEVEL OUTCOMES

<b>1</b> <b>Complaints to us are resolved effectively and individuals are satisfied with our service</b>	<b>2</b> <b>Public authorities and community service providers are held to account for serious wrong conduct</b>	<b>3</b> <b>Improvements in public administration and community services delivery occur as a result of our work</b>	<b>4</b> <b>Parliament gets support from us in the exercise of its functions</b>
<ul style="list-style-type: none"> <li>A. Individuals and stakeholders* can easily access us</li> <li>B. Complainants perceive that their questions and complaints are resolved effectively</li> <li>C. We provide high standards of customer service</li> <li>D. Complainants, public authorities and community service providers perceive our complaint-handling processes as impartial and fair</li> </ul>	<ul style="list-style-type: none"> <li>A. We identify serious and/or systemic administrative wrongs</li> <li>B. We pursue the most important investigations, inquiries and reviews</li> <li>C. Our findings are impartial, fair and rigorous</li> </ul>	<ul style="list-style-type: none"> <li>A. Public authorities and community service providers perceive our recommendations as impartial, fair and robust</li> <li>B. Our recommendations are well-targeted and lead to positive change</li> <li>C. Public authorities and community service providers are provided with the information and support they need to avoid administrative wrongs</li> </ul>	<ul style="list-style-type: none"> <li>A. Parliament is satisfied that we are performing our functions</li> <li>B. We provide robust evidence and advice to Parliament on issues of significance that contribute to Parliamentary/public debate</li> </ul>

\* This outcome uses 'stakeholders' in a narrow sense – it refers to organisations through which individuals reach us or who might act for individuals (eg community legal centres).

## Strategic action plan highlights



### Services and impact

- Engaged an inaugural Deputy Ombudsman, Health Administration (February–July 2024) to commence developing our approach to better respond to health administration complaints and reports of wrongdoing by health sector staff.
- Stood up the Whistleblower Support Team with recruitment of team manager and development of operating model.
- Developed a model for biannual reporting of complaint case studies and investigations outcomes and commenced drafting of first report (tabled 30 July 2024).
- Established new quality assurance framework and commenced delivery of regular quality assurance reviews.
- Refreshed our internal complaints-handling policies and procedures.
- Finalised a review of the Aboriginal Programs Branch with delivery of a refreshed Aboriginal programs monitoring and review framework.
- Finalised the requirements for complaints and investigations functions for the new Case Management System, with a go-live date in 2025; and work commenced on functions not currently represented on the existing system.
- Commenced work to increase conciliation capability and delivery with provision of formal training for staff and drafting of a framework and communications plan.
- Rolled out a comprehensive suite of guidance, resources and training materials for inclusion in the new PID Act aimed at NSW public authorities and officials.
- Tabled 3 special reports to Parliament:
  - Formal investigations summary report: A summary of completed investigations under s 31 of the *Ombudsman Act 1974* (1 October 2022 to 30 September 2023)
  - Revenue NSW — The lawfulness of its garnishee order process: A special report under s 31 of the *Ombudsman Act 1974*, and
  - A map of automated decision-making in the NSW Public Sector: A special report under s 31 of the *Ombudsman Act 1974*.



### Engagement and relationships

- Launched NSW Public Sector PID Community of Practice for public officials.
- Invited public submissions in relation to the Mandatory Disease Testing scheme — for our statutory review into the operation and administration of the MDT Act.
- Engaged an external vendor and progressed work on delivering the new public website.
- Participated in a range of forums with other Australian and New Zealand Parliamentary Ombudsman offices to share our experiences.
- Held a third Integrity Agencies Symposium providing development opportunities for junior staff to gain experience presenting and to learn more about the role and work of other integrity agencies.
- Presented to members of Parliament and staff from electorate offices about our office and how we can assist them with handling complaints.
- Presented to local government officials as part of a local government intensive course on complaint handling and the new PID Act.
- Increased training delivered to in-jurisdiction agencies and commenced projects to double the number of courses to be offered.



## Leadership and governance

- Commenced development of office-wide Learning and Development framework.
- Consolidated 3 internal governance committees to enhance oversight and coordination of our work at a senior level covering:
  - investigations and other significant matters
  - major internal business improvement initiatives, and
  - public and community sector improvement initiatives.
- Developed new office policy to guide staff on using generative AI.



## People and culture

- Launched our Employee Value Proposition internally and externally to showcase the career opportunities available to attract a diverse range of high-calibre people.
- Updated our Diversity and Inclusion Framework 2024–27, Diversity and Inclusion Committee Terms of Reference, and Diversity and Inclusion Action Plan 2024–25.
- Continued our journey to develop a Reconciliation Action Plan (**RAP**) through working with an external vendor and establishment of a RAP Steering Committee and Working Group.
- Achieved Disability Confident Recruiter Accreditation.
- Continued internal Aboriginal Cultural Inclusion training to promote greater cultural awareness.



## Systems and processes

- Continued work to embed a regular satisfaction survey program for obtaining feedback to monitor and improve our performance through implementation of regularly administered surveys to the community, complainants, inmates, stakeholders and members of Parliament.
- Rolled out phase 2 of our Enterprise Resource Planning (**ERP**) system.
- Progressed delivery of the 13 *Transformation Program* projects: see Section 2.3 for program details and status update.

## 2.3 Transformation Program

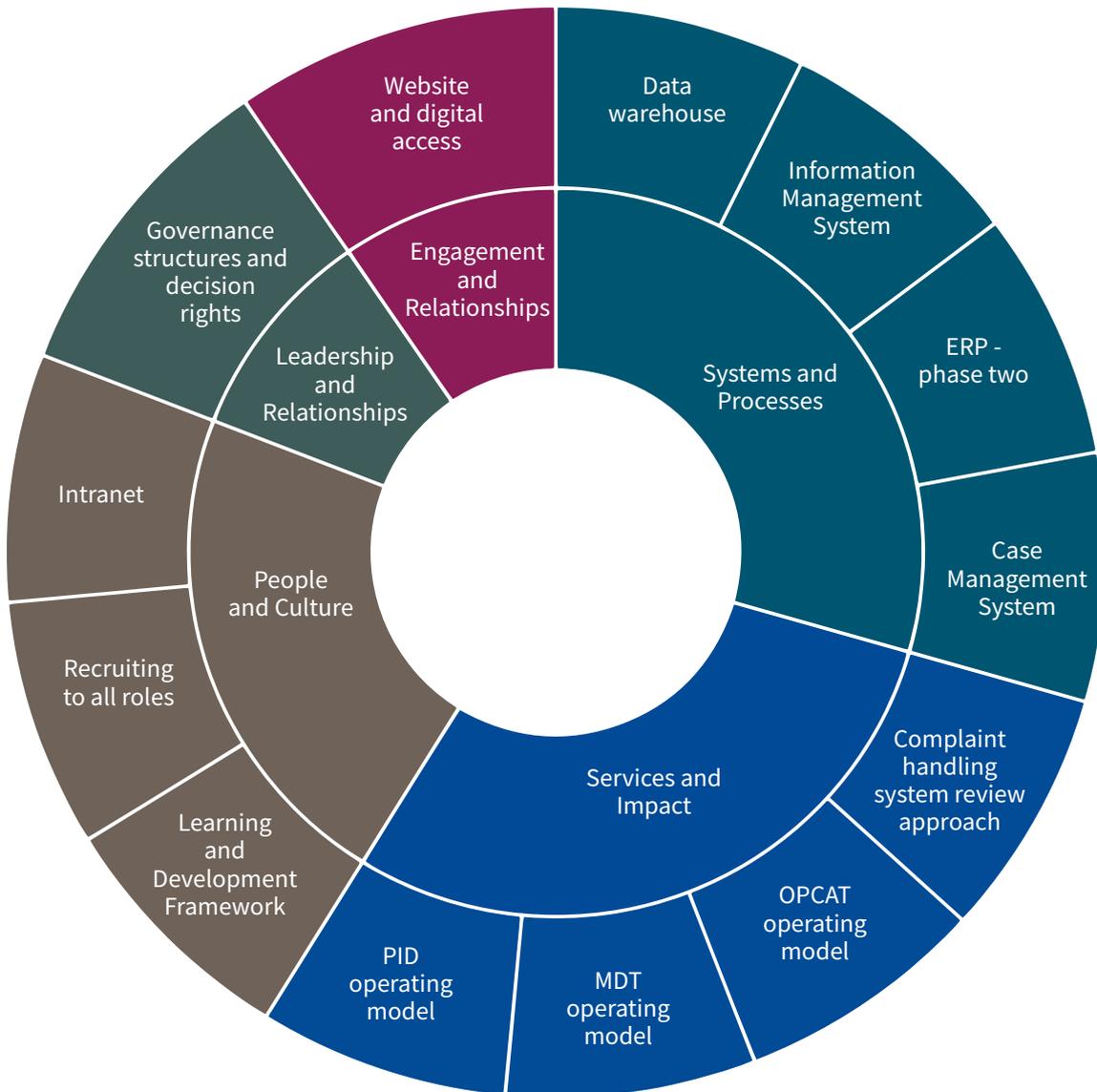
Our refreshed *Strategic Plan 2020–25* released in February 2023 included our *Transformation Program*. The 13 projects in the *Transformation Program* were considered significant in terms of scale, complexity and/or impact on the work conducted by our office.

Given its significance, the *Transformation Program* was overseen by a central governance board consisting of the Ombudsman, Chief Deputy Ombudsman and Chief Operating Officer.

In 2024, that board closed the program of work as a number of the major projects had been delivered. All remaining projects were transitioned to other governance arrangements for ongoing monitoring of delivery.

**Table 1** provides an update on the projects that formed the Transformation Program.

### Transformation program overview



**Table 1. Highlights of progress on our transformation journey to date**

Project	Description	Stream	Status	Key Actions/Deliverables
<b>Intranet</b>	Replace our current intranet with a modern internal communication and internal knowledge-sharing platform.	People and Culture/ Systems and Processes	Completed	We replaced our old intranet, enabling better internal communication and knowledge sharing.
<b>Website and digital access</b>	Refresh our current website and digital access channels for our customers — with modern technology, including virtual assistants and customer access portals.	Engagement and Relationship	In progress	Our new website, including an artificial intelligence (AI) Assistant and online portal for complainants, is scheduled to launch in November 2024.
<b>Case Management System</b>	Develop a new case management system to support efficient and effective end-to-end decision-making.	Systems and Processes	In progress	We are taking a phased approach to implementing our new case management system. The first release of the new system — supporting our complaint-handling and investigations functions — scheduled to launch in February 2025.
<b>Enterprise Resource Planning (ERP) system — phase two</b>	Implement the people-related functions of our ERP system — to replace multiple legacy systems.	Systems and Processes	Completed	Building on the implementation of our new ERP system which replaced our legacy finance system, the people-related functions of the ERP system have been implemented.
<b>Information Management System</b>	Refresh our internal information management systems to uplift compliance with records management requirements, better manage our information and facilitate more efficient workflows.	System and Processes	In progress	The refresh of our information management systems is underway. New technology is being implemented that will complement updated information management policies and processes, which is supported by enhanced training for staff.
<b>Recruiting to all roles</b>	Resource all parts of the Ombudsman’s Office with sufficient capable staff.	People and Culture	Ongoing	We recruited an additional 101 people during 2022–23 and 62 people during 2023–24. We will continue our recruitment efforts with the view to strengthen our diversity and inclusivity.
<b>PID Operating Model</b>	Implement a refreshed operating model for our expanded PID Act functions under the PID Act that commenced in October 2023.	Services and Impact	Completed	We have implemented a refreshed operating model for our expanded PID Act functions.  We developed an interim portal for agencies to submit required information to us under the PID Act, and will continue to enhance our portal capability into the future.

Project	Description	Stream	Status	Key Actions/Deliverables
<b>MDT Operating Model</b>	Implement an operating model for our new MDT Act functions.	Services and Impact	Completed	We have implemented the operating model for our new MDT Act functions.
<b>OPCAT Operating Model</b>	Develop an operating model for the anticipated Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment ( <b>OPCAT</b> ) function.	Services and Impact	Watching brief	Last financial year we undertook preliminary activities that would allow us to mobilise quickly if the NSW Ombudsman is given a role under OPCAT by the NSW Government.  We await further information from the NSW Government on their implementation of OPCAT in NSW.
<b>Complaint handling system review approach</b>	Implement an approach to performing complaint-handling systems reviews of NSW public authorities.	Services and Impact	In progress	Recruiting a team to develop our approach to performing complaint-handling systems reviews, which will be implemented in 2024–25.
<b>Data warehouse</b>	Expand our data warehouse capabilities to enable the Ombudsman’s Office to extract greater insights.	Systems and Processes	Commenced	Preliminary work on expanding our data warehouse capabilities has commenced, with further progress expected following completion of other enabling projects.
<b>Learning and Development framework</b>	Implement a new learning and development framework, that includes the use of case conferencing.	People and Culture	In progress	Development of a new learning and development framework is progressing. This includes building a comprehensive capability and skills framework that will feed into a detailed learning needs assessment.
<b>Governance structure and decision rights</b>	Streamline governance structures and decision rights across the Ombudsman’s Office.	Leadership and Governance	Completed	Streamlining of governance structures and decision rights across the Ombudsman’s Office are complete and available to all staff on our new intranet.



*NSW Ombudsman banner at the Yabun Festival 2024*

### 3. Operations and performance

# 3.1 Summary review of operations

## Operational highlights 2023–24

### Complaints

#### All contacts received

2022–23	27,708
2023–24	29,632

Received **29,632** contacts to our office

**7%** increase from last year

#### Actionable complaints

2022–23	13,035
2023–24	14,770

Received **14,770** actionable complaints

**13%** increase from last year

#### Dealing with complaints



Finalised **14,236** actionable complaints



**56%** finalised within 1 week



**79%** finalised within 30 days

Took further investigatory action on **3,429** complaints after initial assessment

2022–23 2,695

2023–24 3,429

**27%** increase from last year

Including preliminary inquiries, suggestions and comments, conciliation and investigations

#### Warm referrals



**1,135** actionable complaints were directly referred to the agency complained about, with the complainant's consent

### Special Reports and submissions



Tabled **7** reports to Parliament, including **3** special reports.

Made **6** submissions to NSW Parliamentary inquiries and **2** submissions to independent inquiries and reviews.

**1** submission to a Commonwealth Parliamentary inquiry and **1** submission in response to a Commonwealth Government's discussion paper.

### Investigations



Finalised **8** investigations

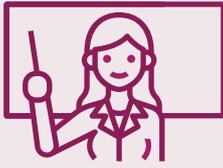


Commenced **10** new investigations



Monitored implementation of our recommendations from **12** previous investigations

## Training



Delivered  
**134**  
training courses



of attendees agreed or strongly agreed that the courses were useful and appropriate.



of attendees agreed or strongly agreed that the courses were relevant to their jobs.

## Community engagement

Participated in **17** community events and conducted **8** public facing outreach activities including public pop-up information stalls and drop-in centres.



## Staff recruitment



We onboarded  
**62 new employees**

## Surveys

Undertook a comprehensive survey program, delivering qualitative and quantitative research results to inform service awareness, focus and improvement from:

**2,000**  
NSW residents

**1,219**  
complainants

**132** stakeholder organisations,  
NSW parliamentarians.

## People and culture

Achieved our **Disability Confident Recruiter 2024** status, awarded by the Australian Disability Network.

ERP Phase 2 was completed with the roll out of the Payroll and HR modules.

Launched our Employee Value Proposition that has been added to our recruitment materials, including job advertisements on LinkedIn, in a recruitment video series and in recruitment collateral for interview panels.

## Survey of inmates in adult correctional centres



**1,652** inmates surveyed

**1,407** had heard of us

**829** had made at least 1 prior complaint to us

**86%** of complaints were by phone

**60%** had spoken to us during a visit

**63%** of complainants believed we treated them with respect

**71%** believed we spoke to them in a way they understood

**97%** said they would contact us again

## Child death reviews

Delivered the **Biennial report of the deaths of children in New South Wales: 2020 and 2021**.



## 3.2 Community engagement

### Accessing our services

We strive to be accessible to everyone and offer multiple ways to get in touch, including phone, our online complaint form, and in-person visits to our office. Additionally, individuals can share their concerns with our staff during community outreach events or approach us directly at correctional or youth justice centre visits.

Some community members may be less likely to access our services without assistance — the very factors that may contribute to a person needing the help of the Ombudsman may also limit their ability or willingness to approach or engage with us. We undertake a range of community outreach activities to reach those who may not have knowledge of our office or our services, or may otherwise face impediments to accessing our services.

### Contacts to our office

We categorise contacts received by our office into 6 categories (see **Appendices A1–A8** for more detail):

1. **Actionable complaints** — complaints about a public authority or community service provider that we are authorised to deal with under the Ombudsman Act or the CS CRAMA
2. **Excluded complaints** — complaints about a public authority or community service provider that we are not authorised to deal with because the complaint is about ‘excluded conduct’ as set out in Schedule 1 of the Ombudsman Act
3. **Requests for information** — where someone is not complaining but asking for our help or advice
4. **Notifications** — where agencies report things to us because they are legally required to do so (for example, when a young person is segregated alone in a youth justice centre for 24 hours or more)

5. **Misdirected complaints** — where someone contacts us about a person or body that is not a public authority or a community service provider, and over which we have no jurisdiction (such as a banking provider or an Australian Government department)
6. **‘Feedback Assist’** — where our office assists with identifying the appropriate agency to manage feedback (complaints, compliments or suggestions) provided by the public via a NSW Government ‘Feedback Assist’<sup>9</sup> widget or another agency’s website.

**Figure 1.** How we received contacts<sup>10</sup>

	<b>Phone</b>	<b>16,305</b>
	<b>Online</b>	<b>7,218</b>
	<b>Email</b>	<b>3,679</b>
	<b>Notification</b>	<b>1,442</b>
	<b>In person</b>	<b>807</b>
	<b>Post</b>	<b>154</b>
	<b>Initiated by us</b>	<b>27</b>

### Contacts received in 2023–24

In 2023–24 we received 29,632 contacts. This represents a 7% increase in the number of contacts received from the previous year (27,708). The number of actionable complaints increased by 13% and the number of misdirected complaints increased by 18%. The number of excluded complaints increased by 5%. We saw a 49% drop in notifications of segregation and separation in youth justice centres.

<sup>9</sup> See Feedback Assist: [www.digital.nsw.gov.au/delivery/digital-service-toolkit/solutions/feedback-assist](https://www.digital.nsw.gov.au/delivery/digital-service-toolkit/solutions/feedback-assist).

<sup>10</sup> The reference to ‘contacts received’ in this section includes matters where we opened a complaint file using own motion powers. ‘In person’ includes through community visits, youth justice visits, prison visits or personal visits to our office.

A further breakdown of data relating to complaints and notifications is in **Appendices A1–A8**.

**Figure 2.** Contacts received

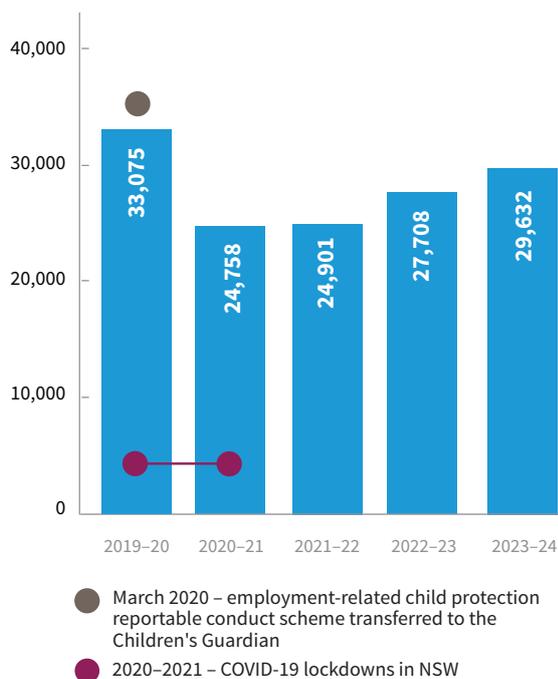
Actionable complaints	14,770
Misdirected complaints	7,418
Requests for information	4,596
Notifications	1,442
Excluded complaints	1,333
Feedback Assist	73
<b>Total</b>	<b>29,632</b>

### Changes in contacts over time

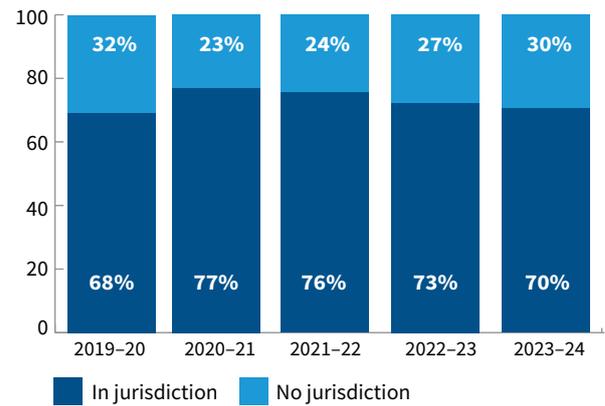
The number of contacts received in 2023–24 grew for the second year in a row. The 7% increase in 2023–24 built on the 11% increase in 2022–23. We saw growth in both actionable complaints and misdirected complaints in 2023–24.

Following the transfer of the employment-related child protection reportable conduct scheme to the Children’s Guardian and the impacts of COVID-19 during 2020–21, we saw a 25% decline in total contacts. In 2021–22 contact numbers stabilised and the following 2 years have shown growth.

**Figure 3.** Contacts received over 5 years



**Figure 4.** Contacts received in jurisdiction over 5 years\*



\* Contacts received in jurisdiction were incorrectly presented in last year’s annual report. This has been corrected in the figure above.

The proportion of contacts we received that were about matters within our jurisdiction decreased slightly in 2023–24 compared to the previous year. This was primarily a result of an increase in misdirected complaints. We are working to address the increase in misdirected complaints through new website and case management system functionality to be introduced in 2024–25.



*NSW Ombudsman presenting at NSW ICAC’s Rural and regional outreach program, Newcastle*

## Detention and custody

In 2023–24 we placed strong focus on assisting complainants in detention and custody being able to access our services.

A dedicated team within the Complaints and Resolution Branch handles complaints relating to Corrective Services NSW, Youth Justice NSW and Justice Health NSW. Complaints are received mainly from inmates and detainees, as well as from members of the public and staff working for the relevant agencies.

The team undertakes regular visits to adult correctional and youth justice centres across NSW, to facilitate an in-person complaints service. This complements the free-call services within every private and publicly run correctional centre and youth justice centres. The team also takes complaints on referral from the Inspector of Custodial Services.

During 2023–24 we strengthened our visit program visiting 24 adult centres, and 5 youth justice centres, in some cases with multiple visits.

With a view to understanding the specific needs of this stakeholder group in November 2023, we undertook a survey of inmates in adult correctional centres with access to Correctional Services issued tablets.

Through the survey we explored how familiar they were with our complaints service; if they had contacted us, what prompted them to do so and whether they would do so again; whether there was more we could do to improve our complaint handling; and how they experienced our staff.

Responding directly to the feedback, we placed on inmates' tablets clearer information on our role and reassurances that we treat complaints confidentially. In June 2024 staff underwent training in trauma-informed practice, all with a view to improving access and the quality of our service delivery.

**A selection of verbatim comments appears below:**

*Every time I have r[u]ng them for help, they have fixed my problems straight away. I'm very satisfied ... I tell everyone in gaol to contact them when having a problem*

*Have a person with lived experience doing this important service*

*Just keep doing what you're doing*

*Longer talk time and more prison visits*

*Take us more seriously and in private*

*More one on one with inmates to show the trust and help is there*

*You do you! Keep this noble cause 100*

### 3.3 Reporting on our strategic outcomes

As outlined in **Section 2.1**, to realise our vision we have focused on achieving 4 strategic outcomes.

#### Our 4 outcomes



**Outcome 1:** Complaints to us are resolved effectively and individuals are satisfied with our service



**Outcome 2:** Public authorities and community service providers are held to account for serious failures, or unreasonable or wrong conduct



**Outcome 3:** Improvements in public administration and community service delivery occur as a result of our work



**Outcome 4:** Parliament gets support from us in the exercise of its functions.

#### Activities contribute to delivery of multiple outcomes

Each of our 4 strategic outcomes are interrelated, and activities contribute to the achievement of multiple outcomes. For example, effective resolution of a complaint (Outcome 1) may result in an agency being held to account by findings of wrong conduct (Outcome 2). The resulting public report and recommendations can drive broader improvements in public administration (Outcome 3) at the same time as providing evidence for Parliament to scrutinise the government and pursue legislative reform (Outcome 4).

In this section we outline our work during 2023–24 and indicate graphically the extent to which our activities are contributing to each of the strategic outcomes.



#### Handling actionable complaints



#### Initial assessment undertaken of 14,236 (100%) of the actionable complaints finalised in 2023–24

We assess all the complaints we receive.

Many complaints are finalised at this stage, and without us making inquiries or otherwise engaging directly with the agency concerned. Complaints at this stage may be finalised by providing information and advice to the complainant — such as explaining the agency’s decision or actions and where there is no indication of potential maladministration. Alternatively, we suggest to the complainant that they contact the subject agency direct to raise their complaint. If a complainant has not already complained to the agency directly

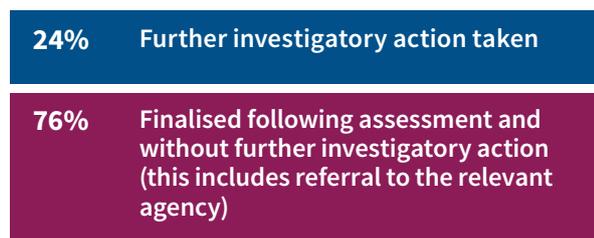
before contacting us, we may advise them to do this. This provides the agency with an opportunity to address the concerns. In suggesting this, we invite the complainant to come back to us if they are not satisfied with the agency’s response.

### Warm referral

We also have arrangements with larger agencies that allow us to ‘warm refer’ complaints directly to them, with the complainant’s consent. We do this where we assess the agency has not had a reasonable opportunity to address the complaint. This is helpful as it means the complainant does not have to start the process of complaint again by contacting the agency directly, and the agency is aware that the issues have already been raised with us. Of our actionable complaints, 8% (1,135) were finalised by way of warm referral. In 2024–25 we will work to increase the number of agencies with whom we have ‘warm referral’ arrangements.

### How we finalised complaints

**Figure 5.** How we finalised complaints



### Preliminary inquiries — 24% (3,401) actionable complaints finalised this way in 2023–24

After receiving a complaint, we may make preliminary inquiries under section 13AA of the Ombudsman Act. This means we engage with agencies to seek answers to questions raised by a complaint or request documents or other material to help us understand and address the issues raised, and to consider if there may have been serious maladministration that may warrant formal investigation.

Most complaints in which we make preliminary inquiries are finalised following such inquiries, and without proceeding to formal investigation of maladministration. Sometimes this is because the information we receive suggests no further action is warranted and we are in a better position to explain to the complainant why this is the case.

In other cases, our inquiries prompt agencies to take action to resolve the complaint (for example, by reviewing a decision, providing an apology or undertaking some other corrective action) or to provide the complainant with reasons or further information that addresses their concerns.

### Comments or suggestions — 44 made in respect of 18 actionable complaints finalised in 2023–24

Section 31AC of the Ombudsman Act allows us to provide information or make comments to an agency in respect of a complaint. In the process of resolving a complaint, we may formally make such comments or suggestions to an agency. Comments are generally aimed at assisting an agency to improve its service delivery or its own complaint handling. Of the 44 comments or suggestions made:

- 38 suggestions were fully accepted and 31 were implemented by agencies the subject of the complaint (out of the 38 suggestions that were fully accepted but not yet implemented at the time of reporting, 3 were in the process of being implemented, while 2 were not implemented and 2 were partially implemented).
- 3 suggestions were partially accepted by agencies, of which 2 were partially implemented and 1 suggestion was not implemented.
- 3 suggestions were not accepted or implemented.



NSW Ombudsman staff members at the Coloured Diggers event

## Supporting complaint resolution through conciliation

In 2023–24 we enhanced our capability to use conciliation as a means to resolve certain complaints made about public authorities and community service providers, through partnering with the Resolution Institute to train 12 staff in alternative dispute resolution techniques, to supplement those staff already experienced in undertaking conciliations.

Conciliation is a voluntary process, facilitated by trained Ombudsman staff, who bring the parties together, encouraging them to engage respectfully to better understand each other's position and hopefully assist them to reach a lasting agreement.

The process is also confidential and person-centred. Our conciliation practice is underpinned by trauma-informed principles of safety, trust, choice, collaboration, empowerment and respect for diversity.

Conciliations can be particularly successful where the parties need to maintain an ongoing relationship. For example, a parent in dispute with an educational provider who they consider has failed to provide appropriate supports for their child living with disability, or a resident in a long-running dispute with their local council.

Conciliation can be equally effective in more transactional disputes, for example where an agency has a discretion to waive fees on the basis of financial hardship and has declined to do so, notwithstanding the complainant's contention they have met the relevant criteria.

From a complainant perspective, a conciliation can address concerns and yield good results, such as the agency better explaining reasons for their actions and decisions, issuing an apology, offering a review of a decision or undertaking to do certain things within an agreed timeframe.

For agencies, it offers a means to restore trust and repair or reset a relationship.

We can also conciliate certain disputes under the PID Act, in connection with actual or potential voluntary public interest disclosures.

Conciliation can be a timely resolution mechanism, in some instances taking around 10 business days from referral for conciliation to closure of a complaint file.

In 2024–25 we will engage with key stakeholder groups to build upon the existing awareness of our conciliation support for resolving complaints, refine our framework and expand the number of trained staff capable of performing this increasingly important function.

### Conciliation in operation

Under section 25A of the Ombudsman Act we can invite the complainant and subject agency to participate in a voluntary conciliation. In doing so, we facilitate a discussion and encourage the parties to reach an agreement that can resolve the issues between them.

Our conciliation function is an emerging one. We ran 2 conciliations in the reporting period; however, they did not resolve the disputes between the parties. In June we trained 12 staff members in alternative dispute resolution and specifically conciliation techniques. We expect

there to be greater numbers in 2024–25 and beyond as we increase our capability and continue to promote conciliation among complainants and agencies as a resolution mechanism.

### Referrals for investigation — 3 complaints were referred to the agency for investigation

Under section 12A of the Ombudsman Act, the Ombudsman may decide to refer a complaint about the conduct of an agency back to that agency for investigation.

An agency that receives a referral under s 12A of the Ombudsman Act must:

- consider any recommendations we make in deciding how to deal with the referred complaint
- on the request of the Ombudsman, provide documents and other information relating to the complaint, and
- report to the Ombudsman on the outcome of the referral.

In 2023–24, we referred 3 complaints to agencies for investigation.

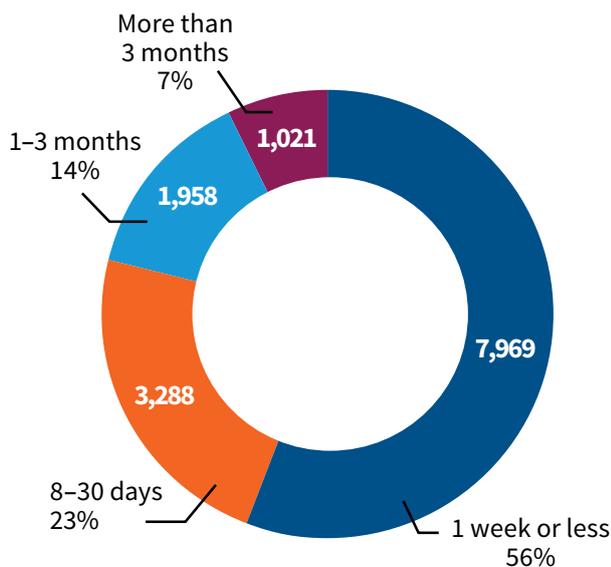
### Investigations — 8 investigations finalised in 2023–24

The Ombudsman may make the conduct of a public authority the subject of an investigation where it appears that any conduct of that public authority may be contrary to law, unreasonable or otherwise wrong.

An investigation may result in findings made in a final report, or the investigation may be discontinued without findings.

All 8 finalised investigations resulted in findings and a report to the agency. One of the investigation reports was tabled in Parliament as a special report.

**Figure 6.** Time taken to finalise actionable complaints



### Reviews of our decisions

In 2023–24 we accepted 20 requests seeking a review of a decision we made about a complaint. Of the 20 requests for a review:

- We affirmed our decision not to commence an investigation in 12 of those cases.
- We re-opened 2 complaints and made further inquiries with the agency in relation to the complaints.
- 6 review matters were still open as of 30 June 2024.

In 2023–24, we finalised 25% of reviews within 3 months from receipt.

### Investigation findings and recommendations



Under section 17 of the Ombudsman Act, our investigations must be conducted in the absence of the public.

When the investigation is completed, if findings of wrong conduct are made, we provide a final report on the investigation to the relevant agency and its responsible minister under section 26 of the Ombudsman Act.

The report may include recommendations for corrective action in respect of the particular wrong conduct, as well as for systemic and administrative improvements.

In 2023–24, we made findings of wrong conduct in relation to 8 investigations. We commenced 10 new investigations during the year.

### Investigations summary report

While not all investigations result in a special report being tabled in Parliament, our current practice is to publish and present to Parliament a special report that summarises the outcomes of investigations completed.

A Casebook containing a summary of the investigations completed between 1 October 2023 and 30 June 2024 was tabled in Parliament on 30 July 2024. We intend to table summaries of completed investigations every 6 months with the next Casebook planned to be tabled in early 2025.

## The continuing impact of our work

### Establishment of the NSW Ageing and Disability Commission

This reporting year marks 5 years since the establishment of the NSW Ageing and Disability Commission (ADC) and the commencement of the *Ageing and Disability Commissioner Act 2019* in July 2019.

The role of ADC is to protect older people and adults with disability from abuse, neglect and exploitation and to promote their rights. The creation of ADC was a significant reform in NSW to address gaps in the available mechanism for assistance and recourse for older people and adults with disability.

The Ageing and Disability Commissioner Bill was introduced in Parliament following a number of reviews including the Ombudsman's November 2018 report *Abuse and neglect of vulnerable adults in NSW – the need for action: A special report to Parliament under section 31 of the Ombudsman Act 1974*.<sup>11</sup>

In July 2016, our office commenced a standing inquiry into the abuse and neglect of adults with disability in community settings, such as their family home. We were prompted to act as we were repeatedly and increasingly contacted about serious matters of alleged abuse and neglect of adults with disability.

Our 2018 report highlighted that there was no other agency with powers to investigate allegations of abuse, neglect and exploitation that did not reach a criminal threshold. We recommended that the NSW Government implement the recommendations of the NSW Law Reform Commission in relation to the establishment of an independent statutory body to investigate and take appropriate action in relation to the suspected abuse and neglect

of vulnerable adults in NSW, as outlined in its report on the *Review of the Guardianship Act 1987*. We made additional recommendations relating to the establishment of this body, to provide an effective, integrated and person-centred approach to responding to the abuse and neglect of vulnerable adults in NSW – including information sharing provisions for relevant agencies, and enhanced options for decision-making assistance for those who need it.

Other recommendations were aimed at a broader review focused on establishing in NSW the strongest independent safeguarding and regulatory system in Australia for protecting vulnerable groups in our community.



<sup>11</sup> See our report: [https://www.ombo.nsw.gov.au/\\_data/assets/pdf\\_file/0005/138155/Abuse-and-neglect-of-vulnerable-adults-in-NSW-November-2018.pdf](https://www.ombo.nsw.gov.au/_data/assets/pdf_file/0005/138155/Abuse-and-neglect-of-vulnerable-adults-in-NSW-November-2018.pdf).

## Public reports



## Special reports and statutory reports to Parliament

Under section 31 of the Ombudsman Act, the Ombudsman can make special reports to Parliament on any matter arising in connection with the discharge of the Ombudsman's functions.

We may make a special report following a particular investigation and tend to do so especially where these may have broader implications beyond the particular complaint and the agency or service provider involved.

We may also produce special reports on any other matter arising out of our work.

We are also required to provide annual or biennial reports to Parliament for particular functions.

In 2023–24, we tabled 7 reports to Parliament:

### 3 special reports:

1. Formal investigations summary report 2022–23: A summary of completed investigations under s 13 of the *Ombudsman Act 1974* (1 October 2022 to 30 September 2023)<sup>12</sup> (tabled 30 October 2023).
2. Revenue NSW — The lawfulness of its garnishee order process: A special report under s 31 of the *Ombudsman Act 1974*<sup>13</sup> (tabled 30 April 2024).
3. A map of automated decision-making in the NSW Public Sector: A special report under s 31 of the *Ombudsman Act 1974*<sup>14</sup> (tabled 8 March 2024). See page 52 for more information.

### Statutory reports:

- NSW CDRT Annual Report 2022–23 (tabled 30 October 2023)<sup>15</sup>
- NSW Ombudsman Annual Report 2022–23 (tabled 30 October 2023)<sup>16</sup>
- Biennial report of the deaths of children in New South Wales: 2020 and 2021 including:
  - Reviews of deaths of children in care and certain other children — reviewable deaths in 2020–21
  - Infant deaths from severe perinatal brain injury in NSW, 2016–19: key thematic observations (tabled 27 November 2023)<sup>17</sup>
- Oversight of the *Public Interest Disclosures Act 1994* Annual Report 2022–23 (tabled 27 November 2023)<sup>18</sup>.

<sup>12</sup> See our report: [https://www.ombo.nsw.gov.au/\\_data/assets/pdf\\_file/0004/144895/Formal-Investigations-Summary-report-2022-23.pdf](https://www.ombo.nsw.gov.au/_data/assets/pdf_file/0004/144895/Formal-Investigations-Summary-report-2022-23.pdf).

<sup>13</sup> See our report: [https://www.ombo.nsw.gov.au/\\_data/assets/pdf\\_file/0020/145163/Revenue-NSW-The-lawfulness-of-its-garnishee-order-process.pdf](https://www.ombo.nsw.gov.au/_data/assets/pdf_file/0020/145163/Revenue-NSW-The-lawfulness-of-its-garnishee-order-process.pdf) and report appendices: [https://www.ombo.nsw.gov.au/\\_data/assets/pdf\\_file/0003/145164/Section-31-Special-Report-Revenue-NSW-Appendices.pdf](https://www.ombo.nsw.gov.au/_data/assets/pdf_file/0003/145164/Section-31-Special-Report-Revenue-NSW-Appendices.pdf).

<sup>14</sup> See our report: [https://www.ombo.nsw.gov.au/\\_data/assets/pdf\\_file/0004/145093/Introduction-and-Brief-Observations.pdf](https://www.ombo.nsw.gov.au/_data/assets/pdf_file/0004/145093/Introduction-and-Brief-Observations.pdf); [https://www.ombo.nsw.gov.au/\\_data/assets/pdf\\_file/0005/145094/Executive-Report-ADMS.pdf](https://www.ombo.nsw.gov.au/_data/assets/pdf_file/0005/145094/Executive-Report-ADMS.pdf); [https://www.ombo.nsw.gov.au/\\_data/assets/pdf\\_file/0007/145096/Research-Report-ADMS.pdf](https://www.ombo.nsw.gov.au/_data/assets/pdf_file/0007/145096/Research-Report-ADMS.pdf); [https://www.ombo.nsw.gov.au/\\_data/assets/pdf\\_file/0008/145097/Compendium-of-ADM-Systems.pdf](https://www.ombo.nsw.gov.au/_data/assets/pdf_file/0008/145097/Compendium-of-ADM-Systems.pdf).

<sup>15</sup> See our report: [https://www.ombo.nsw.gov.au/\\_data/assets/pdf\\_file/0005/144887/CDRT-Annual-Report-2022-23.pdf](https://www.ombo.nsw.gov.au/_data/assets/pdf_file/0005/144887/CDRT-Annual-Report-2022-23.pdf).

<sup>16</sup> See our report: [https://www.ombo.nsw.gov.au/\\_data/assets/pdf\\_file/0008/144890/NSW-Ombudsman-Annual-Report-2022-23.pdf](https://www.ombo.nsw.gov.au/_data/assets/pdf_file/0008/144890/NSW-Ombudsman-Annual-Report-2022-23.pdf).

<sup>17</sup> See our report: [https://www.ombo.nsw.gov.au/\\_data/assets/pdf\\_file/0006/144915/Biennial-report-of-the-deaths-of-children-in-NSW-2020-and-2021.pdf](https://www.ombo.nsw.gov.au/_data/assets/pdf_file/0006/144915/Biennial-report-of-the-deaths-of-children-in-NSW-2020-and-2021.pdf).

<sup>18</sup> See our report: [https://www.ombo.nsw.gov.au/\\_data/assets/pdf\\_file/0003/144912/Oversight-of-the-Public-Interest-Disclosures-Act-1994-Annual-Report-2022-23.pdf](https://www.ombo.nsw.gov.au/_data/assets/pdf_file/0003/144912/Oversight-of-the-Public-Interest-Disclosures-Act-1994-Annual-Report-2022-23.pdf).

# Reports to Parliament

2023

30 October



*NSW Child Death Review Team Annual Report 2022-23*

30 October



*NSW Ombudsman 2022-23 Annual Report*

27 November



*Biennial report of the deaths of children in New South Wales: 2020 and 2021*

30 October



*Formal Investigations Summary report 2022-23*

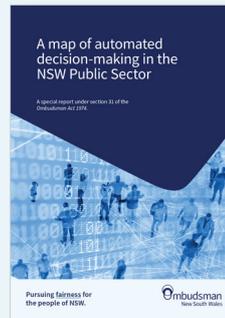
27 November



*Oversight of the Public Interest Disclosures Act 1994 Annual Report 2022-23*

2024

8 March



*A map of automated decision-making in the NSW Public Sector*

30 April



*Revenue NSW – The lawfulness of its garnishee order*

## Preventing maladministration in the public sector

### Public administration ‘In Focus’ occasional paper

This year we published an occasional paper highlighting aspects of machinery of government (MoG) changes that relate to agencies’ administrative conduct, with a particular focus on risk of maladministration.<sup>19</sup>

MoG changes occur when the Government decides to change the way responsibilities are allocated and structured across departments and other public service agencies. Our January 2024 paper expanded on some of the concepts in the existing MoG changes guidance for NSW Government agencies in relation to change management, information access obligations and records management. Drawing on a range of recent integrity agency

reports, we provided information on areas of risk for agencies in relation to conflicts of interest, risk to other agency internal control mechanisms and the potential impacts of MoG changes on service and program delivery. We also discussed the potential for administrative confusion and errors following a MoG change and provided some guidance on issues to consider in relation to complaint handling and public interest disclosures.

Our occasional papers are intended to draw attention to topical issues impacting NSW public administrative conduct for public servants. The papers do not contain formal recommendations, but instead seek to promote deeper consideration of ways to improve public administration, and to avoid conduct that might constitute or involve maladministration.

### Monitoring implementation of investigation recommendations

We aim to make recommendations in investigation reports that resolve the complaint, are evidence-based, practical and likely to lead to demonstrable improvements in administrative practice.

Monitoring the actions taken by agencies in response to recommendations made in our investigation reports is an important step in holding agencies to account and ensuring that our work leads to improvements in administration.

We monitor implementation through receiving regular quarterly updates from agencies until we are satisfied that a given recommendation has been implemented.

Below are some examples of outcomes achieved and improvements made by agencies that responded positively to our recommendations made in investigation reports.

### NSW Fair Trading — Mutual recognition of occupations

In October 2023, we finalised an investigation into the way NSW Fair Trading dealt with a Victorian man’s application for a NSW builder’s licence under the national mutual recognition of occupations scheme.

In response to our recommendations, Fair Trading (now the Building Commission NSW):

- apologised to the man and his family for errors and delays made in assessing his application.
- compensated him for the economic loss he experienced and for the stress, time and expense caused to him and his family by what our investigation found to have been an unreasonable and protracted process to obtain a NSW licence that was equivalent to his Victorian licence.
- changed its website to ensure that information about how to make a complaint and its complaints policy were easily accessible.

<sup>19</sup> See our paper: [https://www.ombo.nsw.gov.au/\\_data/assets/pdf\\_file/0010/145000/Machinery-of-government-changes-and-maladministration-risks.pdf](https://www.ombo.nsw.gov.au/_data/assets/pdf_file/0010/145000/Machinery-of-government-changes-and-maladministration-risks.pdf).

- reviewed and revised its staff guideline *Mutual Recognition – Home Building* and associated assessment sheet to ensure they reflected the relevant legislation and provided sufficient guidance for staff who undertake mutual recognition of occupations assessments.

### **NSW Department of Education – Management of reports of alleged sexually harmful behaviour by students**

In November 2023, we finalised an investigation into the Department of Education’s management of reports of alleged sexually harmful behaviour by students. The investigation followed a complaint from a father of a high school student who raised concerns about the school’s handling of a series of reports made in 2019, and the Department’s subsequent investigation.

In response to our recommendations, the Department apologised to the complainant for failing to effectively communicate with him and for providing him with conflicting advice about his status in the investigation.

The Department also gave the complainant relevant information about the outcome of its investigation within the limits of privacy legislation.

The Department advised that it was looking at ways to facilitate better information exchange with Police about criminal matters involving school students, and that a range of work was underway to provide advice and guidance to schools to help them support students in circumstances of sexual offending. The Department also told us that it had engaged a consultant to review international best practice in relation to managing contact between alleged victims and perpetrators in a school.

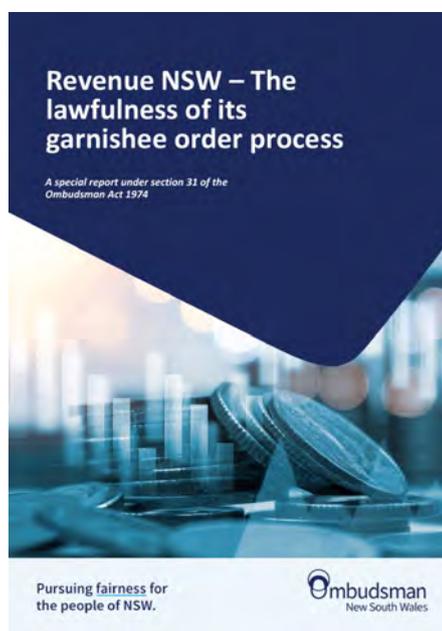
### **Victims Services – Delays and errors in processing an application for recognition payment**

In January 2024, we finalised an investigation about extensive delays by Victims Services in assessing an application for a recognition payment, and the handling of complaints by the applicant.

In response to our recommendation, Victims Services apologised to the complainant for:

- the errors which contributed to the delays in obtaining records from third parties
- requesting required records from the complainant which Victims Services had already obtained
- the delay in determining the complainant’s claim and the impact on the complainant in not complying with its complaint-handling policy.

Victims Services also made an ex-gratia payment to the complainant in response to our recommendation.



### **Revenue NSW – The lawfulness of its garnishee order process**

In April 2024, we tabled a special report *Revenue NSW – The lawfulness of its garnishee order process*, which followed an investigation into Revenue NSW’s use of a system using garnishee orders to recover debts directly from individual debtors’ bank accounts.

In July 2024 Revenue NSW advised that it had implemented all the recommendations we made in the report. This included:

- a reminder in its instructions sent to financial institutions not to recover any Centrelink ‘saved’ amounts and engaging with financial institutions to promote compliance with protective terms in garnishee orders

- developing and documenting processes to instruct staff on how to refer suspected instances of non-compliance to the Australian Financial Complaints Authority and how to assist customers with the complaint process
- updating work instructions to further ensure decision-makers took any debtor submissions into account before taking civil enforcement action and making a clarification to the Check Summary Report relied on by decision-makers to issue a garnishee order
- providing additional website information on how garnishee orders take effect and can be challenged.

### National Heavy Vehicle Regulator — Using body-worn cameras to record conversations during inspections

In June 2024 we finalised an investigation into the practice of the National Heavy Vehicle Regulator (**NHVR**) of requiring its NSW-based Safety and Compliance Officers to use body-worn cameras to record all conversations with heavy vehicle drivers, with or without the heavy vehicle driver's consent, which we found contravened the *Surveillance Devices Act 2007*.

In response to our recommendations the NHVR:

- issued a general advice instruction, effective 22 January 2024 that compliance officers in NSW, the Australian Capital Territory and Tasmania must obtain driver consent when using body-worn cameras.
- revised its body-worn camera procedure to include legally accurate instruction and practice advice to ensure that NSW-based compliance officers acted in line with the *Surveillance Devices Act 2007*.

### Life Without Barriers — Management of children's contact and connection with family and culture

On 12 June 2024 we finalised an investigation into how Life Without Barriers (**LWB**) managed the family contact, cultural planning and provision of progress information between a mother and her children who lived in an out of home care (**OOHC**) placement.

In response to our recommendations, LWB apologised to the complainant for:

- any omissions in facilitating contact with the children
- not providing adequate and regular updates about the children's progress and development
- not developing cultural plans in a timely fashion.

LWB is providing more regular updates about one of the children who still remains in OOHC. LWB has reviewed its policy on how much information should be provided to parents about their children living in OOHC.

### Transport for NSW — The scrapping of a derelict boat

We finalised an investigation in September 2021 into the conduct of Transport for NSW (TfNSW) relating to the scrapping of a derelict boat in NSW waters that had been sold online on the second-hand vessel market.

In addition to recommendations aimed at resolving the individual complaint, we also recommended TfNSW consider ways to resolve issues with the ongoing registration of derelict vessels, including how registration of such vessels is transferred between owners.

We finalised monitoring of TfNSW implementation of recommendations in November 2023. Partly to address the matters raised in our investigation, TfNSW reviewed the *Marine Safety Regulation 2016* and took action to have the *Marine Safety Act 1998* amended.

The Marine Safety Amendment Bill 2024 is currently before Parliament. If passed, the amendments are expected to, among other things, strengthen TfNSW's regulatory powers for the management of unsafe and former vessels.

## Monitoring and assessment of Aboriginal programs



We conducted extensive fieldwork with 56 community and government stakeholders. We traversed the state, north to Yamba, west to Gunnedah and south to the Victorian border, as well as Metropolitan and Greater Sydney. We engaged in in-depth discussions and listened deeply to the community to gather comprehensive feedback on the implementation, effectiveness and areas for improvement of OCHRE. We built relationships and set foundations for future monitoring and assessing of Aboriginal Programs. This valuable fieldwork yielded crucial insights that will inform our decision-making when providing recommendations in our inaugural Biennial Report.

The Government's Aboriginal Affairs strategy, known as OCHRE (Opportunity, Choice, Healing, Responsibility and Empowerment), has been in place since 2013 and covers numerous sites over 7 key initiatives, which are:

- Aboriginal Language and Culture Nests
- Aboriginal Economic Prosperity Framework
- Connected Communities
- Healing
- Local Decision Making
- Opportunity Hubs, and
- Solution Brokerage.

In August 2024 our legislative function under Part 3B of the Ombudsman Act to monitor and assess Aboriginal Programs was broadened with the introduction of a general definition of 'Aboriginal programs' that may be monitored by the Ombudsman. The change means that our monitoring will continue to cover OCHRE and can now also cover 'other Government programs primarily directed to the health, or cultural, economic, educational or other wellbeing, of Aboriginal persons or communities'. This is a significant enhancement and ensures we can continue to provide comprehensive and independent oversight of Aboriginal programs in NSW. This change will enable us to develop a more thorough oversight of Aboriginal programs within the State.

## Monitoring the delivery of community services and related programs



### Special report — Protecting children at risk: an assessment of whether the DCJ is meeting its core responsibilities

Under CS CRAMA, we have a statutory function of monitoring the provision of community services, including child protection services. As part of this function, we have been assessing whether DCJ is meeting its core responsibilities in protecting children at risk. DCJ, the state's lead child protection agency, has 3 core child protection responsibilities:

- to respond to any child reported at risk of significant harm (**ROSH**) who requires an investigation
- to improve the safety and wellbeing of children in OOHC and secure safe, permanent homes for them
- to intervene early to prevent escalation of risk of harm to children and keep families together.

As at 30 June 2024, we were finalising a special report that includes analysis of previously unpublished data and that provides information about the performance of these critical parts of the child protection service delivery in NSW which can be tracked and monitored over time. The report, tabled on 5 July 2024, also makes targeted recommendations that seek to enhance and strengthen future reforms to the child protection system.

### Inquiry — Is Intensive Therapeutic Care (ITC) meeting its objectives?

ITC is for children and young people over 12 years with complex needs who are either unable to be supported in foster care or require specialised and intensive supports to maintain stability in their care arrangements. ITC was designed to replace residential care in NSW and to help children recover from abuse and trauma to enable them to successfully transition to permanency outcomes or less intensive placements.

We have commenced an inquiry under CS CRAMA into whether the ITC model for children in residential OOHC is achieving its objectives, which will result in a public report of our findings and recommendations.

### Group in care review — Children and young people absent from their placement

Under CS CRAMA, the Ombudsman can review the welfare, status, progress and circumstances of a child in care or group of children in care.

We have commenced a group review into the circumstances of children and young people in the care of the Minister who are absent from their authorised ITC or residential care placement. The review will identify factors that contribute to absences, and the impact of these absences on the safety and wellbeing of these children.

## Reviewing the deaths of children



### Convening the NSW Child Death Review Team (CDRT)

The Ombudsman convenes the NSW CDRT, which consists of experts in health, child development, child protection and research, and representatives of key government agencies.

The purpose of the CDRT is to analyse the trends and patterns in deaths of children by cause, demographic and other factors, and to make recommendations that may assist in preventing or reducing the likelihood of child deaths. The CDRT maintains a register of child deaths and undertakes research that aims to assist with the prevention or reduction of child deaths. Approximately 450–500 children aged 0–17 years die in NSW each year.

Comprehensive details of the CDRT’s activities and recommendations and the progress of agencies’ implementation of

recommendations are included in the CDRT’s annual reports and the combined (CDRT and reviewable) biennial child death reports, which are available on our website. The *Biennial report of the deaths of children in New South Wales: 2020 and 2021* was tabled in November 2023.

### Reviews of deaths of children in circumstances of abuse or neglect or children in care

A child’s death is reviewable by the NSW Ombudsman if that child:

- was living in care or had been in detention at the time of their death, and/or
- died as a result of abuse or neglect, or in circumstances suspicious of abuse or neglect.

These are referred to as ‘reviewable deaths’.

Our reviewable death functions aim to identify agency practice and systems issues that may have contributed to reviewable deaths, or that may expose other children to risks in the future. As part of this work, we consider how agencies and service providers identified and responded to risks and vulnerabilities evident in the lives of the children and their families. We may also consider how relevant agencies responded to the death, such as the quality of subsequent critical incident investigations.

During 2023–24 our work included raising issues identified in our reviews with NSW Police, Corrective Services and DCJ, and a referral to NSW Health of a death that occurred within 12 months of presentation to a NSW Health facility, resulting in a review by NSW Health and the Clinical Excellence Commission.

The Ombudsman is required to report biennially on work and activities in relation to reviewable deaths under section 43(1) of CS CRAMA. This reporting for 2020 and 2021 was annexed to the *Biennial report of the deaths of children in New South Wales: 2020 and 2021*, tabled in November 2023.<sup>20</sup> The report summarised progress with the implementation of 4 previous recommendations to DCJ and NSW Health in relation to reviewable deaths. All 4 recommendations were closed as the required information was provided, or the intent of the recommendation was met.

<sup>20</sup> See our paper: [https://www.ombo.nsw.gov.au/\\_data/assets/pdf\\_file/0006/144915/Biennial-report-of-the-deaths-of-children-in-NSW-2020-and-2021.pdf](https://www.ombo.nsw.gov.au/_data/assets/pdf_file/0006/144915/Biennial-report-of-the-deaths-of-children-in-NSW-2020-and-2021.pdf).

The report made 2 new recommendations to DCJ. DCJ accepted both recommendations in principle and DCJ undertook to provide advice to us about its implementation of both recommendations in December 2024.

### Infant deaths from severe perinatal brain injury in NSW, 2016–19: key thematic observations

In 2017, the CDRT commenced a research project reviewing neonatal deaths associated with asphyxia-related causes such as hypoxic ischemic encephalopathy over a 4-year period (2016–19). In 2021, the CDRT engaged a clinical midwife consultant to undertake a case review of the deaths of 101 infants, who were born alive but who had died from severe perinatal brain injury in NSW over the period.

A summary report of this research under section 34H of CS CRAMA outlining key observations and high-level thematic areas was annexed to the *Biennial report of the deaths of children in New South Wales: 2020 and 2021* tabled in November 2023. The key thematic areas with strong validity and consistency with the evidence-base were foetal intrauterine growth restriction, decreased foetal movements, foetal heart rate monitoring, post-birth/newborn onset of deterioration, use of oxytocin to induce labour, instrumental vaginal birth and critical incident investigation.

### Review of the suicide deaths of Aboriginal children and young people

Aboriginal and Torres Strait Islander children and young people are over-represented in suicide deaths of children and young people aged 10–17 years. Over the 10-year period 2011–20, the NSW Register of Child Deaths recorded the deaths by suicide of 238 children and young people aged 10–17 years, of whom 43 were identified as being of First Nations background.

The primary aim of the project is to identify opportunities for preventing and reducing the likelihood of suicide deaths of Aboriginal and Torres Strait Islander children. The project team is led by Aboriginal members of the CDRT, who are acting as project sponsors overseeing the key findings and outcomes of this work. The CDRT

has engaged the Ngarruwan Ngadju First People Health and Wellbeing Research Centre to conduct the research.

The project includes:

- detailed case reviews of Aboriginal and Torres Strait Islander children and young people who died by suicide in the 10-year period (completed by Ombudsman review staff and expert advisers connected to the project)
- oversight by a newly established Aboriginal Suicide Prevention First Nations Advisory Group
- consultation with stakeholders in regional forums (including representatives from Aboriginal community-controlled organisations) and a metropolitan policy workshop
- an updated literature and policy review and service mapping.

The substantive work of this project was completed in 2023–24. In 2024–25, the CDRT will consider the report from the project and prepare a public report for tabling in Parliament.

### Follow-up review of perinatal deaths from severe brain injury in NSW, 2020–23

Preparatory work has commenced on a follow-up review of perinatal deaths from severe brain injury in 2020–23, to build on the preliminary review of deaths in 2016–19 that was annexed to the *Biennial report of the deaths of children in New South Wales: 2020 and 2021*.<sup>21</sup> Work undertaken includes a reflective practice session on the preliminary study, development of a learnings and mitigations table, and presentation of the proposed research to members. Further consultation on the draft research proposal with members and stakeholders will follow.

### Preliminary review of suicide-related deaths among LGBTIQ+ young people

The proposal for a preliminary review of suicide-related deaths from 2018–23 among young people aged 10–17 years who identified as LGBTIQ+ has been approved by the CDRT. The objectives of the project are to understand the specific risk factors that may have contributed to the deaths, (for example mental health issues, prior

<sup>21</sup> See our report: [https://www.ombo.nsw.gov.au/\\_data/assets/pdf\\_file/0006/144915/Biennial-report-of-the-deaths-of-children-in-NSW-2020-and-2021.pdf](https://www.ombo.nsw.gov.au/_data/assets/pdf_file/0006/144915/Biennial-report-of-the-deaths-of-children-in-NSW-2020-and-2021.pdf).

risk-taking behaviours or related behaviours) as well as the social contexts of the young people who died, identify protective factors and effective approaches to address suicide risks among the cohort, service contact prior to death, identify current support measures available for LGBTIQ+ young people as well as any gaps in the support provided, and to make any appropriate recommendations on prevention of future deaths.

The proposed methodology is to conduct a review of the relevant quantitative and qualitative data in the NSW Register of Child Deaths to identify key insights and potential opportunities, followed by literature review of effective preventative measures, and a desktop review of countermeasures currently in place in NSW to support LGBTIQ+ young people.

A project plan will now be developed, followed by analysis of relevant data in the NSW Register of Child Deaths.

## Oversighting the public interest disclosures scheme



Our office is responsible for overseeing the PID scheme in NSW. In 2023–24 we carried out our statutory functions under the *Public Interest Disclosures Act 1994 (PID Act)*, in force to 30 September 2023, and the PID Act, which commenced on 1 October 2023. The Ombudsman’s statutory functions under the PID Act are to:

- promote public awareness and understanding of the legislation
- provide information, advice, assistance and training to agencies and public officials
- develop and publish guidelines and other materials to assist agencies, public officials and other persons
- audit and monitor agencies on how they undertake their functions under the PID Act
- provide reports and recommendations to the Premier and the Special Minister of State about proposals for legislative and administrative change.

Under the PID Act we are required to issue an annual report outlining, among other things, the Ombudsman’s activities under the Act. This report will be tabled before the end of 2024.

### A new operating model

In 2023–24 we implemented a refreshed operating model to support our expanded functions under the PID Act. The delivery of the new operating model has ensured that we are not only best placed to perform our expanded functions, but to also ensure that all agencies in NSW were ready to operate under the PID Act.

### Engagement and training to agencies

The PID Act applies to a wide range of agencies and service providers across NSW. This has meant raising awareness to, and developing materials for, over 500,000 people working in different types of agencies.

Agencies have a duty under the PID Act to raise PID awareness among their staff, and to provide training to people with specific roles under the PID Act.

To assist agencies, we developed a range of awareness videos, animations and other materials. We developed and distributed 2 key eLearning courses for agencies to upload to their learning management systems. For smaller agencies, we hosted the courses on our learning management system.

We distributed our PID awareness messages through communication to the heads of agencies, to relevant contacts within agencies and through targeted social media.

We presented 56 sessions in person and virtually to over 2,600 people. This included targeted Executive briefings, virtual sessions for larger groups and presentations at conferences. The Deputy Ombudsman and the Deputy Secretary and General Counsel for The Cabinet Office delivered a webcast for senior executives.

We established a PID Community of Practice, which met for the first time in March 2024. The group provides PID practitioners with the opportunity to share their experiences and approaches, learning from one another and improving the way PIDs are handled. It will meet 4 times a year.

## Engaging the Aboriginal Land Council network

Local Aboriginal Land Councils (**LALCs**) are agencies under the PID Act. Chief Executive Officers (**CEOs**), Board Members, staff and voting members of LALCs are public officials and can report serious wrongdoing under the PID scheme.

We engaged with relevant key stakeholders in the Aboriginal Land Council network to establish working connections within the network to raise awareness of the PID Act and its importance, and the benefits of a ‘speak up’ culture.

We developed culturally contextualised learning materials and products to support the NSW Aboriginal Land Council and LALCs understand their roles and duties under the PID Act and to support them to comply with their obligations. We distributed videos, training packages and an information sheet through a digital toolkit and a new web landing page created specifically for Aboriginal Land Councils.

We provided virtual training and awareness sessions to CEOs, managers and disclosure officers of the NSW Aboriginal Land Council and LALCs across NSW. We used direct email campaigns and social media to promote these sessions. Overall, 105 public officials from LALC attended a training session.

## Advice and guidance on the PID Act

In 2023–24 we responded to 323 requests for advice from NSW Government agencies and public officials.

Agencies and public officials sought advice about PID Act protections, maintaining confidentiality, detrimental action offences, dealing with disclosures, risk management, taking corrective action at the end of an investigation and providing information to PID-makers during the course of an investigation.

We also assisted the Ombudsman to develop and publish 18 guidelines and a model PID policy. In addition, we provided agency-wide advice through short informational videos published on the Ombudsman’s YouTube channel.

## Auditing and monitoring

In 2023–24 we developed a self-assessment audit to establish the baseline of compliance across each agency and sector following implementation of the PID Act. We issued this to agencies after 30 June 2024; allowing agencies 9 months to implement the PID Act before completing the self-assessment audit. The purpose of the audit will be to help us understand the PID maturity of agencies so we can implement appropriate strategies to support them to improve their compliance and understanding of their duties under the PID Act.

In addition, we undertook 358 desktop audits of agency’s websites to determine:

- whether agencies have a PID Policy in place
- whether the PID Policy contains required information, and
- whether the PID Policy complies with the publication requirements.

The PID Act introduced new requirements on agencies to notify us of reportable events. We received 126 notifications from 1 October 2023, of which 53% related to agreements under section 81 of the PID Act.

Agencies are also required to submit an annual return containing information about disclosures they received or dealt with, and the measures taken to promote a ‘speak up’ culture in the reporting period. We responded to over 300 agency enquires about their new reporting obligations. The topics included information about annual returns, the reporting platform, notifiable events and the reporting period.

We developed a new PID reporting portal, which was released in June 2024. We developed user guides to assist agencies to use the PID Portal.

## Supporting whistleblowers

In 2023–24 we developed an operating model to provide support to NSW public sector whistleblowers. We looked at relevant research and different models in Australia and internationally to understand what best practice looks like.

As a result, we created a Whistleblower Support Team which provides independent support to public officials in NSW who have made, or are seeking to make, a PID. Its purpose is to empower those people with information and objective guidance, and, where necessary, to assist with referring them to appropriate professional expertise such as legal advice or wellbeing support.

## Oversight of mandatory disease testing



### Our monitoring of the MDT Act

The *Mandatory Disease Testing Act 2021 (MDT Act)* commenced in July 2022. It provides for the mandatory blood testing of a person where:

- that person’s bodily fluids come into contact with a health, emergency or public sector worker, as a result of the person’s deliberate action, and
- the worker may be at risk of contracting a blood-borne disease.

We monitor and report on the operation and administration of the MDT Act, including how agencies exercise their functions under the MDT Act.

Agencies must notify us after determining a mandatory testing order (MTO) application. The Chief Health Officer must also notify us following the determination of any application for a review.

### Notifications received

During 2023–24 we received 49 notifications of determinations made by agencies on MTO applications.<sup>22</sup> 44 notifications were received from the NSW Police Force and 5 notifications were received from Corrective Services NSW (CSNSW).

### Report on our monitoring

We are required to prepare a report on our monitoring of the operation and administration of the MDT Act as soon as practicable after 12 months from the Act’s commencement. Following the first report, we must table a report every 3 years in each house of Parliament.

Our ongoing monitoring activities have included:

- engaging with relevant agencies and the Chief Health Officer about the way they exercise their functions under the MDT Act
- obtaining information from agencies about their systems, policies and training for exercising functions under the MDT Act
- obtaining all MTO applications made to agencies during our review period, including relevant supporting documents and demographic information about the person subject to applications
- inviting submissions from stakeholder organisations about their views and experiences of the MDT Act
- conducting surveys of workers who have made applications for MTOs about their experiences of the scheme, and
- inviting submissions from persons who may have been subject to MTOs, or represented persons who are the subject of MTOs, through social media platforms and the distribution of leaflets.

Our first report on our monitoring of the MDT Act will review the first 18 months of the operation of the MDT Act. The report is being prepared.

## Supporting agencies and service providers through training



We provide education and training to government agencies and other service providers to encourage good administrative practice and build agencies’ capability to understand administrative law in the public sector, handle complaints, establish effective complaint-handling systems and manage unreasonable conduct by a complainant.

<sup>22</sup> Under section 13(1)(d) of the MDT Act.

**Table 2.** External training delivered compared to previous years\*

	2020-21	2021-22	2022-23	2023-24
Courses delivered	115	122	111	134
Participant numbers	2,430	1,761	1,395	2,039

\* PID training is not included in the data from 2021-22. From that time, training was delivered through free online training programs and webinars.

**Table 3.** Breakdown of training delivered 2023-24

NSW agencies	93
Outside NSW agencies	11
Open training workshops	22
Presentations (that is, to schools, agencies, foreign delegations, etc)	8
<b>Total</b>	<b>134</b>

**Table 4.** Training feedback

	Strongly agree	Agree
The content was useful and appropriate	75%	24%
The session was interactive, engaging and enjoyable	70%	29%
The content was relevant to my job	75%	23%
I will apply what I've learned in my workplace	72%	28%
My facilitator was welcoming and respectful	87%	13%
My facilitator was well prepared	78%	22%
My facilitator had broad content knowledge	83%	16%
My facilitator encouraged participation	83%	17%

### Feedback quotes about our training:

*It was worthwhile to have a facilitator with frontline training who could provide de-identified, real-world examples to improve understanding.*

*Outstanding and engaging facilitator who imparted knowledge and strategies for managing unreasonable conduct*

*All frontline [complaint handling] staff should attend this course. I think this is a useful course for anyone in a customer facing role.*

## New course development

During 2023-24 we started developing a range of new and refreshed courses that we will roll out in 2024-25. These courses include:

- advanced complaint-handling techniques
- complaint handling in action
- effective complaint management systems
- complaint-handling eLearning.

## Supporting members of Parliament to serve their constituents



## Complaint referrals from members of Parliament

In 2023-24, members of Parliament referred 8 actionable complaints to us.

### Presentations

We are committed to ongoing engagement with Parliament about the role of our office and how we can support members of Parliament and their constituents. We delivered the following presentations:

- In July 2023, the Ombudsman and staff presented to members of Parliament and their staff on our functions and how we can support Members and their offices.
- In May 2024, the Ombudsman participated as a panel member at *Parliament Unpacked: The Watchdogs*.

## Our parliamentary oversight committee

The Ombudsman is accountable to a statutory joint parliamentary committee: the Parliamentary Committee on the Ombudsman, the Law Enforcement Conduct Commission and the Crime Commission. We keep the committee informed about issues affecting our office, including those that impact our ability to perform our functions effectively. The Ombudsman briefed the new committee members on our role and functions in November 2023. The committee conducts an annual review of our office, and we appeared before the committee for that purpose in May 2024.

## Contribution to parliamentary inquiries

We also assist Parliament, especially parliamentary committees, by contributing to inquiries where our experience, expertise and data are relevant to the issues being canvassed. This advice contributes to public debate, effective law making and scrutiny of Executive action. During 2023–24 we contributed to 5 parliamentary inquiries (making a total of 6 submissions). Refer to **Section 3.5** for more information.

### Public sector use of automated decision-making including artificial intelligence (AI)

Throughout 2023–24 we continued our work of holding agencies to account and promoting improved visibility of public sector use of automated decision-making (ADM) systems including AI.

#### Revenue NSW investigation

In April 2024, we tabled a special report to Parliament about the lawfulness of Revenue NSW’s automated garnishee order system used to recover unpaid fines and other debts due to the State. This investigation concluded a lengthy period of scrutiny of the garnishee order system by the Ombudsman, since at least 2016.

We made findings that Revenue NSW’s conduct in using the garnishee order system amounted to maladministration in that it was contrary to law between January 2016 and March 2019, and wrong until March 2022. A number of recommendations were made to Revenue NSW including providing better information to debtors, and improving safeguards to ensure that ‘protected amounts’ are left in bank accounts after garnishee action.<sup>23</sup>

Our first investigation of Revenue NSW’s system was the impetus for our 2021 report, *The new machinery of government: Using machine technology in administrative decision-making: A special report under section 31 of the Ombudsman Act 1974* (2021 machine technology report).<sup>24</sup>

#### 2021 machine technology report

The 2021 report was a comprehensive analysis of the intersection between administrative law and use of ADM systems, in a way that we hoped would both improve understanding and compliance by agencies with their administrative law responsibilities, as well as to contribute to public and especially parliamentary debate about the adoption of ADM technology by government, and its proper limits and regulation.

Noting that government agencies are not subject to any express obligation to report on their use of ADM in the performance of statutory functions, we undertook to complete a comprehensive mapping project.

#### Mapping project

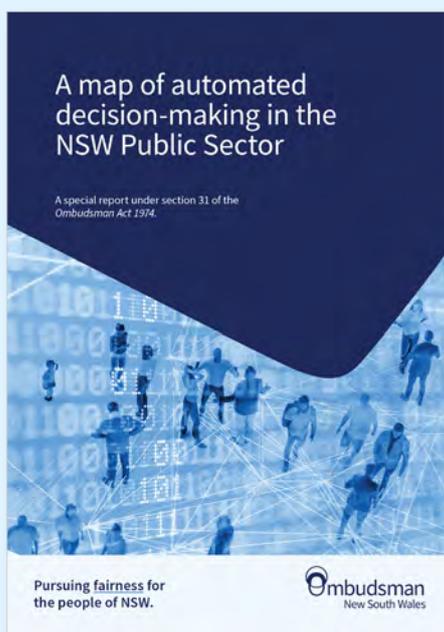
We commissioned the Australian Research Council Centre of Excellence on Automated Decision-Making and Society (ADM+S) to undertake the mapping project research. The research was undertaken as a public sector improvement project and was delivered in collaboration with public sector agencies. The primary means of gathering information for the project was a survey tool that was widely distributed across agencies.

The ADM+S research team reported that use of ADM including AI in the NSW Public Sector is widespread and increasing.

The report represents the first attempt in NSW to comprehensively identify and publish the ways in which the public sector is using, or planning to use, ADM systems in the performance of their functions.

<sup>23</sup> See our report: <https://www.ombo.nsw.gov.au/Find-a-publication/publications/reports-to-parliament/reports-following-investigations/revenue-nsw-the-lawfulness-of-its-garnishee-order-process>.

<sup>24</sup> See our report: <https://www.ombo.nsw.gov.au/Find-a-publication/publications/reports-to-parliament/other-special-reports/the-new-machinery-of-government-using-machine-technology-in-administrative-decision-making>.



The project resulted in a detailed research report from the ADM+S team including comprehensive analysis of the project outcomes and a range of case studies. The report included a Compendium of ADM systems used by government agencies and local councils. Agencies reported 275 ADM systems in use or planned to be in use including 198 in the state government sector and 77 in the local government sector.<sup>25</sup>

### Parliamentary Committee Inquiry

As noted below, in June 2023 the Legislative Council Portfolio Committee No 1 commenced an Inquiry into AI in NSW. We made a submission to the committee in October 2023 and the Ombudsman and Chief Operating Officer gave evidence to the committee at a hearing in March 2024. Our mapping project report was tabled while the inquiry was on foot and we had hoped our work would assist the committee in its work.

The Committee's report was tabled in July 2024 and made a number of recommendations including:

'That the Government consider maintaining a publicly available register of automated decision-making systems available within Government and its agencies and when they are applied.'<sup>26</sup>

We will watch the next steps following the committees' report with interest.

### Further engagement

During the reporting period, we continued to engage widely in relation to our work including by contributing to a book titled, 'Money, Power, and AI: Automated Banks and Automated States'.

The Ombudsman's chapter titled, 'A New 'Machinery of Government?'; focused on the use of ADM in government.

In July 2023, we made a submission to the Commonwealth Government's discussion paper on 'Safe and Responsible AI in Australia'. Our submission drew on our 2021 machine technology report to note that:

- there are already existing legal frameworks that apply to ADM systems
- transparency of public sector use of ADM is crucial for effective oversight
- the development of mandatory standards to enhance consistency in the design, development, deployment, monitoring and decommissioning of ADM systems could potentially enhance oversight.

We also noted that references to 'responsible AI' risk detracting from the legal persons who are responsible for various actions relating to use of AI.

<sup>25</sup> See our report: <https://www.ombo.nsw.gov.au/Find-a-publication/publications/reports-to-parliament/other-special-reports/a-map-of-automated-decision-making-in-the-nsw-public-sector-a-special-report-to-parliament>.

<sup>26</sup> See our submission: <https://www.ombo.nsw.gov.au/Find-a-publication/publications/submissions/other/nsw-ombudsman-submission-safe-and-responsible-ai-in-australia-discussion-paper>.

## 3.4 Reporting on our key performance indicators

This year we finalised a suite of key performance indicators (KPIs) to track and measure our performance. The KPIs were published in an updated version of our Strategic Plan 2020–25 and published on our website.

During the year we identified and created new sources of information to understand how we are performing. This included an improved stakeholder satisfaction survey, and an internal

quality assurance process to confirm our investigations, inquiries and reviews followed relevant processes that support the making of impartial, fair and rigorous findings.

Subject to any strategic changes in the future, we are planning to report our performance against KPIs with comparative information. We will also use our results to establish targets to report future performance against.

Key Performance Indicator	Result
 <b>Outcome 1</b> Complaints to us are resolved effectively and individuals are satisfied with our service	
<b>1A. Individuals and stakeholders can easily access us</b>	
1A.1. Of the public: Percent who are aware of our services	Without prompting, 6% of the public identified that they would take an unresolved complaint about a public authority or community service provider to our office. However, when prompted, 57% of the public were aware of our services. <i>From 2,000 community survey respondents</i>
1A.2. Of the public who had an unresolved problem with an agency we oversight: Percent who made an actionable complaint to us	24% of the public who had a problem with an agency we oversight that was not resolved, or not resolved to their satisfaction, by the agency made an actionable complaint to us. <i>From 247 community survey respondents</i>
1A.3. Of those who made an actionable complaint to our office: Percent who perceive the process to access us was easy	40% of the public who made a complaint to our office said they found the process to access us was easy or very easy. <i>From 59 community survey respondents</i>
1A.4. Of public authorities/community service providers: Percent who perceive the process to access us is easy	89% of the public authorities/community service providers who accessed our services said that they found the process to access us was easy or very easy. <i>From 27 stakeholder survey respondents</i>
<b>1B. Complainants perceive that their questions and complaints are resolved effectively</b>	
1B.1. Of those who made an actionable complaint to our office: Percent who report that their questions and complaint/s were resolved effectively	24% of customers who made an actionable complaint to us said their questions and complaint/s were resolved effectively. <i>From 595 customer survey respondents (results available for second 6 months of 2023–24 only)</i>
1B.2. Of those who made an actionable complaint to our office: Percent who perceive the outcome of their complaint was fair	23% of customers who made an actionable complaint to us said they perceive the outcome of the complaint was fair. <i>From 1,219 customer survey respondents</i>

Key Performance Indicator	Result
1B.3. Of those who made an actionable complaint to our office: Percent who would contact the Ombudsman again if they had a complaint in the future	58% of customers who made an actionable complaint to us said they would contact our office again if they had a complaint in the future. <i>From 1,219 customer survey respondents</i>
<b>1C. We provide high standards of customer service</b>	
1C.1. Of those who made an actionable complaint to our office: Percent who are satisfied with the service received	36% of customers who made an actionable complaint to us were satisfied with the level of service received. <i>From 1,219 customer survey respondents</i>
1C.2. Of contacts made to our office: Percent acknowledged and given initial assessment within target timeframes	86% of contacts we received were acknowledged and given initial assessment within 10 days. <sup>27</sup>
1C.3. Of actionable complaints to our office: Percent finalised within target timeframes	More than 99% of closed actionable complaints were finalised within 12 months. The majority (93%) were finalised within 90 days. <sup>28</sup>
<b>1D. Complainants, public authorities and community service providers perceive our complaints-handling processes as impartial and fair</b>	
1D.1. Of those who made an actionable complaint to our office: Percent who perceive we treated them fairly	47% of customers who made an actionable complaint agreed that we treated them fairly. <i>From 1,189 customer survey respondents</i>
1D.2. Of public authorities/community service providers: Percent who perceive our complaints-handling processes are impartial and fair	83% of public authorities/community service providers who had contact with us regarding complaints about their organisation agreed that our complaints-handling processes are impartial and fair. <i>From 53 stakeholder survey respondents</i>
 <b>Outcome 2</b> <b>Public authorities and community service providers are held to account for serious wrong conduct</b>	
<b>2A. We identify serious and/or systemic administrative wrongs</b>	
2A.1. Investigations with findings of wrong conduct: Number	8 (of 8) investigations were finalised with findings of wrong conduct.

<sup>27</sup> Results include actionable complaints, excluded complaints and misdirected complaints.

<sup>28</sup> Results include actionable complaints.

Key Performance Indicator	Result
<b>2B. We pursue the most important investigations, inquiries and reviews</b>	
2B.1. Significant Issues pursued by our office: Count considered by the public to be important	<p>The importance to the public of the issues we pursued and reported on publicly was high overall.</p> <p>All of the 12 issues addressed in our public reports were rated as very or extremely important by more than 57% of the public.</p> <p>The percentage of the public who rated the top 5 issues important ranged from 80% to 85%.</p> <p><i>From 1,735 community survey respondents</i></p>
2B.2. Significant issues pursued by our office: Count considered by parliamentarians to be important	<p>The importance to parliamentarians of the issues pursued by our office was high overall.</p> <p>11 of the 12 issues addressed in our public reports were rated as very or extremely important by most respondents. The rating of each issue as very or extremely important ranged from 36% to 91%.</p> <p><i>From 11 survey respondents of 135 members</i></p>
2B.3. Of investigations, inquiries and reviews: Percent completed in accordance with planned timeframes	<p>75% (6 out of 8) finalised investigations were completed within 12 months of commencement, which is in accordance with planned timeframes.</p> <p><i>8 formal investigations completed in 2023–2024</i></p>
<b>2C. Our findings are impartial, fair and rigorous</b>	
2C.1. Of investigations, inquiries and reviews that resulted in the making of findings: Percent assessed (by retrospective QA review) as having properly followed relevant processes that support the making of impartial, fair and rigorous findings	<p>QA audits found that 98% of key processes that support the making of impartial, fair and rigorous findings were followed across the 8 finalised investigations</p>
 <b>Outcome 3</b> Improvements in public administration and community service delivery occur as a result of our work	
<b>3A. Public authorities and community service providers perceive our recommendations as impartial, fair and robust</b>	
3A.1. Of public authorities/community service providers: Percent who perceive our recommendations as impartial, fair and robust	<p>The response to this survey question provided insufficient data to report results for this KPI in 2023–24.</p>
<b>3B. Our recommendations are well-targeted and lead to positive change</b>	
3B.1. Of recommendations we make: Percent which are accepted by public authorities and community service providers	<p>Of the 28 recommendations we made in 2023–24, 100% (28) were accepted by public authorities and community service providers.</p>

Key Performance Indicator	Result
<b>3C. Public authorities and community service providers are provided the information and support they need to avoid administrative wrong</b>	
3C.1. Times our website resources were accessed	Our website resources were accessed 134,986 times during 2023–24. <sup>29</sup>
3C.2. Of public authorities/community service providers: Percent who consider that we provide useful information and support to improve public administration and service delivery	Public authorities and community service providers agreed that our information materials on specific topics, fact sheets and e-learning modules were useful (94%), easy to find (83%), well presented (93%), easy to understand (91%), relevant (91%), accurate and authoritative (91%), up-to-date (83%), helpful to translate theory/requirements into action (88%) and helpful in supporting continuous improvement in an organisation (87%). <i>From 103 stakeholder survey respondents.</i>
 <b>Outcome 4</b> <b>Parliament gets support from us in the exercise of its functions</b>	
<b>4A. Parliament is satisfied that we are performing our functions</b>	
4A.1. Nature of annual commentary by the Parliamentary Committee on the Ombudsman	The committee’s commentary on the Ombudsman’s Office was overall positive. No recommendations were directed to the Ombudsman. The committee commended: our proactive work to report on the use of AI and ADM in the public sector; our significant work undertaken to prepare the sector for the commencement of the new public interest disclosures scheme; and the CDRT for its work reviewing the suicide deaths of Aboriginal and Torres Strait Islander children and young people. <i>NSW Parliament Committee on the Ombudsman, the Law Enforcement Conduct Commission and the Crime Commission, ‘2023 Review of annual and other reports of oversights agencies’, August 2024</i>
4A.2. Of parliamentarians: Percent who agree we are performing our functions adequately	55% of parliamentarians agreed or strongly agreed that we performed our functions adequately in 2023–24. No parliamentarians disagreed we performed our functions adequately; however, 45% gave a neutral response or were unsure. <i>From 11 survey respondents of 135 members</i>
<b>4B. We provide robust evidence and advice to Parliament on issues of significance that contribute to parliamentary/public debate</b>	
4B.1. Number of special reports tabled in Parliament, and number of times submissions or other evidence given to NSW Parliamentary inquiries	3 special reports under s 31 were tabled in Parliament in 2023–24. 6 submissions to NSW Parliamentary inquiries were made in 2023–24. The Ombudsman and staff gave evidence to 3 NSW Parliamentary inquiries in 2023–24.

<sup>29</sup> The figure refers to all times our website resources were accessed. We do not track the source of access to individual public authorities, local councils and community service providers we oversee.

## 3.5 Parliamentary committees and independent reviews

We assist parliamentary committees and independent reviews by providing submissions where our experience, expertise and data are relevant to the issues being canvassed.

### Parliamentary Committee inquiry into Artificial Intelligence in NSW

In June 2023 the Legislative Council Portfolio Committee No 1 commenced an Inquiry into Artificial Intelligence in NSW. The Inquiry considered the extent, nature and impact of AI in NSW, including the risks and challenges it presents.

We made a submission to the committee in October 2023 highlighting some of the core concepts in our November 2021 special report to Parliament on public sector use of technology in administrative decision making.<sup>30</sup> Our submission covered our role in overseeing use of ADM systems, including AI, in the public sector and noted related investigations and projects already in the public domain or on foot at the time. In addition, we made observations about the scope of the NSW Government AI Assurance Framework and how the framework may be relevant to an Ombudsman investigation.<sup>31</sup>

The Ombudsman and Chief Operating Officer gave evidence to the committee at a hearing in March 2024.

Read more about work in relation to public sector use of ADM and AI in **Section 3.3**.

### Parliamentary Committee inquiry into children and young people with disability in NSW educational settings

In December 2023, the Legislative Council Portfolio Committee No 3 commenced an Inquiry into children and young people with disability in NSW educational settings.

We made a submission to the committee in March 2024 about our functions and our 2017 special report to Parliament following our *Inquiry into behaviour management in schools*.<sup>32</sup> Additionally, we provided data and information about complaints to the NSW Ombudsman about the Department of Education.<sup>33</sup>

The Ombudsman and Deputy Ombudsman, Complaints and Resolution gave evidence to the committee at a hearing in April 2024 about our role and liaison with the Department of Education. We provided information about our complaint-handling process and statutory powers as well as our work in relation to educational outcomes for children in out of home care and the need for improved data about those children. We commented on the significance of the relationship between children, carers, parents and schools that needs to continue to exist for the duration of school enrolment. We provided information about our conciliation function and work undertaken to build capacity in that area.

### Parliamentary Committee review of the Independent Complaints Officer system

In 2023–24 both Houses of Parliament commenced a review of the Independent Complaints Officer (ICO) system. The ICO can receive and investigate certain complaints about members of Parliament. In October 2023 we made a submission<sup>34</sup> to the Legislative Assembly Standing Committee on Parliamentary Privilege and Ethics, and in April 2024 we made a submission<sup>35</sup> to the Legislative Council Privileges Committee.

Our submissions covered our jurisdiction and the potential application of the PID scheme to complaints made to the ICO.

<sup>30</sup> See our report: <https://www.ombo.nsw.gov.au/Find-a-publication/publications/reports-to-parliament/other-special-reports/the-new-machinery-of-government-using-machine-technology-in-administrative-decision-making>.

<sup>31</sup> See our submission: [https://www.ombo.nsw.gov.au/\\_data/assets/pdf\\_file/0008/144908/NSW-Submission-to-Inquiry-into-Artificial-Intelligence-in-New-South-Wales-27-October-2023.pdf](https://www.ombo.nsw.gov.au/_data/assets/pdf_file/0008/144908/NSW-Submission-to-Inquiry-into-Artificial-Intelligence-in-New-South-Wales-27-October-2023.pdf).

<sup>32</sup> See our report: [https://www.ombo.nsw.gov.au/\\_data/assets/pdf\\_file/0019/138151/NSW-Ombudsman-Inquiry-into-behaviour-management-in-schools.pdf](https://www.ombo.nsw.gov.au/_data/assets/pdf_file/0019/138151/NSW-Ombudsman-Inquiry-into-behaviour-management-in-schools.pdf).

<sup>33</sup> See our submission: [https://www.ombo.nsw.gov.au/\\_data/assets/pdf\\_file/0010/145099/NSW-Ombudsman-education-inquiry-submission-March-2024-Redacted.pdf](https://www.ombo.nsw.gov.au/_data/assets/pdf_file/0010/145099/NSW-Ombudsman-education-inquiry-submission-March-2024-Redacted.pdf).

<sup>34</sup> See our submission: <https://www.parliament.nsw.gov.au/ladocs/submissions/83041/Submission%206%20-%20%20NSW%20Ombudsman.pdf>.

<sup>35</sup> See our submission: <https://www.parliament.nsw.gov.au/ladocs/submissions/85049/0005%20NSW%20Ombudsman.pdf>.

## Parliamentary Committee inquiry into rural, regional and remote health services

In 2023–24 we made 2 submissions to the inquiry into rural, regional and remote health services. See **Section 1.3** for more information.

## Contributions to other inquiries and reviews

Our office contributes to other parliamentary inquiries, independent inquiries and reviews where we can provide useful information about our work of relevance to the terms of reference for the inquiry. In 2023–24, as well as the submissions already discussed above, we made 3 other submissions.

In July 2023, we made a submission to the 2023 Independent Toll Review. The toll review was wide-ranging, and our office provided information about the nature of tolling complaints made to the NSW Ombudsman and their management over a 2-year period.<sup>36</sup>

In September 2023, we made a submission to the NSW Law Reform Commission’s review of the *Anti-Discrimination Act 1977 (ADA)*. We provided information about our jurisdiction over discriminatory conduct. We noted that complaints to our office about discriminatory conduct are not limited to the categories of discrimination set out in the ADA and we provided a range of examples of complaints we had handled that concerned discriminatory conduct. We also provided information about our information sharing and complaint referral arrangement with Anti-Discrimination NSW.<sup>37</sup>

In January 2024, we made a submission to the Commonwealth Government COVID-19 Response Inquiry. The inquiry is to cover matters including governance and the responsibilities of state governments and use of quarantine facilities (aspects of the administration of which were the responsibility of the state government in NSW). We provided the committee with copies of our 2 special reports to Parliament on the COVID-19 pandemic — tabled in March 2021 and September 2022.<sup>38</sup>



NSW Parliament House

<sup>36</sup> See our submission: [https://www.ombo.nsw.gov.au/\\_data/assets/pdf\\_file/0020/139061/NSW-Ombudsman-Submission-2023-Independent-Toll-Review-discussion-paper-28-July-2023.pdf](https://www.ombo.nsw.gov.au/_data/assets/pdf_file/0020/139061/NSW-Ombudsman-Submission-2023-Independent-Toll-Review-discussion-paper-28-July-2023.pdf).

<sup>37</sup> See our submission: [https://www.ombo.nsw.gov.au/\\_data/assets/pdf\\_file/0009/144882/NSW-Ombudsman-submission-Anti-Discrimination-Act-review-29-September-2023.pdf](https://www.ombo.nsw.gov.au/_data/assets/pdf_file/0009/144882/NSW-Ombudsman-submission-Anti-Discrimination-Act-review-29-September-2023.pdf).

<sup>38</sup> See our submission: [https://www.ombo.nsw.gov.au/\\_data/assets/pdf\\_file/0011/145010/Letter-from-NSW-Ombudsman-COVID-19-Response-Inquiry-18-January-2024.pdf](https://www.ombo.nsw.gov.au/_data/assets/pdf_file/0011/145010/Letter-from-NSW-Ombudsman-COVID-19-Response-Inquiry-18-January-2024.pdf).



NSW Ombudsman staff members

# 4. Management and Accountability

## 4.1 Our people

The NSW Ombudsman aims to be an employer of choice with a workforce that is diverse, highly engaged and capable; bound together by shared values, purpose and culture.

### Number of staff

As at 30 June 2024, our workforce consisted of 242 people (234 full-time equivalent). Our people have diverse skills and experience and come from a range of backgrounds, including community and social work, legal, planning, investigative, law enforcement and child protection.

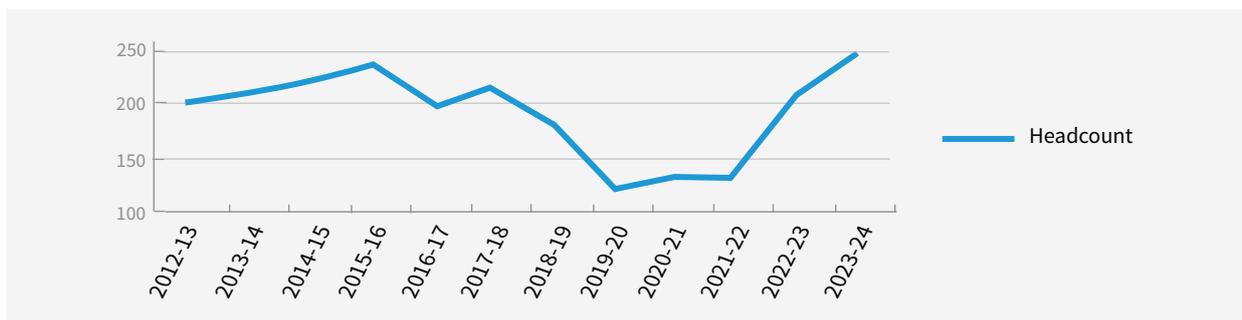
Our staff are employed under the provisions of the *Government Sector Employment Act 2013*, along with associated rules and regulations and the Crown Employees (Public Service Conditions of Employment) Award 2009. These industrial instruments set out the working conditions and entitlements offered to staff.

**Table 5.** Full-time equivalent staff levels (as at 30 June)

Branch	2023	2024
Complaints and Resolution	62.3	71.5
Investigations and Major Projects	22.9	18.5
Monitoring and Review	24.4	24.8
Aboriginal Programs	8.0	11.6
Systems Oversight	12.7	22.0
Health Administration (created in 2023–2024)	N/A	1.0
Legal, Governance and Risk	7.0	10.0
Corporate Services	39.0	42.6
Enabling Services	16.4	20.6
Executive Strategy and Support*	9.0	11.0
<b>Total</b>	<b>201.7</b>	<b>233.6</b>

\* Includes Divisional Executives. Branch Executives are counted within their respective branches

**Figure 7.** Staffing trend — 2012–24



**Table 6.** Senior executive remuneration — average range across all positions (as at 30 June)

Band	2023		2024	
	Female	Male	Female	Male
Band 4 (equivalent)	0	1	0	1
Band 3	0	0	0	0
Band 2	1	1	1	1
Band 1	9	4	8	1
<b>Sub-total</b>	<b>10</b>	<b>6</b>	<b>9</b>	<b>3</b>
<b>(male and female) Total</b>		<b>16</b>		<b>12</b>

\* At 30 June 2023, 3 people were acting in a shared capacity to fill a vacant Band 1 role, 1 person was acting in a Band 1 role to backfill for someone on parental leave, and 2 people had short-term Band 1 roles for project-based activities.

**Table 7.** Senior executive remuneration — average range across all positions (as at 30 June)

Band	2023		2024	
	Range \$	Average \$	Range \$	Average \$
Band 4 (equivalent)	509,251–588,250	520,385	509,251–588,250	520,385
Band 3	361,301–509,250	N/A	361,301–509,250	N/A
Band 2	287,201–361,300	341,700	287,201–361,300	341,700
Band 1	201,350–287,200	233,528	201,350–287,200	260,755

**Table 8.** Senior executive remuneration — average range across all positions (as at 30 June)

Percentage of total employee-related expenditure	12.5%
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\* The percentage for the year ended 30 June 2023 was incorrectly reported in last year’s annual report (as 20%) and has been corrected in this report.



## We conducted the 2023 People Matter Employee Survey (PMES) in August 2023

**Our response rate was 98%** and our engagement score increased 1 point to 70%. Flexible working (94%), ethics and values (90%) and risk and innovation (87%) were our highest scoring areas.

This year we have focused our actions on improving our scores in recruitment (56%), feedback and performance management (60%) and communication and change management (65%).

These include:

- greater transparency and support for recruitment opportunities across the Office
- extra tools and resources for people managers in managing performance
- activities to improve communication and connection across the organisation as we change and grow.



NSW Ombudsman staff members

**Table 9.** PMES 2023 results: key topics — comparison against public sector average

Satisfaction area	Ombudsman %		Public sector average %
	2022	2023	2023
<b>Outcomes</b>			
Employee engagement	69	70	64
Job satisfaction	76	75	69
Wellbeing	72	73	53
Customer service	73	73	69
<b>Purpose and direction</b>			
Role clarity and support	70	71	64
Job purpose and enrichment	79	80	71
Risk and innovation	88	87	72
Ethics and values	83	90	79
<b>Work environment</b>			
Health and safety	81	84	66
Grievance handling	66	74	65
Inclusion and diversity	78	75	68
Teamwork and collaboration	71	67	62
Flexible working	93	94	63
<b>Enabling practices</b>			
Recruitment	65	56	45
Learning and development	60	65	56
Pay	75	79	46
Recognition	76	72	62
Feedback and performance management	61	60	56
<b>Leadership</b>			
Senior managers	63	66	52
Decision-making and accountability	75	71	60
Communication and change management	60	65	56
Employee voice	75	74	65
Action on survey results	73	72	43
<b>Participation rate</b>	<b>100</b>	<b>98</b>	<b>58</b>

## 4.2 Consultants

We recognise consultant expenses in accordance with *TPG 23-03 Financial Reporting Code for NSW General Government Sector Entities* and the definition provided by the NSW Procurement Board.

Consultancies engaged valued at less than \$50,000 (2023–24): Nil

**Table 10.** Consultancies valued at \$50,000 or more (2023–24)

Category	Consultant	Nature	Cost \$*
Organisational Review	KPMG	We engaged KPMG to review our Aboriginal Program Branch’s operations and focus, and to develop core growth strategies for the branch. This included providing a refreshed approach to help us best deliver our oversight responsibilities, review and provide advice about our potential role in relation to the NSW Government’s Closing the Gap initiatives, and review and provide advice in relation to the branch’s role in supporting other Ombudsman functions.	65,821
Management Services	John McMillan	We engaged Professor John McMillan AO to provide expert advice as part of our review into the Department of Communities and Justice’s complaint-handling system.	101,160
<b>Total (inc GST)</b>			<b>166,981</b>

\*figure rounded to whole dollars

Categorised by the nature of the consultancy, such as finance and accounting/tax, information technology, legal, management services, environmental, engineering, organisational review and training.

## 4.3 Research and development

### Utilising artificial intelligence (AI) to assist complainants who speak English as a second language

In 2023–24 we contributed funding to The University of Newcastle for a research project looking at the role of AI technology in improving access and equity for complainants who speak English as a second language.

The Ombudsman supports the research for its potential to provide information and guidance on enhanced access to complaint processes for a wide variety of people.

As at the date of this report, the project is due to be finalised by the end of the 2024 calendar year.

## 4.4 Technology

### Information communications technology

During the year several key technology initiatives were implemented through our broader Transformation Program — designed to improve people, process and technology capabilities.

During 2023–24 we:

- launched the Public Interest Disclosures (PID) portal for agencies to submit their PID information to us
- implemented new features in our Enterprise Resource Planning (ERP) system covering payroll and HR related functions
- further enhanced our intranet platform to provide more features.

During 2023–24, we also continued to upgrade our IT infrastructure and staff devices, and migrated more IT solutions into the cloud.



NSW Ombudsman staff members

## Information security

We have further enhanced our information security in alignment with the NSW Government's Cyber Security Policy. During the year we:

- launched a Security Operations Centre (SOC) and implemented a Security Information and Event Management (SIEM) system to monitor and detect cyber threats in real time
- enhanced the security of devices used by staff through more robust application control
- implemented cloud backup of our IT environment and tested our disaster recovery system and processes
- improved management processes and procedures associated with 'privileged' user accounts
- implemented ongoing and targeted phishing simulations to improve cyber security awareness with staff
- enhanced capabilities for staff to report, and our ICT team to respond to, suspicious emails
- conducted regular reviews against the Australian Signals Directorate's Information Security Manual (ISM) controls
- improved our Essential 8 and Cyber Security Policy maturity.

Looking ahead to 2024–25, key technology initiatives we plan to deliver include a new website designed to improve public access and engagement, new case management and information management systems, and deployment of a cloud-based telephony solution to provide staff and the public with a better communication experience.

## 4.5 Events arising after end of annual reporting period

Other than those identified throughout the annual report, there are no events after the end of the annual reporting period that have a significant effect on our operations.

Key events arising after the end of the annual reporting period include:

- legislative amendments to the Ombudsman Act in August 2024, which expanded the scope of Aboriginal Programs that the Ombudsman could monitor and assess (see page 45), inserted a provision expressly requiring public authorities to cooperate with our office in our performance of our functions, and to use their best endeavours to assist the Ombudsman if asked to assist and clarified the privacy-related complaints that are and are not excluded from our jurisdiction, and made other minor amendments to our functions
- a legislative amendment made to the Ombudsman Act in August 2024 by the *Prevention of Cruelty to Animals Amendment (Transparency and Fit and Proper Persons) Act 2024*, which expanded the definition of 'public authority' to approved charitable organisations, within the meaning of the *Prevention of Cruelty to Animals Act 1979*, to the extent the organisation's conduct relates to the exercise of functions under that Act

- the resignation of the Deputy Ombudsman, Health Administration on 1 July 2024, and the subsequent appointment of the Deputy Ombudsman, Complaints and Resolution to a dual role including Deputy Ombudsman, Health Administration: see **Section 1.2**
- the Treasurer’s issuance of TD24-12 *Charter of Independence for NSW Integrity Agencies* on 6 August 2024: see **Section 1.3**, and
- entering into new occupancy agreements for office accommodation on 13 September 2024 covering the period October 2024 to June 2029: see **Section 6.2** — note 20 to the audited financial statements.

## 4.6 Internal audit, risk management and insurance activities

As an independent office, we are accountable to the people of NSW through the NSW Parliament.

Our work is scrutinised by the Parliamentary Committee on the Office of the Ombudsman, the Law Enforcement Conduct Commission and the Crime Commission. The committee examines our annual report and other reports to Parliament and may report to Parliament on any matter relating to our work, but cannot review our decisions about individual complaints.

The Ombudsman is supported by our Audit and Risk Committee (**ARC**), that provides us with independent assistance about our governance, risk management and internal audit practices. The ARC met 6 times during the 2023–2024 Financial Year and operated in accordance with NSW Treasury requirements.

### Risk management and insurance activities

Our risk management framework provides the principles and processes for all risk management activities across our office. In 2023–24, we continued to implement strategies to mature our management of risks.

Key activities included:

- identification of key actions taken to mitigate strategic risks or emerging pressures on strategic risks to inform the Executive’s evaluation of strategic risk ratings each quarter
- emphasis on the identification, reporting and management of conflicts of interests for new starters and recruitment activities
- regular attendance by the Governance and Risk unit at all-staff and branch meetings to explore risk management topics in detail for staff awareness and learning.

The NSW Government is a self-insurer and provides cover in respect of all Office activities.

### Internal audit activities

The Ombudsman approved the 2023–24 internal audit program following endorsement by the ARC and after consultation with the Executive team. We have continued our work with KPMG, the Ombudsman’s internal audit services provider. The ARC has closely monitored the development of the internal audit strategy and the completion of audits.

Key activities included:

1. internal audits on social media, IT vendor third party risk management, procure to pay and investigations.
2. follow-up of previous internal audit recommendations. The majority of identified issues in completed reviews were classified as ‘low’. This meant that the issues identified represent a minor control weakness with minimal but reportable impact on the ability to achieve process objectives.

## 4.7 Internal audit and risk management policy attestation statement

ABN 76 325 886 267  
 Level 24, 580 George Street, Sydney NSW 2000  
 T 02 9286 1000 Tollfree 1800 451 524  
 www.ombo.nsw.gov.au



### Internal Audit and Risk Management Attestation Statement 2023-2024 Financial Year | NSW Ombudsman’s Office

I, Paul Miller, am of the opinion that the Ombudsman’s Office has internal audit and risk management processes in operation that are compliant with the seven (7) Core Requirements set out in the *Internal Audit and Risk Management Policy for the General Government Sector*, specifically:

Core Requirements	Compliant or non-compliant
<b>Risk Management Framework</b>	
1.1 The Accountable Authority shall accept ultimate responsibility and accountability for risk management in the agency.	Compliant
1.2 The Accountable Authority shall establish and maintain a risk management framework that is appropriate for the agency. The Accountable Authority shall ensure the framework is consistent with AS ISO 31000:2018.	Compliant
<b>Internal Audit Function</b>	
2.1 The Accountable Authority shall establish and maintain an internal audit function that is appropriate for the agency and fit for purpose.	Compliant
2.2 The Accountable Authority shall ensure the internal audit function operates consistent with the International Standards for Professional Practice for Internal Auditing.	Compliant
2.3 The Accountable Authority shall ensure the agency has an Internal Audit Charter that is consistent with the content of the ‘model charter’.	Compliant
<b>Audit and Risk Committee</b>	
3.1 The Accountable Authority shall establish and maintain efficient and effective arrangements for independent Audit and Risk Committee oversight to provide advice and guidance to the Accountable Authority on the agency’s governance processes, risk management and control frameworks, and its external accountability obligations.	Compliant
3.2 The Accountable Authority shall ensure the Audit and Risk Committee has a Charter that is consistent with the content of the ‘model charter’.	Compliant

#### Membership

The independent chair and members of the Audit and Risk Committee during the 2023-2024 financial year were:

- Vicki Allen, Independent Chair appointed 24 May 2022 to 23 May 2025
- Peter Scarlett, Independent Member appointed 27 June 2021 to 26 June 2026
- Robyn Gray, Independent Member appointed 24 May 2022 to 23 May 2027.

Paul Miller  
 NSW Ombudsman  
 19 September 2024

Chris Clayton  
 Chief Audit Executive  
 19 September 2024

## 4.8 Quality assurance

In 2023–24, the NSW Ombudsman established a Quality Assurance Unit to develop and implement a comprehensive Quality Assurance Framework. This unit undertakes quality checks, assessments and reviews, to ensure high standards of customer service, compliance with applicable legal and procedural requirements and consistent evidence-based decision-making.

From the 7 reviews conducted since establishing the unit, 29 recommendations have been made to improve processes. Significant progress has been made on these recommendations, with 12 fully implemented and 9 currently in progress.

### Improving inmates and detainees' understanding of confidentiality of complaints made to the Ombudsman

Based on a review of complaint-handling processes from individuals in detention and custody, the preamble on our phone system was updated to inform inmates and detainees that calls to the Ombudsman are neither monitored nor recorded by Youth Justice or Corrective Services.

#### As a result of the reviews, improvements have been made to:



**our recorded telephone messages**



**direct referral arrangements with Corrective Services NSW**



**data glossary, dictionary and field definitions to support improved data capture and analysis in the context of our monitoring function.**

## 4.9 Privacy and Personal Information Protection Act compliance

Our Privacy and Information Management Framework incorporates our privacy management plan, which addresses the requirements of both the *Privacy and Personal Information Protection Act 1998* (PPIPA) and the *Health Records and Information Privacy Act 2002*.

In the reporting period we received and responded to 1 complaint about our compliance with PPIPA, concluding that there had been no breach of our PPIPA obligations. We also responded to a similar complaint received in the 2022–23 reporting period, again concluding that we had not breached our PPIPA obligations.

### Mandatory notification of data breach scheme

The Privacy Commissioner's mandatory notification of data breach scheme came into operation on 28 November 2023. Prior to the new scheme, our office voluntarily reported all data breaches to the Privacy Commissioner under the former voluntary data breach reporting scheme. In accordance with the requirements of the new scheme, our office published its Data Breach Policy on our website, together with our Public Notification Register. Governance and Risk staff have provided training to all staff on the operation of the new scheme.

## 4.10 Government Information (Public Access) Act reporting

Under the *Government Information (Public Access) Act 2009* (**GIPA Act**) there is a conclusive overriding public interest against the disclosure of information relating to our complaint handling, investigative and reporting functions. This information is 'excluded information' under the GIPA Act. The secrecy provisions of the Ombudsman Act also limit the information we can make publicly available.

This means that we tend to receive few GIPA Act applications, and those we do receive are frequently invalid (as they seek excluded information). Where an applicant applies for information, some of which is excluded information and some of which is not, we assist the applicant to make a valid application for the information that is not excluded information.

We also consider requests for information from the public and other agencies (including for excluded information) and to decide whether it might be appropriate for us to exercise discretion to voluntarily disclose requested information under section 8 of the GIPA Act or other legislation.

In accordance with the GIPA Act, we also:

- proactively release ‘open access information’ such as information guides, policy documents and reports tabled in Parliament, and
- conduct regular reviews of other kinds of government information that should be made publicly available.

In addition, our website provides information about our most recent publications, activities and other information that may be of public interest. This includes public reports and publications, and selected policies, such as our strategic plan and code of ethics and conduct.

**Statistical information about access applications**

We received 1 GIPA application (which was withdrawn) and 6 invalid GIPA applications in 2023–24.

The following information is reported in accordance with clause 8 of the GIPA Regulation 2018:

**Clause 8(a):** During the yearly review, we reviewed the nature and types of government information we hold from our functions. No information beyond that already published was made publicly available.

The reasons for maintaining the confidentiality of the information held remains unchanged from the previous reporting period. The information relates to matters that we are required to deal with privately and are sensitive in nature.

**Clause 8(b):** The total number of access applications received by the Ombudsman during the reporting year (including withdrawn applications but not including invalid applications) — **1**

**Clause 8(c):** The total number of access applications received by the Ombudsman during the reporting year that the agency refused either wholly or partly, because the application was for the disclosure of information referred to in Schedule 1 to GIPA (information for which there is conclusive presumption of overriding public interest against disclosure) — **NIL**.

Additional statistical information required by clause 8(d) of the GIPA Regulation 2018.<sup>39</sup>

**Table 11:** Number of applications by type of application and outcome

Type	Application withdrawn
Media	1 Access application (other than personal information application)

**Table 12:** Invalid applications

Reason for invalidity	No of applications
Application is for excluded information of the agency (section 43 of the GIPA Act)	6

**Table 13:** Number of applications reviewed under Part 5 of the GIPA Act

Reviewer	Decision upheld
Review by Information Commissioner*	1 Access application (other than personal information application)

\* The Information Commissioner does not have the authority to vary decisions, but can make recommendations to the original decision-maker. The data in this case indicates that a recommendation to vary or uphold the original decision has been made by the Information Commissioner.

<sup>39</sup> Unless reported in this section, other statistical information required by clause 8(d) is NIL.

## 4.11 Public interest disclosures

### NSW Ombudsman public interest disclosure policy

As an agency covered by the PID Act, our office is required to have policies and procedures in place to facilitate the reporting of wrongdoing by staff. We have made our people aware of the PID Act and assured them that they will be protected and supported if they make a public interest disclosure (PID).

We have a PID policy which is available on our staff intranet and website. New staff are required to read the policy as part of their induction, and information about reporting wrongdoing is regularly communicated to staff. We also provide training to all PID officers and people managers in the office about the important role they play in handling disclosures staff may make to them.

## 4.12 Complaints about us

The NSW Ombudsman welcomes feedback about our services, and we take any complaints about our own services and decisions seriously. Complaints provide us with an opportunity to look at the quality of our services and the feedback we receive is used to improve our performance and services.

In 2023–24, we received 13 complaints about the services we provided or the actions of our staff. Issues raised in the formal complaints included allegations of:

- poor customer service
- unfair treatment, and
- delays.

In 5 cases we found the complaints were substantiated or partially substantiated. Our resolution to complaints includes apologising to the complainant and reviewing our policies and practices.

These complaints are treated separately from requests for a review of our decision: see

**Section 3.3.**

## 4.13 Report production information

### Cost of production

We engaged the following services for this report:

- an external designer to design and produce, at a cost of \$4,455
- a proofreader, at a cost of \$2,585, and
- an indexer, at a cost of \$350.

### Reporting requirements

This annual report has been prepared with reference to the NSW Treasury Policy and Guidelines — *Annual Reporting Requirements TPG23-10*. For completeness we note that the following reporting requirements (as prescribed in TPG23-10 unless otherwise stated) are not applicable for the NSW Ombudsman and are therefore excluded from the annual report:

- combined annual reports
- application for extension of time
- land disposal
- implementation of price determination
- promotion (overseas visits)
- requirements arising from employment arrangements (TC15-07)
- exemptions
- disability inclusion action plans (sections 12 and 13 of the *Disability Inclusion Act 2014*)
- investment and liability management, and
- performance (TC17-02) costs and benefits associated with machinery of government (MoG) changes (NSW MoG Changes Guide).



NSW Ombudsman staff members

## 5. Sustainability

## 5.1 Modern Slavery Act 2018

In December 2023, the NSW Anti-Slavery Commissioner released *Guidance on Reasonable Steps to Manage Modern Slavery Risks in Operations and Supply Chains*. Following its release, our procurement team is participating in a working group to support implementation of the Anti-Slavery Commissioner's guidance.

No modern slavery issues were raised by the Anti-Slavery Commissioner during the financial year in relation to the operations of our office. The procurement team continues to monitor and assess modern slavery risks as part of ongoing day-to-day processes.

## 5.2 Workplace diversity

Our office is committed to building a workforce that reflects the diversity of the communities we serve. We do this by maintaining recruitment practices and initiatives that support inclusion and belonging.

### Diversity and inclusion

This year we released our new Diversity & Inclusion Framework along with an action plan to further strengthen our commitment to growing an inclusive workplace.

We have become a corporate member of Pride in Diversity and ACON, and have collaborated with them to deliver specialised LGBTQIA+ awareness and inclusion training for staff. We have also become a member of the Inclusion Circle that hosts interactive forums, events and webinars available for staff.

In addition, we continue to celebrate a wide range of diversity and inclusion events through the staff-led Diversity and Inclusion (D&I) Advisory Forum that supports the implementation of a range of D&I initiatives to promote greater inclusion in the workplace.

## Inclusive recruitment

All candidates are now asked if they require reasonable adjustments at every stage of the recruitment process, and hiring managers are being educated and guided through the process. We are committed to continuing this journey by building knowledge and awareness of inclusive recruitment practices to ensure candidates have a positive experience in every step of the recruitment process.

### Disability Confident Recruiter accreditation

During 2023–24 the NSW Ombudsman achieved accreditation as a Disability Confident Recruiter from the Australian Disability Network.

Reaching accreditation involved a review of all steps in our recruitment process, from posting of a position advertisement through to contracting and onboarding. The Australian Disability Network provided guidance and advice on how steps of the recruitment process should be re-engineered to ensure disability suitability.

The project, led by the internal recruitment team, involved consultation across the ICT Unit, Facilities team, Enabling Services Branch, People and Culture Unit and our premises building management, to implement changes and remove unintended barriers ensuring an inclusive and welcoming experience for all candidates who apply for a role with the NSW Ombudsman.



## Towards Reconciliation

We continued our work developing the office's first Reconciliation Action Plan (**RAP**). Extensive consultation has occurred across the office, including workshops hosted by First Nations advisors, Stonecrab, to facilitate the preparation of our RAP. The RAP deliverables are being finalised so we can submit our Plan to Reconciliation Australia in the coming months. In the meantime, we continue our efforts building strong relationships and respect between non-Indigenous people and Aboriginal and Torres Strait Islander Australians. This includes partnering with Aboriginal organisations to deliver Aboriginal cultural awareness training.

## Equitable remuneration

Our office had a gender pay gap in average full-time equivalent remuneration of 7.5% as at 30 June 2024, which highlights the disparity between male and female earnings.

While we have more women at all role levels compared to men (**see Table 16**), our gender pay gap reflects a higher proportion of female staff being in less senior roles compared to men. We will continue to monitor our gender pay gap to ensure our recruitment and remuneration practices do not adversely impact the equitable remuneration of our staff.

**Table 14.** Trends in the distribution index

Workforce diversity group	Benchmark	2022	2023	2024
Women	100	101	97.6	97.1
Aboriginal and/or Torres Strait Islander people	100	N/A*	N/A*	N/A*
People whose first language spoken as a child was not English	100	90	93.1	94.1
People with disability	100	N/A*	N/A*	N/A*
People with disability requiring work-related adjustment	100	N/A*	N/A*	N/A*

**Note 1:** A distribution index score of 100 indicates that the distribution of members of the workforce diversity group across salary bands is equivalent to that of the rest of the workforce. A score of less than 100 means that members of the workforce diversity group tend to be more concentrated at lower salary bands than is the case for other staff. The more pronounced this tendency is, the lower the score will be. In some cases, the index may be more than 100, indicating that members of the workforce diversity group tend to be more concentrated at higher salary bands than is the case for other staff.

\* The distribution index is not calculated when the number of employees in the workforce diversity group is less than 20 or when the number of other employees is less than 20.



NSW Ombudsman executive with Jason Timor from Stonecrab at a 2024 National Reconciliation Week event

**Table 15.** Trends in the representation of workforce diversity groups

Workforce diversity group	Benchmark	2022	2023	2024
Women	50.0%	76.2%	76.9%	76.9%
Aboriginal and/or Torres Strait Islander people	3.3%	4.0%	4.9%	5.4%
People whose first language spoken as a child was not English	23.2%	27.0%	26.1%	26.8%
People with disability	5.6%	9.0%	8.9%	9.9%
People with disability requiring work-related adjustment	N/A	0.8%	1.0%	1.6%

**Note 1:** The benchmark of 50% for the representation of women across the sector is intended to reflect the gender composition of the NSW community.

**Note 2:** The NSW Public Sector Aboriginal Employment Strategy 2014–17 introduced an aspirational target of 1.8% by 2021 for each of the sector’s salary bands. If the aspirational target of 1.8% is achieved, the cumulative representation of Aboriginal employees in the sector is expected to reach 3.3%.

**Note 3:** A benchmark from the Australian Bureau of Statistics (ABS) Census of Population and Housing has been included for people whose first language spoken as a child was not English. The ABS Census does not provide information about first language but does provide information about country of birth. The benchmark of 23.2% is the percentage of the NSW general population born in a country where English is not the predominant language.

**Note 4:** In December 2017 the NSW Government announced the target of doubling the representation of people with disability in the NSW public sector from an estimated 2.7% to 5.6% by 2027. More information can be found at: [Jobs for People with Disability: A plan for the NSW public sector](#). The benchmark for ‘People with disability requiring work-related adjustment’ was not updated.

See Jobs for People with Disability: [www.psc.nsw.gov.au/culture-and-inclusion/disability-employment](http://www.psc.nsw.gov.au/culture-and-inclusion/disability-employment).

**Table 16.** Workforce diversity actual staff numbers at census date (as at 1 July)

Salary level of substantive position	Total staff (men, women and unspecified)	Respondents	Men	Women	Intermediate/Intersex/Unspecified gender	Aboriginal and/or Torres Strait Islander people	People from racial, ethnic, ethno-religious minority groups	People whose language first spoken as a child was not English	People with disability	People with disability requiring work-related adjustment
\$32,914–\$67,184 (General Scale)	0	0	0	0	0	0	0	0	0	0
\$67,975–\$73,901 (Grade 1/2)	1	1	0	1	0	0	1	1	0	0
\$75,992–\$83,211 (Grade 3/4)	11	11	0	10	1	0	5	4	1	1
\$89,707–\$98,982 (Grade 5/6)	46	46	8	37	1	3	12	12	3	1
\$101,947–\$112,849 (Grade 7/8)	63	63	11	51	1	4	14	16	10	2
\$116,211–\$128,061 (Grade 9/10)	66	66	16	52	0	2	21	21	2	0
\$134,411–\$155,445 (Grade 11/12)	40	40	15	27	0	2	13	9	6	0
\$182,217 and above (Executive)	12	12	3	9	0	2	3	2	2	1
<b>Total</b>	<b>239</b>	<b>239</b>	<b>53</b>	<b>187</b>	<b>3</b>	<b>13</b>	<b>69</b>	<b>65</b>	<b>24</b>	<b>5</b>

## 5.3 Our work health and safety

### Work health and safety

We have the following work health and safety (WHS) policies and practices in place:

- work health and safety policy
- COVID-19 Safety Protocols for the Office
- first aid policy
- health and wellbeing policy and framework
- return to work program
- safe driving policy, and
- working from home policy.

During the year, we reviewed and updated our work health and safety policy and COVID-19 safety protocols for the office.

During the year, we updated our WHS risk register to include psychosocial risks our staff may face through their work.

### Work Health and Safety Committee

We have a WHS Committee, made up of elected staff and nominated management representatives, who actively work to identify and resolve safety concerns and provide feedback and comments on WHS procedures and the WHS risk register. The committee reviews and actions the results of internal WHS inspections, identifies work health and safety hazards and risks, and understands the impact of operational and business requirements on the safety and wellbeing of our staff.

### Work health and safety injuries and incidents

There were 6 work-related incidents, which were immediately reported and addressed. The majority of injuries reported were minor and without lost time. There were 5 non-work-related injuries reported in 2023–24.

## Worker's compensation claims

We participate in the iCare Treasury Managed Fund, a self-insurance scheme for the NSW public sector. As of 30 June 2024, there were 2 open claims.

**Table 17.** Workers' compensation — 2-year comparison

	2022–23	2023–24
Claims brought forward	1	1
New claims	0	1
Reopened claims	0	0
Claims closed	0	0
Open claims 30 June	1	2

**Table 18.** Workers' compensation claim rate — 2-year comparison

	2022–23	2023–24
Number of submitted claims	0	1
FTE staff number	201.7	233.6
Incidence rate (%)	0	0.43%

## 5.4 Environmental sustainability

Despite our relatively small office space in the Sydney CBD, we remain committed to minimising the environmental impact of our operations by:

- supporting our building manager in their sustainability initiatives, including contributing to the building's achievement of carbon-neutral status under NABERS and Climate Active
- procuring electricity, including GreenPower, through the NSW whole-of-government contract
- participating in Government Resource Efficiency Policy reporting and initiatives.



*NSW Ombudsman staff members*

## 6. Financial performance

# 6.1 Financial information

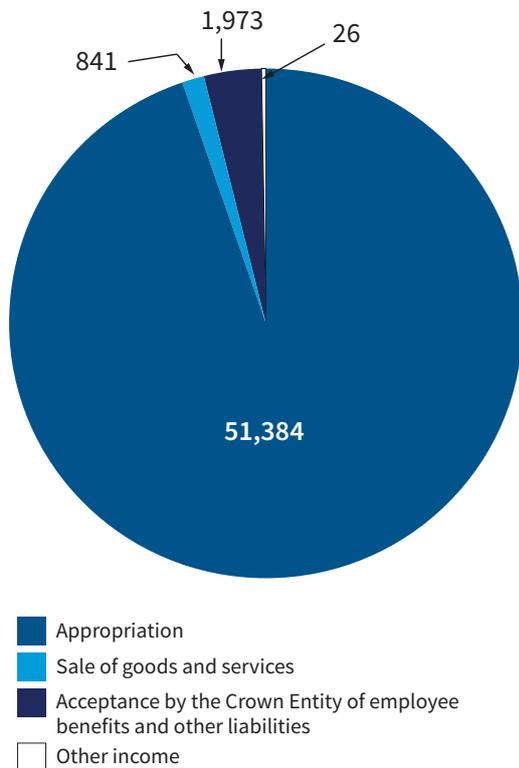
## Revenue, expenses and financial position

### Revenue

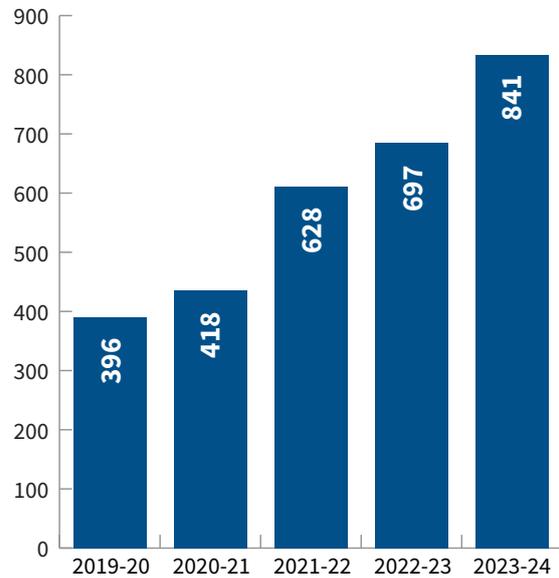
The majority of our revenue comes from the NSW Government in the form of a consolidated fund appropriation. This is used to meet both recurrent and capital expenditure. In 2023–24, we received \$51.4 million appropriation, a significant increase of \$12.6 million from \$38.8 million received in 2022–23.

Training revenue has increased to \$841,000 from \$687,000 in 2022–23. Acceptance by the Crown of employee benefits and other liabilities has also increased to \$2 million, which is offset against an expense of the same amount. Refer to the financial statements for additional detail.

**Figure 8.** 2023–24 revenue (\$'000)



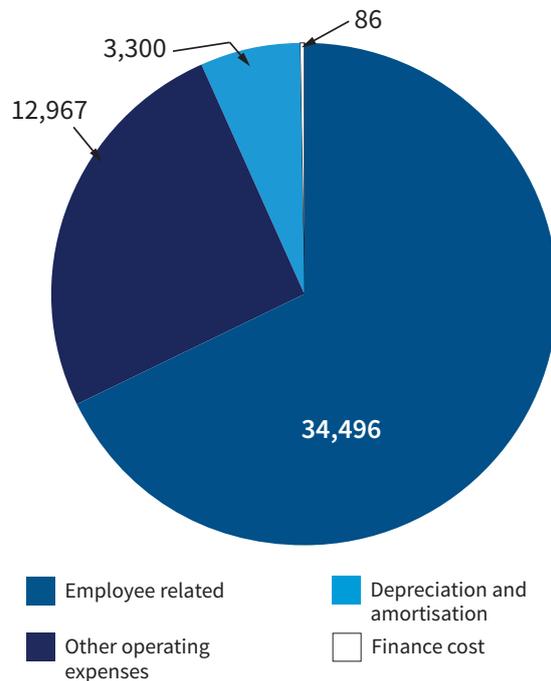
**Figure 9.** Training revenue (\$'000)



### Expenses

Total expenses recorded was \$50.8 million, which was \$2.9 million less than budget primarily due to temporary vacancies in newly established and funded positions while recruitment processes were undertaken. Employee-related expenses accounted for 68% of total expenses. The significant operating expenses included contractors \$6.4 million (2023: \$4.9 million), information technology services \$3.7 million (2023: \$2.1 million), and staff development and wellbeing costs \$0.6 million (2023: \$0.6 million).

**Figure 10.** 2023–24 expenses (\$'000)



## Financial position

Net assets have increased from \$2.7 million as at 30 June 2023 to \$6.0 million as at 30 June 2024.

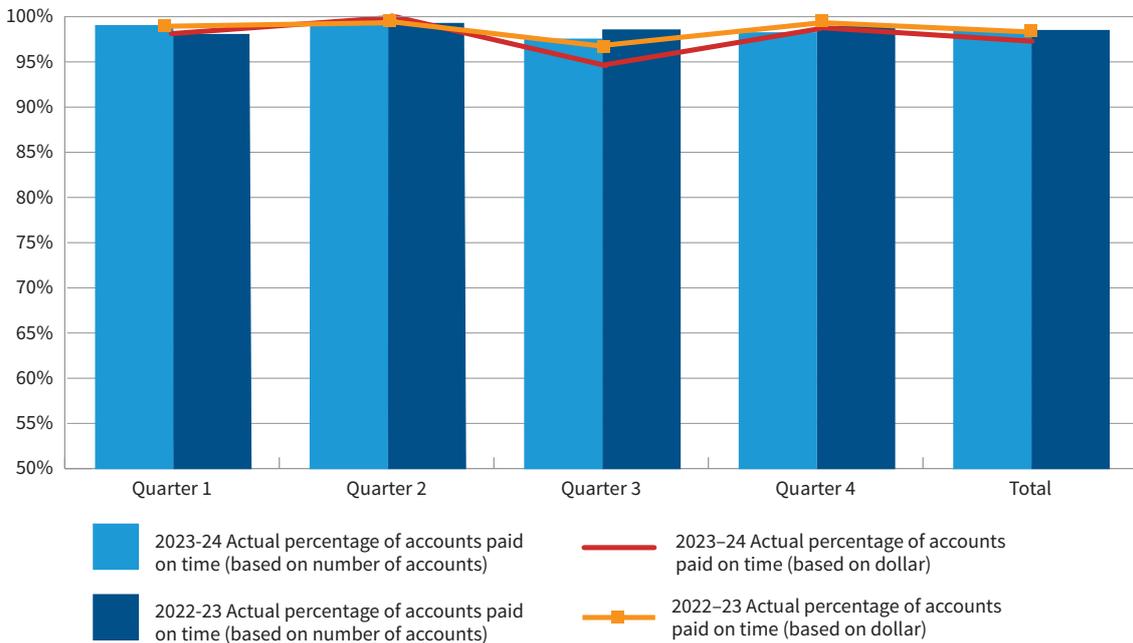
## Financial statements

The financial statements are prepared in accordance with legislative provisions and accounting standards, and are audited by the Audit Office of NSW. The independent auditor's report and financial statements can be found in **Section 6.2 – Audited financial statements (including Independent Auditor's Report)**.

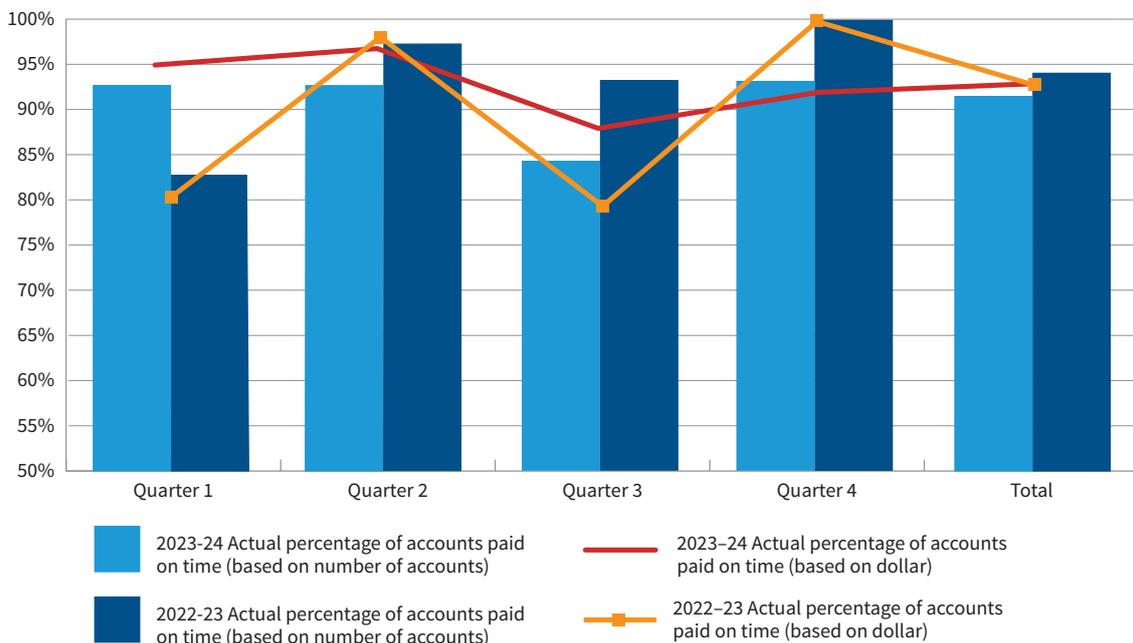
## Payment of accounts

The charts below indicate that on-time payments overall have been consistent in 2023–24 compared to 2022–23. Late payments were mainly due to internal delays in purchase order processing and confirmation of goods and service receipting.

**Figure 11.** Payment of accounts – all suppliers



**Figure 12.** Payment of accounts – small business suppliers



## 6.2 Audited financial statements (including Independent Auditor's Report)



### INDEPENDENT AUDITOR'S REPORT

#### Ombudsman's Office

To Members of the New South Wales Parliament

#### Opinion

I have audited the accompanying financial statements of Ombudsman's Office (the Office), which comprise the Statement by the NSW Ombudsman, the Statement of Comprehensive Income for the year ended 30 June 2024, the Statement of Financial Position as at 30 June 2024, the Statement of Changes in Equity and the Statement of Cash Flows, for the year then ended, and notes to the financial statements, including a Statement of Material Accounting Policy Information, and other explanatory information.

In my opinion, the financial statements:

- have been prepared in accordance with Australian Accounting Standards and the applicable financial reporting requirements of the *Government Sector Finance Act 2018* (GSF Act), the *Government Sector Finance Regulation 2024* (GSF Regulation) and the Treasurer's Directions
- presents fairly the Office's financial position, financial performance and cash flows.

My opinion should be read in conjunction with the rest of this report.

#### Basis for Opinion

I conducted my audit in accordance with Australian Auditing Standards. My responsibilities under the standards are described in the 'Auditor's Responsibilities for the Audit of the Financial Statements' section of my report.

I am independent of the Office in accordance with the requirements of the:

- Australian Auditing Standards
- Accounting Professional and Ethical Standards Board's APES 110 'Code of Ethics for Professional Accountants (including Independence Standards)' (APES 110).

Parliament promotes independence by ensuring the Auditor-General and the Audit Office of New South Wales are not compromised in their roles 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
- precluding the Auditor-General from providing non-audit services.

I have fulfilled my other ethical responsibilities in accordance with APES 110.

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

## **Ombudsman's Responsibilities for the Financial Statements**

The Ombudsman is responsible for the preparation and fair presentation of the financial statements in accordance with Australian Accounting Standards, the GSF Act, GSF Regulation and Treasurer's Directions. The Ombudsman's responsibility also includes such internal control as the Ombudsman determines is necessary to enable the preparation and fair presentation of the financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, the Ombudsman is responsible for assessing the Office's ability to continue as a going concern, disclosing as applicable, matters related to going concern and using the going concern basis of accounting.

## **Auditor's Responsibilities for the Audit of the Financial Statements**

My objectives are to:

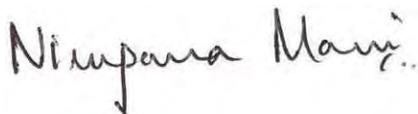
- obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error
- issue an Independent Auditor's Report including my opinion.

Reasonable assurance is a high level of assurance, but does not guarantee an audit conducted in accordance with Australian Auditing Standards will always detect material misstatements. Misstatements can arise from fraud or error. Misstatements are considered material if, individually or in aggregate, they could reasonably be expected to influence the economic decisions users take based on the financial statements.

A description of my responsibilities for the audit of the financial statements is located at the Auditing and Assurance Standards Board website at: [www.auasb.gov.au/auditors\\_responsibilities/ar4.pdf](http://www.auasb.gov.au/auditors_responsibilities/ar4.pdf). The description forms part of my auditor's report.

The scope of my audit does not include, nor provide assurance:

- that the Office carried out its activities effectively, efficiently and economically
- 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.



Nirupama Mani  
Director, Financial Audit

Delegate of the Auditor-General for New South Wales

24 September 2024  
SYDNEY

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20 September 2024

### Statement by the Ombudsman

Pursuant to section 7.6(4) of the *Government Sector Finance Act 2018* ('the Act') and to the best of my knowledge and belief I state that:

- these financial statements have been prepared in accordance with the provisions of the Australian Accounting Standards (which include Australian Accounting Interpretations), the requirements of the Act and Treasurer's Directions issued under the Act,
- these financial statements present fairly the Ombudsman's Office financial position, financial performance and cash flows, and
- there are no circumstances which would render any particulars included in the financial statements to be misleading or inaccurate.

A handwritten signature in black ink, appearing to read "Paul Miller". The signature is fluid and cursive.

Paul Miller

**NSW Ombudsman**

# Ombudsman's Office

## Statement of Comprehensive Income for the year ended 30 June 2024

	Notes	Budget 2024 \$'000	Actual 2024 \$'000	Actual 2023 \$'000
<b>Continuing operations</b>				
<b>Expenses excluding losses</b>				
Employee-related expenses	2(a)	37,681	34,496	23,408
Operating expenses	2(b)	12,224	12,967	11,313
Depreciation and amortisation	2(c)	3,828	3,300	3,129
Finance costs	2(d)	56	86	99
<b>Total expenses excluding losses</b>		<b>53,789</b>	<b>50,849</b>	<b>37,949</b>
<b>Revenue</b>				
Appropriations	3(a)	52,878	51,384	38,781
Sale of goods and services from contracts with customers	3(b)	595	841	687
Acceptance by the Crown of employee benefits and other liabilities	3(c)	1,055	1,973	676
Other income	3(d)	1	26	71
<b>Total revenue</b>		<b>54,529</b>	<b>54,224</b>	<b>40,215</b>
<b>Operating result</b>		<b>740</b>	<b>3,375</b>	<b>2,266</b>
Gains / (losses) on disposal	4	-	(1)	16
<b>Net Result</b>		<b>740</b>	<b>3,374</b>	<b>2,282</b>
<b>Other comprehensive income</b>				
Total other comprehensive income		-	-	-
<b>TOTAL COMPREHENSIVE INCOME</b>		<b>740</b>	<b>3,374</b>	<b>2,282</b>

The accompanying notes form part of these financial statements.

# Ombudsman's Office

## Statement of Financial Position as at 30 June 2024

	Notes	Budget 2024 \$'000	Actual 2024 \$'000	Actual 2023 \$'000
<b>ASSETS</b>				
<b>Current Assets</b>				
Cash and cash equivalents	5	4,562	8,414	4,910
Receivables	6	1,250	1,498	1,236
<b>Total Current Assets</b>		<b>5,812</b>	<b>9,912</b>	<b>6,146</b>
<b>Non-Current Assets</b>				
Property, plant and equipment	7	924	1,083	1,549
Right-of-use assets	8	684	704	2,816
Intangible assets	9	2,090	1,954	1,394
<b>Total Non-Current Assets</b>		<b>3,698</b>	<b>3,741</b>	<b>5,759</b>
<b>Total Assets</b>		<b>9,510</b>	<b>13,653</b>	<b>11,905</b>
<b>LIABILITIES</b>				
<b>Current Liabilities</b>				
Payables	10	1,721	2,086	1,709
Contract liabilities	11	72	85	72
Borrowings	12	807	806	3,148
Provisions	13	2,493	3,515	2,493
<b>Total Current Liabilities</b>		<b>5,093</b>	<b>6,492</b>	<b>7,422</b>
<b>Non-Current Liabilities</b>				
Borrowings	12	-	-	806
Provisions	13	1,011	1,121	1,011
<b>Total Non-Current Liabilities</b>		<b>1,011</b>	<b>1,121</b>	<b>1,817</b>
<b>Total Liabilities</b>		<b>6,104</b>	<b>7,613</b>	<b>9,239</b>
<b>Net Assets</b>		<b>3,406</b>	<b>6,040</b>	<b>2,666</b>
<b>EQUITY</b>				
Accumulated funds		3,406	6,040	2,666
<b>Total Equity</b>		<b>3,406</b>	<b>6,040</b>	<b>2,666</b>

The accompanying notes form part of these financial statements.

# Ombudsman's Office

## Statement of Changes in Equity for the year ended 30 June 2024

	Accumulated Funds \$'000
	<b>Notes</b>
<b>Balance at 1 July 2023</b>	<b>2,666</b>
Net result for the year	3,374
<b>Total comprehensive income for the year</b>	<b>6,040</b>
<b>Balance at 30 June 2024</b>	<b>6,040</b>
<b>Balance at 1 July 2022</b>	<b>384</b>
Net result for the year	2,282
<b>Total comprehensive income for the year</b>	<b>2,666</b>
<b>Balance at 30 June 2023</b>	<b>2,666</b>

The accompanying notes form part of these financial statements.

# Ombudsman's Office

## Statement of Cash Flows for the year ended 30 June 2024

	Notes	Budget 2024 \$'000	Actual 2024 \$'000	Actual 2023 \$'000
<b>CASH FLOWS FROM OPERATING ACTIVITIES</b>				
<b>Payments</b>				
Employee related		(36,626)	(31,308)	(21,864)
Suppliers for goods and services		(12,229)	(14,912)	(12,763)
Finance costs		(51)	(51)	(111)
<b>Total Payments</b>		<b>(48,906)</b>	<b>(46,271)</b>	<b>(34,738)</b>
<b>Receipts</b>				
Appropriations (excluding equity appropriations)		52,878	51,384	38,781
Sale of goods and services		595	841	687
Other		1	1,981	1,628
<b>Total Receipts</b>		<b>53,474</b>	<b>54,206</b>	<b>41,096</b>
<b>NET CASH FLOWS FROM OPERATING ACTIVITIES</b>	17	<b>4,568</b>	<b>7,935</b>	<b>6,358</b>
<b>CASH FLOWS FROM INVESTING ACTIVITIES</b>				
Proceeds from sale of property, plant and equipment		-	-	19
Purchase of property, plant and equipment		(210)	(377)	(493)
Purchase of intangible assets		(1,558)	(906)	(728)
<b>NET CASH FLOWS FROM INVESTING ACTIVITIES</b>		<b>(1,768)</b>	<b>(1,283)</b>	<b>(1,202)</b>
<b>CASH FLOWS FROM FINANCING ACTIVITIES</b>				
Payment of principal portion of lease liabilities		(3,148)	(3,148)	(2,939)
<b>NET CASH FLOWS FROM FINANCING ACTIVITIES</b>		<b>(3,148)</b>	<b>(3,148)</b>	<b>(2,939)</b>
<b>NET INCREASE/(DECREASE) IN CASH AND CASH EQUIVALENTS</b>				
		<b>(348)</b>	<b>3,504</b>	<b>2,217</b>
Opening cash and cash equivalents		4,910	4,910	2,693
<b>CLOSING CASH AND CASH EQUIVALENTS</b>	5	<b>4,562</b>	<b>8,414</b>	<b>4,910</b>

The accompanying notes form part of these financial statements.

# Ombudsman's Office

## Notes to the financial statements for the year ended 30 June 2024

### 1 Statement of Material Accounting Policy Information

#### (a) Reporting entity

The Ombudsman's Office (the Office) is a NSW government entity and is controlled by the State of New South Wales, which is the ultimate parent. The Office is an independent integrity agency which pursues fairness for the people of NSW. The Office strives to ensure that those entrusted with public power and resources fulfil their responsibilities and treat everyone fairly. The Office is independent of the government agencies and non-government organisations that it oversees.

The Office is a not-for-profit entity (as profit is not its principal objective) and it has no major cash generating units.

The financial statements for the year ended 30 June 2024 have been authorised for issue by the Ombudsman on 20 September 2024.

#### (b) Basis of preparation

The Office's financial statements are general purpose financial statements, which have been prepared on an accruals basis in accordance with:

- applicable Australian Accounting Standards (AAS) (which include Australian Accounting Interpretations);
- the requirements of the *Government Sector Finance Act 2018* (GSF Act); and
- Treasurer's Directions issued under the GSF Act.

Property, plant and equipment are measured using the fair value basis. Other financial statements items are prepared in accordance with the historical cost convention except where specified otherwise.

Judgements, key assumptions and estimations that management has 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, which is the Office's presentation and functional currency.

#### (c) Statement of compliance

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

#### (d) Accounting for the Goods and Services Tax

Income, expenses and assets are recognised net of the amount of goods and services tax (GST), except that the:

- amount of GST incurred by the Office as a purchaser that is not recoverable from the Australian Taxation Office (ATO) is recognised as part of an asset's cost of acquisition or as part of an item of expense, and
- receivables and payables are stated with the amount of 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 are recoverable from, or payable to, the ATO are classified as operating cash flows.

#### (e) Changes in accounting policies, including new or revised AAS

##### (i) Effective for the first time in FY2023-24

The accounting policies applied in FY2023-24 are consistent with those of the previous financial year except as a result of the following new or revised AAS that have been applied for the first time in 2023-24:

- AASB 2021-2 *Amendments to Australian Accounting Standards – Disclosure of Accounting Policies and Definition of Accounting Estimates*

The impact of this Standard in the period of initial application includes disclosing material accounting policy information and removing immaterial accounting policy information from the financial statements.

# Ombudsman's Office

Notes to the financial statements for the year ended 30 June 2024

## (ii) Issued but not yet effective

NSW public sector entities are not permitted to early adopt new AAS, unless Treasury determines otherwise. The following new AAS have not been applied and are not yet effective.

- AASB 2020-1 *Amendments to Australian Accounting Standards – Classification of Liabilities as Current or Non-current*
- AASB 2022-10 *Amendments to Australian Accounting Standards – Fair Value Measurement of Non-Financial Assets of Not-for-Profit Public Sector Entities*

These Standards are unlikely to have an impact on the Office's financial statements in the period of initial application.

## 2 Expenses Excluding Losses

	<b>2024</b>	<b>2023</b>
	<b>\$'000</b>	<b>\$'000</b>
<b>(a) Employee related expenses</b>		
Salaries and wages (including annual leave)*	27,557	19,592
Superannuation – defined benefit plans	34	57
Superannuation – defined contribution plans	3,108	1,851
Long service leave	1,936	616
Workers' compensation insurance	110	86
Payroll tax and fringe benefit tax	1,751	1,206
	<b>34,496</b>	<b>23,408</b>
<b>(b) Operating expenses</b>		
Auditor's remuneration – audit of the financial statements	53	51
Consultants	152	1,150
Contractors	6,400	4,899
Cost of training workshops	173	137
Information Technology services	3,692	2,126
Insurance	106	65
Internal audit fees	180	180
Legal fees	152	186
Maintenance – non-employee related*	143	168
Marketing and advertising expenses	75	64
Office consumables and expenses	62	42
Property-related expenses	449	281
Recruitment expenses	229	968
Staff development and wellbeing	645	593
Subscriptions and memberships	150	107
Telecommunications	104	118
Travel	93	73
Other	109	105
	<b>12,967</b>	<b>11,313</b>
* Reconciliation - Total maintenance expense		
Maintenance expense - contracted labour and other (non-employee related), as above	143	168
Employee related maintenance expense included in Note 2(a)	92	89
Total maintenance expenses included in Notes 2(a) and 2(b)	<b>235</b>	<b>257</b>

# Ombudsman's Office

Notes to the financial statements for the year ended 30 June 2024

## Recognition and Measurement

### Maintenance expense

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

### Reclassification of comparative information in Note 2(b) Operating expenses

The classification of items in Note 2(b) Operating expenses has been updated to better reflect the nature of expenses relevant to the Office. Comparative information in Note 2(b) has been reclassified as a result. The reclassification has occurred within Note 2(b) and therefore has not affected total operating expenses.

	<b>2024</b>	<b>2023</b>
	<b>\$'000</b>	<b>\$'000</b>
<b>(c) Depreciation and amortisation expense</b>		
<b>Depreciation</b>		
Right-of-use assets	2,112	2,112
Leasehold improvements	441	401
Plant and equipment	357	299
Furniture and fittings	44	33
<b>Total depreciation expense</b>	<b>2,954</b>	<b>2,845</b>
<b>Amortisation</b>		
Software	346	284
<b>Total amortisation expense</b>	<b>346</b>	<b>284</b>
<b>Total depreciation and amortisation expense</b>	<b>3,300</b>	<b>3,129</b>

Refer to Note 7, 8, and 9 for recognition and measurement policies on depreciation and amortisation.

	<b>2024</b>	<b>2023</b>
	<b>\$'000</b>	<b>\$'000</b>
<b>(d) Finance costs</b>		
Interest expense from lease liabilities	51	111
Unwinding of discount and effect of changes in discount rate on provisions	35	(12)
	<b>86</b>	<b>99</b>

# Ombudsman's Office

## Notes to the financial statements for the year ended 30 June 2024

### 3 Revenue

#### **Recognition and Measurement**

Income is recognised in accordance with the requirements of AASB 15 *Revenue from Contracts with Customers* or AASB 1058 *Income of Not-for-Profit Entities*, dependent on whether there is a contract with a customer as defined by AASB 15 *Revenue from Contracts with Customers*.

	<b>2024</b>	<b>2023</b>
	<b>\$'000</b>	<b>\$'000</b>
<b>(a) Appropriations and transfers to the Crown</b>		
<b>Summary of Compliance</b>		
Amount appropriated per Appropriation Act	52,878	43,869
<b>Total spending authority from parliamentary appropriations, other than deemed appropriations</b>	<b>52,878</b>	<b>43,869</b>
<b>Add:</b>		
The spending authority from deemed appropriations during the year	2,822	2,334
The unutilised spending authority from deemed appropriations from prior years	5,736	3,402
<b>Total</b>	<b>61,436</b>	<b>49,605</b>
<b>Less: total expenditure out of Consolidated Fund</b>	<b>(50,702)</b>	<b>(38,898)</b>
<b>Variance</b>	<b>10,734</b>	<b>10,707</b>
<b>Less:</b>		
The spending authority from appropriations lapsed at 30 June	(2,176)	(4,971)
<b>Deemed appropriations balance carried forward to the following years</b>	<b>8,558</b>	<b>5,736</b>

#### Notes:

1. The summary of compliance includes deemed appropriations. It is based on the assumption that annual appropriations monies are spent first (except where otherwise identified or prescribed).
2. 'Expenditure' refers to cash payments. The term 'expenditure' has been used for payments for consistency with AASB 1058 *Income of Not-for-Profit Entities*.
3. Deemed appropriations is a legal concept under the GSF Act that does not have a corresponding financial statement line item. Instead, deemed appropriations may come from various sources, such as sale of goods and services, and the corresponding revenue is disclosed in the relevant sections of these items in the financial statements.

#### **Recognition and Measurement**

##### **Parliamentary appropriations other than deemed appropriations**

Income from appropriations, other than deemed appropriations (of which the accounting treatment is based on the underlying transaction), does not contain enforceable and sufficiently specific performance obligations as defined by AASB 15. Therefore, appropriations (other than deemed appropriations) are recognised as income when the Office obtains control over the assets comprising the appropriations. Control over appropriations is normally obtained upon the receipt of cash.

The *Appropriation Act 2023* (Appropriations Act) appropriates the sum of \$52.9 million to the Premier out of the Consolidated Fund for the services of the Office for the year 2023–24.

The lead Minister for the Office, being the Premier, is taken to have been given an appropriation out of the Consolidated Fund under the authority section 4.7 of the GSF Act, at the time the Office receives or recovers any deemed appropriation money, for an amount equivalent to the money that is received or recovered by the Office. These deemed appropriations are taken to have been given for the services of the Office.

The spending authority of the Premier for the services of the Ombudsman's Office, from the Appropriations Act and deemed appropriation money, has been delegated/sub-delegated to officers of the Office.

The summary of compliance has been prepared by aggregating the spending authorities for the services of the Office. It reflects the status at the point in time this disclosure statement is being made.

# Ombudsman's Office

## Notes to the financial statements for the year ended 30 June 2024

	2024 \$'000	2023 \$'000
<b>(b) Sale of goods and services from contracts with customers</b>		
Rendering of services	841	687
	<u>841</u>	<u>687</u>

### **Recognition and Measurement**

Revenue from rendering of services such as conducting training programs, is recognised when the Office satisfies the performance obligation by delivering training workshops. The revenue is measured at the transaction price agreed under the contract.

	2024 \$'000	2023 \$'000
<b>(c) Acceptance by the Crown of employee benefits and other liabilities</b>		
The following liabilities and / or expenses have been assumed by the Crown:		
Superannuation - defined benefit	35	57
Long service leave provision	1,936	616
Payroll tax on superannuation	2	3
	<u>1,973</u>	<u>676</u>

	2024 \$'000	2023 \$'000
<b>(d) Other income</b>		
Other income	26	71
	<u>26</u>	<u>71</u>

	2024 \$'000	2023 \$'000
<b>4 Gains / (losses) on Disposal</b>		
Gains / (losses) on disposal of plant and equipment	(1)	16
	<u>(1)</u>	<u>16</u>

# Ombudsman's Office

## Notes to the financial statements for the year ended 30 June 2024

	<b>2024</b>	<b>2023</b>
	<b>\$'000</b>	<b>\$'000</b>
<b>5 Current Assets - Cash and Cash Equivalents</b>		
Cash at bank and on hand	8,414	4,910
	<b>8,414</b>	<b>4,910</b>

For the purposes of the Statement of Cash Flows, cash and cash equivalents include cash at bank and on hand.

Cash and cash equivalents (per Statement of Financial Position)	8,414	4,910
Closing cash and cash equivalents (per Statement of Cash Flows)	<b>8,414</b>	<b>4,910</b>

Refer Note 18 for details regarding credit risk and market risk arising from financial instruments.

	<b>2024</b>	<b>2023</b>
	<b>\$'000</b>	<b>\$'000</b>
<b>6 Current Assets - Receivables</b>		
Trade receivables from contracts with customers	71	62
GST receivable	243	274
Other receivables	86	126
Prepayments	1,098	774
	<b>1,498</b>	<b>1,236</b>

Refer Note 18 for details regarding credit risk of trade receivables that are neither past due nor impaired.

### ***Recognition and Measurement***

The Office recognises a financial asset or a financial liability when, and only when, it becomes a party to the contractual provisions of the instrument. To determine when the Office becomes a party to the contractual provisions of the instrument, the Office considers:

- Whether the Office has a legal right to receive cash (financial asset) or a legal obligation to pay cash (financial liability); or
- Whether at least one of the parties has performed under the agreement.

All 'regular way' purchases or sales of financial assets are recognised and derecognised on a trade date basis. Regular way purchases or sales are purchases or sales of financial assets that require delivery of assets within the time frame established by regulation or convention in the marketplace.

Receivables are initially recognised at fair value plus any directly attributable transaction costs. Trade receivables that do not contain a significant financing component are measured at the transaction price.

# Ombudsman's Office

## Notes to the financial statements for the year ended 30 June 2024

7 Property, Plant and Equipment	Leasehold Improvements \$'000	Plant and Equipment \$'000	Furniture and Fittings \$'000	Work in Progress \$'000	Total \$'000
<b>At 1 July 2022 - fair value</b>					
Gross carrying amount	5,144	1,853	382	58	7,437
Accumulated depreciation	(4,222)	(1,167)	(256)	-	(5,645)
<b>Net carrying amount</b>	<b>922</b>	<b>686</b>	<b>126</b>	<b>58</b>	<b>1,792</b>
<b>Year ended 30 June 2023</b>					
Net carrying amount at beginning of year	922	686	126	58	1,792
Purchases of assets	46	270	177	-	493
Transfer from work in progress	-	58	-	(58)	
Disposals	-	(3)	-	-	(3)
Depreciation expense	(401)	(299)	(33)	-	(733)
<b>Net carrying amount at end of year</b>	<b>567</b>	<b>712</b>	<b>270</b>	<b>(58)</b>	<b>1,549</b>
<b>At 1 July 2023 - fair value</b>					
Gross carrying amount	5,190	1,724	522	-	7,436
Accumulated depreciation	(4,623)	(1,012)	(252)	-	(5,887)
<b>Net carrying amount</b>	<b>567</b>	<b>712</b>	<b>270</b>	<b>-</b>	<b>1,549</b>
<b>Year ended 30 June 2024</b>					
Net carrying amount at beginning of year	567	712	270	-	1,549
Purchases of assets	16	299	22	40	377
Disposals	-	(1)	-	-	(1)
Depreciation expense	(441)	(357)	(44)	-	(842)
<b>Net carrying amount at end of year</b>	<b>142</b>	<b>653</b>	<b>248</b>	<b>40</b>	<b>1,083</b>
<b>At 30 June 2024 - fair value</b>					
Gross carrying amount	5,206	1,988	516	40	7,750
Accumulated depreciation	(5,064)	(1,335)	(268)	-	(6,667)
<b>Net carrying amount</b>	<b>142</b>	<b>653</b>	<b>248</b>	<b>40</b>	<b>1,083</b>

# Ombudsman's Office

## Notes to the financial statements for the year ended 30 June 2024

### **Recognition and Measurement**

#### **Acquisition of property, plant and equipment**

Property, plant and equipment are initially measured at cost and subsequently revalued at fair value less accumulated depreciation and impairment. 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 construction or, where applicable, the amount attributed to that asset when initially recognised in accordance with the requirements of other AAS. Fair value is the price that would be received to sell an asset in an orderly transaction between market participants at measurement date.

#### **Capitalisation thresholds**

Property, plant and equipment and intangible assets costing \$5,000 and above individually are capitalised. All items that form part of the Office's IT network, such as software and hardware, are capitalised regardless of the cost.

#### **Depreciation of property, 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 to the Office.

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

Depreciation rates used:

- Leasehold improvements                      Useful life of 10 years or to the end of the lease, if shorter
- Plant and equipment                              20%-25% (2023: 20%-25%)
- Furniture & fittings                                10% (2023: 10%)

#### **Right-of-Use Assets acquired by lessees**

The Office has elected to present right-of-use assets separately in the Statement of Financial Position.

Further information on leases is contained at Note 8.

#### **Revaluation of property, 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 (TPP21-09) and Treasurer's Direction *Valuation of Physical Non-Current Assets at Fair Value* (TD21-05). TD21-05 and TPP21-09 adopt fair value in accordance with AASB 13, AASB 116 and AASB 140 *Investment Property*.

Non-specialised assets with short useful lives are measured at depreciated historical cost, which for these assets approximates fair value. The Office has assessed that any difference between fair value and depreciated historical cost is unlikely to be material.

The residual values, useful lives and methods of depreciation of property, plant and equipment are reviewed at each financial year end.

# Ombudsman's Office

## Notes to the financial statements for the year ended 30 June 2024

### 8 Leases

#### Entity as a lessee

The Office leases office space and the lease contracts are typically made for fixed periods of 5 years but may have extension options. Lease terms are negotiated on an individual basis and contain a wide range of different terms and conditions. The lease agreements do not impose any covenants, but leased assets may not be used as security for borrowing purposes. The Office does not provide residual value guarantees in relation to leases.

AASB 16 *Leases* (AASB 16) requires a lessee to recognise a right-of-use asset and a corresponding lease liability for most leases.

#### Right-of-use assets under leases

The following table presents right-of-use assets that do not meet the definition of investment property.

	<b>Buildings \$'000</b>
<b>Balance at 1 July 2022</b>	<b>4,928</b>
Depreciation expense	<u>(2,112)</u>
<b>Balance at 30 June 2023</b>	<b>2,816</b>
<b>Balance at 1 July 2023</b>	<b>2,816</b>
Depreciation expense	<u>(2,112)</u>
<b>Balance at 30 June 2024</b>	<b>704</b>

<b>Lease liabilities</b>	<b>2024 \$'000</b>	<b>2023 \$'000</b>
The following table presents liabilities under leases:		
<b>Balance at 1 July</b>	<b>3,954</b>	<b>6,893</b>
Interest expenses	51	111
Payments	<u>(3,199)</u>	<u>(3,050)</u>
<b>Balance at 30 June</b>	<b>806</b>	<b>3,954</b>

The following amounts were recognised in the Statement of Comprehensive Income during the period in respect of leases where the entity is the lessee:

	<b>2024 \$'000</b>	<b>2023 \$'000</b>
Depreciation expense of right-of-use assets	2,112	2,112
Interest expense on lease liabilities	<u>51</u>	<u>111</u>
Total amount recognised in the Statement of Comprehensive Income	<b>2,163</b>	<b>2,223</b>

The total cash outflows for leases of \$3.2 million in FY2023-24 (FY2022-23: \$3.1 million).

# Ombudsman's Office

## Notes to the financial statements for the year ended 30 June 2024

### **Recognition and Measurement**

The Office assesses at contract inception whether a contract is, or contains, a lease. That is, if the contract conveys the right to control the use of an identified asset for a period of time in exchange for consideration.

The Office recognises lease liabilities to make lease payments and right-of-use assets representing the right to use the underlying assets, except for short-term leases and leases of low-value assets.

### **Right-of-use assets**

The Office recognises right-of-use assets at the commencement date of the lease (i.e. the date the underlying asset is available for use). Right-of-use assets are initially measured at the amount of initial measurement of the lease liability, adjusted by any lease payments made at or before the commencement date and lease incentives, any initial direct costs incurred, and estimated costs of dismantling and removing the asset or restoring the site.

The right-of-use assets are subsequently measured at cost. They are depreciated on a straight-line basis over the shorter of the lease term and the estimated useful lives of the assets, as follows:

- Buildings 5 years and 3 months

The right-of-use assets are also subject to impairment. The Office assesses, at each reporting date, whether there is an indication that an asset may be impaired. If any indication exists, or when annual impairment testing for an asset is required, the Office estimates the asset's recoverable amount. When the carrying amount of an asset exceeds its recoverable amount, the asset is considered impaired and is written down to its recoverable amount. After an impairment loss has been recognised, it is reversed only if there has been a change in the assumptions used to determine the asset's recoverable amount. The reversal is limited so that the carrying amount of the asset does not exceed its recoverable amount, nor exceed the carrying amount that would have been determined, net of depreciation, had no impairment loss been recognised for the asset in prior years. Such reversal is recognised in the net result.

### **Lease liabilities**

At the commencement date of the lease, the Office recognises lease liabilities measured at the present value of lease payments to be made over the lease term. Lease payments include fixed payments (including in substance fixed payments) less any lease incentives receivable.

The lease payments are discounted using Treasury Corporation rate. The Office is an agency in the General Government sector that does not borrow funds in the market. Instead the Office receives appropriations from the Crown and where the Crown needs additional funding, Treasury Corporation will go to market to obtain these funds. Therefore, the Office uses Treasury Corporation rates as the incremental borrowing rates as instructed by Treasury.

After the commencement date, the amount of lease liabilities is increased to reflect the accretion of interest and reduced for the lease payments made. In addition, the carrying amount of lease liabilities is remeasured if there is a modification, a change in the lease term, a change in the lease payments (e.g., changes to future payments resulting from a change in an index or rate used to determine such lease payments) or a change in the assessment of an option to purchase the underlying asset.

The Office's lease liabilities are included in borrowings.

# Ombudsman's Office

Notes to the financial statements for the year ended 30 June 2024

## 9 Intangible Assets

	Software \$'000	Work in Progress \$'000	Total \$'000
<b>At 1 July 2022</b>			
Gross carrying amount	2,483	98	2,581
Accumulated amortisation	(1,631)	-	(1,631)
<b>Net carrying amount</b>	<b>852</b>	<b>98</b>	<b>950</b>
<b>Year ended 30 June 2023</b>			
Net carrying amount at beginning of year	852	98	950
Additions			
- Internally developed	-	620	620
- Externally acquired	-	108	108
Disposals	-	-	-
Amortisation	(284)	-	(284)
<b>Net carrying amount at end of year</b>	<b>568</b>	<b>826</b>	<b>1,394</b>
<b>At 1 July 2023</b>			
Gross carrying amount	2,407	826	3,233
Accumulated amortisation	(1,839)	-	(1,839)
<b>Net carrying amount</b>	<b>568</b>	<b>826</b>	<b>1,394</b>
<b>Year ended 30 June 2024</b>			
Net carrying amount at beginning of year	568	826	1,394
Additions			
- Internally developed	-	906	906
- Externally acquired	-	-	-
Transfer from work in progress	831	(831)	-
Disposals	-	-	-
Amortisation	(346)	-	(346)
<b>Net carrying amount at end of year</b>	<b>1,053</b>	<b>901</b>	<b>1,954</b>
<b>At 30 June 2024</b>			
Gross carrying amount	3,103	901	4,004
Accumulated amortisation	(2,050)	-	(2,050)
<b>Net carrying amount</b>	<b>1,053</b>	<b>901</b>	<b>1,954</b>

### **Recognition and Measurement**

The Office recognises 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. Following initial recognition, intangible assets are subsequently measured at fair value only if there is an active market. As there is no active market for the Office's intangible assets, they are carried at cost less any accumulated amortisation and impairment losses.

The useful lives of intangible assets are assessed to be finite. The Office's intangible assets are amortised using the straight-line method over a period of five to ten years. The amortisation rates used for computer software are 10% to 20% (2023: 10% to 20%). The amortisation period and the amortisation method for an intangible asset with a finite useful life are reviewed at least at the end of each reporting period.

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.

# Ombudsman's Office

## Notes to the financial statements for the year ended 30 June 2024

### **Reclassification of comparative information in Additions**

The classification of additions in FY2022-23 has been updated upon reassessment of intangible assets in accordance with AASB 138 *Intangible Assets*. Three assets previously classified as “externally acquired” have been reclassified as “internally developed”.

	2024 \$'000	2023 \$'000
<b>10 Current Liabilities - Payables</b>		
Accrued salaries, wages and on-costs	766	648
Creditors	<u>1,320</u>	<u>1,061</u>
	<b><u>2,086</u></b>	<b><u>1,709</u></b>

Refer Note 18 for details regarding liquidity risk, including a maturity analysis of the above payables.

### **Recognition and Measurement**

Payables represent liabilities for goods and services provided to the Office and other amounts. Short-term payables with no stated interest rate are measured at the original invoice amount where the effect of discounting is immaterial.

Payables are financial liabilities at amortised cost, initially measured at fair value, net of directly attributable transaction costs. These are subsequently measured at amortised cost using the effective interest method. Gains and losses are recognised in net result when the liabilities are derecognised as well as through the amortisation process.

	2024 \$'000	2023 \$'000
<b>11 Contract Assets and Liabilities</b>		
Contract liabilities - current	85	72
Contract receivables (included in Note 6)	71	62

### **Recognition and Measurement**

Contract liabilities include consideration received in advance from customers in respect of training programs. The balance of contract liabilities at 30 June 2024 was the result of payments received in advance, and it is the Office's obligation to deliver training programs to a customer for which the Office has received consideration. The initial liability is measured at the amount of consideration received from the customer.

	2024 \$'000	2023 \$'000
Revenue recognised that was included in the contract liability balance at the beginning of the year	59	127
<b>12 Current / Non-Current Liabilities - Borrowings</b>		
Lease liabilities (see Note 8)		
- Current	806	3,148
- Non-current	<u>-</u>	<u>806</u>
	<b><u>806</u></b>	<b><u>3,954</u></b>

Refer Note 18 for details regarding liquidity risk, including a maturity analysis of the above borrowings.

### **Recognition and Measurement**

Borrowing represents interest bearing liabilities in relation to lease liabilities.

Borrowings classified as financial liabilities at amortised cost are initially measured at fair value, net of directly attributable transaction costs. These are subsequently measured at amortised cost using the effective interest method. Gains and losses are recognised in net result when the liabilities are derecognised as well as through the amortisation process.

# Ombudsman's Office

## Notes to the financial statements for the year ended 30 June 2024

	<b>2024</b>	<b>2023</b>
	<b>\$'000</b>	<b>\$'000</b>
<b>13 Current / Non-Current Liabilities - Provisions</b>		
<b>Current provisions</b>		
Annual leave	1,890	1,476
Annual leave loading	284	255
Provision for related on-costs on annual leave	328	239
Provision for related on-costs on long service leave	764	523
Provision for parental leave	249	-
<b>Total current provisions</b>	<b>3,515</b>	<b>2,493</b>
<b>Non-current provisions</b>		
Provision for related on-costs on long service leave	76	52
Provision for parental leave	51	-
Restoration costs	994	959
<b>Total non-current provisions</b>	<b>1,121</b>	<b>1,011</b>
<b>Aggregate employee benefits and related on-costs</b>		
Provisions - current	3,515	2,493
Provisions - non-current	127	52
Accrued salaries, wages and on-costs (see Note 10)	766	648
	<b>4,408</b>	<b>3,193</b>

The value of annual leave and associated on-costs expected to be taken within 12 months is \$2.5 million (2023: \$2.0 million). 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 \$55,000 (2023: \$37,000) and \$785,000 (2023: \$538,000) after 12 months.

	<b>2024</b>	<b>2023</b>
	<b>\$'000</b>	<b>\$'000</b>
<b>Movement in restoration costs</b>		
Carrying amount at beginning of year	959	971
Unwinding / change in the discount rate	35	(12)
<b>Carrying amount at end of year</b>	<b>994</b>	<b>959</b>

The restoration costs are non-current liabilities and were recognised for the estimate of future payments for restoration of the office fit out upon termination of the current accommodation lease. The lease was renewed for five years, commencing in October 2019.

### **Recognition and Measurement**

#### **Salaries and wages, annual leave and sick leave**

Salaries and wages (including non-monetary benefits) and paid sick leave that are expected to be settled wholly within 12 months after the end of the period in which the employees render the service are recognised and measured at the undiscounted amounts of the benefits.

Annual leave that is not expected to be settled wholly before 12 months after the end of the annual reporting period in which the employees render the related service is required to be measured at present value in accordance with AASB 119 *Employee Benefits* (although short-cut methods are permitted).

Actuarial advice obtained by NSW Treasury has confirmed that using the nominal annual leave balance plus the annual leave entitlements accrued while taking annual leave (calculated using 8.4% of the nominal value of annual leave (2023: 8.4%)) can be used to approximate the present value of the annual leave liability. The Office has assessed the actuarial advice based on the circumstances and has determined that the effect of discounting is immaterial to annual leave. All annual leave is classified as a current liability even where the Office does not expect to settle the liability within 12 months as the Office does not have an unconditional right to defer settlement.

# Ombudsman's Office

## Notes to the financial statements for the year ended 30 June 2024

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.

### Long service leave and superannuation

The Office's liabilities for long service leave and defined benefit superannuation are assumed by the Crown. The Office accounts 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 of employee benefits and other liabilities'.

Long service leave is measured at the present value of expected future payments to be made in respect of services provided up to the reporting date. Consideration is given to certain factors based on actuarial review, including expected future wage and salary levels, experience of employee departures, and periods of service. Expected future payments are discounted using Commonwealth government bond rate at the reporting date.

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

### Consequential on-costs

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

### Other provisions

Provisions are recognised when: the Office has a present legal or constructive obligation as a result of a past event; it is probable that an outflow of resources will be required to settle the obligation; and a reliable estimate can be made of the amount of the obligation.

If the effect of the time value of money is material, provisions are discounted at 4.10% (2023: 3.70%), which is a pre-tax rate that reflects the current market assessments of the time value of money and the risks specific to the liability. When discounting is used, the increase in the provision due to the passage of time (i.e. unwinding of discount rate) is recognised as a finance cost.

## 14 Commitments

### Capital commitments

Aggregate capital expenditure for the Public Interest Disclosures reporting portal and leasehold improvements contracted for at balance date and not provided for:

	2024 \$'000	2023 \$'000
Within one year	149	569
Later than one year and not later than five years	-	-
Later than five years	-	-
Total (including GST)	<u>149</u>	<u>569</u>

## 15 Contingent Liabilities and Contingent Assets

There are no contingent assets or liabilities for the year ended 30 June 2024 (2023: nil).

# Ombudsman's Office

## Notes to the financial statements for the year ended 30 June 2024

### 16 Budget Review

The budgeted amounts are drawn from the original budgeted financial statements presented to Parliament in respect of the reporting period. Subsequent amendments to the original budget are not reflected in the budgeted amounts. Major variances between the original budgeted amounts and the actual amounts disclosed in the financial statements are explained below.

#### Net result

Actual net result of \$3.4 million was recorded compared to a budgeted net result of \$0.7 million. This is primarily due to:

- Employee related expenses being \$3.2 million below budget, primarily due to temporary vacancies in newly established and funded positions while recruitment processes were undertaken.
- Higher than budgeted contractor costs to bring on short term resources whilst recruitment processes were undertaken.
- Lower than budgeted appropriations income by \$1.5 million in line with lower than budgeted expenses, offset by \$0.9 million higher Crown revenue and \$0.2 million higher training workshop revenue.

#### Assets and liabilities

The Office had Net Assets of \$6 million compared to a budget of \$3.4 million. This is primarily due to:

- Total assets were \$4.1 million higher than budget mainly due to increase in cash, as a result of lower than budgeted spending and accumulation of deemed appropriations (see Note 3(a)).
- Total liabilities were \$1.5 million higher than budget mainly due to higher provisions as a result of increased staff numbers.

#### Cash flows

Cash and cash equivalents were \$3.9 million higher than budget. This is primarily due to:

- \$5.3 million lower than budgeted employee-related payments and \$0.7 million lower than budgeted purchases of intangible assets, offset by \$2.7 million higher than budgeted payments for goods and services.
- \$1.5 million lower than budgeted appropriations received, offset by \$1.9 million in GST refunds not included in the original budget.

<b>17 Reconciliation of Cash Flows from Operating Activities to Net Result</b>	<b>2024 \$'000</b>	<b>2023 \$'000</b>
Reconciliation of cash flows from operating activities to the net result as reported in the Statement of Comprehensive Income as follows:		
Net cash used on operating activities	7,935	6,358
Depreciation and amortisation expense	(3,300)	(3,129)
(Increase) in provisions	(1,132)	(543)
Increase in prepayments	324	269
(Increase) in payables	(377)	(825)
(Decrease) / Increase in receivables	(62)	68
(increase) / Decrease in contract liabilities	(13)	68
Net (losses) / gains on disposal of property, plant and equipment	(1)	16
<b>Net result</b>	<b><u>3,374</u></b>	<b><u>2,282</u></b>

# Ombudsman's Office

## Notes to the financial statements for the year ended 30 June 2024

### 18 Financial Instruments

The Office's principal financial instruments are outlined below. These financial instruments arise directly from the Office's operations or are required to finance the Office's 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 for measuring and managing risk. Further quantitative and qualitative disclosures are included throughout these financial statements.

The Ombudsman 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 Office on a continuous basis.

#### (a) Financial instrument categories

Class	Note	Category	Carrying Amount	
			2024 \$'000	2023 \$'000
<b>Financial Assets</b>				
Cash and cash equivalents	5	Amortised cost	8,414	4,910
Receivables <sup>1</sup>	6	Amortised cost	157	189
<b>Financial Liabilities</b>				
Payables <sup>2</sup>	10	Amortised cost	2,086	1,709
Borrowings	12	Amortised cost	806	3,954

Note:

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

The Office determines the classification of its financial assets and liabilities after initial recognition and, when allowed and appropriate, re-evaluates this at each financial year end.

#### (b) Financial risks

##### (i) Credit risk

Credit risk arises when there is the possibility that the counterparty will default on their contractual obligations, resulting in a financial loss to the Office. The maximum exposure to credit risk is generally represented by the carrying amount of the financial assets (net of any allowance for credit losses or allowance for impairment).

Credit risk arises from the financial assets of the Office, including cash, receivables and authority deposits. No collateral is held by the Office and the Office has not granted any financial guarantees.

Credit risk associated with the Office's financial assets, other than receivables, is managed through the selection of counterparties and establishment of minimum credit rating standards.

The Office considers a financial asset in default when contractual payments are 90 days past due. However, in certain cases, the Office may also consider a financial asset to be in default when internal or external information indicates that the Office is unlikely to receive the outstanding contractual amounts in full before taking into account any credit enhancements held by the Office.

##### *Cash and cash equivalents*

Cash comprises cash on hand and bank balances within the NSW Treasury banking system.

# Ombudsman's Office

## Notes to the financial statements for the year ended 30 June 2024

### Receivables – trade receivables

Collectability of trade receivables is reviewed on an ongoing basis. Procedures as established in the Treasurer's Directions are followed to recover outstanding amounts, including letters of demand.

The Office applies the AASB 9 simplified approach to measuring expected credit losses which uses a lifetime expected loss allowance for all trade receivables.

To measure the expected credit losses, trade receivables have been grouped based on shared credit risk characteristics and the days past due.

The expected loss rates are based on historical observed loss rates. The historical loss rates are adjusted to reflect current and forward-looking information on macroeconomic factors affecting the ability of the customers to settle the receivables. The Office has identified GDP and the unemployment rate to be the most relevant factors, and accordingly adjusts the historical loss rates based on expected changes in these factors.

Trade receivables are written off when there is no reasonable expectation of recovery. Indicators that there is no reasonable expectation of recovery include, amongst others a failure to make contractual payments for a period of greater than 365 days past due.

The loss allowance for trade receivables as at 30 June 2024 and 2023 was determined as follows:

	30 June 2024					Total
	Current	< 30 days	30-60 days	61-90 days	> 91 days	
Expected credit loss rate	-	-	-	-	-	-
Estimated total gross carrying amount	-	-	-	-	-	-
Expected credit loss	-	-	-	-	-	-
	30 June 2023					Total
	Current	< 30 days	30-60 days	61-90 days	> 91 days	
Expected credit loss rate	-	-	-	-	-	-
Estimated total gross carrying amount	-	-	-	-	-	-
Expected credit loss	-	-	-	-	-	-

The Office is not materially exposed to concentrations of credit risk to a single trade debtor or group of debtors as at 30 June 2024 and 30 June 2023.

### (ii) Liquidity risk

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

During the current and prior year, there were no defaults of borrowings. No assets have been pledged as collateral. The Office's exposure to liquidity risk is deemed insignificant based on prior periods' data and current assessment of risk. 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 NSW Treasury Circular 11-12. For small business suppliers, where terms are not specified, payment is made not later than 30 days from date of receipt of a correctly rendered invoice. For other suppliers, 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. The Office did not pay any penalty interest during the financial year.

# Ombudsman's Office

## Notes to the financial statements for the year ended 30 June 2024

The table below summarises the maturity profile of the Office's financial liabilities based on contractual undiscounted payments, together with the interest rate exposure:

	Weighted Average Effective Int. Rate %	Nominal Amount <sup>1</sup> \$'000	Interest Rate Exposure			Maturity Dates		
			Fixed Interest Rate \$'000	Variable Interest Rate \$'000	Non- interest bearing \$'000	< 1 year \$'000	1 to 5 years \$'000	> 5 years \$'000
<b>2024</b>								
Payables <sup>2</sup>		2,086	-	-	2,086	2,086	-	-
Borrowings								
Lease liabilities	4%	809	809	-	-	809	-	-
Total		<b>2,895</b>	<b>809</b>	<b>-</b>	<b>2,086</b>	<b>2,895</b>	<b>-</b>	<b>-</b>
<b>2023</b>								
Payables <sup>2</sup>		1,709	-	-	1,709	1,709	-	-
Borrowings								
Lease liabilities	4%	4,008	4,008	-	-	3,199	809	-
Total		<b>5,717</b>	<b>4,008</b>	<b>-</b>	<b>1,709</b>	<b>4,908</b>	<b>809</b>	<b>-</b>

Note:

- The amounts disclosed are the contractual undiscounted cash flows of each class of financial liabilities based on the earliest date on which the entity can be required to pay. These amounts include both interest and principal cashflows and therefore will not reconcile to the amounts disclosed in the statement of financial position.
- The amount disclosed here exclude statutory payables and unearned revenue (not within scope of AASB 7).

### (iii) 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 Office's exposure to market risk is primarily through interest rate risk on the Office's borrowings. The Office has no exposure to foreign currency risk and does not enter into commodity contracts.

The effect on profit 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 Office operates and the time frame 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 reporting date. The analysis is performed on the same basis as for 2023. The analysis assumes that all other variables remain constant.

#### Interest rate risk

Interest rate risk is the risk that the fair value or future cash flows of a financial instrument will fluctuate because of changes in market interest rates. A reasonably possible change of +/- 1% is used, consistent with current trends in interest rates (based on official RBA interest rate volatility over the last five years). The basis will be reviewed annually and amended where there is a structural change in the level of interest rate volatility.

The following table demonstrates the sensitivity to a reasonably possible change in interest rates:

	2024 \$'000		2023 \$'000	
	-1%	+1%	-1%	+1%
Net Result	(84)	84	(49)	49
Equity	(84)	84	(49)	49

# Ombudsman's Office

## Notes to the financial statements for the year ended 30 June 2024

### (c) Fair value measurement

#### Fair value recognised in the Statement of Financial Position

Management assessed that cash, trade receivables, trade payables, and other current liabilities approximate their fair values, largely due to the short-term maturities of these instruments.

### 19 Related Party Disclosures

There were 13 individuals who fulfilled key management personnel (KMP) roles at some point during the year (17 KMP individuals in 2023). The higher number of KMP in 2022-23 related to the temporary appointment of individuals to fill Executive role vacancies and long-term leave.

	<b>2024</b>	<b>2023</b>
	<b>\$'000</b>	<b>\$'000</b>
Compensation for these KMP are as follows:		
Salaries	3,029	3,354
Post-employment benefits	319	344
Termination benefits	-	198
Total remuneration	<u><b>3,348</b></u>	<u><b>3,896</b></u>

The Office did not enter into transactions with close family members of KMP or entities controlled or jointly controlled by its KMP.

During the year, the Office entered into transactions on arm's length terms and conditions with other entities controlled by NSW Government. These transactions include:

- Insurance under Treasury Managed Fund Scheme
- Long Service Leave and Defined Benefit Superannuation assumed by the Crown
- Appropriations (and subsequent adjustments to appropriations)
- Transactions relating to the Treasury Banking System
- Payment for the audit of the Office's financial statements
- Receipts from the provision of training and related services
- Leasing of properties from Property NSW.

### 20 Events after the Reporting Period

On 13 September 2024, the Office entered into two new occupancy agreements with Property and Development NSW for its office accommodation. The first agreement for Levels 23, part 24 and 26, 580 George Street, Sydney is effective from 6 October 2024 to 31 January 2026. The total estimated cost of the first agreement is \$4.8 million including fees and GST. The second agreement for Levels 24 and 25, 580 George Street, Sydney is effective from 1 February 2026 to 30 June 2029. The total estimated cost of the second agreement is \$11.2 million including fees and GST.

**End of audited financial statements**



# A. Appendices

## A1 Categorisation of contacts and complaints

We categorise contacts received by our office into 6 categories:

- actionable complaints
- excluded complaints
- requests for information
- notifications
- misdirected complaints
- Feedback Assist.

### Actionable complaints

These are complaints that we are authorised by legislation to receive and, if necessary, to investigate under the Ombudsman Act or the CS CRAMA.

An actionable complaint under section 12 of the Ombudsman Act is a complaint about the conduct of a ‘public authority’ (as defined by the Act), provided the conduct is not ‘excluded conduct’ as set out in Schedule 1 of the Act. Conduct refers to action or inaction relating to a matter of administration.

An actionable complaint under CS CRAMA is a complaint about the conduct of a ‘service provider’ with respect to the provision, failure to provide, withdrawal, variation or administration of a ‘community service’ in respect of a particular person or group of persons. ‘Community service’ and ‘service provider’ are defined in that Act.

An actionable complaint made to us by a public official about suspected wrongdoing by a NSW public authority may also constitute a public interest disclosure (PID) under the PID Act.

### Excluded complaints

These are complaints to our office that are about a NSW public authority (as defined in the Ombudsman Act) or service provider (as defined in CS CRAMA), but where the conduct complained about is excluded from our jurisdiction by Schedule 1 of the Ombudsman Act.

Excluded complaints include complaints to us about:

- conduct of a minister or a member of Parliament (excluded by Item 1 of Schedule 1)
- conduct of a judge, court or tribunal (excluded by Item 1 of Schedule 1)
- conduct of the NSW Police Force or a member of the NSW Police Force (excluded by Item 13 of Schedule 1)
- conduct of a person acting as a legal adviser to or legal representation of a public authority (excluded by Item 6 of Schedule 1).

## Requests for information

People (including both members of the public and public officials) often contact us to seek information, advice or other assistance about a public authority or community service rather than making a complaint. This includes where public officials contact us to request advice or assistance about how to make or deal with PIDs.

## Notifications

In some cases, agencies have a legal duty to report to us when certain events or incidents occur. These include:

- notifications of the segregation of detainees (Youth Justice) for more than 24 hours, under clause 10(2)(a) of the *Children (Detention Centres) Regulation 2015*
- notifications of the deaths of children occurring in NSW, under Parts 5A and 6 of CS CRAMA
- notifications of the determination of applications, under section 13(1)(d) of the MDT Act
- notifications of determinations of review by the Chief Health Officer, under section 26(e) of the MDT Act
- notifications in relation to detrimental action following a public interest disclosure, under section 34(4) of the PID Act
- notifications of decisions not to investigate (or cease investigating) serious wrongdoing nor refer the disclosure, under section 55(3) of the PID Act

- notifications that an agency has entered into an arrangement with another agency (or entity) to exercise certain functions of the agency, under section 81(2)–(3) of the PID Act.

## Misdirected complaints

We classify a contact to our office as a misdirected complaint if it is about a person or body that is not a NSW public authority (as defined in the Ombudsman Act) or service provider (as defined in CS CRAMA). For example, if someone were to contact us wishing to complain about a federal agency or a private company, that would be a misdirected complaint.

## Feedback Assist

Feedback Assist is an online tool that enables members of the public to provide feedback to NSW Government agencies through a link (a ‘widget’) on their websites.

Under section 35E of the Ombudsman Act, our office has a role in receiving, reviewing and, where appropriate, referring to relevant agencies any feedback provided via the Feedback Assist widget.

## A2 Complaints finalised

**Table 19.** Actionable complaints finalised by type of agency/service provider

Type of agency/service provider	Number finalised	% of total complaints
State government	9,638	68%
Local government	2,668	19%
Privately managed correctional centres	1,130	8%
Public universities	524	4%
NSW Government-funded community service providers (non-government)	216	1%
Other	60	<1%
<b>TOTAL</b>	<b>14,236</b>	<b>100%</b>

### Observations

In 2023–24, we finalised 14,236 actionable complaints across all areas of our jurisdiction. As shown in **Table 19**, this includes complaints about state government, local government, privately managed correctional centres, public universities, NSW Government-funded community service providers, and other public authorities. Complaints about state government represent 68% of all complaints that we finalised in 2023–24 and includes complaints about correctional centres and other corrections-related services, and community services provided by state government.

## A3 Finalised complaints about state government

**Table 20.** Finalised actionable complaints about NSW state government by portfolio

Portfolio	Number finalised	% of state government complaints
Communities and Justice	4,887	51%
Customer Service	1,435	15%
Health	1,228	13%
Transport	639	7%
Education	489	5%
Planning and Environment (until 1 January 2024) <sup>40</sup>	398	4%
Planning, Housing and Infrastructure (from 1 January 2024) <sup>41</sup>	258	3%
Treasury	127	1%
Climate Change, Energy, the Environment and Water (from 1 January 2024) <sup>42</sup>	52	<1%
Regional NSW	51	<1%
Premier's Department/The Cabinet Office	16	<1%
Enterprise, Investment and Trade	13	<1%

<sup>40</sup> Planning and Environment was dissolved on 1 January 2024 and split into the Planning, Housing and Infrastructure and the Climate Change, Energy, the Environment and Water portfolios.

<sup>41</sup> Planning, Housing and Infrastructure was created on 1 January 2024 as a result of the split of the Planning and Environment into 2 new portfolios.

<sup>42</sup> Climate Change, Energy, the Environment and Water was created on 1 January 2024 as a result of the split of Planning and Environment into 2 new portfolios.

**Table 21.** Finalised actionable complaints about state government agencies/organisations/entities (top 10 by number)

Agency/organisation/entity	Number finalised	% of total complaints about state government
Corrective Services NSW	2,790	29%
DCJ Housing	1,082	11%
Justice Health and Forensic Mental Health Network	750	8%
Service NSW	562	6%
Revenue NSW	451	5%
Land and Housing Corporation	415	4%
DCJ Community Services	391	4%
NSW Trustee and Guardian	232	2%
Fair Trading	222	2%
TAFE NSW	198	2%

## Observations

In 2023–24, we finalised (9,593) actionable complaints about state government departments and agencies within portfolios. This represents (99%) of all complaints about state government. We finalised most complaints about the Communities and Justice portfolio (4,887), followed by the Customer Service portfolio (1,435) and the Health portfolio (1,228).

The state government agencies and organisations that we received significant complaints about in 2023–24 are shown in **Table 21**.

The most frequently raised issues in complaints about state government departments include actionable complaints about:

- standards of customer service
- complaint-handling processes
- medical issues (in adult correctional centres)
- complaint outcomes, and
- daily routine (in adult correctional centres).

## A4 Complaints concerning people in custody or on a community corrections order

**Table 22.** Finalised actionable complaints about adult correctional centres, including privately managed correctional centres (top 10 by number)

Correctional centre	Number finalised	% of total complaints finalised about adult correctional centres
Clarence Correctional Centre*	522	15%
Metropolitan Remand and Reception Centre	385	11%
Parklea Correctional Centre*	319	9%
Junee Correctional Centre*	287	8%
Dillwynia Correctional Centre	242	7%
Mid North Coast Correctional Centre	220	6%
Shortland Correctional Centre	208	6%
Metropolitan Special Programs Centre	198	6%
Bathurst Correctional Centre	170	5%
Goulburn Correctional Centre	158	4%

\* Privately-managed correctional centres.

### Observations

We finalised 3,576 actionable complaints about adult correctional centres in 2023–24. **Table 22** shows the 10 adult correctional centres with the highest number of actionable complaints finalised. Actionable complaints about these centres represent 76% of all complaints about adult correctional centres that we finalised in 2023–24.

Complaints received from people in custody are primarily received by telephone (calls to our office are free and not monitored by prison authorities). We also receive complaints in writing and during visits to custodial facilities. This year we conducted 27 visits to adult custodial facilities (including the Forensic Hospital, a transitional centre, court cell complex and 7 of the top 10 correctional centres complained about). Some visits took place over multiple days.

We usually receive the most complaints from large correctional centres and centres housing maximum security inmates.

In 2023–24, the most frequently raised issues people complained about were:

- daily routine — including lack of access to activities or programs
- medical issues — for example, difficulty accessing a health care practitioner, or particular medication/treatment
- property — including property which is lost, damaged or confiscated
- officer misconduct, and
- visits — including difficulties booking visits and visit restrictions.

We also finalised:

- 200 complaints about Corrective Services NSW that were not related to a particular centre, 62 complaints about Community Corrections, 13 about the Court Escort and Security Unit and 22 about other issues, and
- 45 complaints from (or about) children and young people detained in a youth justice centre. A number of these were received during our 12 visits to youth justice centres.

## A5 Finalised complaints about local councils

**Table 23.** Finalised actionable complaints about local councils (top 10 by number)

Local council	Number finalised	% of total complaints about local councils	Rate of complaint per 100,000 residents <sup>*,**</sup>
Central Coast Council	144	5%	41
Lane Cove Municipal Council <sup>***</sup>	117	4%	282
Canterbury-Bankstown Council	114	4%	30
Shoalhaven City Council	78	3%	71
City of Sydney Council	75	3%	32
Sutherland Shire Council	69	3%	29
Blacktown City Council	67	3%	16
Inner West Council	67	3%	36
Northern Beaches Council	65	2%	24
Lake Macquarie City Council	60	2%	27

\* Rate of complaint per 100,000 residents (%) has been calculated using the data from Australian Bureau of Statistics (ABS).

\*\* We may receive multiple complaints from 1 resident.

\*\*\* A significant number (94; 80%) of complaints about Lane Cove Municipal Council were generated by an online assisted petition, which automatically raised a complaint to our office.

### Observations

In 2023–24, we finalised 2,668 actionable complaints about local councils, including 21 complaints about county councils.

The most frequently raised issues in actionable complaints about local government in 2023–24 include:

- standards of customer service
- complaint-handling process
- complaint outcomes
- charges and fees
- council enforcement action.

A significant proportion of complaints involve lack of responsiveness or delayed responses to matters, as indicated by customer services (23%) and complaint handling (16%) being the most complained about issues.

Charges and fees represent 11% of our complaints. While councils have obligations to collect rates, we help by guiding complainants through hardship policies and processes and seeking opportunities to reconnect them with responsible persons in councils. Debt can be daunting to face, and early intervention can increase options for resolving the matter.

9% of complaints are about enforcement issues. Examples of what we deal with include effects of legislative amendments, such as extended business hours. This means that in certain circumstances, councils are powerless to take enforcement action where they formerly were able to. We have managed complainant expectations in this regard.

We will also make inquiries with councils to understand how they handle matters in accordance with their enforcement policies, and to ensure that they reasonably explain their decisions, particularly where discretion is exercised.

**Table 23** shows the 10 councils with the highest number of actionable complaints finalised. Actionable complaints about these councils represent 32% of all local government actionable complaints that we finalised in 2023–24.

## A6 Finalised complaints about community service providers

Complaints about out of home care (OOHC) and statutory child protection continue to be the service areas most frequently complained about.

**Table 24.** Finalised actionable complaints about community services provided by the Department of Communities and Justice (DCJ) and NSW Government-funded community service providers (non-government)

Type of community service provider	Number finalised	% of total complaints about community service providers
DCJ Community Services	391	64%
NSW Government-funded community service providers (non-government)	216	36%
<b>TOTAL</b>	<b>607</b>	<b>100%</b>

**Table 25.** Finalised actionable complaints about community services by service area

Service area	Number finalised	% of total complaints about community service providers
Out of home care	336	55%
Statutory child protection	157	26%
Other service area	68	11%
Early intervention/family support	24	4%
Specialist homelessness services	22	4%
<b>TOTAL</b>	<b>607</b>	<b>100%</b>

### Observations

In 2023–24, we finalised 607 actionable complaints about DCJ Community Services and NSW Government-funded community service providers (non-government): see **Table 24**.

The most frequently raised issues in actionable complaints about community service providers in 2023–24 were:

- case management and casework undertaken by out of home care providers
- standards of customer service
- casework practice
- management of complaints to DCJ and other community service providers
- allowances/payments.

## A7 Finalised complaints about public universities

**Table 26.** Finalised actionable complaints about public universities

University	Number finalised	% of total complaints about universities
University of Sydney	98	19%
Western Sydney University	75	14%
Charles Sturt University	67	13%
University of New South Wales	62	12%
University of Technology Sydney	58	11%
Macquarie University	48	9%
University of Wollongong	41	8%
University of New England	38	7%
University of Newcastle	19	4%
Southern Cross University	18	3%
<b>TOTAL</b>	<b>524</b>	<b>100%</b>

### Observations

In 2023–24, we finalised 524 actionable complaints about public universities.

The most frequently raised issues in actionable complaints about public universities in 2023–24 include:

- complaint outcome
- customer service
- charges and fees
- complaint-handling process
- object to merits of decision.

## A8 Notifications received

**Table 27.** Notifications received by type

Notification type	Number
Youth Justice separation	740
Youth Justice segregation	138
Deaths of children that occurred in NSW	417
Mandatory disease testing application determinations	49
Mandatory disease testing Chief Health Officer determinations of review	1
Public interest disclosure — arrangements to exercise functions on behalf of an agency	67
Public interest disclosure — detrimental action	19
Public interest disclosure — decision to cease or not investigate a disclosure	40
<b>TOTAL</b>	<b>1,471</b>

**Table 28.** Notifications about segregations and separation in youth justice centres

Youth Justice Centre	Segregation	Separation	Total
Frank Baxter Youth Justice Centre	26	325	351
Cobham Youth Justice Centre	74	149	223
Reiby Youth Justice Centre	35	91	126
Acmena Youth Justice Centre	2	103	105
Orana Youth Justice Centre	1	56	57
Riverina Youth Justice Centre	0	16	16
<b>TOTAL</b>	<b>138</b>	<b>740</b>	<b>878</b>

## Observations

The number of youth justice notifications, regarding segregation and separation exceeding 24 hours, has fallen from 1,714 in 2022–23 to 878 in 2023–24.

This is likely due to a combination of factors including smaller numbers of people being placed in separation for COVID-related purposes, and changes to the way Youth Justice staff approve placement of young people into a high-risk unit or enhanced support unit (at which time they are recorded as being in separation).

Youth Justice notifications and mandatory disease testing notifications decreased in 2023–24 compared to 2022–23.

Child death notifications were similar to the previous reporting period.

From October 2023, agencies are required to notify us of certain actions in relation to public interest disclosures, in accordance with the requirements of the PID Act.

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### Annual Report 2023–24 imagery

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Cover L to R: Community member and NSW staff member at Evans Lane, Redfern.

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