

Mr Lee Evans, MP
Chair, Committee on the Ombudsman, the Police
Integrity Commission and the Crime Commission
Parliament House
Macquarie Street
SYDNEY NSW 2000

Contact: Barry Underwood
Phone no: 9275 7220
Our ref: D1628426 / D1627898
Your ref:

10 October 2016

Dear Mr Evans

**Review of the *Public Interest Disclosures Act 1994*
Answers to Questions on Notice**

I refer to the letter from Ms Oravec, Committee Manager, dated 29 September 2016, requesting a response to the questions on notice raised during the public hearing concerning the above inquiry.

The attached documented provides my responses. If you need more information, please contact me on 9275 7101 or Barry Underwood Executive Manager Governance on 9275 7220.

Yours sincerely



Margaret Crawford
Auditor-General of NSW

Answers to Questions on Notice

Question – *The Hon. ADAM SEARLE: In your submission, you outline the three responsibilities your office has in relation to public interest disclosures. In relation to the Audit Office itself you have only received one complaint. I am happy for you to take this on notice, but how many of the disclosures you have received as indicated in your chart fall into the categories in the other two dot points? How many of those relate to your responsibilities under section 52D of the Public Finance and Audit Act, and how many of those would relate to section 6A of the PID Act? It is not a trick question; I am happy if you take it on notice.*

Answer – Over the last five years, the Audit Office has received 81 PIDs. Fifty-eight relate to my responsibilities under section 52D of the *Public Finance and Audit Act 1983* as they related to disclosures alleging serious and substantial waste.

Eleven related to corrupt conduct and twelve related to maladministration of which one was a PID made about the Audit Office. The PID about the Audit Office reported that we had not properly published our PID policy on our website.

The following table provides a yearly breakdown across these main categories.

Public Interest Disclosures received by the Audit Office

Financial Year	Total PIDs	Corrupt Conduct	Maladministration	Serious & Substantial Waste
About other agencies				
2015-16	7	0	0	7
2014-15	8	2	0	6
2013-14	22	2	5	15
2012-13	27	7	2	18
2011-12	16	0	4	12
Sub-total	80	11	11	58
About the Audit Office of New South Wales				
2013-14	1	0	1	0
Total	81	11	12	58

We have received no complaints in relation to section 6A of the *Public Interest Disclosures Act 1994* which establishes and sets out the functions of the PID Steering Committee.

Question – *The Hon. TREVOR KHAN: I think you identified three or four different primary areas. Can you provide a year-by-year breakdown?*

Answer – refer table above.

Question – Dr HUGH McDERMOTT: How many (PIDS) did you send to ICAC and how many did you send to the Ombudsman? And how many have gone nowhere—not been acted on?

Answer – Over the last five years, the Audit Office has referred five PIDs to the Independent Commission Against Corruption (ICAC) and three PIDs to NSW Ombudsman.

Number of PIDs referred to/from ICAC or NSW Ombudsman

Financial Year	ICAC	NSW Ombudsman
2015-16	0	0
2014-15	2	0
2013-14	2	2
2012-13*	1	0
2011-12	0	1
Total	5	3

2013-14

The Audit Office received five PIDs about maladministration. Of these:

- two were referred to NSW Ombudsman
- one was referred by the NSW Ombudsman to the Audit Office to address.

The remaining two were referred to audit areas within the Audit Office for review.

2012-13

The Audit Office received seven PIDs about corrupt conduct and two about maladministration.

Of the corrupt conduct PIDs:

- one was referred to ICAC
- one was referred to the Audit Office by ICAC – for our information as it may have also dealt with areas within our mandate
- three were copied the Audit Office and addressed to another body.

The remaining two were registered as being received as a PID and acknowledged. Audit Office practice at the time was to refer PIDs to our audit areas for information and review. And to explain to the reporter our role and advise them to refer their concerns to either the Ombudsman or ICAC - if their concerns related to maladministration or corruption.

Regarding the two maladministration PIDs, one alleged non-compliance with procurement/tendering processes was investigated by the Audit Office. The remaining one was handled similarly to the two PIDs detailed in the previous paragraph.

2011-12

The Audit Office received four PIDs about maladministration. Of these:

- one was referred to NSW Ombudsman
- one was investigated by the Audit Office's financial audit team

For the remaining two, we advised the reporter to contact NSW Ombudsman directly.

Question – *The Hon. TREVOR KHAN: What do you think about the extension to former public servants?*

Answer – In our experience through the complaints we have received – PIDs or otherwise - we have not seen evidence that people outside of public servants are reticent to complain about areas of public administration.

An extension of the protections to former public servants is a policy matter. The Audit Office does not have specific evidence to either support or oppose this proposal