

6 June 2013

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The Hon Catherine Cusack MP
Chair
Committee on the Office of the Ombudsman,
Police Integrity Commission
and the Crime Commission
Parliament of NSW
Macquarie Street
SYDNEY NSW 2000

Dear Madam Chair

Information about agency reporting requirements

I am writing in response to your correspondence of 23 May 2013 seeking my thoughts on the reporting requirements placed upon government agencies, and if my office has found any particular reporting requirements onerous and burdensome.

This was not an issue I discussed with the Committee during the hearing on 11 April 2013, and as such it is difficult for me to understand what concerns you are referring to. I understand from reviewing the transcript of the Committee's hearing with the Crime Commissioner on the same day, the Deputy Commissioner of the NSW Crime Commission expressed some frustration at the level of oversight to which the Commission is subjected. As Mr Singleton noted in his evidence, the reporting requirements placed on the Commission 'are not particularly more onerous for us, than they are for many other agencies.' It is important to draw a distinction between oversight and scrutiny structures and the requirements to record and report on certain information, whether to a principal Department, my office, the Information and Privacy Commission, the Audit Office or to the Parliament.

I understand the former Information Commissioner Deirdre O'Donnell referred to 76 pieces of State and Federal legislation with which the Office of the Information and Privacy Commissioner has to comply. As our offices are similar in structure, my office is required to comply with the many of the same provisions. These include the:

- *Age Discrimination Act 2004 (Cth)*
- *Defamation Act 2005*
- *Disability Discrimination Act 1992 (Cth)*
- *Fringe Benefits Tax Act 1986 (Cth)*
- *Industrial Relations Act 1996*

- *Public Sector Employment and Management Act 2002*
- *Racial Discrimination Act 1975 (Cth)*
- *Sex Discrimination Act 1984 (Cth)*
- *State Records Act 1998*
- *Work Health and Safety Act 2011*

It is important to note that not all legislation with which agencies must comply include a reporting requirement. It may be that the Committee will need to draw a distinction between legislative compliance and requirements to report on such compliance.

Many of the legislative compliance requirements that involve a reporting element relate to financial management. As the head of a public sector agency, I recognise the importance of providing information about the method in which my office makes use of the funding it is provided. I also recognise the benefits in providing the Auditor General with full and unrestricted access to our financial information, as well as reporting on the office's financial statement in our annual report, as required by the *Public Finance and Audit Act 1983*.

Of course, not all reporting requirements with which government agencies must comply relate to financial management. Others require information about the structure of our workforce to be reported publicly, or require agencies to document and report what is being done to ensure public services are as accessible as possible to all of the community. For example, the *Anti Discrimination Act 1997* requires agencies to:

- Prepare and implement an equal opportunity management plan and report on its implementation.
- Include a statement on a triennial basis in annual reports setting out equal employment opportunity achievements and key equal employment opportunity strategies proposed for the following year, and statistical information as determined by the Secretary of the Treasury (*Annual Reports (Departments) Regulation 2010*).

Other bodies within the Committee's jurisdiction may have stronger views on this issue. At this time, however, I do not feel that my office is the subject of onerous and burdensome report requirements. We will continue to look to develop and refine our systems to ensure we comply with the requirements put in place by the State and Federal Parliaments as efficiently and effectively as possible.

I hope this information is of use to the Committee, and please do not hesitate to contact my office if we can be of further assistance.

Yours sincerely



Bruce Barbour
Ombudsman