

Committee on the Ombudsman, the Law
Enforcement Conduct Commission and
the Crime Commission



PARLIAMENT OF
NEW SOUTH WALES

2024 review of annual and other reports of oversight agencies



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The motto of the coat of arms for the state of New South Wales is "Orta recens quam pura nites". It is written in Latin and means "newly risen, how brightly you shine".

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Chair's foreword

I am pleased to present the Committee's 2024 review of the annual and other reports of oversight agencies.

The annual review is one of our core functions. It is a way for us to monitor how effectively the agencies we oversee are performing, and to ensure Parliament is aware of any issues that might impede agencies' important work.

This year's review covers the work of our eight oversight agencies over the 2023-24 reporting period:

- the Inspector of Custodial Services
- the Information and Privacy Commission
- the Law Enforcement Conduct Commission
- the Inspector of the Law Enforcement Conduct Commission
- the NSW Crime Commission
- the NSW Ombudsman
- the Child Death Review Team
- the Public Service Commissioner.

We have made two recommendations and two findings to address or elevate issues we found in this year's review.

Our first recommendation is that the NSW Government consider amending the *Law Enforcement Conduct Commission Act 2016* (NSW). We would like to see amendments to the Act to clarify and consolidate the Law Enforcement Conduct Commission's (LECC) powers to access NSW Police Force material. This would enable the LECC to undertake its statutory role more efficiently and effectively.

We were concerned to hear from the LECC that their oversight of the NSW Police Force is currently hampered by the construction of the Act, particularly how it is interpreted by the NSW Police Force. We heard the NSW Police Force has continued to challenge the LECC's powers to access particular documents when exercising its oversight functions. Unfortunately, this is not a new issue. It has been noted by this Committee for many years. We hope to see it resolved.

We have also recommended that the Inspector of Custodial Services (ICS) improve its reporting by including more information on agencies' responses to recommendations in its reports. The reports of the ICS are intended to examine the conditions, treatment and outcomes of adults and young people in custody in NSW. The recommendations in these reports are directed to relevant agencies and aim to address serious issues identified in the ICS's inspection of custodial centres. More detailed reporting on agencies' responses to these recommendations

would help provide assurance that issues in custodial centres are being properly addressed and managed.

This review also highlights several recent legislative changes for oversight agencies that will impact their work in future reporting periods. Notably, significant reforms to the Public Service Commission came into effect in July 2024, which resulted in the Commission being abolished as a standalone agency and restructured within the Premier's Department. Amendments were also made to the establishing legislation of the NSW Ombudsman and the Inspector of Custodial Services.

Given the Committee's ongoing interest in funding for oversight agencies, we are pleased to see improved transparency for the funding arrangements of the NSW Ombudsman and the LECC. The NSW Government's recent changes included introducing a new budget oversight function for this Committee. Our first report as part of this new process is available on the [Committee's website](#).

The NSW Ombudsman and the LECC have been generally positive about the improvements made to their funding processes in recent years. We found that other oversight agencies, like the Information and Privacy Commission, could also benefit from being included in these arrangements.

The Committee has also continued to follow the results for relevant oversight agencies who participate in the annual People Matters Employee Survey (the Crime Commission, the LECC, the Information and Privacy Commission, and the NSW Ombudsman).

Agency staff perform critical work for the people of NSW, and it is important that they are supported. The oversight agencies had generally good results for topic areas like job purpose and enrichment. However, we were concerned to see that results for staff wellbeing and communication and change management were quite low for some agencies. We were pleased to hear senior management at the agencies are already working to improve problem areas. We hope to see improvements in future survey results.

Finally, I would like to note recent leadership changes at the Information and Privacy Commission. Sonia Minutillo was appointed as Privacy Commissioner in March 2025 and Emeritus Professor Rosalind Croucher was appointed as Information Commissioner and CEO in June 2025. I thank the former Information Commissioner, Rachel McCallum, and Acting Information Commissioner and CEO, Chris Clayton, for their contributions and leadership.

In presenting this report, I thank all of the oversight agencies and their staff for their work and continued commitment to the people of NSW. I also thank my fellow Committee members for their contributions to the review, as well as Committee staff for their assistance.

Phil Donato MP
Chair

Findings and recommendations

Recommendation 1 _____ 1

That the NSW Government consider amending the *Law Enforcement Conduct Commission Act 2016* to consolidate and clarify the Law Enforcement Conduct Commission's powers to access NSW Police Force material, including timeframes and types of information.

Finding 1 _____ 10

Other independent integrity agencies in NSW may benefit from the adoption of independent funding arrangements similar to those established under the Treasurer's Direction TD 24-12 and division 4.2A of the *Government Sector Finance Act 2018*.

Recommendation 2 _____ 22

That the Inspector of Custodial Services provide more detailed information in their inspection and annual reports about how their recommendations are being managed and implemented.

Finding 2 _____ 24

The Inspector of Custodial Services' reports should highlight and explain serious or systemic issues uncovered during inspections, such as potential maladministration of inmate voting in correctional facilities.

Chapter One – Issues discussed in this review

Access to information under the *Law Enforcement Conduct Commission Act 2016*

Recommendation 1

That the NSW Government consider amending the *Law Enforcement Conduct Commission Act 2016* to consolidate and clarify the Law Enforcement Conduct Commission's powers to access NSW Police Force material, including timeframes and types of information.

- 1.1 The Committee was disappointed to hear that the Law Enforcement Conduct Commission (the LECC) is still experiencing issues accessing the NSW Police Force (NSWPF) documents. We were concerned to learn that the LECC's ability 'to fulfil its legislative functions' is currently 'hampered' by the Act.¹
- 1.2 We note the LECC's access to NSWPF documents is an ongoing issue that was also discussed in our last annual review.² The previous Committee also had an interest in this area, and commented on it in their 2022 annual review.³
- 1.3 The Committee considers that amending the *Law Enforcement Conduct Commission Act 2016* (the LECC Act) could help consolidate and clarify the LECC's powers to access NSWPF material, ensuring greater certainty for all parties involved.

Access to NSWPF documents under the LECC Act

- 1.4 The LECC Act confers a wide range of powers and functions on the LECC, including overseeing police misconduct or critical incident investigations, and handling complaints about the NSWPF. These powers are intended to enable the LECC to fulfil its role detecting, overseeing, investigating and exposing misconduct and maladministration in the NSWPF and the NSW Crime Commission.
- 1.5 However, at present, there is no single legal provision that enables the LECC to access all the NSWPF documents it requires to carry out its functions. Instead, the LECC Act outlines specific documents tied to each distinct function. As a result, the LECC must rely on different sections of the Act depending on the nature of the information it seeks.
- 1.6 We heard the construction of the Act is presenting two key issues when it comes to the LECC's capacity to provide oversight to the NSWPF:

¹ [Answers to supplementary questions](#), Law Enforcement Conduct Commission, 24 April 2024, p 1.

² Committee on the Ombudsman, the Law Enforcement Conduct Commission and the Crime Commission, [2023 review of the annual and other reports of oversight agencies](#), report 1/58, August 2024, pp 3-6.

³ Committee on the Ombudsman, the Law Enforcement Conduct Commission and the Crime Commission, [2022 review of the annual and other reports of oversight agencies](#), report 3/57, December 2022, pp 12-13.

- Firstly, the LECC Act limits the circumstances in which the LECC can obtain documents required to oversee the use of certain statutory powers by police officers. For example, they can monitor critical incidents or investigate potential serious maladministration, but cannot review some other uses of powers.⁴
- Secondly, even when the LECC appears to have the legal authority to ask for documents, the NSWPF are disputing whether it actually has the right to access particular documents.⁵

1.7 Commissioner Anina Johnson told us that 'one of the fundamental disadvantages of the Act as it's currently constructed' is that the LECC is required to 'satisfy particular statutory hooks' in order to access NSWPF documents or information.⁶

1.8 We learned that while the LECC has several statutory mechanisms for accessing NSWPF information, all of these have 'limitations or prerequisites'. Additionally, the NSWPF is taking a narrow view of the LECC's statutory power to obtain this information.⁷

Review of the LECC Act for information access

1.9 The Committee heard the LECC Act may need to be reviewed to consolidate and streamline the LECC's access to NSWPF information.⁸ Chief Commissioner Peter Johnson SC told us there is a 'strong argument' that the Commission should be entitled to see all the NSWPF documents required to complete its work.⁹

1.10 The LECC recommended they be provided with a power equivalent to that of the Inspector of the Law Enforcement Conduct Commission (the LECC Inspector) to request documents from the LECC.¹⁰ Under section 124(2) of the LECC Act, the Inspector 'is entitled to full access' to the LECC's documents.¹¹

1.11 We heard stopping technical legal arguments being made about the LECC's right to access NSWPF documents would 'improve the efficiency and timeliness of the Commission's decision making'.¹²

1.12 The LECC also told us the LECC Act could be amended to give them a power to oversight significant new police powers. This would enable them to take a more proactive approach to oversighting police powers.¹³

⁴ Anina Johnson, Commissioner, Law Enforcement Conduct Commission, [Transcript of evidence](#), 21 March 2025, p 19.

⁵ [Answers to supplementary questions](#), Law Enforcement Conduct Commission, 24 April 2024, p 1.

⁶ Anina Johnson, [Transcript of evidence](#), 21 March 2025, p 19.

⁷ [Answers to supplementary questions](#), Law Enforcement Conduct Commission, 24 April 2024, p 1.

⁸ Peter Johnson SC, Chief Commissioner, Law Enforcement Conduct Commission, [Transcript of evidence](#), 21 March 2025, p 15; [Answers to supplementary questions](#), Law Enforcement Conduct Commission, 24 April 2025, pp 1, 4.

⁹ Peter Johnson SC, [Transcript of Evidence](#), 21 March 2025, p 18.

¹⁰ [Answers to supplementary questions](#), Law Enforcement Conduct Commission, 24 April 2025, p 4.

¹¹ [Answers to supplementary questions](#), Law Enforcement Conduct Commission, 24 April 2025, p 3.

¹² [Answers to supplementary questions](#), Law Enforcement Conduct Commission, 24 April 2025, p 4.

¹³ [Answers to supplementary questions](#), Law Enforcement Conduct Commission, 24 April 2025, p 4.

- 1.13 The LECC Inspector, Bruce McClintock SC, agreed that the LECC should be entitled to see NSWPF documents.¹⁴ He told us this will prevent disputes and delays. He also told us that it would be in line with the access he has to the LECC's documents.¹⁵
- 1.14 We acknowledge that the LECC Act may benefit from amendment to better support the LECC's ability to access the documents it needs to carry out its legislative functions. An option could be to review the Act with a view to providing the LECC with a power similar to the LECC Inspector's entitlement to access the LECC's own documents.
- 1.15 A broader review of the legislation may also be timely. The LECC Act was last reviewed in 2020-21, as required by section 198, with the primary focus on whether the LECC should adopt a two-Commissioner model. That review concluded that the policy objectives of the Act remained valid, and recommended the structural change.¹⁶ However, it did not specifically consider other issues, including the LECC's adequate access to NSWPF documents, which has since emerged as a significant issue.¹⁷
- 1.16 The Commission told us that they had raised the need for legislative change with the NSW Government.¹⁸

Practical impacts of limited access to NSWPF documents

- 1.17 The LECC provided the Committee with specific examples of how their limited access to NSWPF documents is impacting their work.

Police critical incident investigations

- 1.18 The LECC told us they are continuing to experience issues accessing NSWPF documents required to oversee critical incident investigations. A critical incident is an incident involving a police officer that results in the death or serious injury of a person.¹⁹
- 1.19 Part 8 (section 114) of the LECC Act requires the NSWPF to provide the LECC with access 'to documents obtained or prepared by police officers for the purposes' of a critical incident investigation.²⁰ Despite this, Chief Commissioner Johnson told us the NSWPF have taken a 'narrow construction' of what they are required to provide under this section.²¹

¹⁴ Bruce McClintock SC, Inspector of the Law Enforcement Conduct Commission, [Transcript of evidence](#), 21 March 2025, p 23.

¹⁵ Bruce McClintock SC, [Transcript of evidence](#), 21 March 2025, p 23.

¹⁶ Premier & Cabinet, [Report on the Statutory Review of the Law Enforcement Conduct Commission Act 2016](#), May 2021, p 1.

¹⁷ Premier & Cabinet, [Report on the Statutory Review of the Law Enforcement Conduct Commission Act 2016](#), May 2021.

¹⁸ [Answers to supplementary questions](#), Law Enforcement Conduct Commission, 24 April 2025, p 4.

¹⁹ Law Enforcement Conduct Commission, [Critical Incident Monitoring](#), accessed 16 July 2025.

²⁰ [Law Enforcement Conduct Commission Act 2016](#) (NSW) s 114.

²¹ Peter Johnson SC, [Transcript of evidence](#), 21 March 2025, p 17.

- 1.20 Chief Commissioner Johnson explained that the NSWPF are questioning what documents 'obtained or prepared by police officers for the purposes of the investigation' (the wording used in the Act) covers:
- It comes down almost to an argument about what section 114 of the Act means, and whether the document can only be compulsorily provided to the Commission if the investigating officer has actually called for it or looked at it.²²
- 1.21 The LECC informed us that the NSWPF are refusing to provide some documents on the basis that they were not expressly requested or prepared as part of the NSWPF's investigations.²³
- 1.22 The LECC provided the example of a ballistics review conducted after the NSWPF used a bean bag round in 2023, resulting in an individual's death.²⁴ At the public hearing, Chief Commissioner Johnson told us that the NSWPF does not believe the LECC is entitled to access the document.²⁵ NSWPF argued that the review was not prepared as part of the critical incident investigation.²⁶ However, the LECC considers this interpretation to be 'legally wrong'.²⁷
- 1.23 This remains an ongoing concern, as we also noted in our 2023 annual review. At that time, we reported that the NSWPF refused to provide the LECC with access to documents related to critical incident investigations on the grounds of public interest immunity.²⁸ In August 2024, the NSW Court of Appeal confirmed the LECC's legal right to access the documents.²⁹ Following the decision, the LECC and the NSWPF then established a 'Joint Protocol' outlining how documents would be shared and how the LECC would protect their sensitivity as required.³⁰
- 1.24 We were concerned to hear that both a Court of Appeal decision and the new Joint Protocol between the NSWPF and the Commission had not resolved the Commission's issues accessing documents under section 114 of the LECC Act.

Oversight of 'wandering' powers

- 1.25 We heard that the LECC Act also restricts the LECC's ability to oversight new police powers.³¹ This includes powers such as the 'wandering' powers that commenced in December 2024.

²² Peter Johnson SC, [Transcript of evidence](#), 21 March 2025, p 17.

²³ [Answers to supplementary questions](#), Law Enforcement Conduct Commission, 24 April 2024, pp 1-2.

²⁴ Peter Johnson SC, [Transcript of evidence](#), 21 March 2025, pp 17-18; [Answers to supplementary questions](#), Law Enforcement Conduct Commission, 24 April 2024, p 2. A bean bag round is a type of munition designed to be non-lethal.

²⁵ Peter Johnson SC, [Transcript of evidence](#), 21 March 2025, p 18.

²⁶ [Answers to supplementary questions](#), Law Enforcement Conduct Commission, 24 April 2024, p 2.

²⁷ Peter Johnson SC, [Transcript of evidence](#), 21 March 2025, p 18.

²⁸ Committee on the Ombudsman, the Law Enforcement Conduct Commission and the Crime Commission, [2023 review of the annual and other reports of oversight agencies](#), report 1/58, August 2024, pp 4-6.

²⁹ [Commissioner of Police v Attorney General for NSW](#) [2024] NSWCA 150.

³⁰ Law Enforcement Conduct Commission, [Joint NSWPF and LECC Protocol on the provision, disclosure and use of documents and information in critical incident monitoring](#), published 12 August 2024.

³¹ Anina Johnson, [Transcript of evidence](#), 21 March 2025, p 19.

- 1.26 The wand powers allow police officers to stop and search individuals in designated places using handheld metal detectors (wands). These powers were introduced by the *Law Enforcement (Powers and Responsibilities) and Other Legislation Amendment (Knife Crime) Act 2024*.³²
- 1.27 Commissioner Johnson told us that the LECC would be interested in checking factors like whether officers are turning on their body-worn video, or if particular community members are being disproportionately targeted.³³
- 1.28 However, we heard that the LECC's power to provide this oversight is limited by the construction of the LECC Act. Commissioner Johnson explained that the LECC can only ask the police officer to volunteer de-identified data on the use of the wand powers because the LECC does not have the authority to require the NSWPF to provide this information.³⁴
- 1.29 The LECC informed us that it could investigate the use of these laws as an investigation of misconduct or maladministration under Part 6 of the LECC Act. However, the LECC has to be satisfied that 'an officer or the NSWPF may be engaged in serious misconduct or serious maladministration' to use these powers.³⁵ Commissioner Johnson told us the Commission must wait for 'an accumulation of complaints on an issue' before conducting a Part 6 investigation.³⁶
- 1.30 We heard that, as a consequence, the LECC cannot provide timely advice to the NSWPF about how these powers are being used. They also cannot reassure the public about how the powers are being exercised.³⁷

Custodial services complaints

- 1.31 The final report of the *Special Commission of Inquiry into Offending by Former Corrections Officer Wayne Astill at Dillwynia Correctional Centre* (the Astill Inquiry) was published in February 2024.³⁸ Both the NSW Ombudsman, Paul Miller, and the Inspector of Custodial Services (ICS), Fiona Rafter, gave evidence to this inquiry.
- 1.32 The Committee was interested in whether the Astill Inquiry had prompted any changes to the functions of the Ombudsman or the ICS.
- 1.33 While the inquiry primarily focused on issues within Corrective Services NSW (CSNSW) and Dillwynia Correctional Centre, it also drew attention to possible shortcomings in inmates' access to external complaints mechanisms, including

³² [Law Enforcement \(Powers and Responsibilities\) and Other Legislation Amendment \(Knife Crime\) Act 2024](#) (NSW).

³³ Anina Johnson, [Transcript of evidence](#), 21 March 2025, p 19.

³⁴ Anina Johnson, [Transcript of evidence](#), 21 March 2025, p 19.

³⁵ [Answers to supplementary questions](#), Law Enforcement Conduct Commission, 24 April 2025, p 2.

³⁶ Anina Johnson, [Transcript of evidence](#), 21 March 2025, p 19.

³⁷ [Answers to supplementary questions](#), Law Enforcement Conduct Commission, 24 April 2025, p 2.

³⁸ The Honourable Peter McClellan AM KC, [Report: Special Commission of Inquiry into Offending by Former Corrections Officer Wayne Astill at Dillwynia Correctional Centre](#), 29 February 2024.

those overseen by the Ombudsman and the ICS.³⁹ As the Ombudsman explained at this year's public hearing:

There were concerns among inmates... about fear that their communications with the Ombudsman, or with Official Visitors, or whoever they're speaking with, will not be treated confidentially.⁴⁰

Complaints handling processes at CSNSW facilities

Inmates or those in detention at custodial centres in NSW have different avenues for resolving an issue or complaint. Some of these are 'internal' processes, i.e. run by the centre itself or CSNSW. Others are external, meaning that they are overseen by agencies outside of CSNSW.

ICS and the Ombudsman oversee two key external avenues through which those in detention can raise a concern or make a complaint:

- ICS oversees the Official Visitor program. Official Visitors are individuals independent from CSNSW who visit custodial centres to listen to enquiries or complaints from those in custody.⁴¹
- The Ombudsman can receive complaints from adults or youth in detention or custody at correctional centres. Individuals can complain to the Ombudsman in writing or by phone. They can also complain in person when staff from the Ombudsman's office visit the centre.⁴²

Inmate complaints mechanisms that were available at Dillwynia:⁴³

Internal	External
<ul style="list-style-type: none"> • Inmate application and request forms • Complaints to staff • Inmate Delegate Committee • Corrective Services Support Line 	<ul style="list-style-type: none"> • Official Visitors (managed by ICS) • Ombudsman

Reforms to strengthen inmate confidence in Official Visitors

- 1.34 We were particularly interested to hear about any changes made to the Official Visitor program. Official Visitors are independent community members who visit

³⁹ The Honourable Peter McClellan AM KC, [Report: Special Commission of Inquiry into Offending by Former Corrections Officer Wayne Astill at Dillwynia Correctional Centre](#), 29 February 2024, pp 299-319.

⁴⁰ Paul Miller, NSW Ombudsman, [Transcript of evidence](#), 21 March 2025, p 47.

⁴¹ Inspector of Custodial Services, [Official Visitor Program](#), viewed 10 September 2025.

⁴² NSW Ombudsman, [Corrective services](#), viewed 9 September 2025.

⁴³ The Honourable Peter McClellan AM KC, [Report: Special Commission of Inquiry into Offending by Former Corrections Officer Wayne Astill at Dillwynia Correctional Centre](#), 29 February 2024, pp 277-319.

youth and adult custodial centres to take enquiries and complaints. The program is overseen by the ICS.⁴⁴

- 1.35 The Astill Inquiry noted the important role of Official Visitors as 'one of a limited number of persons independent from CSNSW who have regular access to correctional centres and to inmates'.⁴⁵ However, the Astill Inquiry also showed that a number of inmates at Dillwynia did not view Official Visitors as separate to CSNSW and/or did not trust that their complaints would not be referred back to staff at the centre.⁴⁶
- 1.36 Inspector Rafter told us she made changes to the Official Visitors at Dillwynia and other correctional centres before the Astill Inquiry had been finalised. This included increasing the diversity of Official Visitors. We heard ICS appointed an Aboriginal Official Visitor and two other very experienced Official Visitors at Dillwynia, and authorised one of these Official Visitors to visit the centre once a week.⁴⁷
- 1.37 We were interested to hear that the Astill Inquiry may have increased the confidence of those in custody coming forward with serious complaints. Inspector Rafter explained that:
- There was quite clearly a lot of fear and trust issues in Dillwynia. I think it took the Astill inquiry for women in custody to have confidence that they could come forward, that they would be believed. Because the Astill inquiry found that was a real issue.⁴⁸
- 1.38 Inspector Rafter also informed us that they have 'observed an increase in serious allegations being made to Official Visitors' and her office since the inquiry.⁴⁹

Legislative changes

- 1.39 The Inspector of Custodial Services told us that the Astill Inquiry has also led to legislative changes to the Official Visitor program.⁵⁰ These were introduced by amendments to the *Inspector of Custodial Services Act 2012* (the ICS Act), which were passed in February 2025.⁵¹
- 1.40 At the public hearing, the Inspector explained that the Amendment Act incorporates recommendations made by the Astill Inquiry, as well as recommendations that came out of the statutory review of the ICS Act.⁵²

⁴⁴ Inspector of Custodial Services, [Official Visitor Program](#), accessed 14 August 2025.

⁴⁵ The Honourable Peter McClellan AM KC, [Report: Special Commission of Inquiry into Offending by Former Corrections Officer Wayne Astill at Dillwynia Correctional Centre](#), 29 February 2024, p 307.

⁴⁶ The Honourable Peter McClellan AM KC, [Report: Special Commission of Inquiry into Offending by Former Corrections Officer Wayne Astill at Dillwynia Correctional Centre](#), 29 February 2024, pp 303, 307.

⁴⁷ Fiona Rafter, [Transcript of evidence](#), 21 March 2025, pp 3, 4-5.

⁴⁸ Fiona Rafter, [Transcript of evidence](#), 21 March 2025, p 5.

⁴⁹ Fiona Rafter, [Transcript of evidence](#), 21 March 2025, p 2.

⁵⁰ Fiona Rafter, [Transcript of evidence](#), 21 March 2025, pp 2-3.

⁵¹ [Inspector of Custodial Services Amendment Act 2025](#) (NSW).

⁵² Fiona Rafter, [Transcript of evidence](#), 21 March 2025, p 2.

- 1.41 Inspector Rafter told us that some of the changes make it 'really clear' that Official Visitors' role is to take complaints from those in custody. She explained that it enables Official Visitors to refer a complaint to her. We heard that this was a practice already in place, but that it did not have a 'legislative foundation'.⁵³
- 1.42 We heard that 'learnings' from the Astill Inquiry was a major theme of last year's Official Visitors conference. Inspector Rafter told us that there will be further training for Official Visitors in response to the recent legislative changes to the program.⁵⁴
- 1.43 As well as changes to the Official Visitor program, the amended Act clarified and enhanced the role of the ICS. The amendments included:
- expanding the agencies the Inspector can share information with to include the Health Care Complaints Commission, the Children's Guardian and the Law Enforcement Conduct Commission.
 - requiring the Inspector to report suspected police misconduct or serious maladministration to the Law Enforcement Conduct Commission.
 - giving the Inspector power to require a government agency or management company to provide the Inspector with information about steps taken or not taken in response to an ICS recommendation.⁵⁵
- 1.44 We were encouraged to hear that recent changes may help build inmates' trust in Official Visitors and look forward to reporting on their implementation and impacts in the next annual review.

NSW Ombudsman's role in custodial complaints

- 1.45 The Ombudsman also has statutory responsibilities for handling complaints from people in custody at CSNSW facilities. Inmates can lodge complaints in writing, by phone, or in person during the regular visits to correctional centres made by representatives from the Ombudsman's office.⁵⁶
- 1.46 As noted, a key finding of the Astill Inquiry was that those in custody at Dillwynia were not confident that complaints made to the Ombudsman would be kept confidential. At the public hearing, the Ombudsman explained there were concerns among inmates that CSNSW might read their correspondence, or listen to their phone calls.⁵⁷
- 1.47 Mr Miller told the Committee that the Ombudsman's office assures those in custody that there are strict legislative provisions that prevent CSNSW

⁵³ Fiona Rafter, [Transcript of evidence](#), 21 March 2025, p 3.

⁵⁴ Fiona Rafter, [Transcript of evidence](#), 21 March 2025, p 4.

⁵⁵ [Inspector of Custodial Services Amendment Act 2025](#) (NSW).

⁵⁶ NSW Ombudsman, [Corrective services](#), viewed 9 September 2025.

⁵⁷ Paul Miller, [Transcript of evidence](#), 21 March 2025, p 47.

monitoring communications with the Ombudsman. These apply to calls not being listened to, and mail not being opened.⁵⁸

- 1.48 We also heard that the Ombudsman's office reassures inmates that detrimental action cannot be taken against them for making a complaint. The Ombudsman's office also never communicates a complaint alleging serious officer misconduct back to the centre itself.⁵⁹
- 1.49 We were pleased to hear that the Ombudsman is 'very confident' that CSNSW do not overstep the provisions intended to keep complaints confidential.⁶⁰
- 1.50 In their 2023-24 annual report, the Ombudsman's office also reported 'placing a strong focus' on assisting those in detention and custody being able to access their services. Their improvements have included strengthening their visit program to adult and youth custodial centres, with multiple visits being made in some cases.⁶¹

CSNSW-issued tablets

- 1.51 We were also interested to hear that inmates' access to tablets, such as iPads, may improve their confidence in making complaints to the Ombudsman.⁶²
- 1.52 In-cell tablets were introduced in CSNSW facilities in 2020, after in-person visits were suspended due to COVID-19. Where available, they enabled inmates or those in custody or detention to continue educational programs or connect with family throughout the lockdowns.⁶³ However, CSNSW-issued tablets can also be used by those in custody to contact the Ombudsman.⁶⁴
- 1.53 At the public hearing, Mr Miller explained the advantage of tablets is that inmates can be confident that their complaint is confidential. This is because officers at the facility do not know contact is being made with the Ombudsman.⁶⁵
- 1.54 We note that, in November 2023, the Ombudsman's office conducted a survey to understand inmates' experiences complaining to or contacting the Ombudsman using CSNSW-issued tablets.⁶⁶ The survey examined inmates' awareness of the Ombudsman's complaint service, their past and future willingness to contact the office, perceptions of complaint handling, and experiences with Ombudsman staff.

⁵⁸ Paul Miller, [Transcript of evidence](#), 21 March 2025, p 47.

⁵⁹ Paul Miller, [Transcript of evidence](#), 21 March 2025, p 48; [Answers to supplementary questions](#), NSW Ombudsman, 24 April 2025, pp 1-3.

⁶⁰ Paul Miller, [Transcript of evidence](#), 21 March 2025, p 48.

⁶¹ NSW Ombudsman, [Annual Report 2023-24](#), 31 October 2024, p 34.

⁶² Paul Miller, [Transcript of evidence](#), 21 March 2025, p 48.

⁶³ Department of Communities and Justice, [Covid sparks digital revolution in NSW prisons](#), media release, 5 March 2021, viewed 10 September 2025; Inspector of Custodial Services, [Review of the response to COVID-19 in NSW custody](#), November 2023, pp 12, 85.

⁶⁴ NSW Ombudsman, [Annual Report 2023-24](#), 31 October 2024, p 34.

⁶⁵ Paul Miller, [Transcript of evidence](#), 21 March 2025, p 48.

⁶⁶ NSW Ombudsman, [Annual Report 2023-24](#), 31 October 2024, p 34.

- 1.55 The Ombudsman responded to feedback from those in custody by placing clearer information on the tablets about their role, as well as reassurances that complaints would be treated confidentially.⁶⁷

New funding arrangements for integrity agencies

Finding 1

Other independent integrity agencies in NSW may benefit from the adoption of independent funding arrangements similar to those established under the Treasurer's Direction TD 24-12 and division 4.2A of the *Government Sector Finance Act 2018*.

- 1.56 The Committee has an ongoing interest in the funding arrangements for the agencies it oversees. Since its 2022 review, the Committee has been closely monitoring the progress of the NSW Government's commitments to change the budget processes for the Law Enforcement Conduct Commission (the LECC) and the NSW Ombudsman.⁶⁸
- 1.57 We are happy to note that, since our last review, the Government has changed the budget processes through new policy and legislation. The two major changes are:
- Treasurer's Direction 24-12, which established a Charter of Independence for five integrity agencies, including the Ombudsman's office and the LECC.⁶⁹
 - *Government Sector Finance Amendment (Integrity Agencies) Act 2024* (the Integrity Agencies Amendment Act), which gives parliamentary oversight committees an oversight role in funding bids for those agencies.⁷⁰
- 1.58 We note, however, that the new arrangements do not cover all of the agencies overseen by the Committee. In particular, the Information and Privacy Commission (the IPC) have indicated their interest in being included under the new Charter of Independence.⁷¹
- 1.59 We reiterate the importance of ensuring that all integrity agencies have sufficient funding to cover their statutory functions. We find that other integrity agencies in NSW may benefit from being included in funding arrangements similar to those established by the Treasurer's Direction.

⁶⁷ NSW Ombudsman, [Annual Report 2023-24](#), 31 October 2024, p 34.

⁶⁸ Committee on the Ombudsman, the Law Enforcement Conduct Commission and the Crime Commission, [2022 review of the annual and other reports of oversight agencies](#), report 3/57, December 2022, pp 1-2; Committee on the Ombudsman, the Law Enforcement Conduct Commission and the Crime Commission, [2023 review of the annual and other reports of oversight agencies](#), report 1/58, August 2024, pp 7-9.

⁶⁹ NSW Treasury, [Treasurer's Direction: TD24-12 Charter of Independence for NSW integrity agencies](#), 6 August 2024.

⁷⁰ [Government Sector Finance Amendment \(Integrity Agencies\) Act 2024](#) (NSW).

⁷¹ Chris Clayton, Acting Information Commissioner and Chief Executive Officer, Information and Privacy Commission, [Transcript of evidence](#), 21 March 2025, p 32; Information and Privacy Commission, [Annual Report 2023/24](#), 21 October 2024, p 17.

Charter of Independence for Integrity Agencies

- 1.60 In August 2024, the NSW Government introduced the 'Charter of Independence for NSW integrity agencies (the Charter), followed by the Integrity Agency Amendment Act, to safeguard the financial independence of integrity agencies. These reforms, discussed in detail in our report entitled *Appropriations for the services of the Law Enforcement Conduct Commission and the Ombudsman's Office for the 2025-26 financial year*, establish special budget processes, exclude integrity agencies from efficiency dividends, and enhance parliamentary oversight of funding decisions.⁷²
- 1.61 At the public hearing, the NSW Ombudsman told us that the Charter is a 'significant advance on the previous processes'.⁷³ He drew particular attention to the changes introduced by the Integrity Agency Amendment Act, which require the oversight committee to scrutinise any decisions of the Expenditure Review Committee not to fund a bid:
- it is a significant advance on the previous processes, not just in terms of its express recognition of the intersection between certainty and transparency of funding decisions and the status of our bodies as independents, but also in terms of some of the practical elements of that new process, which include a role for this parliamentary committee, in terms of scrutinising decisions of the Expenditure Review Committee of Cabinet if they reject a budget proposal.⁷⁴
- 1.62 We were pleased to hear that the new arrangements help clarify and confirm the independence of integrity agencies, particularly in funding matters.⁷⁵
- 1.63 However, Mr Miller noted that there is still a 'significant gap' between the new budget processes and the recommendations of the Legislative Council Public Accountability Committee (PAC) and the Auditor General. He told us that the process is still largely Cabinet-led.⁷⁶ The Ombudsman's office have informed the NSW Government of their support for ongoing reform in line with the recommendations of PAC and the Auditor General.⁷⁷

Inclusion of other agencies in budget oversight arrangements

- 1.64 The Charter applies to the NSW Audit Office, the Independent Commission Against Corruption, the LECC, the NSW Electoral Commission and the Ombudsman's Office. It does not apply to other NSW agencies overseen by the Committee.

⁷² Committee on the Ombudsman, the Law Enforcement Conduct Commission and the Crime Commission, [Appropriations for the services of the Law Enforcement Conduct Commission and the Ombudsman's Office for the 2025-26 financial year](#), report 2/58, September 2025.

⁷³ Paul Miller, [Transcript of evidence](#), 21 March 2025, p 43.

⁷⁴ Paul Miller, [Transcript of evidence](#), 21 March 2025, p 43.

⁷⁵ Paul Miller, [Transcript of evidence](#), 21 March 2025, p 43.

⁷⁶ Paul Miller, [Transcript of evidence](#), 21 March 2025, p 43.

⁷⁷ [Answers to supplementary questions](#), NSW Ombudsman, 24 April 2025, p 1.

- 1.65 The IPC has expressed an interest in being included under the new budget arrangements.⁷⁸ At present, the IPC is funded via a grant received from the Department of Customer Service.⁷⁹
- 1.66 In our last review, the then-Information Commissioner Rachel McCallum noted the importance of adequate funding for the IPC to perform all its statutory functions, including administering the Mandatory Notification of Data Breach (MNDB) scheme.⁸⁰ During this year's review, the acting Information Commissioner further commented that the IPC 'would like to pursue' a similar arrangement to the NSW integrity agencies, 'as a way of further enhancing the important independence' of the IPC.⁸¹ We discuss the funding challenges in the context of the MNDB scheme in detail in Chapter Two.
- 1.67 At this year's public hearing, the Acting Information Commissioner Chris Clayton told us again that the IPC is treated differently to the Ombudsman and other integrity agencies in both legislation and the Charter of Independence. He noted that the IPC being included in these arrangements would enhance the IPC's independence.⁸²
- 1.68 The IPC has also reported that their exclusion from the new arrangements means they cannot access other provisions, such as the contingency funding arrangements.⁸³
- 1.69 We have previously raised concerns about the IPC's ability to secure adequate funding for its statutory functions.⁸⁴ Given these challenges and its role as an integrity agency, we consider it beneficial for the IPC to be included in the new budget oversight arrangements.

Use of AI in the NSW public sector

- 1.70 The Committee is following the use and oversight of artificial intelligence (AI) in the NSW public sector, particularly automated decision-making systems (ADMs). As noted in our previous annual review, adoption and regulation of AI is also an important consideration for the work of several agencies we oversight.⁸⁵ During this review, we asked agencies for updates on their work, which we discuss below.

⁷⁸ Chris Clayton, Acting Information Commissioner and Chief Executive Officer, Information and Privacy Commission, [Transcript of evidence](#), 21 March 2025, p 32; Information and Privacy Commission, [Annual Report 2023/24](#), 21 October 2024, p 17.

⁷⁹ Chris Clayton, [Transcript of evidence](#), 21 March 2025, p 32.

⁸⁰ Rachel McCallum, Information Commissioner and CEO, Information and Privacy Commission, [Transcript of evidence](#), 2 May 2024, p 46.

⁸¹ Chris Clayton, [Transcript of evidence](#), 21 March 2025, p 32.

⁸² Chris Clayton, [Transcript of evidence](#), 21 March 2025, p 32.

⁸³ Information and Privacy Commission, [Annual Report 2023/24](#), 21 October 2024, p 17.

⁸⁴ Committee on the Ombudsman, the Law Enforcement Conduct Commission and the Crime Commission, [2023 review of the annual and other reports of oversight agencies](#), report 1/58, August 2024, p 9.

⁸⁵ Committee on the Ombudsman, the Law Enforcement Conduct Commission and the Crime Commission, [2023 review of the annual and other reports of oversight agencies](#), report 1/58, August 2024, pp 9-15.

Information and Privacy Commission

- 1.71 Sonia Minutillo, the Privacy Commissioner, commented that use of AI continues to be a ‘key feature of the privacy discourse’, and it ‘remains an important regulatory focus’ for the IPC.⁸⁶
- 1.72 The IPC also said that there are no ‘inherent resourcing, regulatory or other barriers’ that would restrict their work with agencies on reporting their use of AI. However, the IPC said there would be benefits from ‘clearer legislated expectations’ about the need to disclose AI usage, which we discuss below.⁸⁷
- 1.73 We note that the *Privacy and Personal Information Protection Act 1998* (the PPIP Act) establishes an Information and Privacy Advisory Committee (IPAC), chaired by the Information Commissioner. The IPAC is actively considering issues relating to the use of AI and ADM by public sector agencies, and providing advice to both IPC Commissioners as well as the Minister for Customer Service and Digital Government and the Attorney General.⁸⁸

NSW public sector agencies are not adequately disclosing use of AI

- 1.74 We asked the IPC whether agencies are adequately disclosing their use of AI. The Acting Information Commissioner said that he has not ‘necessarily seen evidence to suggest that they are’, and that there is still an ‘educative piece’ required to:

bring to the front of people’s minds that these emerging technologies are matters of public interest and should be disclosed in any way that will be useful to the public to understand how the agency operates.⁸⁹

- 1.75 The Privacy Commissioner agreed with these remarks.⁹⁰

Proposed legislative amendments could improve agency disclosure of AI use

- 1.76 The IPC has previously advocated for amendments to the *Government Information (Public Access) Act 2009* (the GIPA Act) to improve agency transparency about the use of AI and protect information access rights.⁹¹
- 1.77 The Acting Information Commissioner noted comments made by the previous Information Commissioner that existing mechanisms under the GIPA Act could be used for this purpose.⁹² This would avoid creating an additional register. Section 20 of the GIPA Act currently requires all agencies to publish public Agency Information Guides (AIGs), which include a description of how the agency’s functions and decision-making impact members of the public. The IPC has stated that it expects:

⁸⁶ Sonia Minutillo, Privacy Commissioner, Information and Privacy Commission, [Transcript of evidence](#), 21 March 2025, p 30.

⁸⁷ Information and Privacy Commission, [Answers to supplementary questions](#), 22 April 2025, p 2.

⁸⁸ Information and Privacy Commission, [Annual Report 2023-24](#), October 2024, p 48.

⁸⁹ Chris Clayton, [Transcript of evidence](#), 21 March 2025, p 31.

⁹⁰ Sonia Minutillo, [Transcript of evidence](#), 21 March 2025, p 31.

⁹¹ Committee on the Ombudsman, the Law Enforcement Conduct Commission and the Crime Commission, [2023 review of the annual and other reports of oversight agencies](#), pp 11-12.

⁹² Chris Clayton, [Transcript of evidence](#), 21 March 2025, p 31.

agencies will include in their AIGs information about how AI and ADM are used in ways that impact the public and has published guidance to this effect.⁹³

- 1.78 However, amending this provision would clearly set the ‘expectation’ that these guides must include ‘information about the types of artificial intelligence or automated decision-making technologies that are being applied’.⁹⁴
- 1.79 The Acting Information Commissioner also noted that the IPC is having broader discussions with the NSW Government about ‘opportunities for modernisation or enhancements’ to the GIPA Act, which ‘turn[ed] 15’ in 2025. He told us that:
- One of [these opportunities], at a macro level, is how the GIPA Act can be better suited to the unique circumstances of emerging technology. Fifteen years ago, when the GIPA Act was written, technology was around, but it wasn’t as prevalent as it is today.⁹⁵
- 1.80 The IPC’s proposed ‘enhancements’ to the GIPA Act would not, however, aim to make it ‘less technology agnostic or principles based’.⁹⁶
- 1.81 Additionally, the Privacy Commissioner said that agency Privacy Management Plans are an existing mechanism that could similarly be used to require disclosure of the use of AI. Every public sector agency is required to ‘have and implement’ a Privacy Management Plan under section 33 of the PPIP Act.⁹⁷ Clarifying disclosure requirements in Privacy Management Plans would also require an amendment to the PPIP Act.
- 1.82 The Acting Information Commissioner also noted that the creation of a new register would require a ‘quite significant’ resource commitment from government. He emphasised that it would be important for the IPC to be adequately funded to ‘maintain a complete and accurate level of information’.⁹⁸
- 1.83 We will follow progress towards any amendments of the GIPA and/or PPIP Acts, and thank the IPC for their work in this area.

NSW Ombudsman

- 1.84 The NSW Ombudsman reflected that his office has ‘taken a deliberate focus on the burgeoning adoption of AI’ in the public sector.⁹⁹ We noted several pieces of work conducted by the Ombudsman’s office in our last annual review.¹⁰⁰

⁹³ Information and Privacy Commission, [Annual Report 2023-24](#), October 2024, p 17.

⁹⁴ Chris Clayton, [Transcript of evidence](#), 21 March 2025, p 31.

⁹⁵ Chris Clayton, [Transcript of evidence](#), 21 March 2025, pp 31-32.

⁹⁶ Chris Clayton, [Transcript of evidence](#), 21 March 2025, p 32.

⁹⁷ Sonia Minutillo, [Transcript of evidence](#), 21 March 2025, p 31.

⁹⁸ Chris Clayton, [Transcript of evidence](#), 21 March 2025, p 31.

⁹⁹ Paul Miller, NSW Ombudsman, [Transcript of evidence](#), 21 March 2025, p 42.

¹⁰⁰ Committee on the Ombudsman, the Law Enforcement Conduct Commission and the Crime Commission, [2023 review of the annual and other reports of oversight agencies](#), pp 12-13.

- 1.85 The Ombudsman has a Generative Artificial Intelligence policy and associated Risk Assessment Tool available on their website.¹⁰¹

Report of the project to map ADM in the NSW public sector

- 1.86 In this reporting period, the Ombudsman tabled *A map of automated decision-making in the NSW Public Sector*. The Ombudsman commissioned the ARC Centre of Excellence on Automated Decision-Making and Society to undertake the research for this project. Information was collected primarily through a survey tool distributed across government agencies.¹⁰² It resulted in a ‘point in time’ snapshot of ADM, including what kind of systems were planned for deployment within three years.¹⁰³
- 1.87 The Ombudsman's introduction to the research report states that it:
- represents the first attempt in New South Wales, and as far as we are aware in any Australian jurisdiction, to comprehensively identify and publish the ways in which the public sector is using, or planning in the near future to use, automated decision-making (ADM) systems in the performance of their functions.¹⁰⁴
- 1.88 The Ombudsman found that ADM use in the NSW public sector is widespread and growing, but current reporting is inconsistent, lacks transparency, and often occurs without legal input at the design stage. Agencies must ensure ADM systems are lawful and align with good administrative practice.¹⁰⁵
- 1.89 The Ombudsman also indicated that they hope this project will assist in the consideration of ‘what reporting and regulatory frameworks’ might be required in future.¹⁰⁶ We commend the Ombudsman for their work on this project.

Law Enforcement Conduct Commission

- 1.90 The Law Enforcement Conduct Commission (the LECC) were the only oversight agency who told us they are considering using AI. They noted that there are ‘opportunities’ for AI across the LECC’s work, and that the LECC:
- has conducted working groups with key staff which has informed a modest Treasury bid to fund the implementation of AI technologies over the next 2 financial years.¹⁰⁷
- 1.91 We will monitor the outcome of this bid and any use of AI. We were pleased to note that any approved AI implementation ‘will be conducted with high attention to potential security risks’. The LECC also noted they are finalising an AI policy,

¹⁰¹ NSW Ombudsman, [Our policies, Generative Artificial Intelligence policy](#), version 1, August 2023, viewed 17 October 2025.

¹⁰² NSW Ombudsman, [Annual Report 2023-24](#), 31 October 2024, p 52.

¹⁰³ NSW Ombudsman, [A map of automated decision-making in the NSW Public Sector](#), 8 March 2024, p 3.

¹⁰⁴ NSW Ombudsman, [A map of automated decision-making in the NSW Public Sector](#), 8 March 2024, p 1.

¹⁰⁵ NSW Ombudsman, [A map of automated decision-making in the NSW Public Sector](#), 8 March 2024, pp 6-8.

¹⁰⁶ NSW Ombudsman, [A map of automated decision-making in the NSW Public Sector](#), 8 March 2024, p 4.

¹⁰⁷ [Answers to supplementary questions](#), Law Enforcement Conduct Commission, 24 April 2025, p 7.

which includes the requirement that a risk matrix is completed for the use of any AI tool.¹⁰⁸

People Matter Employee Survey results

- 1.92 The People Matter Employee Survey (PMES) is an annual survey of NSW public sector employees, aiming to gather insights about their workplace experiences. Following changes to the Public Service Commission in 2024, it was conducted by the Premier's Department with assistance from NSW public sector agencies and external service provider Ipsos.¹⁰⁹
- 1.93 Survey results and reports on agency-specific data are provided to agencies and published on the Premier's Department website. The 2024 PMES was conducted from 19 August to 13 September 2024.
- 1.94 Four agencies we oversight complete the PMES - the Information and Privacy Commission, the Law Enforcement Conduct Commission, the NSW Crime Commission, and the NSW Ombudsman. We discuss their results below.

PMES results for oversight agencies during the reporting period

- 1.95 We are interested in trends shown by the survey results for agencies over time. All four oversight agencies shared some common areas of strength and weakness.

Strongest areas	Weakest areas
Ethics and values	Recruitment
Job purpose and enrichment	Action on survey results
Flexible working	Communication and change management
Risk and innovation	Senior managers

The results for each agency are discussed in more detail below.

Information and Privacy Commission

- 1.96 The Information and Privacy Commission (IPC) had declines in some key results over the 2023-2024 period. However, some areas of concern in the 2023 survey results showed improvement in the 2024 results.

Information and Privacy Commission – 2024 PMES results

Top 3 topics – IPC	%	Bottom 3 topics – IPC	%
1 Ethics and values	90	1 Communication and change management	50
2 Flexible working	90	2 Learning and development	50
3 Job purpose and enrichment	75	3 Action on survey results	38

¹⁰⁸ [Answers to supplementary questions](#), Law Enforcement Conduct Commission, 24 April 2025, p 7.

¹⁰⁹ Premier's Department, [NSW People Matter Employee Survey](#), accessed 12 August 2025.

Changes in key metrics – IPC	2022 (%)	2023 (%)	2024 (%)
Employee engagement	66	55	57
Action on survey results	59	56	38
Job satisfaction	65	57	58
Wellbeing	64	70	62
% of staff who completed survey	80	83	100

1.97 We were pleased to see that some areas of concern in the 2023 PMES showed improvement by more than ten percentage points in the 2024 PMES, as shown in the table below.

Topic area	2023 score	2024 score	% point change
Recruitment	46	67	+21
Flexible working	72	90	+18
Grievance handling	54	66	+12
Ethics and values	79	90	+11

1.98 However, we were concerned to note low and declining results in several key topic areas, particularly because of greater staff participation in the survey. The IPC acknowledged these issues and said that, in response to these results, they have developed ‘targeted actions’ to address key areas.¹¹⁰ These include:

- developing a Regulatory Plan to identify key regulatory objectives
- implementing ‘team-based work plans’ to address outcomes in the IPC’s Strategic Plan
- hiring a HR contractor for six months ‘to assist with recruitment and workforce planning initiatives’.¹¹¹

1.99 Targeted actions to address staff-level concerns around wellbeing and workload displayed in the 2024 PMES results include:

- recruitment to fill staffing vacancies and ‘share the workload’
- implementing IT enhancements to assist in administrative tasks associated with casework
- finalising Personal Development Plans, which are aimed at increasing role clarity and identifying opportunities for professional development.

1.100 We were also pleased to hear that the IPC Executive plans to seek ‘detailed feedback’ from staff on burnout. They indicated they would establish ‘targeted

¹¹⁰ [Answers to supplementary questions](#), Information and Privacy Commission, 22 April 2025, p 5.

¹¹¹ [Answers to supplementary questions](#), Information and Privacy Commission, 22 April 2025, p 5.

responses to uplift staff sense of wellbeing'. The IPC noted that declines in 'some results' may also be attributed to 'changes in the IPC's operating environment in the last 12-18 months'.¹¹²

- 1.101 The IPC said that leadership change 'may reasonably be expected to cause a measure of uncertainty', and acknowledged that declines in some results between the 2023 and 2024 PMES might 'reflect changes in the IPC's operating environment' over that period.¹¹³ The IPC noted the particular impact of the 'changeover' of Commissioners and associated acting arrangements, staff turnover, and role vacancies.¹¹⁴
- 1.102 We heard that, additionally, these impacts can 'have a more pronounced effect in a small agency' such as the IPC, which has approximately 30 staff.¹¹⁵
- 1.103 We look forward to seeing the outcomes of the IPC's ongoing work, and we hope that stability in the Executive team, particularly the appointment of both new Commissioners, will help to improve IPC results in future PMESs.

Law Enforcement Conduct Commission

- 1.104 There were declines in almost all topic areas for the Law Enforcement Conduct Commission (LECC) in the 2024 PMES. Most topic areas did not decline more than ten percentage points. Recruitment was the only topic area to improve, with an increase of three percentage points from 2023.

Law Enforcement Conduct Commission – 2024 PMES results

Top 3 topics – LECC		%	Bottom 3 topics – LECC		%
1	Ethics and values	79	1	Communication and change management	50
2	Job satisfaction	74	2	Grievance handling	50
3	Job purpose and enrichment	70	3	Action on survey results	46
	Risk and innovation	70			

Changes in key metrics – LECC	2022 (%)	2023 (%)	2024 (%)
Employee engagement	66	66	58
Action on survey results	58	54	46
Job satisfaction	76	80	74
Wellbeing	72	72	63
% of staff who completed survey	92	87	87

¹¹² [Answers to supplementary questions](#), Information and Privacy Commission, 22 April 2025, pp 4-5.

¹¹³ [Answers to supplementary questions](#), Information and Privacy Commission, 22 April 2025, p 5.

¹¹⁴ [Answers to supplementary questions](#), Information and Privacy Commission, 22 April 2025, p 5.

¹¹⁵ Information and Privacy Commission, [Annual Report 2023/24](#), October 2024, p 60; [Answers to supplementary questions](#), Information and Privacy Commission, 22 April 2025, p 5.

- 1.105 The LECC said that they are ‘conscious’ that the 2024 PMES results show staff concerns about ‘wellbeing, teamwork and collaboration’.¹¹⁶ We heard that the LECC is taking actions in several areas, including:
- working to improve capacity of the leadership group to ‘provide effective feedback on performance and to clearly convey the purpose and value’ of the LECC’s work
 - LECC managers have completed ‘training in having courageous conversations’
 - some managers are undertaking leadership and people management training provided by the Institute of Public Administration Australia.¹¹⁷
- 1.106 The LECC also said they have engaged an external consultant group to ‘work with the whole Commission to build a stronger, more collaborative culture’.¹¹⁸ We acknowledge this work is ongoing, and we hope to see it reflected in improved PMES results in future reporting periods.

NSW Crime Commission

- 1.107 There were improvements across many survey topics in the NSW Crime Commission's (NSWCC) PMES results in 2024.

NSW Crime Commission – 2024 PMES results

Top 3 topics – NSWCC		%	Bottom 3 topics – NSWCC		%
1	Flexible working	94	1	Communication and change management	54
2	Ethics and values	86	2	Action on survey results	44
3	Job purpose and enrichment	76	3	Feedback and performance management	41

Changes in key metrics – NSWCC	2022 (%)	2023 (%)	2024 (%)
Employee engagement	75	64	65
Action on survey results	59	38	44
Job satisfaction	81	79	73
Wellbeing	73	53	63
% of staff who completed survey	77	73	84

- 1.108 There was an 11 percentage point increase in staff completion of the PMES in 2024. The Crime Commissioner said that, as such, the survey is a ‘good source of information’ for the NSWCC executive, and that:

¹¹⁶ [Answers to supplementary questions](#), Law Enforcement Conduct Commission, 24 April 2024, p 6.

¹¹⁷ [Answers to supplementary questions](#), Law Enforcement Conduct Commission, 24 April 2024, p 6.

¹¹⁸ [Answers to supplementary questions](#), Law Enforcement Conduct Commission, 24 April 2024, p 6.

we still note that there is room for improvement, and significant work has been undertaken to identify opportunities for that improvement and to implement them.¹¹⁹

1.109 The NSWCC advised that it is reviewing PMES results and continuing to engage with staff at all levels to address key issues. The Commission is also collecting feedback and insights to inform future strategic planning.¹²⁰ Initiatives include:

- **Employee Engagement Action Planning (EEAP):** Aims to enhance engagement, with 'Feedback and Performance Management' as a 'universal priority'¹²¹, supported by refreshed WHS and flexible work policies.¹²²
- **Project Grow:** Aims to strengthen performance development through a new Performance Development Action Plan, role description review, and training, including a toolkit for managers.¹²³
- **Leadership Development Program:** Builds leadership and people management capability for staff in grades 9-12.¹²⁴

NSW Ombudsman

1.110 Some of the NSW Ombudsman's survey scores declined from 2023 to 2024.

NSW Ombudsman – 2024 PMES results

Top 3 topics – Ombudsman		%	Bottom 3 topics – Ombudsman		%
1	Flexible working	95	1	Feedback and performance management	59
2	Ethics and values	87	2	Action on survey results	57
3	Risk and innovation	82	3	Senior executives	54

Changes in key metrics – Ombudsman	2022 (%)	2023 (%)	2024 (%)
Employee engagement	69	70	67
Action on survey results	73	72	57
Job satisfaction	76	75	70
Wellbeing	72	73	75
% of staff who completed survey	100	98	95

1.111 The Ombudsman said that, in response to the 2024 PMES results, workshops had been held with staff, and a 'PMES Action plan' had been developed to focus on 'particular areas for improvement'. These included the topic areas 'teamwork'

¹¹⁹ Michael Barnes, Commissioner, NSW Crime Commission, [Transcript of evidence](#), 21 March 2025, pp 13-14.

¹²⁰ NSW Crime Commission, [Answers to supplementary questions](#), 24 April 2025, p 5.

¹²¹ [Answers to supplementary questions](#), NSW Crime Commission, 24 April 2025, p 4.

¹²² [Answers to supplementary questions](#), NSW Crime Commission, 24 April 2025, p 5.

¹²³ [Answers to supplementary questions](#), NSW Crime Commission, 24 April 2025, p 5.

¹²⁴ [Answers to supplementary questions](#), NSW Crime Commission, 24 April 2025, p 5.

and 'action on survey results'.¹²⁵ We were pleased to hear this. We hope that this work will be reflected in future PMES results.

¹²⁵ [Answers to supplementary questions](#), NSW Ombudsman, 24 April 2025, p 7.

Chapter Two – Agency overview

Inspector of Custodial Services

Reporting on agency responses to recommendations

Recommendation 2

That the Inspector of Custodial Services provide more detailed information in their inspection and annual reports about how their recommendations are being managed and implemented.

- 2.1 The Committee remains concerned that the Inspector of Custodial Services' (ICS) reporting does not consistently show how Corrective Services NSW (CSNSW), Youth Justice NSW (YJNSW), and the Justice Health and Forensic Mental Health Network (JH&FMHN) are addressing serious issues identified in inspections. It also does not routinely assess the adequacy of those responses.
- 2.2 Inspection reports sometimes contain indications of how CSNSW, YJNSW or JH&FMHN are responding to an issue raised at an inspection, or have responded since the previous inspection.¹²⁶ However, the Inspector's primary mode of tracking agencies' responses to recommendations is statistical data published in ICS's annual reports.¹²⁷
- 2.3 The data shows that a number of recommendations made since 2013 were either not supported or only 'partially achieved'. However, the ICS's annual reports do not provide detail on the actions agencies have taken in response, or any assessment of their effectiveness.

CSNSW, YJNSW and JH&FMHN responses to ICS recommendations, as of 30 June 2024¹²⁸

	Supported	Partially supported	Not supported	Noted
CSNSW	535	151	48	92
YJNSW	128	42	8	0
JH&FMHN	100	41	10	2

Status of CSNSW, YJNSW and JH&FMHN responses to ICS recommendations, as of 30 June 2024¹²⁹

	Achieved	Partially achieved	Not achieved
CSNSW	345	254	28
YJNSW	105	64	1
JH&FMHN	105	64	1

¹²⁶ For example: Inspector of Custodial Services, [Inspection of Shortland Correctional Centre and Cessnock Correctional Centre 2023](#), June 2024, p 1; Inspector of Custodial Services, [Inspection of Silverwater Women's and Dillwynia Correctional Centres 2022](#), November 2023, pp 4-5.

¹²⁷ For example: Inspector of Custodial Services, [Annual Report 2023-24](#), October 2024, pp 22-32; 36-121.

¹²⁸ Collated from, Inspector of Custodial Services, [Annual Report 2023-24](#), October 2024, pp 25-27.

¹²⁹ Collated from, Inspector of Custodial Services, [Annual Report 2023-24](#), October 2024, pp 28-30.

- 2.4 We asked the ICS whether CSNSW and YJNSW are responding to issues found during inspections. ICS informed us that they are 'on the whole' responsive, but that some issues are resolved more quickly than others.¹³⁰
- 2.5 The Committee recommends that the ICS' annual reports include more detailed information on the actions CSNSW, YJNSW, and JH&FMHN are taking in response to ICS' recommendations.
- 2.6 Providing more information on the responses of CSNSW, YJNSW and JH&FMHN in ICS annual reports would be in line with the *Inspector of Custodial Services Act 2012* (the ICS Act), which requires the Inspector of Custodial Services to include an evaluation of the response of relevant authorities to the ICS's recommendations in their annual reports to Parliament.¹³¹
- 2.7 This is an ongoing area of interest for the Committee, and was raised in our 2023 review.¹³²
- 2.8 In the 2023-24 reporting period, ICS inspection reports drew attention to issues such as:
- aging or inappropriate infrastructure, including reports of infrastructure that is 'unacceptably poor,' 'not fit for purpose' or containing hanging points.¹³³
 - adults and young people not being provided with enough clothing, including adults and young people being provided with used underwear.¹³⁴
 - adults and young people not being given the required time out of their cells or rooms.¹³⁵
 - CSNSW's potential maladministration in failing to facilitate prisoners' voting rights (discussed below).¹³⁶

¹³⁰ [Answers to supplementary questions](#), Inspector of Custodial Services, 5 May 2025, p 1.

¹³¹ [Inspector of Custodial Services Act 2012](#) (NSW) s 12.

¹³² Committee on the Ombudsman, the Law Enforcement Conduct Commission and the Crime Commission, [2023 review of the annual and other reports of oversight agencies](#), report 1/58, August 2024, p 25.

¹³³ Inspector of Custodial Services, [Inspection of Shortland Correctional Centre and Cessnock Correctional Centre 2023](#), June 2024, pp 1, 79; Inspector of Custodial Services, [Inspection of Mannus Correctional Centre and Glen Innes Correctional Centre 2022](#), February 2024, pp 4, 12; Inspector of Custodial Services, [Inspection of Silverwater Women's and Dillwynia Correctional Centres 2022](#), November 2023, pp 4, 9.

¹³⁴ Inspector of Custodial Services, [Inspection of Six Youth Justice Centres 2022](#), March 2024, pp 26, 28, 60; Inspector of Custodial Services, [Inspection of Wellington Correctional Centre 2022](#), May 2024, pp 40-41; Inspector of Custodial Services, [Inspection of Shortland Correctional Centre and Cessnock Correctional Centre 2023](#), June 2024, p 7.

¹³⁵ Inspector of Custodial Services, [Inspection of Six Youth Justice Centres 2022](#), March 2024, pp 29-30; Inspector of Custodial Services, [Inspection of Wellington Correctional Centre 2022](#), May 2024, pp 43-44, 53; Inspector of Custodial Services, [Inspection of Shortland Correctional Centre and Cessnock Correctional Centre 2023](#), June 2024, pp 27-28.

¹³⁶ Inspector of Custodial Services, [Inspection of Shortland Correctional Centre and Cessnock Correctional Centre 2023](#), June 2024, pp 7, 51-52, 101.

- 2.9 In the past, the ICS published the formal responses of CSNSW, YJNSW and JH&FMHN to its inspection reports.¹³⁷ This allowed the public to see each agency's initial response to recommendations, including management plans for supported recommendations and reasons for not supporting others.

Changes to the ICS Act may facilitate more comprehensive reporting

- 2.10 We heard that recent changes to the ICS Act may facilitate improved reporting on agencies' responses to ICS recommendations.¹³⁸ The changes were introduced by the *Inspector of Custodial Services Amendment Act 2025* (the Amendment Act), which passed in February 2025.
- 2.11 The Amendment Act inserted a new section 16A into the ICS Act. This section enables the ICS to require the head of a government sector agency or management company to give information about their response to ICS recommendations.¹³⁹
- 2.12 The Inspector informed us that, previously, ICS did not have an 'express power' to get information from agencies about the implementation of ICS recommendations or why no steps have been taken.¹⁴⁰
- 2.13 We were pleased to hear that recent changes to the ICS might help improve their reporting on responses to recommendations. We look forward to ICS providing more comprehensive information in future reports.

Potential maladministration of voting in CSNSW facilities

Finding 2

The Inspector of Custodial Services' reports should highlight and explain serious or systemic issues uncovered during inspections, such as potential maladministration of inmate voting in correctional facilities.

- 2.14 The Committee was concerned to note potentially systemic issues of inmates in CSNSW facilities not being provided with appropriate support to vote in state and federal elections.¹⁴¹ The Inspector has reported that 'failing to facilitate prisoners' legal right to vote could constitute maladministration'.¹⁴²

¹³⁷ For example: Inspector of Custodial Services, [NSW Government Response to the ICS Report on Use of Force, Separation, Segregation and Confinement](#), accessed 14 August 2025; Inspector of Custodial Services, [Corrective Services NSW response to recommendations in Old and Inside: Managing aged offenders in custody](#), accessed 14 August 2025; Inspector of Custodial Services, [Justice Health and Forensic Mental Health Network response to recommendations in Old and Inside: Managing aged offenders in custody](#), accessed 14 August 2025.

¹³⁸ Fiona Rafter, Inspector of Custodial Services, [Transcript of Evidence](#), 21 March 2025, p 2; [Answers to supplementary questions](#), Inspector of Custodial Services, 5 May 2025, p 1.

¹³⁹ [Inspector of Custodial Services Amendment Act 2025](#) (NSW) sch 1 cl 23.

¹⁴⁰ [Answers to supplementary questions](#), Inspector of Custodial Services, 5 May 2025, p 1.

¹⁴¹ Inspector of Custodial Services, [Inspection of Shortland Correctional Centre and Cessnock Correctional Centre 2023](#), June 2024, pp 7, 51-52, 101; Inspector of Custodial Services, [Inspection of Bathurst Correctional Centre 2023](#), February 2025, pp 64-65.

¹⁴² Inspector of Custodial Services, [Inspection of Shortland Correctional Centre and Cessnock Correctional Centre 2023](#), June 2024, p 7; Inspector of Custodial Services, [Inspection of Bathurst Correctional Centre 2023](#), February 2025, p 66.

- 2.15 Given this issue may have constituted maladministration on the part of CSNSW, it would be helpful to know whether and how this issue has been addressed. We note, at present, it is unclear from ICS's inspection or annual reports whether the issue with inmate voting has been resolved in CSNSW correctional centres.
- 2.16 We note this is an example of an issue where it would be helpful for ICS to provide more comprehensive information about the steps CSNSW has taken to address the issue, and whether these steps are adequate.
- 2.17 ICS first identified issues with voting at Shortland and Cessnock correctional centres ahead of the March 2023 NSW State election.¹⁴³ Although CSNSW was told about the problem, ICS reported seeing 'no evidence that the process was significantly improved' before the October 2023 'Voice' referendum.¹⁴⁴
- 2.18 ICS also found issues with inmate voting at Bathurst correctional centre, ahead of the October 2023 'Voice' referendum. The Inspector reported that 'at least' 350 inmates 'had a duty to vote', but only 10% of eligible inmates voted.¹⁴⁵ The Inspector reported that voting was likely limited by:
- significant ambiguity and uncertainty about eligibility to vote among staff and inmates, poor guidance on the operational execution of a complex voting process within a tight timeframe and the delegation to two non-custodial staff who had little to no access to inmates in order to adequately carry out the duty to facilitate voting.¹⁴⁶
- ICS drew attention to CSNSW's refusal to allow mobile polling stations during the elections. The Inspector reported that this 'placed the onus' on correctional centres to manage postal voting.¹⁴⁷
- 2.19 The Inspector found that the issue was potentially systemic across CSNSW facilities. A survey of inmates conducted by CSNSW in August 2023 showed 89 per cent of surveyed inmates did not vote in the 2023 state election and 59 per cent were unaware of the election.¹⁴⁸
- 2.20 We asked the Inspector for an update on the steps CSNSW had taken to address issues with voting in correctional centres. The Inspector informed us that she is:
- satisfied that CSNSW and the Australian Electoral Commission have worked together to plan for mobile polling in correctional facilities, to facilitate prisoner voting in the 2025 Federal election.¹⁴⁹

¹⁴³ Inspector of Custodial Services, [Inspection of Shortland Correctional Centre and Cessnock Correctional Centre 2023](#), June 2024, pp 7, 51-52, 101.

¹⁴⁴ Inspector of Custodial Services, [Inspection of Shortland Correctional Centre and Cessnock Correctional Centre 2023](#), June 2024, p 7.

¹⁴⁵ Inspector of Custodial Services, [Inspection of Bathurst Correctional Centre 2023](#), February 2025, p 10.

¹⁴⁶ Inspector of Custodial Services, [Inspection of Bathurst Correctional Centre 2023](#), February 2025, p 10.

¹⁴⁷ Inspector of Custodial Services, [Inspection of Bathurst Correctional Centre 2023](#), February 2025, p 10.

¹⁴⁸ Inspector of Custodial Services, [Inspection of Shortland Correctional Centre and Cessnock Correctional Centre 2023](#), June 2024, pp 51-52.

¹⁴⁹ [Answers to supplementary questions](#), Inspector of Custodial Services, 5 May 2025, p 2.

- 2.21 We note that it is compulsory for enrolled inmates on remand or serving sentences of under three years to vote in federal elections.¹⁵⁰ In NSW, those on remand or inmates serving sentences under 12 months are eligible to vote in state elections.¹⁵¹
- 2.22 The Committee will continue to monitor the issue of inmate voting in our next annual review.

Official Visitor Program

- 2.23 As noted in Chapter One, the ICS administers the Official Visitor Program, including recruitment and training of Official Visitors. Official Visitors play a key role in correctional centres and youth justice centres as independent community members who visit these centres to hear enquiries and complaints.¹⁵²
- 2.24 In the 2023-24 reporting period, Official Visitors in adult custodial centres received 10,889 complaints and 12,520 enquiries.¹⁵³ We were interested to hear that there has been an increase in serious allegations being made to Official Visitors since the Astill Inquiry.¹⁵⁴

Enquiries and complaints made to Official Visitors, 2022-23 and 2023-24¹⁵⁵

Year	CSNSW Inquires	CSNSW Complaints	YJNSW Inquiries	YJNSW Complaints
2022-23	7,736	8,513	482	348
2023-24	12,520	10,889	428	390
% increase	61.8%	27.9%	-11.2%	12.1%

- 2.25 Over the 2023-24 reporting period, ICS also continued to experience some difficulties recruiting Official Visitors to regional areas. The Inspector, Fiona Rafter, mentioned particular difficulty recruiting an Official Visitor to Broken Hill.¹⁵⁶ We heard that the pay of \$239 per day may be a disincentive, and there may be a need to review this.¹⁵⁷
- 2.26 The Committee heard that the Official Visitors program is under pressure due to limited funding and growing demand, with visitors now handling more complex and serious complaints that require additional training and support.¹⁵⁸ The ICS advised that meeting these demands has required diverting staff and resources in

¹⁵⁰ Inspector of Custodial Services, [Inspection of Bathurst Correctional Centre 2023](#), February 2025, p 64.

¹⁵¹ Inspector of Custodial Services, [Inspection of Shortland Correctional Centre and Cessnock Correctional Centre 2023](#), June 2024, p 101.

¹⁵² Inspector of Custodial Services, [Official Visitor Program](#), accessed 14 August 2025.

¹⁵³ Inspector of Custodial Services, [Annual Report 2023-24](#), October 2024, pp 15-16.

¹⁵⁴ Fiona Rafter, [Transcript of Evidence](#), 21 March 2025, p 2.

¹⁵⁵ Inspector of Custodial Services, [Annual Report 2023-24](#), October 2024, pp 15-16, 18-19; Inspector of Custodial Services, [Annual Report 2022-23](#), October 2023, pp 11-12, 15-16.

¹⁵⁶ Fiona Rafter, [Transcript of evidence](#), 21 March 2025, p 4.

¹⁵⁷ Fiona Rafter, [Transcript of evidence](#), 21 March 2025, pp 2, 4.

¹⁵⁸ [Answers to supplementary questions](#), Inspector of Custodial Services, 5 May 2025, p 3.

a way that is no longer sustainable, and suggested a review of resources to ensure the program remains effective.¹⁵⁹ The Committee will continue to monitor the program's resourcing and effectiveness in future reviews, particularly in light of recent legislative changes.

Inspection Standards for Aboriginal People in Custody

2.27 The Committee has an ongoing interest in the development and implementation of Inspection Standards for Aboriginal people in custody. In our 2023 review, we reported on the ICS's commitment to have these published before our next annual review.¹⁶⁰

2.28 The Committee was pleased to hear that the Inspection Standards were published in March 2025, following a long period of consultation and development.¹⁶¹ We understand that the ICS has also developed templates for staff to use when assessing facilities against the standards.¹⁶²

Information and Privacy Commission

Statutory officeholders

2.29 Since our last report there have been a number of changes to the statutory officeholders serving at the Information and Privacy Commission (the IPC). During the 2023-24 reporting period, both statutory officeholders completed their terms:

- Elizabeth Tydd concluded her term as Information Commissioner and CEO in February 2024 after ten years in the role.¹⁶³
- Samantha Gavel concluded her term as Privacy Commissioner in September 2023 after six years in the role.¹⁶⁴

2.30 The Committee recognises the longstanding service of both Ms Tydd and Ms Gavel, and extend our thanks to both former Commissioners. We acknowledge their important contributions to the development and safeguarding of information and privacy rights in NSW, particularly during the peak of the COVID-19 pandemic.

2.31 Rachel McCallum was appointed as Information Commissioner and CEO in March 2024,¹⁶⁵ and served in this role until her appointment as NSW Electoral

¹⁵⁹ [Answers to supplementary questions](#), Inspector of Custodial Services, 5 May 2025, p 3; Inspector of Custodial Services, [Annual Report 2023-24](#), October 2024, p 12.

¹⁶⁰ Committee on the Ombudsman, the Law Enforcement Conduct Commission and the Crime Commission, [2023 review of the annual and other reports of oversight agencies](#), report 1/58, August 2024, p 24.

¹⁶¹ Fiona Rafter, [Transcript of evidence](#), 21 March 2025, p 2; Inspector of Custodial Services, [Inspection Standards: For Aboriginal people in custody in New South Wales](#), March 2025.

¹⁶² [Answers to supplementary questions](#), Inspector of Custodial Services, 5 May 2025, p 3.

¹⁶³ Information and Privacy Commission, [The IPC bids farewell to NSW Information Commissioner and CEO, Elizabeth Tydd](#), media release, 29 January 2024, accessed 13 August 2025.

¹⁶⁴ Information and Privacy Commission, [The IPC bids farewell to NSW Privacy Commissioner, Samantha Gavel](#), media release, 28 August 2023, accessed 13 August 2025.

¹⁶⁵ Attorney General and Minister for Customer Service and Digital Government, [New Commissioner appointed to lead Information and Privacy Commission NSW](#), media release, 23 February 2024, accessed 13 August 2025.

Commissioner in November 2024.¹⁶⁶ The Committee also acknowledges the work of Chris Clayton as Acting Information Commissioner and CEO from November 2024 to May 2025.¹⁶⁷ We thank both Ms McCallum and Mr Clayton for their work during the reporting period.

2.32 We welcome the appointment of Commissioners to both roles in 2025:

- Sonia Minutillo as Privacy Commissioner, in March 2025.¹⁶⁸
- Emeritus Professor Rosalind Croucher as Information Commissioner and CEO, in June 2025.¹⁶⁹

2.33 Ms Minutillo was Acting Privacy Commissioner since August 2023, and previously held other roles within the organisation. We acknowledge her ongoing work and service to the IPC. We look forward to working with both Commissioners in future reporting periods.

Mandatory Notification of Data Breach scheme

2.34 The Mandatory Notification of Data Breach scheme (the MNDB scheme) commenced in November 2023. We have previously noted the establishment of the MNDB scheme and the work leading up to its commencement in November 2023.¹⁷⁰

Operation of the MNDB scheme in 2023-24

2.35 The Privacy Commissioner commented that the MNDB scheme is performing 'in the way it was intended', and that the IPC has seen 'a consistent flow of notifications'.¹⁷¹ We were pleased to hear this, although we note the Privacy Commissioner's comment that:

the success of the Scheme is actually bad news, in the sense that the only reason the Scheme is successful is because there are notifications occurring, which means that people's personal information has been breached.¹⁷²

¹⁶⁶ Special Minister of State, [Appointment of Rachel McCallum as NSW Electoral Commissioner](#), media release, 27 November 2024, accessed 13 August 2025.

¹⁶⁷ Information and Privacy Commission, [Rachel McCallum departs as Information Commissioner](#), media release, 28 November 2024, accessed 13 August 2025.

¹⁶⁸ Attorney General and Minister for Customer Service and Digital Government, [New NSW Privacy Commissioner appointed](#), media release, 20 March 2025, accessed 13 August 2025.

¹⁶⁹ Attorney General, [Rosalind Croucher appointed NSW Information Commissioner](#), media release, 2 June 2025, accessed 13 August 2025.

¹⁷⁰ Committee on the Ombudsman, the Law Enforcement Conduct Commission and the Crime Commission, [2023 review of annual and other reports of oversight agencies](#), report 1/58, New South Wales, August 2024, p 22; Committee on the Ombudsman, the Law Enforcement Conduct Commission and the Crime Commission, [2022 review of annual and other reports of oversight agencies](#), report 3/57, Parliament of New South Wales, December 2022, p 18.

¹⁷¹ Sonia Minutillo, [Transcript of evidence](#), 21 March 2025, p 33.

¹⁷² Sonia Minutillo, [Transcript of evidence](#), 21 March 2025, p 33.

- 2.36 Alongside data breach notifications, the IPC also undertook work to educate and support agencies about their obligations under the MNDB scheme, particularly requirements associated with data breach policies.¹⁷³
- 2.37 The Privacy Commissioner has also issued statutory guidelines¹⁷⁴ and commenced a program of regular reporting on the operation of the MNDB scheme.¹⁷⁵ The IPC's 2023-24 annual report indicates that the IPC intends to continue publishing periodic reports.¹⁷⁶ We commend the Privacy Commissioner and IPC staff for their work to manage and report on the MNDB scheme.

Funding for the MNDB scheme

- 2.38 In the last reporting period, the IPC raised concerns regarding the short-term nature of funding supporting the MNDB scheme. The IPC said they had 'submitted a request to the NSW Government for ongoing funding of \$1.4 million from 2024/25 onwards'.¹⁷⁷
- 2.39 We were concerned to hear in this review that this request had not been agreed to; the NSW Government had approved \$1.4m funding for a period of four years only.¹⁷⁸ The acting Information Commissioner commented that he was 'not of the view that there was an adverse reason' why the ongoing funding was not provided. The government wanted 'to understand how the [MNDB] Scheme would operate in practice' before setting funding 'at an optimal level'.¹⁷⁹
- 2.40 The Privacy Commissioner noted several compelling reasons why ongoing funding would be helpful. There is already a steady number of notifications received, and the issues raised by some notifications are 'quite complicated and very challenging'. 'Sufficient resourcing' is required for the IPC to be able to respond to these notifications, and to appropriately support agencies in responding to breaches.¹⁸⁰ We note that the IPC's 2023-24 annual report lists operating expenses of \$37,489 for the MNDB scheme. This figure includes external expertise to assist in reviewing and responding to 'significant' data breaches.¹⁸¹
- 2.41 Commissioner Minutillo also explained that responding to notifications is 'one component' of the MNDB scheme. However, she said the scheme should also have a 'parallel component' where the IPC proactively works with agencies to build capability and their capacity to respond to breaches, which would require

¹⁷³ Sonia Minutillo, [Transcript of evidence](#), 21 March 2025, p 30; [Answers to supplementary questions](#), Information and Privacy Commission, 22 April 2025, p 3.

¹⁷⁴ [Guidelines on the exemption for compromised cyber security under section 59X](#), September 2023; [Guidelines on the exemption for risk of serious harm to health or safety under section 59W](#), September 2023; [Guidelines on the assessment of data breaches under Part 6A of the PPIP Act](#), September 2023.

¹⁷⁵ Information and Privacy Commission, [Reporting on the Scheme](#), accessed 14 August 2025.

¹⁷⁶ Information and Privacy Commission, [Annual Report 2023/24](#), October 2024, p 43.

¹⁷⁷ [Answers to supplementary questions](#), Information and Privacy Commission, 31 May 2024, p 2.

¹⁷⁸ Chris Clayton, [Transcript of evidence](#), 21 March 2025, p 32.

¹⁷⁹ Chris Clayton, [Transcript of evidence](#), 21 March 2025, p 32.

¹⁸⁰ Sonia Minutillo, [Transcript of evidence](#), 21 March 2025, p 32.

¹⁸¹ Information and Privacy Commission, [Annual Report 2023/24](#), October 2024, p 82.

resourcing as well.¹⁸² We note these concerns, and will continue to monitor the adequacy of funding for the MNDB scheme in future reporting periods.

Community awareness of information rights

- 2.42 The Committee recognises the work of the IPC in collecting and publishing information about the community awareness of information access rights. However, we note generally low rates of community awareness, particularly for rights under the *Government Information (Public Access) Act 2009*. In 2023-24, rates of community awareness remained consistent with previous reporting periods, at about 55 per cent of the community surveyed.¹⁸³
- 2.43 The IPC outlined several initiatives to improve community awareness, including publishing Easy Read guides, translated resources, and multimedia content; promoting these through campaigns and social media; and enhancing its website with feedback tools to improve usability.¹⁸⁴
- 2.44 The IPC also commented that they seek to 'continuously improve' their resources.¹⁸⁵ We hope to see improvement in key statistics related to community awareness in future reporting periods.

Law Enforcement Conduct Commission

Access to NSWPF information under the *Law Enforcement Conduct Commission Act 2016*

- 2.45 A significant part of this year's review focused on the Law Enforcement Conduct Commission's (LECC's) ability to access NSW Police Force (NSWPF) documents. This matter is examined in detail in Chapter One, including in the context of the recently introduced 'wandering' powers.
- 2.46 This section considers other issues of interest to the Committee relating to the oversight of the LECC and operational challenges.

Domestic and family violence

- 2.47 In our 2023 review, we discussed the LECC's June 2023 report on NSWPF responses to domestic and family violence.¹⁸⁶ The report made 13 recommendations to the NSWPF, ten of which were supported, agreed to or agreed to in principle.¹⁸⁷ A notable challenge identified by the Commission was that the NSWPF lacked policies and procedures in cases where an officer is involved in domestic or family violence.¹⁸⁸

¹⁸² Sonia Minutillo, [Transcript of evidence](#), 21 March 2025, p 32.

¹⁸³ Information and Privacy Commission, [Annual Report 2023/24](#), October 2024, p 31, table entry 3.1.

¹⁸⁴ [Answers to supplementary questions](#), Information and Privacy Commission, 22 April 2025, p 4.

¹⁸⁵ [Answers to supplementary questions](#), Information and Privacy Commission, 22 April 2025, p 4.

¹⁸⁶ Committee on the Ombudsman, the Law Enforcement Conduct Commission and the Crime Commission, [2023 review of the annual and other reports of oversight agencies](#), report 1/58, August 2024, pp 27-28.

¹⁸⁷ Law Enforcement Conduct Commission, [Review of NSW Police Force responses to family and domestic violence incidents](#), 14 June 2023; Law Enforcement Conduct Commission, [NSW Police Force response to recommendations made in Review of NSW Police Force responses to family and domestic violence](#), 26 October 2023.

¹⁸⁸ [Answers to supplementary questions](#), Law Enforcement Conduct Commission, 31 May 2024, p 3.

- 2.48 At this year's public hearing, the Chief Commissioner, Peter Johnson SC, told us that the LECC are starting a project that explores how the NSWPF respond to accusations of domestic and family violence committed by NSWPF employees. He explained that the project will allow them to follow up on their 2023 report, and review any changes implemented by the Police Force Domestic and Family Violence Command since then.¹⁸⁹
- 2.49 We heard that the NSWPF continues to disagree with the LECC's recommendation that cases involving a NSWPF officer are not investigated by the same command. The Chief Commissioner told us the police 'don't accept that as the ordinary approach'. Instead, the NSWPF's practice is to have an inspector within the command assess whether the investigation can be done within the command.¹⁹⁰
- 2.50 The Committee understands that the NSWPF are 'progressing a major overhaul of the way in which it addresses' domestic and family violence incidents.¹⁹¹ The NSWPF also introduced a Domestic and Family Violence Registry team in September 2023. We also heard that the NSWPF's Domestic Violence Standard Operating Procedures are under review.¹⁹²
- 2.51 We were pleased to hear that the LECC is continuing to monitor NSWPF responses to domestic and family violence. The Committee will continue to follow the LECC's work in this area in its next annual review, including the outcomes of the LECC's new project.

Complaints handling

Increase in time taken to assess a complaint

- 2.52 The LECC reported a 70 percent increase in the time it takes to assess a complaint in 2023-24. The average for this reporting year was 54 days, compared to 38 days in 2022-23.¹⁹³
- 2.53 We were pleased to hear that the LECC has taken steps to address delays in assessing complaints. The LECC informed us that they implemented a new assessment process in September 2024, following a review that started in January 2024. The LECC has also requested additional funding for its assessments team.¹⁹⁴

Referral of complaints to the NSW Police Force

- 2.54 We discussed the LECC's processes for referring complaints back to the NSWPF for investigation. In particular, the Committee wanted to know how the current

¹⁸⁹ Peter Johnson SC, [Transcript of evidence](#), 21 March 2025, p 16.

¹⁹⁰ Peter Johnson SC, [Transcript of evidence](#), 21 March 2025, p 20.

¹⁹¹ Law Enforcement Conduct Commission, [2023-24 Annual Report](#), October 2024, p 63.

¹⁹² Anina Johnson, [Transcript of evidence](#), 21 March 2025, p 20.

¹⁹³ [Answers to supplementary questions](#), Law Enforcement Conduct Commission, 24 April 2025, p 4; Law Enforcement Conduct Commission, [Annual Report 2023-24](#), p 22.

¹⁹⁴ [Answers to supplementary questions](#), Law Enforcement Conduct Commission, 24 April 2025, p 5.

system ensures any cultural or systemic issues in the NSWPF, raised by a particular complaint, are addressed.

- 2.55 Commissioner Anina Johnson explained that the LECC has a number of oversight opportunities in matters relating to NSWPF conduct. If the LECC refers a complaint back to the NSWPF for investigation, the LECC can step in if they are dissatisfied with the NSWPF response.¹⁹⁵
- 2.56 The Committee understands that the LECC also assesses all 'notifiable' complaints, including complaints the LECC has referred to the police, to determine whether the NSWPF have dealt with the complaint appropriately. In 2023-24, the LECC re-assessed 721 complaints they had referred to the NSWPF, and 2,842 notifiable complaints from the NSWPF database.¹⁹⁶

Inspector of the Law Enforcement Conduct Commission

Secure Monitoring Unit

Plans to amalgamate the duties of the Secure Monitoring Unit with the Surveillance Devices Commissioner

- 2.57 The Committee revisited the Inspector of the Law Enforcement Conduct Commission's (the LECC Inspector's) plans to amalgamate the duties of the Secure Monitoring Unit (SMU) with the NSW Surveillance Devices Commissioner (SDC). This was an idea that was first raised in our 2023 review to improve efficiency given some overlap in their roles.¹⁹⁷
- 2.58 However, the LECC Inspector, Bruce McClintock SC, told us that he no longer supports this plan, citing potential conflicts of interest. The Committee understands that the proposal remains under consideration by the Attorney General.¹⁹⁸

The Inspector requires additional staffing for the Secure Monitoring Unit

- 2.59 The LECC Inspector told us that the SMU requires more staff to handle its increased workloads and inspection schedules. We heard that the Inspector is finalising a business case for adding two permanent full-time staff. If successful, this would bring the total to five permanent staff members in the SMU.¹⁹⁹

¹⁹⁵ Anina Johnson, [Transcript of evidence](#), 21 March 2025, p 16.

¹⁹⁶ Law Enforcement Conduct Commission, [Annual Report 2023-24](#), October 2024, p 23.

¹⁹⁷ Committee on the Ombudsman, the Law Enforcement Conduct Commission and the Crime Commission, [2023 review of the annual and other reports of oversight agencies](#), report 1/58, August 2024, p 31.

¹⁹⁸ Bruce McClintock SC, [Transcript of evidence](#), 21 March 2025, p 25.

¹⁹⁹ [Answers to supplementary questions](#), Inspector of the Law Enforcement Conduct Commission, 17 April 2025, p 2.

Complaints

- 2.60 We note that the LECC Inspector received 76 new complaints about the LECC in the 2023-24 reporting period.²⁰⁰ This compared to 107 new complaints in the 2022-23 reporting period.²⁰¹

New complaints received by the Inspector, 2023-24²⁰²

Outside jurisdiction	Complaint about the LECC's decision not to investigate or dissatisfaction with an outcome	Complaints about LECC staff (delays or staff conduct)	LECC management, including HR or other issues
32	26	14	4

- 2.61 At the public hearing, we discussed whether there were trends or concerns apparent in the complaints the LECC Inspector was receiving. The LECC Inspector told us that a 'substantial' number of complaints received by his office are not within his jurisdiction.²⁰³
- 2.62 We heard complaints are often intended for the LECC itself. The LECC Inspector also explained that it is common for individuals to complain about the LECC's decision not to investigate, or their decision to refer a matter back to the police for investigation.²⁰⁴
- 2.63 We were pleased that the Inspector thinks the LECC takes 'complaints seriously' and deal with matters 'appropriately'.²⁰⁵

NSW Crime Commission

Organisational performance and capability

Creation of the Legal and Confiscations Division

- 2.64 The NSW Crime Commission (the NSWCC) made some significant changes to its organisational structure in April 2024, which we noted in our previous annual review. Separate directorates supporting the exercise of the NSWCC's

²⁰⁰ Office of the Inspector of the Law Enforcement Conduct Commission, [Annual Report 2023-24](#), 31 October 2024, p 23.

²⁰¹ Office of the Inspector of the Law Enforcement Conduct Commission, [Annual Report 2023-24](#), 31 October 2024, p 23.

²⁰² Office of the Inspector of the Law Enforcement Conduct Commission, [Annual Report 2023-24](#), 31 October 2024, p 23.

²⁰³ Bruce McClintock SC, [Transcript of evidence](#), 21 March 2025, p 25.

²⁰⁴ Bruce McClintock SC, [Transcript of evidence](#), 21 March 2025, p 25.

²⁰⁵ Bruce McClintock SC, [Transcript of evidence](#), 21 March 2025, p 26.

confiscation functions were combined into the new Legal and Confiscation Division.²⁰⁶

- 2.65 Michael Barnes, the NSW Crime Commissioner, reflected that the restructure was a 'significant disruption'. He acknowledged that there was also 'a degree of resistance' from staff within the impacted teams.²⁰⁷ This, in turn, resulted in a reduction in the total value recovered during the 2023-24 financial year.²⁰⁸ We were concerned to hear this, particularly in conjunction with the Commission's People Matter Employee Survey (PMES) results. We discuss these results in Chapter One.
- 2.66 However, we heard that, between July 2024 and January 2025, the division has made confiscations orders to a value 'more than double' the total in 2023-24. Commissioner Barnes described this as 'succeeding almost beyond expectations'.²⁰⁹ We were encouraged to hear that the division is now operating with great consistency and effectiveness, and will continue to monitor its progress in future reporting periods.

Engagement with staff

- 2.67 We asked about the ways the NSWCC's executive is engaging with staff, in particular to improve metrics associated with the PMES (discussed in Chapter One). Michael Wilde, the Commission's Chief Operating Officer, said the executive has taken a deliberate approach to addressing issues, including through its staff consultative committee (SCC).²¹⁰ The Commission has previously told us that the SCC aims to foster communication and engagement between staff and the executive.²¹¹ For example, a new Workplace Health & Safety Plan for 2024-2029 was 'rolled out' in consultation with the SCC.²¹²
- 2.68 Mr Wilde also noted that, as major changes have 'settled down', the NSWCC executive is now working to engage with managers and staff to address issues and opportunities for improvement.²¹³

Investigations and powers

- 2.69 Previous annual reviews have noted the increasing sophistication and agility of organised crime groups, and that law enforcement must work to keep up.²¹⁴

²⁰⁶ Committee on the Ombudsman, the Law Enforcement Conduct Commission and the Crime Commission, [2023 review of annual and other reports of oversight agencies](#), report 1/58, Parliament of New South Wales, August 2024, pp 31-32.

²⁰⁷ Michael Barnes, Commissioner, NSW Crime Commission, [Transcript of evidence](#), 21 March 2025, p 12.

²⁰⁸ NSW Crime Commission, [Annual Report 2023-2024](#), November 2024, pp 19-20.

²⁰⁹ Michael Barnes, Commissioner, NSW Crime Commission, [Transcript of evidence](#), 21 March 2025, p 12.

²¹⁰ Michael Wilde, Chief Operating Officer, NSW Crime Commission, [Transcript of evidence](#), 21 March 2025, p 14.

²¹¹ [Answers to supplementary questions](#), NSW Crime Commission, 31 May 2024, p 5.

²¹² NSW Crime Commission, [Annual Report 2023-2024](#), November 2024, p 28.

²¹³ Michael Wilde, Chief Operating Officer, NSW Crime Commission, [Transcript of evidence](#), 21 March 2025, p 14.

²¹⁴ Committee on the Ombudsman, the Law Enforcement Conduct Commission and the Crime Commission, [2023 review of annual and other reports of oversight agencies](#), p 32.

- 2.70 Commissioner Barnes commented that the NSWCC's powers are extensive and can be 'very intrusive', and that it would be 'wrong' to suggest the NSWCC needs additional powers.

We have a well-informed, very focused adversary, or suite of adversaries. They are very agile. They find new ways to make money or to leverage systems in a way that delivers what they want. Our powers aren't the issue. It's up to us to ensure that we exercise them as most effectively as they can be exercised to maximise the impact on organised criminals.²¹⁵

Intelligence gathering and use of human sources

- 2.71 This Committee has previously discussed the NSWCC's 'highly developed' human source capability.²¹⁶ In this review, we heard that human source management remains one of the 'most high-risk activities' for law enforcement.²¹⁷ Commissioner Barnes reflected that, although there are significant risks to using human sources, such as the potential for blackmail and making of false corruption claims:

Nonetheless, it is an essential capability that allows us to pursue investigations and achieve outcomes that would otherwise not be possible.²¹⁸

- 2.72 As the Committee noted in our previous review,²¹⁹ there has been a 'renewed recognition' of human sources following successful operations targeting encrypted communications.²²⁰ While dedicated encrypted criminal communication devices remain in use, Commissioner Barnes observed that organised crime networks are 'more wary' about them.²²¹

Project Hakea: Criminal use of tracking and other surveillance devices in NSW

- 2.73 The Committee notes the Commission's final report on Project Hakea, which investigated the criminal use of tracking devices by organised crime networks and led to some significant legislative changes.²²² We encourage timely implementation of the remaining recommendations, and look forward to discussing this with the Commission in a future review.

Measuring the impact of the NSWCC's work

- 2.74 The NSWCC's 2023-24 annual report comments that raw figures, such as arrest and charge statistics, are 'limited' in their ability to show the actual impact of the

²¹⁵ Michael Barnes, Commissioner, NSW Crime Commission, [Transcript of evidence](#), 21 March 2025, p 14.

²¹⁶ Committee on the Ombudsman, the Law Enforcement Conduct Commission and the Crime Commission, [2023 review of annual and other reports of oversight agencies](#), pp 36-37.

²¹⁷ Michael Barnes, [Transcript of evidence](#), 21 March 2025, p 11.

²¹⁸ Michael Barnes, [Transcript of evidence](#), 21 March 2025, p 10.

²¹⁹ Committee on the Ombudsman, the Law Enforcement Conduct Commission and the Crime Commission, [2023 review of annual and other reports of oversight agencies](#), p 37.

²²⁰ Michael Barnes, Commissioner, NSW Crime Commission, [Transcript of evidence](#), 2 May 2024, p 3.

²²¹ Michael Barnes, [Transcript of evidence](#), 21 March 2025, p 10.

²²² NSW Crime Commission, [Project Hakea: Criminal use of tracking and other surveillance devices in NSW](#), June 2024.

NSWCC's activities on serious and organised crime in NSW.²²³ We were interested in how the NSWCC measures the impact of its work beyond reporting statistics.

- 2.75 Commissioner Barnes noted that the NSWCC considers potential impact before starting an investigation, instead of after it has finished, because it is 'much more difficult' to assess impact 'retrospectively'. He also reflected that:

I'm not too sure that just the numbers of charges is a good measure, but it's difficult to get any other measure.²²⁴

- 2.76 Impact assessment is part of the NSWCC's process for commencing an investigation. The NSWCC has developed a 'case prioritisation process', which was trialled during the reporting period, and finalised in early 2025.²²⁵ The NSWCC receives more applications 'to access [its] capabilities' than it can accept.²²⁶ The case prioritisation process was developed to address this issue by allowing the NSWCC to 'select the most appropriate targets on which to deploy our limited resources'.²²⁷

- 2.77 Commissioner Barnes commented that, previously, case prioritisation has 'been a bit ad hoc'. He also noted:

To some extent, it might have been a little dependent on personal relationships between law enforcement officers and officers within the Crime Commission. We've sought to address that by developing a matrix [the case prioritisation process].²²⁸

- 2.78 As part of the inquiry, the NSWCC provided us with more information about the case prioritisation process.²²⁹ This included a list of 'early signs of positive impact', which included increased use of confiscation powers to restrain and confiscate criminal assets, 'significant positive impact' in enabling murder related charges against organised crime figures, and increased diversity in investigations and agency partnerships.²³⁰

- 2.79 We were pleased to see that a process has been established, and will be interested to observe the outcomes it delivers.

Confiscation and administrative forfeiture

- 2.80 In our previous annual review, Commissioner Barnes told us the NSWCC had begun approaching the use of confiscation powers as a 'disruption technique', reflected in their Strategic Plan 2024-2029.²³¹ Confiscation powers are conferred by the *Criminal Assets Recovery Act 1990* (the CAR Act), which provides that the

²²³ NSW Crime Commission, [Annual Report 2023-24](#), November 2024, p 13.

²²⁴ Michael Barnes, [Transcript of evidence](#), 21 March 2025, p 11.

²²⁵ [Answers to supplementary questions](#), NSW Crime Commission, 24 April 2025, pp 1-2.

²²⁶ Michael Barnes, [Transcript of evidence](#), 21 March 2025, p 11.

²²⁷ NSW Crime Commission, [Annual Report 2023-24](#), November 2024, p 1.

²²⁸ Michael Barnes, [Transcript of evidence](#), 21 March 2025, p 11.

²²⁹ [Answers to supplementary questions](#), NSW Crime Commission, 24 April 2025, pp 1-2.

²³⁰ [Answers to supplementary questions](#), NSW Crime Commission, 24 April 2025, p 2.

²³¹ NSW Crime Commission, [Strategic Plan 2024-2029](#), p 3; Committee on the Ombudsman, the Law Enforcement Conduct Commission and the Crime Commission, [2023 review of annual and other reports of oversight agencies](#), report 1/58, Parliament of New South Wales, August 2024, p. 34.

NSWCC can apply to the Supreme Court for three types of confiscation order or an assets forfeiture notice (discussed below) to seize wealth and property acquired through serious crime related activities.²³²

- 2.81 There were fewer orders made in 2023-24 than in the previous reporting periods (53 orders made in 2023-24, compared to 84 made in 2022-23, and 95 in 2021-22), with a lower total estimated realisable value (\$20.1m in 2023-24, compared to \$38m in 2022-23, and \$30m in 2021-22).²³³
- 2.82 As discussed previously, Commissioner Barnes explained that this is due to the disruption caused by the establishment of the new Legal and Confiscations Division.²³⁴ We will continue to monitor the NSWCC's work in this area.

New process - administrative forfeiture of certain property

- 2.83 Amendments to the CAR Act were made by the *Confiscation of Proceeds of Crime Legislation Amendment Act 2022*.²³⁵ The amendments commenced in 2023 and introduced a new process for the administrative forfeiture of certain property through the issue of administrative forfeiture notices (AFNs). These amendments implemented recommendation 8 of the most recent statutory review of the *Crime Commission Act 2012*.²³⁶
- 2.84 AFNs differ from administrative forfeiture orders because they can be issued by the NSWCC without requiring an application to the Supreme Court.²³⁷ This is because an AFN can only be issued in relation to certain property²³⁸ including those that have been seized or is otherwise in the possession of an 'investigative agency' (as defined under the *Crime Commission Act 2012*).²³⁹
- 2.85 The NSWCC commented that that the AFN process has avoided the need to commence resource intensive legal proceedings, and is an efficient and cost-effective process.²⁴⁰ Following their introduction in February 2023, approximately \$9.1m has been realised by AFNs across the 2022-23 and 2023-24 financial years. The NSWCC said they are 'tracking to achieve over \$15m being forfeited via this mechanism in the 24-25 financial year to date (as at end March 2025)'.²⁴¹

²³² [Criminal Assets Recovery Act 1990](#) (NSW) ss 22(8), 28C(5).

²³³ These figures do not include value recovered via assets forfeiture notices. NSW Crime Commission, [Annual Report 2023-24](#), November 2024, p 19, Table 12 Key figures compared with the previous two years.

²³⁴ Michael Barnes, [Transcript of evidence](#), 21 March 2025, p 12.

²³⁵ [Confiscation of Proceeds of Crime Legislation Amendment Act 2022](#) (NSW).

²³⁶ Department of Communities and Justice, [Statutory Review Report: Crime Commission Act 2012](#), December 2020, p 33.

²³⁷ NSW Crime Commission, [Annual Report 2023-24](#), November 2024, p 18.

²³⁸ [s21A](#) defines 'property' as property held on behalf of or in connection with an investigation, but not real property (land).

²³⁹ The definition of investigative agency includes state and federal law enforcement agencies, the Ombudsman's office, the Independent Commission Against Corruption and its Inspector, and the Law Enforcement Conduct Commission and its Inspector.

²⁴⁰ [Answers to supplementary questions](#), NSW Crime Commission, 24 April 2025, p 3.

²⁴¹ [Answers to supplementary questions](#), NSW Crime Commission, 24 April 2025, p 3.

- 2.86 The amendments establishing AFNs also included provisions allowing for dispute of forfeiture notices. Two dispute claims were made in 2023-24. Neither had been resolved by the end of the reporting period.²⁴²
- 2.87 We were pleased to hear that the process is working effectively. Noting the resolution of issues related to the establishment of the Legal and Confiscations Division, we will monitor how AFNs are operating in future reporting periods.

Impact of legislative amendments

- 2.88 Commissioner Barnes commented that there is 'some uncertainty' about the amendments introduced by the *Confiscation of Proceeds of Crime Legislation Amendment Act 2022*. However, he said that:
- Before we come back to the government and suggest an amendment, we want to trial that through the courts and see whether our concerns have any basis or whether, indeed, they will function as intended.²⁴³
- 2.89 We will follow up with the NSWCC during the next reporting period on this issue.

Collaboration with other law enforcement agencies

- 2.90 The NSWCC emphasised their work collaborating with other law enforcement agencies, particularly in the specialist capabilities and assistance they can provide. This is reflected in the NSWCC's Case Prioritisation process, which includes 'working in partnership with other agencies' as a key issue.²⁴⁴
- 2.91 The NSWCC reported an 83 per cent increase in joint arrests (161 in 2023-24, compared to 88 in 2022-23) and an 87 per cent increase in joint charges (1,108 in 2023-24, compared to 591 in 2022-23).²⁴⁵
- 2.92 Commissioner Barnes said that the NSWCC has 'excellent' collaboration with agencies inter- and intra-state, despite 'some tension' between other federal and state law enforcement agencies.²⁴⁶ For example, Commissioner Barnes said the NSWCC has a 'healthy professional relationship' with the Australian Federal Police (AFP), and NSWCC staff participate in secondments to the AFP to learn more about how their functions are discharged.²⁴⁷
- 2.93 We were pleased to hear that this relationship is productive. We commend the NSWCC for their collaborative work. We will be interested to see what is achieved in future reporting periods.

²⁴² NSW Crime Commission, [Annual Report 2023-24](#), November 2024, p 18, Table 10 Administrative Forfeiture Notices.

²⁴³ Michael Barnes, [Transcript of evidence](#), 21 March 2025, p 13.

²⁴⁴ [Answers to supplementary questions](#), NSW Crime Commission, 24 April 2025, p 1.

²⁴⁵ NSW Crime Commission, [Annual Report 2023-24](#), November 2024, p 13; NSW Crime Commission, [Annual Report 2022-23](#), October 2023, p 14.

²⁴⁶ Michael Barnes, [Transcript of evidence](#), 21 March 2025, p 11.

²⁴⁷ Michael Barnes, [Transcript of evidence](#), 21 March 2025, p 12.

NSW Ombudsman

Ombudsman and Other Legislation Amendment Act 2024

- 2.94 The *Ombudsman and Other Legislation Amendment Act 2024* (the 2024 Act) was passed in August 2024.²⁴⁸ The provisions of the 2024 Act were drafted in response to requests from, and in consultation with, the Ombudsman's office.²⁴⁹ We were pleased to note the positive outcome of this work.
- 2.95 The 2024 Act made several amendments to the *Ombudsman Act 1974* and the *Community Services (Complaints, Reviews and Monitoring) Act 1993*, as well as repealing the Ombudsman Regulation 2016. Some of these amendments corrected aspects of the *Ombudsman Act 1974* that were outdated or required clarity, including definitions and cross-references.

A new definition of Aboriginal programs

- 2.96 Our previous review discussed the need for clarification of the Ombudsman's scope to oversee Aboriginal programs in NSW.²⁵⁰ We were pleased to note that the amendments made by the 2024 Act resolve this issue by providing for a broader definition of Aboriginal programs. This amendment removed the need for the Ombudsman Regulation 2016, and so the 2024 Act also provided for it to be repealed.²⁵¹
- 2.97 The Ombudsman's office informed us that they are currently reviewing 'whether and where' their monitoring activities will be applied, but they will continue providing monitoring and assessment functions for the NSW Government's Aboriginal Affairs 'portfolio of activities'. Their 'core focus' is providing oversight of OCHRE (Opportunity, Choice, Healing, Responsibility, Empowerment) programs and 'associated initiatives'.²⁵²
- 2.98 The Ombudsman's office also commented that they have 'the necessary resourcing' to continue overseeing OCHRE and OCHRE-related initiatives. They plan to assess their team resources to make sure they can effectively exercise oversight for other Aboriginal programs.²⁵³ We were satisfied to hear this and will continue to monitor the Ombudsman's capacity in this area.
- 2.99 The Ombudsman tabled a report on the OCHRE program in January 2025. This report primarily recommended that the NSW Government recommit to the program and its objectives.²⁵⁴ We will consider this report as part of our next annual review.

²⁴⁸ [Ombudsman and Other Legislation Amendment Act 2024](#) (NSW).

²⁴⁹ NSW Legislative Assembly, *Parliamentary Debates*, [9 August 2024](#) (Jo Haylen).

²⁵⁰ Committee on the Ombudsman, the Law Enforcement Conduct Commission and the Crime Commission, [2023 review of annual and other reports of oversight agencies](#), August 2024, pp 42-43.

²⁵¹ [Ombudsman and Other Legislation Amendment Act 2024](#) (NSW) sch 3.

²⁵² [Answers to supplementary questions](#), NSW Ombudsman, 24 April 2025, p 4.

²⁵³ [Answers to supplementary questions](#), NSW Ombudsman, 24 April 2025, p 5.

²⁵⁴ NSW Ombudsman, [OCHRE 2024: Current status and future direction](#), January 2025, p 11 (Core Recommendation).

Clarification of the duty of public authorities to cooperate with the Ombudsman

2.100 The 2024 Act inserted a new section 36A, which creates a requirement for public authorities to cooperate with the Ombudsman, and to use their 'best endeavours' to do so.²⁵⁵ This new section mirrors an amendment made to the Commonwealth *Ombudsman Act 1976*²⁵⁶ resulting from a recommendation made by the Royal Commission into the Robodebt Scheme.²⁵⁷ This requirement was intended to 'set the tone' for the Ombudsman's relationship with public authorities, and to 'facilitate more timely and effective resolution of complaints'.²⁵⁸ We will be interested to see whether this outcome is realised in future reporting periods.

Operation of the *Mandatory Disease Testing Act 2021*

2.101 This was the second reporting period that the Mandatory Disease Testing scheme operated. The Ombudsman has oversight of the scheme.²⁵⁹ The Ombudsman reported that 49 notifications were received during the 2023-24 reporting period (44 from the NSW Police Force, and 5 from Corrective Services NSW).²⁶⁰ The Ombudsman commented that they were, however, 'not concerned about under-reporting'.²⁶¹

2.102 During the reporting period, the Ombudsman was preparing a report under section 36 of the *Mandatory Disease Testing Act 2021* (the MDT Act).²⁶² We were concerned to hear that the section 36 report raises several serious concerns about the operation of the MDT Act, and primarily recommends that the scheme be discontinued.²⁶³ This report was tabled in February 2025, so we will consider it in detail in our next review. We also note that, following the tabling of this review, the Minister is required to conduct a review of the MDT Act, and we will be interested to follow developments in future reporting periods.

Operation of the *Public Interest Disclosures Act 2022*

2.103 This Committee has been following the review of NSW's public interest disclosures legislation for many years. As noted in our previous report, a new public interest disclosures (PID) scheme commenced in October 2023, under the *Public Interest Disclosures Act 2022* (the 2022 PID Act).²⁶⁴

²⁵⁵ [Ombudsman and Other Legislation Amendment Act 2024 \(NSW\)](#) sch 1 cl 11.

²⁵⁶ [Oversight Legislation Amendment \(Robodebt Royal Commission Response and Other Measures\) Act 2025](#) (Cth) s 13.

²⁵⁷ Paul Miller, [Transcript of evidence](#), 21 March 2025, p 42; Royal Commission into the Robodebt Scheme, [Report: Volume 2](#), 7 July 2023, updated 11 July 2023, accessed 28 August 2025, p 581 (recommendation 21.1).

²⁵⁸ NSW Legislative Assembly, *Parliamentary Debates*, [9 August 2024](#) (Jo Haylen).

²⁵⁹ [Mandatory Disease Testing Act 2021](#) (NSW) s 36(1).

²⁶⁰ NSW Ombudsman, [Annual Report 2023-2024](#), October 2024, p 50.

²⁶¹ Paul Miller, [Transcript of evidence](#), 21 March 2025, p 45.

²⁶² NSW Ombudsman, [Annual Report 2023-2024](#), October 2024, p 50.

²⁶³ Paul Miller, [Transcript of evidence](#), 21 March 2025, p 44; NSW Ombudsman, [Mandatory disease testing in NSW: monitoring the operation and administration of the Mandatory Disease Testing Act 2021](#), 5 February 2025, pp 31-32.

²⁶⁴ Committee on the Ombudsman, the Law Enforcement Conduct Commission and the Crime Commission, [2023 review of annual and other reports of oversight agencies](#), August 2024, pp 40-41.

2.104 In the reporting period, the Ombudsman implemented a 'refreshed operating model' to support their delivery of PID functions.²⁶⁵ This included work to promote awareness and understanding of the 2022 PID Act.²⁶⁶ A PID Community of Practice for 'public officials with specific roles under the Act' was established at the end of 2023.²⁶⁷ The Ombudsman's office also undertook work specifically aimed at Local Aboriginal Land Councils and providing support for whistleblowers, which we discuss below.

Auditing and monitoring activities under the 2022 PID Act

2.105 The 2022 PID Act provides that the Ombudsman is the primary oversight agency for the PID scheme. During the reporting period, the Ombudsman:

- developed a self-assessment audit for agencies in order to understand agencies' 'baseline of compliance' with the 2022 PID Act, with a follow-up audit to be completed in future
- developed a portal for lodging and management of agencies' annual returns reporting
- conducted 358 desktop audits of agencies' websites to determine if they have a PID policy in place, if the policy contains the required information, and if the policy complies with publication requirements.²⁶⁸

2.106 We understand that the outcomes of the self-assessment audits will be reported on in future reporting periods.²⁶⁹ The portal will begin operating for the 2024-25 reporting period. The Committee will be interested to follow progress on this work.

Whistleblower Support Team

2.107 We were interested to hear that the Ombudsman has established a Whistleblower Support Team (the Team) to provide 'impartial support' to public officials who have made, or who are considering making, a PID. The Ombudsman sought to consider best practice national and international models of whistleblower support when developing the Team's operating model.²⁷⁰

2.108 The Team was established to 'clearly structurally separate out' the Ombudsman's function to provide advice and guidance to whistleblowers.²⁷¹ The Team is co-

²⁶⁵ NSW Ombudsman, [Annual Report 2023-2024](#), October 2024, p 48.

²⁶⁶ NSW Ombudsman, [Oversight of the Public Interest Disclosures Act 2022: Annual Report 2023-2024](#), December 2024, p 14.

²⁶⁷ NSW Ombudsman, [Oversight of the Public Interest Disclosures Act 2022: Annual Report 2023-2024](#), December 2024, p 11.

²⁶⁸ NSW Ombudsman, [Annual Report 2023-2024](#), October 2024, p 49; NSW Ombudsman, [Oversight of the Public Interest Disclosures Act 2022: Annual Report 2023-2024](#), December 2024, pp 22-23.

²⁶⁹ NSW Ombudsman, [Oversight of the Public Interest Disclosures Act 2022: Annual Report 2023-2024](#), December 2024, p 22.

²⁷⁰ NSW Ombudsman, [Oversight of the Public Interest Disclosures Act 2022: Annual Report 2023-2024](#), December 2024, p 13; Paul Miller, [Transcript of evidence](#), 21 March 2025, p 47.

²⁷¹ Paul Miller, [Transcript of evidence](#), 21 March 2025, p 47.

located with the broader PID Unit, but 'maintains an information barrier' to protect the confidentiality of requests for advice and support.²⁷²

2.109 However, the Ombudsman was very clear that the Team has a specific remit:

It is not a source of advice. We can't tell people whether they should or shouldn't make a PID, for example. Our advice is very much general. We can't provide legal advice either. What we can do is refer people to places where they can get legal advice and other sorts of support as well [...] not necessarily legal support but mental health support.²⁷³

2.110 We commend the Ombudsman for this important work, and we look forward to hearing about the Team's work in future reporting periods.

Reporting on the operation of the 2022 PID Act

2.111 In December 2024, the Ombudsman tabled their first annual report on oversight of the PID scheme under section 76 of the 2022 PID Act.²⁷⁴ There are 1,276 public sector entities required to submit annual returns under the 2022 PID Act,²⁷⁵ compared to only about 400 'public authorities' under the 1994 PID Act.²⁷⁶

2.112 Ninety-seven per cent of agencies required to submit an annual return under the 2022 PID Act had done so in the reporting period.²⁷⁷ Failure to comply with reporting obligations was a consistent issue under the 1994 PID Act.²⁷⁸ We were pleased to see the provisions of the 2022 Act designed to address this issue were working as intended.

2.113 In discussing the operation of the 2022 PID Act, the Ombudsman reflected that:

In terms of how well the [2022 PID] Act is working, in terms of identifying wrong conduct, it is working. There are at least 80 cases where wrongdoing wouldn't have come to light but for the operation of the regime.²⁷⁹

²⁷² NSW Ombudsman, [Oversight of the Public Interest Disclosures Act 2022: Annual Report 2023-2024](#), December 2024, p 13.

²⁷³ Paul Miller, [Transcript of evidence](#), 21 March 2025, p 47.

²⁷⁴ The actual reporting period for the 2023-24 PID annual report was approximately nine months, because of the October commencement date.

²⁷⁵ 'Agency' is defined by s16 of the 2022 PID Act; NSW Ombudsman, [Oversight of the Public Interest Disclosures Act 2022: Annual Report 2023-2024](#), December 2024, p 32.

²⁷⁶ NSW Ombudsman, [Oversight of the Public Interest Disclosures Act 1994: Annual Report 2022-23](#), p 10, Table 1. Reports provided by public authorities to our office; NSW Ombudsman, [Oversight of the Public Interest Disclosures Act 1994: Annual Report 2021-22](#), p 10, Table 1. Reports provided by public authorities to our office.

²⁷⁷ NSW Ombudsman, [Oversight of the Public Interest Disclosures Act 2022: Annual Report 2023-2024](#), December 2024, p 33.

²⁷⁸ NSW Ombudsman, [Oversight of the Public Interest Disclosures Act 1994: Annual Report 2022-23](#), November 2023, p 10.

²⁷⁹ Paul Miller, [Transcript of evidence](#), 21 March 2025, pp 46-47.

- 2.114 The Ombudsman reported that 1,330 voluntary PIDs were received from October 2023 to June 2024, and 735 of these were reported as finalised by end of June 2024.²⁸⁰ Serious wrongdoing was found to have occurred in 81 matters.²⁸¹
- 2.115 We were pleased to see that improved and more detailed reporting requirements under the 2022 PID Act has resulted in better collection of more meaningful data, as hoped.²⁸² The Committee will be interested to see the development of reporting on the PID scheme in future years, and are hopeful that it will continue to improve operation of the scheme for agencies and whistleblowers in NSW.

The Ombudsman has suggested amending some definitions in the 2022 PID Act

- 2.116 In their involvement in the development of the 2022 PID Act, the Ombudsman identified three 'potential improvements' to its proposed definitions of 'serious wrongdoing', 'maladministration', and 'public official'.²⁸³ However, they did not want the 'passage or commencement' of the legislation to be held up by consideration of these issues, and indicated they would be raised with the PID Steering Committee.²⁸⁴
- 2.117 As at March 2025, the Ombudsman said that the suggested amendments had been raised with the PID Steering Committee, and it was 'on their agenda to consider' in future.²⁸⁵
- 2.118 The Ombudsman also reflected that public officials raising 'reasonably based concerns' about types of wrongdoing that fall outside the PID Act's current definition should be entitled to 'equivalent whistleblower protections'. However, these protections do not 'necessarily' need to be provided by the PID Act.²⁸⁶ Some other relevant NSW legislation already includes whistleblower protection-type provisions.²⁸⁷
- 2.119 We will continue to monitor the progress of any legislative amendments in future reporting periods.

²⁸⁰ NSW Ombudsman, [Oversight of the Public Interest Disclosures Act 2022: Annual Report 2023-2024](#), December 2024, pp 36, 42.

²⁸¹ NSW Ombudsman, [Oversight of the Public Interest Disclosures Act 2022: Annual Report 2023-2024](#), December 2024, p 44.

²⁸² Committee on the Ombudsman, the Law Enforcement Conduct Commission and the Crime Commission, [2023 review of annual and other reports of oversight agencies](#), August 2024, p 41.

²⁸³ We note that the Ombudsman suggested that categories of misconduct that can be the subject of a PID should be expanded in their submission to this Committee's 2017 review of the *Public Interest Disclosures Act 1994*; [Submission 9](#), NSW Ombudsman, Committee on the Ombudsman, the Law Enforcement Conduct Commission and the Crime Commission, Review of the *Public Interest Disclosures Act 1994*, p 28; NSW Ombudsman, [Special report by the NSW Ombudsman on the Public Interest Disclosures Bill 2021](#), October 2021, pp 66-70 (Annexure E).

²⁸⁴ NSW Ombudsman, [Special report by the NSW Ombudsman on the Public Interest Disclosures Bill 2021](#), October 2021, p 6; Public Interest Disclosures Steering Committee, [Annual Report 2021-22](#), December 2022, p 5.

²⁸⁵ Paul Miller, [Transcript of evidence](#), 21 March 2025, p 46.

²⁸⁶ Paul Miller, [Transcript of evidence](#), 21 March 2025, p 46.

²⁸⁷ For example, section 98(2) of the [Health Care Complaints Act 1993](#) (NSW) provides that it is an offence for a person to take detrimental action against a complainant; Paul Miller, [Transcript of evidence](#), 21 March 2025, p 46; NSW Ombudsman, [Special report by the NSW Ombudsman on the Public Interest Disclosures Bill 2021](#), October 2021, p 67.

Increase in staffing levels

- 2.120 We were interested in the ongoing impacts of the Ombudsman's funding re-baseline, particularly the resulting increase in staffing levels. Over the past two years, the Ombudsman's workforce has doubled, growing from 121 full-time equivalent staff (FTE) at the end of 2022 to 234 FTE at the end of 2024.²⁸⁸
- 2.121 Although this is generally a very positive development, the Ombudsman noted it has had a significant impact on staff across the organisation, and acknowledged their commitment and dedication.²⁸⁹
- 2.122 There was an increase in investigatory action taken on actionable complaints during the reporting period. The Ombudsman's office primarily attributed this to the recruitment of additional complaint resolution staff, which allowed more complaints to be addressed. Additionally, increased activity and visibility in certain settings, such as custodial centres, has resulted in more complaints for specific sectors.²⁹⁰
- 2.123 There were 14,770 actionable complaints received in 2023-24, compared to 12,997 received in 2022-23.²⁹¹ Investigatory action was taken on 3,429 actionable complaints in 2023-24, compared to on 2,695 actionable complaints in 2022-23.²⁹²
- 2.124 The Ombudsman explained that more investigatory action does not necessarily indicate an increase in maladministration or in complaints about maladministration. Rather, it reflects his office's increased ability to respond to complaints more comprehensively.²⁹³ We were pleased to hear this and will continue to monitor the Ombudsman's complaint handling in future reporting periods.

Stakeholder perception of the Ombudsman's effectiveness and fairness

- 2.125 The Ombudsman also provided us with some information about actions they are taking to improve stakeholders' perceptions of their fairness and service delivery. These included upgrading the Ombudsman's website (completed in October 2024), streamlining their online complaint form, and developing a portal for complainants to track the progress of their complaints (expected completion in 2024-25). Additionally, the Complaints and Resolution branch has been reorganised into five sector-specific groups to support more tailored complaint handling.²⁹⁴

²⁸⁸ NSW Ombudsman, [Annual Report 2023-2024](#), October 2024, p 8.

²⁸⁹ Paul Miller, [Transcript of evidence](#), 21 March 2025, p 42; NSW Ombudsman, [Annual Report 2023-2024](#), October 2024, p 8.

²⁹⁰ [Answers to supplementary questions](#), NSW Ombudsman, 24 April 2025, p 5.

²⁹¹ [Answers to supplementary questions](#), NSW Ombudsman, 24 April 2025, p 6.

²⁹² NSW Ombudsman, [Annual Report 2023-2024](#), October 2024, p 30.

²⁹³ [Answers to supplementary questions](#), NSW Ombudsman, 24 April 2025, p 5.

²⁹⁴ [Answers to supplementary questions](#), NSW Ombudsman, 24 April 2025, pp 3-4.

2.126 We were pleased to hear this, and we recognise the Ombudsman's ongoing work in this area. We hope that stakeholder feedback continues to improve as a result of this work.

Monitoring programs and reviews

2.127 The Ombudsman told the Committee about 'major standalone pieces of work' that were progressed under the *Community Services (Complaints, Reviews and Monitoring) Act 1993* during the reporting period.²⁹⁵ Two projects were ongoing:

- an inquiry into whether the Intensive Therapeutic Care model is achieving its objectives for children in residential out-of-home care
- a review of the circumstances of children who are absent from their placement in a residential out-of-home care.²⁹⁶

2.128 Two projects were completed (their reports will be considered as part of our next annual review):

- an investigation into the Department of Communities and Justice's response to Risk of Serious Harm reports, tabled July 2024²⁹⁷
- a review of the Department of Communities and Justice's system for handling complaints from, or concerning, Aboriginal children and young people in the child protection system, tabled November 2024.²⁹⁸

2.129 These are important projects and the Committee will follow their progress and the progress of their recommendations with interest.

Child Death Review Team

National Child Death Data Collection

2.130 The Australia and New Zealand Child Death Review and Prevention Group has discussed the establishment of a National Child Death Data Collection (NCDDC).²⁹⁹ The Convenor of the CDRT told us that the idea of establishing a national data collection 'has been around for a long time' and seems to have 'much value'.³⁰⁰

2.131 The CDRT provided de-identified unit record data about child deaths in NSW in 2020-2021 to the Australian Institute of Health and Welfare during the reporting period. The data was provided to 'test the feasibility' of establishing an NCDDC.³⁰¹

²⁹⁵ Paul Miller, [Transcript of evidence](#), 21 March 2025, p 46.

²⁹⁶ NSW Ombudsman, [Annual Report 2023-2024](#), October 2024, pp 45-46.

²⁹⁷ NSW Ombudsman, [Protecting children at risk: an assessment of whether the Department of Communities and Justice is meeting its core responsibilities](#), 5 July 2024; NSW Ombudsman, [Annual Report 2023-2024](#), October 2024, p 45.

²⁹⁸ NSW Ombudsman, [Review of the DCJ Complaint System in respect of its Aboriginal Child Protection functions](#), 6 November 2024.

²⁹⁹ NSW Child Death Review Team, [Annual Report 2023-24](#), October 2024, p 16.

³⁰⁰ Paul Miller, [Transcript of evidence](#), 21 March 2025, p 51.

³⁰¹ Paul Miller, [Transcript of evidence](#), 21 March 2025, p 51.

The CDRT also told us they are working with other states and territories to develop 'agreed national definitions' and data collection processes to support the establishment of an NCDDC.³⁰²

- 2.132 The CDRT provided us with more details about the aims of the proposed NCDDC in their responses to supplementary questions.³⁰³ We agree with the CDRT that the proposed NCDDC would have value, and will follow progress in this space with interest in future reporting periods.

Strategic priorities

- 2.133 We were pleased to see that, in this reporting period, most priorities of the CDRT's 2022-25 Strategic Plan were completed or in progress, particularly compared to the previous reporting period.³⁰⁴ The CDRT commenced a new strategic priorities plan for 2025-2030 on 1 July 2025.³⁰⁵

Staffing

- 2.134 The CDRT did not indicate that there were any issues with current staffing of the CDRT secretariat. The CDRT secretariat is part of the Child Death Reviews Unit, within the Monitoring and Review branch of the Ombudsman's office.³⁰⁶ Staff in the Child Death Reviews Unit are also responsible for the Ombudsman's functions related to the reviewable deaths of children.³⁰⁷ The Convenor of the CDRT noted that some staff in this unit are 'blended across' the two functions.³⁰⁸
- 2.135 As the size of the Ombudsman's office has increased, there have been corresponding increases in the size of the CDRT secretariat: 10-12 staff in 2021-22,³⁰⁹ 17 staff in 2022-23,³¹⁰ and 20 staff in 2023-24.³¹¹ We will continue to monitor staffing in future reporting periods.

Engagement with other agencies

- 2.136 The CDRT relies on information from government agencies and other sources to maintain the Register of Child Deaths (RCD) and prepare its biennial review.³¹²

³⁰² NSW Child Death Review Team, [Answers to supplementary questions](#), 24 April 2025, p 6.

³⁰³ NSW Child Death Review Team, [Answers to supplementary questions](#), 24 April 2025, p 6.

³⁰⁴ NSW Child Death Review Team, [Annual Report 2023-24](#), October 2024, pp 37-45, Appendix 1; NSW Child Death Review Team, [Annual Report 2022-23](#), October 2023, pp 33-36.

³⁰⁵ Paul Miller, [Transcript of evidence](#), 21 March 2025, p 51.

³⁰⁶ NSW Ombudsman, [Annual Report 2023-2024](#), October 2024, p 14.

³⁰⁷ This function is conferred separately under part 6 of the [Community Services \(Complaints, Reviews and Monitoring\) Act 1993](#). The CDRT's functions are conferred under part 5A.

³⁰⁸ Paul Miller, [Transcript of evidence](#), 21 March 2025, p 53; NSW Child Death Review Team, [Answers to questions on notice](#), 14 April 2025, p 1.

³⁰⁹ NSW Child Death Review Team, [Annual Report 2021-22](#), October 2022, p 7.

³¹⁰ NSW Child Death Review Team, [Annual Report 2022-23](#), October 2023, p 7.

³¹¹ NSW Child Death Review Team, [Annual Report 2023-24](#), October 2024, p 6.

³¹² [Community Services \(Complaints, Reviews and Monitoring\) Act 1993](#) (NSW) s 34D(1)(a); NSW Ombudsman, Child Death Review Team, [Register of Child Deaths](#), accessed 14 August 2025; [Answers to supplementary questions](#), NSW Child Death Review Team, 24 April 2025, p 1.

We heard that the CDRT has 'well-established' processes to access required records and rarely encounters difficulties.³¹³

- 2.137 The CDRT also said they have 'not had to rely on' legislative provisions that impose a duty on certain persons to provide records.³¹⁴ Instead, data required beyond that held in the RCD has been sourced through existing arrangements (such as a user pays arrangement with the Australian Bureau of Statistics), publicly available sources (such as NSW Health data from HealthStats NSW), or with consent.³¹⁵
- 2.138 The CDRT's relationship with government agencies is also 'supported' by the fact that senior representatives from several government agencies are CDRT members. However, there is a distinction between the CDRT's relationship with an agency, and its relationship with its own CDRT members who work for that agency.³¹⁶ The Convenor commented that representatives do not 'represent, present, or toe the agency line.'³¹⁷

Research framework

- 2.139 In September 2024, the CDRT adopted a formal research framework (the Framework).³¹⁸ It is intended to set out the purpose and principles of research projects, criteria for prioritising and determining research projects, and governance arrangements for internal and external research.³¹⁹ The Framework also aligns projects with the CDRT and the Ombudsman's strategic plans, and supports collaboration with stakeholders.³²⁰ The Framework was used in commencing two research projects in 2024, as discussed below.³²¹

Research projects

- 2.140 The CDRT reported on several research projects during the period:
- **Review of suicide deaths of Aboriginal and Torres Strait Islander young people:** we heard that the substantive work was completed, with the final research report close to tabling.³²² A community report will be prepared for

³¹³ Helen Wodak, Deputy Ombudsman, Monitoring and Review, Child Death Review Team, [Transcript of evidence](#), 21 March 2025, p 52.

³¹⁴ [Answers to supplementary questions](#), NSW Child Death Review Team, 24 April 2025, p 1; [Community Services \(Complaints, Reviews and Monitoring\) Act 1993](#) (NSW) s 34K.

³¹⁵ [Answers to supplementary questions](#), NSW Child Death Review Team, 24 April 2025, p 1.

³¹⁶ Paul Miller, [Transcript of evidence](#), 21 March 2025, p 52.

³¹⁷ Paul Miller, [Transcript of evidence](#), 21 March 2025, p 52.

³¹⁸ NSW Child Death Review Team, [Child Death Review Team Research Framework](#), September 2024; NSW Child Death Review Team, [Annual Report 2023-24](#), October 2024, p 7.

³¹⁹ Paul Miller, [Transcript of evidence](#), 21 March 2025, p 51.

³²⁰ NSW Child Death Review Team, [Child Death Review Team Research Framework](#), September 2024, p 1; [Answers to supplementary questions](#), NSW Child Death Review Team, 24 April 2025, p 3.

³²¹ [Answers to supplementary questions](#), NSW Child Death Review Team, 24 April 2025, p 3.

³²² NSW Child Death Review Team, [Annual Report 2023-24](#), October 2024, p 15; Paul Miller, [Transcript of evidence](#), 21 March 2025, p 54.

Aboriginal stakeholders and communities and led by an Aboriginal research team, with cultural sensitivities guiding publication.³²³

- **Follow-up review of perinatal deaths from severe brain injury:** This project builds on an earlier study of infant deaths from 2016 to 2019.³²⁴ Preliminary work has been completed, and tenders are being sought for an external research organisation.³²⁵
- **Review of suicide-related deaths among LGBTQIA+ young people:** This project examines deaths between 2018 and 2023 among young people aged 10 to 17 years. An open tender process for an external research organisation to undertake elements of the project had commenced on the buyNSW hub as of April 2025.³²⁶ We learned that the term 'suicide related' was chosen to ensure comprehensive inclusion of suspected cases.³²⁷

Public Service Commissioner

Restructure under the *Government Sector Employment and Other Legislation Amendment Act 2024*

- 2.141 In 2024, the Public Service Commission (the PSC) underwent significant structural reform following the passage of the *Government Sector Employment and Other Legislation Amendment Act 2024*. These changes formed part of broader machinery of government reforms and resulted in the abolition of the PSC as a standalone agency.³²⁸
- 2.142 The reform established the Office of the Public Service Commissioner (OPSC) within the Premier's Department. Although the Public Service Commissioner now operates within a department structure, the role remains an independent statutory office holder, appointed by the Governor under the *Government Sector Employment Act 2013* (the GSE Act).³²⁹
- 2.143 Kathrina Lo, the Public Service Commissioner, said that the restructure did not alter the principal objectives of the role under the GSE Act.³³⁰

³²³ Paul Miller, [Transcript of evidence](#), 21 March 2025, pp 51, 53.

³²⁴ NSW Child Death Review Team, Biennial report of the deaths of children in New South Wales: 2020 and 2021, incorporating reviewable deaths of children, Annexure B: [Infant deaths from severe perinatal brain injury in NSW, 2016-2019: key thematic observations](#), 27 November 2023; NSW Child Death Review Team, [Annual Report 2023-24](#), October 2024, p 14.

³²⁵ NSW Child Death Review Team, [Annual Report 2023-24](#), October 2024, p 15; Paul Miller, [Transcript of evidence](#), 21 March 2025, p 51.

³²⁶ [Answers to supplementary questions](#), NSW Child Death Review Team, 24 April 2025, p 2.

³²⁷ Helen Wodak, [Transcript of evidence](#), 21 March 2025, p 52.

³²⁸ New South Wales, Legislative Assembly, [Parliamentary Debates](#), 21 June 2024 (Jo Haylen, Minister for Transport); [Government Sector Employment and Other Legislation Amendment Act 2024](#) (NSW).

³²⁹ Kathrina Lo, Commissioner, Office of the Public Service Commissioner, [Transcript of evidence](#), 12 March 2025, p 37; [Government Sector Employment Act 2013](#) (NSW).

³³⁰ [Answers to supplementary questions](#), Public Service Commissioner, 28 April 2025, p 1; [Government Sector Employment Act 2013](#) (NSW) s 10.

- 2.144 This Committee noted the PSC restructure in our 2023 annual review, and this is the first reporting period since the restructure took effect.³³¹

Operating model and capacity

- 2.145 The OPSC now operates with a significantly smaller workforce (16 staff) than the former PSC, which employed approximately 130 staff.³³² The Public Service Commissioner provided us with a breakdown of the new roles and the movements of the former PSC staff.³³³
- 2.146 The Public Service Commissioner informed us that she continues to exercise functions aligned with promoting integrity, impartiality, accountability, and leadership across the government sector. However, responsibilities for workforce planning have been transferred to the Premier's Department.³³⁴ We learned that the transferred functions include the management of the People Matter Employee Survey (PMES).³³⁵
- 2.147 We learned that financial delegations are in place, while employment delegations remain under negotiation.³³⁶ We will continue to assess the practical implications of the restructure, particularly in relation to the Commissioner's autonomy, in future reviews.

Work program during the 2023-24 reporting period

- 2.148 During 2023-24, the PSC delivered a range of strategic initiatives before its restructure, after which several programs – such as the NSW Government Graduate program, Leadership Academy, and Human Resources Community of Practice – were transferred to the Premier's Department.³³⁷
- 2.149 Looking ahead, the OPSC plans to review the Aboriginal Employment Strategy and the NSW Capability Framework, guided by a three-year strategic plan and annual business plans aligned to its objectives.³³⁸
- 2.150 A major achievement was the comprehensive review and reissue of the Code of Ethics and Conduct, which took effect on 1 November 2024. We learned that the updated Code addresses contemporary issues, including social media use and harmful behaviours, and aligns with the *Public Interest Disclosures Act 2022*. To support implementation, the OPSC introduced a mandatory e-learning module,

³³¹ Committee on the Ombudsman, the Law Enforcement Conduct Commission and the Crime Commission, [2023 review of the annual and other reports of oversight agencies](#), report 1/58, August 2024, p 53.

³³² Kathrina Lo, [Transcript of evidence](#), 12 March 2025, p 37.

³³³ [Answers to supplementary questions](#), Public Service Commissioner, 28 April 2025, p 2.

³³⁴ [Answers to supplementary questions](#), Public Service Commissioner, 28 April 2025, p 2.

³³⁵ [Answers to supplementary questions](#), Public Service Commissioner, 28 April 2025, p 3.

³³⁶ Kathrina Lo, [Transcript of evidence](#), 12 March 2025, pp 35, 37; [Answers to supplementary questions](#), Public Service Commissioner, 28 April 2025, p 1.

³³⁷ Kathrina Lo, [Transcript of evidence](#), 12 March 2025, p 36.

³³⁸ Kathrina Lo, [Transcript of evidence](#), 12 March 2025, p 36; [Answers to supplementary questions](#), Public Service Commissioner, 28 April 2025, p 3.

launched an ethics hub, and established a sector-wide Community of Practice for Ethical Behaviour.³³⁹

³³⁹ Kathrina Lo, [Transcript of evidence](#), 12 March 2025, pp 38-39.

Appendix One – Committee functions

The Committee on the Ombudsman, the Law Enforcement Conduct Commission and the Crime Commission is a joint statutory committee established by part 4A of the *Ombudsman Act 1974*.

The Committee also has functions conferred by the *Community Services (Complaints, Reviews and Monitoring) Act 1993*, the *Law Enforcement Conduct Act 2016*, the *Crime Commission Act 2012*, the *Government Information (Information Commissioner) Act 2009*, the *Privacy and Personal Information Act 1998*, the *Inspector of Custodial Services Act 2012*, and the *Government Sector Employment Act 2013*.

The Committee has oversight of eight agencies:

- The NSW Ombudsman
- The Child Death Review Team
- The Law Enforcement Conduct Commission, and the Inspector of the Law Enforcement Conduct Commission
- The NSW Crime Commission
- The Information and Privacy Commission NSW
- The Inspector of Custodial Services
- The NSW Public Service Commissioner.

The Committee's functions, as set out in the relevant Acts, are:

- to monitor and to review the exercise of agencies' statutory functions
- to examine each annual and other report tabled by oversight agencies, and to report to Parliament on any matters raised in these reports
- to report to Parliament on any matter related to agencies' exercise of their statutory functions that the Committee thinks should be drawn to the attention of Parliament
- to report to Parliament on any changes that the Committee thinks would be helpful for the functions, structures and procedures of oversight agencies, and
- to inquire into and report on any question in connection with the Joint Committee's functions which is referred to it by both Houses of Parliament.

The Committee does not investigate or reconsider agencies' decisions or recommendations related to specific complaints or investigations.

Appendix Two – Witnesses

Public Hearing on 21 March 2025 Macquarie Room, Parliament House, Sydney

Witness	Position and Organisation
Fiona Rafter	Inspector, Office of the Inspector of Custodial Services
Michael Barnes	Commissioner, NSW Crime Commission
Nicole Lawless	Assistant Commissioner, NSW Crime Commission
Michael Wilde	Chief Operating Officer, NSW Crime Commission
The Hon Peter Johnson SC	Chief Commissioner, Law Enforcement Conduct Commission
Anina Johnson	Commissioner, Law Enforcement Conduct Commission
Christina Anderson	Chief Executive Officer, Law Enforcement Conduct Commission
Gary Kirkpatrick	Executive Director Operations, Law Enforcement Conduct Commission
Bruce McClintock SC	Inspector, Inspector of the Law Enforcement Conduct Commission
Chris Clayton	Acting Information Commissioner and Chief Executive Officer, Information and Privacy Commission
Sonia Minutillo	Acting Privacy Commissioner, Information and Privacy Commission
Kathrina Lo	Commissioner, Office of the Public Service Commissioner
Tianna Jaeschke	Director Policy & Programs, Office of the Public Service Commissioner
Paul Miller PSM	Ombudsman, NSW Ombudsman
Monica Wolf	Chief Deputy Ombudsman, NSW Ombudsman
Leanne Townsend	Deputy Ombudsman, Aboriginal Programs, NSW Ombudsman
Paul Miller PSM	Convenor, Child Death Review Team
Helen Wodak	Deputy Ombudsman, Monitoring & Review, Child Death Review Team

Appendix Three – Extracts from minutes

MINUTES OF MEETING no 7

2:00 pm, 12 August 2024

Room 1136 and videoconference

Members present

Mr Donato (Chair), Mr Murphy (Deputy Chair), Ms Higginson, Ms Merton (in person), Ms McKeown, Mr Taylor, Mr Vo (by videoconference).

Officers in attendance

Kieran Lewis, Ashley Kim, Ilana Chaffey, Naomi Parkinson, and Mohini Mehta.

1. ***
2. ***
3. ***
4. ***
5. ***

6. General business

The Committee discussed the timing of the next annual review.

Resolved, on the motion of Mr Murphy, seconded by Ms Higginson: That the Committee commence its 2024 review of the annual and other reports of oversight agencies, and invite representatives from oversight agencies to give evidence at a public hearing early in 2025, on a date to be determined.

7. Next meeting

The meeting adjourned at 2:18 pm until a time and date to be determined.

MINUTES OF MEETING no 8

2.02 pm, 9 December 2024

Room 1043 and videoconference

Members present

Phil Donato MP (Chair), the Hon. Cameron Murphy MLC (Deputy Chair), the Hon. Rachel Merton MLC, Sue Higginson MLC, and Tri Vo MP (all by videoconference).

Apologies

Karen McKeown MP.

Officers present

Kieran Lewis, Ashley Kim, Naomi Parkinson, and Ilana Chaffey.

1. Confirmation of minutes

Resolved, on the motion of Ms Merton, seconded by Mr Vo: That the minutes of the meeting of 12 August 2024 be confirmed.

2. ***

3. ***

4. ***

5. 2024 review of annual and other reports of overlooked agencies

The Committee discussed the conduct and timing of a public hearing in March 2025.

6. ***

7. Next meeting

The meeting adjourned at 2.16 pm until a date and time to be determined.

MINUTES OF MEETING no 10

9.04 am, 21 March 2025

Macquarie Room and videoconference

Members present

Phil Donato MP (Chair), the Hon. Cameron Murphy MLC (Deputy Chair), the Hon. Rachel Merton MLC, Karen McKeown MP, Tri Vo MP, Mr Mark Taylor MP and Sue Higginson MLC (by videoconference).

Officers present

Leon Last, Ashley Kim, Naomi Parkinson, Ilana Chaffey, and Mohini Mehta.

1. ***

2. ***

3. ***

4. 2024 review of annual and other reports of overlooked agencies

Pre-hearing deliberative meeting

4.1 Media orders for public hearing

Resolved, on the motion of Mr Taylor, seconded by Mr Vo: That the Committee authorise the audio-visual recording photography and broadcasting of the public hearing on 21 March 2025, in accordance with the NSW Legislative Assembly's

guidelines for the coverage of proceedings for committees administered by the NSW Legislative Assembly.

4.2 Supplementary questions and questions taken on notice

Resolved, on the motion of Mrs McKeown, seconded by Mr Taylor:

- That the Committee adopt the following process in relation to supplementary questions:
 - Members to email any proposed supplementary questions for witnesses to the secretariat by 4pm, Friday 28 March 2025;
 - Secretariat to then circulate all proposed supplementary questions to Committee, with Members to lodge any objections to questions by 4pm, Tuesday 1 April 2025.
- That witnesses be requested to return answers to questions taken on notice and any supplementary questions within 7 business days of the date on which the questions are forwarded to witnesses.

4.3 Witnesses for public hearing

Resolved, on the motion of Mr Vo, seconded by Ms McKeown: That the Committee invite the witnesses listed in the notice of public hearing for Friday 21 March 2025 to give evidence in relation to the Committee's 2024 review of annual and other reports of oversight agencies.

The Chair adjourned the deliberative meeting at 9.13 am.

5. Public hearing

Witnesses were admitted. The Chair opened the public hearing at 9.31 am and made an opening statement.

The following witness was admitted:

Fiona Rafter, Inspector of Custodial Services, affirmed and examined.

Evidence concluded and the witness withdrew.

The following witnesses were admitted:

Michael Barnes, Commissioner, New South Wales Crime Commission, affirmed and examined.

Michael Wilde, Chief Operating Officer, New South Wales Crime Commission, affirmed and examined.

Nicole Lawless, Assistant Commissioner, New South Wales Crime Commission, affirmed and examined.

Evidence concluded and the witnesses withdrew.

The Committee adjourned at 10.58 am and resumed at 11.15 am.

The following witnesses were admitted:

The Hon Peter Johnson SC, Chief Commissioner, Law Enforcement Conduct Commission, sworn and examined.

Anina Johnson, Commissioner, Law Enforcement Conduct Commission, affirmed and examined.

Christina Anderson, Chief Executive Officer, Law Enforcement Conduct Commission, affirmed and examined.

Gary Kirkpatrick, Executive Director Operations, Law Enforcement Conduct Commission, sworn and examined.

Evidence concluded and the witnesses withdrew.

The following witness was admitted:

Bruce McClintock SC, Inspector of the Law Enforcement Conduct Commission, affirmed and examined.

Evidence concluded and the witness withdrew.

The Committee adjourned at 12.45 pm and resumed at 1.31 pm.

The following witnesses were admitted:

Chris Clayton, Acting Information Commissioner and Chief Executive Officer, Information and Privacy Commission, affirmed and examined.

Sonia Minutillo, Acting Privacy Commissioner, Information and Privacy Commission, affirmed and examined.

Evidence concluded and the witnesses withdrew.

The following witnesses were admitted:

Kathrina Lo, Public Service Commissioner, affirmed and examined.

Tianna Jaeschke, Director Policy & Programs, Office of the Public Service Commissioner, sworn and examined.

Evidence concluded and the witnesses withdrew.

The Committee adjourned at 2.44 pm and resumed at 3.06 pm.

The following witnesses were admitted:

Paul Miller PSM, NSW Ombudsman, affirmed and examined.

Monica Wolf, Chief Deputy Ombudsman, NSW Ombudsman, affirmed and examined.

Leanne Townsend, Deputy Ombudsman, Aboriginal Programs, NSW Ombudsman, affirmed and examined.

Evidence concluded and the witnesses withdrew.

The following witnesses were admitted:

Paul Miller PSM, Convenor, Child Death Review Team, affirmed and examined.

Helen Wodak, Deputy Ombudsman, Monitoring & Review, Child Death Review Team, affirmed and examined.

Evidence concluded and the witnesses withdrew.

The public hearing concluded at 4.41 pm.

6. Deliberative meeting

The Chair re-opened the deliberative meeting at 4.42 pm.

6.1 Publication orders

Resolved, on the motion of Mr Taylor: That the corrected transcript of evidence be authorised for publication and uploaded to the Committee's webpage.

7. Next meeting

The meeting adjourned at 4.44 pm until a date and time to be confirmed.

MINUTES OF MEETING no 12

10.04 am, 30 June 2025

Room 1254 and videoconference

Members present

Phil Donato MP (Chair) (by videoconference), the Hon Cameron Murphy MLC (Deputy Chair), the Hon. Rachel Merton MLC, Karen McKeown MP (by videoconference), Mr Mark Taylor MP (by videoconference).

Apologies

Sue Higginson MLC and Tri Vo MP.

Officers present

Kieran Lewis, Naomi Parkinson, Ilana Chaffey, and Mohini Mehta.

1. ***

2. ***

3. ***

4. 2024 review of annual and other reports of oversight agencies

4.1 Clarification of transcript evidence

The Committee noted correspondence clarifying evidence given at the public hearing on 21 March 2025:

- Letter, dated 15 April 2025, from the Inspector of the Law Enforcement Conduct Commission
- Letter, dated 24 April 2025, from the Crime Commissioner.

Resolved, on the motion of Mr Murphy, seconded by Mr Taylor:

- That the Committee authorises publication of correspondence from the Inspector of the Law Enforcement Conduct Commission, and the Crime Commissioner, providing clarifying information regarding evidence given at the public hearing on 21 March 2025, and
- That the Committee provide a link to the published documents at the relevant

sections of the transcript.

Mrs McKeown joined the meeting at 10.08 am.

5. ***

6. ***

7. Next meeting

The meeting adjourned at 10.14 am until a date and time to be determined.

Unconfirmed MINUTES OF MEETING no 15

10.30 am, 13 October 2025

Room 1136 and videoconference

Members present

Mr Donato (Chair), Mr Murphy (Deputy Chair), Ms Higginson (all in person), Mr Taylor, Ms McKeown, Ms Merton and Mr Vo (all by videoconference).

Officers present

Kieran Lewis, Ashley Kim, Belinda Ramsay, Ilana Chaffey, Naomi Parkinson, Mohini Mehta, and Hugh Duffield.

1. ***

Ms Higginson joined the meeting at 10.32 am.

2. Confirmation of minutes

Resolved, on the motion of Mr Murphy, seconded by Mr Vo: That the minutes of the meeting of 15 September 2025 be confirmed.

3. ***

4. 2024 review of annual and other reports of oversight agencies

4.1 Consideration of Chair's draft (previously circulated)

The Committee considered the Chair's draft report.

Resolved on the motion of Mr Taylor, seconded by Ms Higginson: That the Committee consider the Chair's draft report in globo.

Mr Taylor thanked committee staff for their assistance with the report.

Resolved, on the motion of Mr Murphy, seconded by Ms McKeown:

- That the draft report be the report of the Committee and that it be signed by the Chair and presented to the House.
- That the Chair and committee staff be permitted to correct stylistic, typographical and grammatical errors.

- That, once tabled, the report be posted on the Committee's webpage.

5. ***

6. Next meeting

The meeting adjourned at 10.38 am until ***.