

Budget Estimates Inquiry 2024-25 – NSW Ombudsman
Response to Supplementary Questions

Question

1. I note on your website there are a number of ‘Reports to Parliament’, yet there are no new ‘Research Reports’ since December of 2022. Is this an administrative error?

Answer

Under Part 5A of the *Community Services (Complaints, Reviews and Monitoring) Act 1993* (CS CRAMA), it is a specific function of the Child Death Review Team (CDRT), which the NSW Ombudsman convenes, to undertake, alone or with others, research that aims to prevent or reduce the likelihood of child deaths.

‘Research reports’ on our website refers to reports published under section 34H of CS CRAMA by the CDRT.

The last such standalone report was published by the CDRT in 2022.

However, a CDRT research report entitled ‘Infant deaths from severe perinatal brain injury in NSW, 2016-2019: key thematic observations’¹ was included as an annexure to the *Biennial report of the deaths of children in New South Wales: 2020 and 2021*, which was tabled in November 2023.

We will proceed now to ‘tag’ that Biennial report on our website as also being a ‘Research report’ and thank you for drawing this to our attention.

For completeness, there is of course much other work of the Ombudsman that could be characterised as involving ‘research’ in a more general sense. For example, the Ombudsman is proactive in conducting and publishing material to support the agencies and service providers we oversight, with recent examples including:

- **Guidance** – November 2024 – Effective Complaint Management Guidelines²
- **Special report to Parliament under s 31 of the *Ombudsman Act 1974*** – March 2024 – A map of automated decision-making in the NSW Public Sector: A special report to Parliament.³
- **Occasional paper** – June 2023 – Avoiding pitfalls when agencies and public servants use social media⁴

These reports and other papers are published on our website, but not as ‘Research reports’.

Question

2. Has your total staff allocation increased in the 2023-2024 financial year, and the 2024-2025 financial year to-date?
 - a. What work have these additional staff, if any, been allocated to?

¹ Annexure B to report, *Biennial report of the deaths of children in New South Wales: 2020 and 2021* tabled on 27 November 2023 and available on our website at the following link: [Biennial report of the deaths of children in New South Wales: 2020 and 2021](#)

² [NSW Ombudsman | Effective Complaint Management Guidelines](#)

³ [NSW Ombudsman | A map of automated decision-making in the NSW Public...](#)

⁴ [NSW Ombudsman | In focus Avoiding pitfalls when agencies and public servants...](#)

Answer

There have been changes (increases) to our budget and staff allocation across both years including:

- increased baselining funding to address historic underfunding of existing functions,
- funding to enable new and enhanced functions (e.g. establishment of teams to perform mandatory disease testing and complaint handling system review functions, as well as standing up of a new Whistleblower Support Team), and
- some project funding to enable work to commence on replacing outdated legacy infrastructure (e.g. a new complaint management system).

The increases in baseline funding have been rolled out across all functional areas of the office, and information about staffing levels and allocation across branches is published in our Annual Reports.⁵

Question

3. What is the process by which a Public Interest Disclosure, say of corrupt conduct, might make its way before ICAC or another integrity body?

Answer

A public official may make a voluntary Public Interest Disclosure (PID) directly to an integrity agency.⁶

Generally, public officials are expected to direct their PIDs to the most relevant integrity agency — for example, a report of corrupt conduct to the Independent Commission Against Corruption (ICAC), a report of serious maladministration to the NSW Ombudsman, and a report of a government information contravention to the NSW Information and Privacy Commission.

However, public officials can disclose any type of serious wrongdoing (as defined in the *Public Interest Disclosure Act 2022* (PID Act)) to any integrity agency. It does not need to be a report of the type of serious wrongdoing that the integrity agency typically investigates.⁷

A PID may also come before an integrity agency because it is referred to them by another agency that received it.

Under sections 55 and 56 of the PID Act an agency that receives a voluntary PID must decide how to deal with the disclosure. One way it may deal with the PID is by referring it to an integrity agency that is more appropriately able to deal with the disclosure.⁸

(For completeness it is noted that section 11 of the *Independent Commission Against Corruption Act 1988* establishes a separate duty on the head of a public authority to *notify* ICAC of ‘any matter that the person suspects on reasonable grounds concerns or may concern corrupt conduct’.)

⁵ [NSW Ombudsman Annual Report 2023-2024](#); [NSW Ombudsman Annual Report 2022-23](#)

⁶ ‘Integrity agencies’ are defined under section 19 of the PID Act.

⁷ [NSW Ombudsman | Core concepts in the PID Act](#)

⁸ [NSW Ombudsman | Dealing with voluntary PIDs](#)