PARLIAMENT OF NEW SOUTH WALES
COMMITTEE ON THE OFFICE OF THE OMBUDSMAN AND POLICE INTEGRITY COMMISSION

File ref: OMB19

Mr Dirk Nierop
[redacted]

27 JUL 2007

Dear Mr Nierop

I refer to your correspondence to the Committee regarding your police complaint, received on 26 April, 4 May and 26 June 2007. I apologise for the delay in replying, which arose from the hiatus between the March election and the appointment of the Committee of the 54th Parliament.

It would appear from the documents which you provided that your complaint was referred by the Ombudsman's Office to NSW Police for investigation and that an Ombudsman officer reviewed the police report of the matter and advised you that no further action would be taken. At your request, this decision was reviewed by a senior Ombudsman officer and the Ombudsman then wrote to you confirming that his office did not intend to pursue your complaints further.

Firstly I must advise you that the Committee cannot itself investigate your police complaint as it is prohibited from investigating a matter relating to particular conduct by section 31B(2)(a) of the Ombudsman Act. This section of the Act also prevents the Committee from examining the transcript you provided on 10 July 2007.

Section 31B(2)(b) of the Act prohibits the Committee from reconsidering a decision by the Ombudsman to investigate, not to investigate or to discontinue investigation of a particular complaint. Under section 31B(2)(d) the Committee is also prohibited from reconsidering the findings, recommendations, determinations or other decisions of the Ombudsman in relation to a particular investigation or complaint.

The Committee's role is to examine general policy and procedural issues arising from the Ombudsman's fulfilment of his office's functions. It is not intended to serve as an appeal mechanism for people who are dissatisfied with the Ombudsman's decisions.

I am therefore unable to provide you with assistance in this matter. I am returning the audio cassette which you included with your documentation, as it would seem that the material it contains does not fall within the Committee's jurisdiction.

I enclose a copy of the Committee's functions for your information.

Yours sincerely

Angela D'Amore

Angela D'Amore MP
Chair

But the previous Chair said the Committe would examine my claims - What is going on?

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