Annual Report
2015/16

Presented to the Chief Minister under section 152 of the Ombudsman Act
for tabling in the Legislative Assembly
Dear Chief Minister

I am pleased to present to you the Annual Report for the Ombudsman for the Northern Territory for the financial year 1 July 2015 to 30 June 2016.

In respect of my duties as Accountable Officer, I advise that to the best of my knowledge and belief:

a) proper records of all transactions affecting the Office were kept and employees under my control observed the provisions of the Financial Management Act, the Financial Management Regulations and Treasurer’s Directions;

b) procedures within the Office afforded proper internal control, and a current description of these procedures can be found in the Accounting and Property Manual which has been prepared in accordance with the Financial Management Act;

c) no indication of fraud, malpractice, major breach of legislation or delegations, major error in or omission from the accounts and records existed;

d) in accordance with section 15 of the Financial Management Act the internal audit capacity available to the Office is adequate and the results of internal audits were reported to me;

e) the financial statements included in this Annual Report have been prepared from proper accounts and records and are in accordance with Treasurer’s Directions; and

f) all Employment Instructions issued by the Commissioner for Public Employment have been satisfied.

In addition, in relation to items (a) and (e) above, the Chief Executive of the Department of Corporate and Information Services has advised that to the best of her knowledge and belief, proper records are kept of transactions undertaken by that Department on behalf of this Office and the employees under her control observe the provisions of the Financial Management Act, the Financial Management Regulations and Treasurer’s Directions.

Yours sincerely

Peter Shoyer
Ombudsman
29 September 2016
# TABLE OF CONTENTS

INTRODUCTION .................................................................................................................. 1
  Ombudsman’s overview ................................................................................................. 1
  Whistleblowers ............................................................................................................. 1
  Office operations ......................................................................................................... 1
  Vision, Mission, Core Values ....................................................................................... 3
  Key Performance Indicators ......................................................................................... 4

CHAPTER 1 – Issues of Note .......................................................................................... 5
  In support of whistleblowers ....................................................................................... 5
  Anti-Corruption Commission and possible transfer of FOI and Privacy functions ........ 7
  Police senior executive positions ................................................................................. 7
  Indigenous engagement ............................................................................................... 8
  Corrections .................................................................................................................... 8

CHAPTER 2 – What we do and how we do it ................................................................. 10
  Dealing with approaches and complaints ................................................................ 10
  Major investigations .................................................................................................... 11
  Investigations conducted in private – reporting on outcomes ..................................... 11
  Independence ............................................................................................................... 12
  Impartiality ................................................................................................................... 13
  Scope of powers .......................................................................................................... 13
  Identifying and Prioritising issues .............................................................................. 13

CHAPTER 3 – Major Investigations .............................................................................. 15
  ‘Bills, Bills, Bills’ ......................................................................................................... 15
    Acceptance and implementation of Ombudsman recommendations ....................... 16
  ‘Let there be light’ ...................................................................................................... 18
  Matters arising from allegations of inappropriate conduct by a former Commissioner of
    Police and another police officer ........................................................................... 19
  Morgue management in remote communities ........................................................... 20

CHAPTER 4 – Quality Improvement ............................................................................. 22
  Accredited training ...................................................................................................... 22
  Workshops and presentations ...................................................................................... 22
  Joint projects ............................................................................................................... 23
  Other involvement with public authorities .................................................................... 24
  Complaints and review bodies ................................................................................... 24
  Legislative and policy reform ..................................................................................... 25

CHAPTER 5 – Stakeholder & Community Involvement ............................................... 26
  Presentations, events and visits ................................................................................... 26
  Participation in stakeholder meetings and events ....................................................... 27
  Publications and website ............................................................................................ 27
INTRODUCTION

OMBUDSMAN’S OVERVIEW

Whistleblowers

*Often the best source of information about waste, fraud, and abuse in government is an existing government employee committed to public integrity and willing to speak out. Such acts of courage and patriotism, which can sometimes save lives and often save taxpayer dollars, should be encouraged rather than stifled. We need to empower federal employees as watchdogs of wrongdoing and partners in performance.*

Barack Obama

The role of whistleblower is one that few people will take on with relish. Reporting concerns about others within a person’s workplace can be associated with fears about the harm that may be done to the organisation, workmates and potentially to the person themselves.

Agencies must do everything they can to reassure their staff that issues they raise with the agency will be treated seriously but sensitively and that raising legitimate questions is encouraged as a positive step. This must be reinforced at every level within the organisation.

Likewise, when there is a particular concern about reporting within an agency, a person who reports in good faith to an appropriate external body such as the Commissioner for Public Interest Disclosures or the Ombudsman should be commended not stigmatised.

I have expanded on this issue in Chapter 1. Acknowledgement of individuals who report concerns can be problematic because maintaining a low profile is one way to minimise any potential for harm to them.

I will, however, generally express my gratitude and praise for public sector officers who come forward in good faith to an appropriate authority to raise concerns.

Office operations

The year was again busy but saw a drop from the record level of approaches last year. We received 2,568 approaches (the historical average being slightly over 2,000) and finalised 2,572 (including matters carried over from the previous year).

There was a substantial fall in Correctional Services approaches (down 178) reducing from a spike associated with the transition to the new Darwin Correctional Centre. There was also a reduction in the number of outside jurisdiction approaches (down 168). These falls where offset to some extent by rises in approaches relating to a range of other in-jurisdiction agencies.

Of the approaches completed in 2015/16, we finalised 90% of general approaches within 7 days and 86% of Police conduct approaches within 28 days.

In the great majority of cases, we attempt to deal with and resolve approaches informally. There is a more detailed description of what we do and how we do it at Chapter 2.
In 2015/16, we finalised one major investigation on billing processes for water supply to an indigenous community with a report to the Chief Minister for tabling in the Legislative Assembly.

In addition to dealing with approaches, we conducted a broad range of quality improvement initiatives. Highlights during the year included:

- finalising an *Internal complaints handling* project (conducted jointly with a number of agencies) with publication of a complaints management framework and model policy;
- finalising a *Gifts and Benefits* project (conducted jointly with a number of agencies) with publication of a framework on acceptance of gifts, benefits and hospitality;
- contributing to NT Government policy development by:
  - taking part in development of a detailed joint submission to the Anti-Corruption, Integrity and Misconduct Commission Inquiry;
  - serving on the Northern Territory Law Reform Committee, including a subcommittee reviewing *Interaction between people with Mental Health Issues and the Criminal Justice System*;
  - providing a detailed submission to the Review of the Department of Correctional Services;
- undertaking presentations as part of broader courses, for example, OCPE Future Leaders Programs and Machinery of Government courses and Prison Officer training;
- undertaking one-off presentations to a range of government agencies and stakeholders, including regional councils, indigenous councils, legal aid agencies and community organisations;
- pursuing an expanded indigenous engagement strategy, including visits to 12 indigenous communities across the Territory; and
- serving on the Executive of the Australian and New Zealand Ombudsman Association (ANZOA) and on the planning committee for the ANZOA biennial conference.

From a corporate perspective, the Office undertook a comprehensive review of its *Accounting & Property Manual* as well as implementing various system improvements to its case management system.

I thank once again the senior managers and staff of the Office for their support and commitment during the year.

**PETER SHOYER**
**OMBUDSMAN**
VISION, MISSION, CORE VALUES

The Ombudsman NT:

- is an independent office that deals with complaints about administrative actions of public authorities and conduct of police officers;
- has powers in relation to NT Police, Corrections, NT government departments and authorities and local government councils;
- undertakes audit / investigation functions and makes reports relating to telecommunications interception, use of surveillance devices and controlled operations by NT Police; and
- has a general function to promote improvements in administrative practices and procedures.

Our Vision (our ultimate aim)

A high level of public confidence in fair and accountable public administration in the Northern Territory.

Our Mission (how we contribute to our vision)

- Give people a timely, effective, efficient, independent, impartial and fair way of investigating and dealing with complaints about administrative actions of public authorities and conduct of police officers.
- Work with public authorities and other stakeholders to improve the quality of decision-making and administrative practices in public authorities.

Core Values (guide what we do and how we do it)

- **Fairness**
  We are independent and impartial. We respond to complaints without bias. We give everyone the chance to have their say. We do not take sides.

- **Integrity**
  We take action and make decisions based on our independent assessment of the facts, the law and the public interest.

- **Respect**
  We act with courtesy and respect. We recognise and respect diversity. We seek to make our services accessible and relevant to everyone. We consider the impact of our actions on others.

- **Professionalism**
  We perform our work with a high degree of expertise and diligence.

- **Accountability**
  We are open about how and why we do things. We are responsive and deal with matters in a timely manner. We allocate priorities and undertake our work so that the best use is made of public resources.
## Key Performance Indicators

<table>
<thead>
<tr>
<th>Key Deliverables</th>
<th>2013/14</th>
<th>2014/15</th>
<th>2015/16</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Total approaches received</strong></td>
<td>1,992</td>
<td>2,767</td>
<td>2,568</td>
</tr>
<tr>
<td>Comprises all enquiries and complaints, including matters referred on to another body or found to be outside jurisdiction. The baseline average for the eleven years from 2003/04 to 2013/14 was 2,063 approaches.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total approaches finalised</strong></td>
<td>2,006</td>
<td>2,762</td>
<td>2,572</td>
</tr>
<tr>
<td>Includes approaches carried over from the previous year and 1 approach reopened after the end of that year. 39 approaches were open at 30 June 2016 compared to 42 at 30 June 2015.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Police approaches finalised within 90 days</strong></td>
<td>96%</td>
<td>97%</td>
<td>97%</td>
</tr>
<tr>
<td>Includes enquiries and preliminary enquiries undertaken by the Office and matters dealt with by Police under oversight of the Ombudsman.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Other approaches finalised within 28 days</strong></td>
<td>93%</td>
<td>97%</td>
<td>96%</td>
</tr>
<tr>
<td>Refers to all non-Police approaches, including local government.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Recommendations accepted</strong></td>
<td>N/A</td>
<td>94%</td>
<td>91%</td>
</tr>
<tr>
<td>Government or an agency may partially accept a recommendation or accept the principle behind a recommendation but decide to implement it in a modified form. In those cases, a proportional figure is allocated.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Statutory audit/inspection and reporting requirements met</strong></td>
<td>100%</td>
<td>100%</td>
<td>100%</td>
</tr>
<tr>
<td>The Ombudsman is required to undertake audit or investigation functions and make reports under telecommunications interception, controlled operations and surveillance devices laws within certain timeframes.</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
CHAPTER 1 – ISSUES OF NOTE

IN SUPPORT OF WHISTLEBLOWERS

In my report into Matters arising from allegations of inappropriate conduct by a former Commissioner of Police and another police officer (May 2015), I made a number of comments about the importance of supporting police who report integrity concerns about other police to an appropriate authority.

The comments extracted below have relevance not only to Police and not only to integrity issues but more broadly in relation to public sector agencies and issues of administration and conduct.

143. I approach these issues on the basis of four core premises ...:

- Police who report concerns about other police should be commended for their contribution to maintaining the effectiveness, integrity and reputation of the Force.

- This is equally true whether or not the concern is eventually shown to have substance, so long as there is some reasonable basis for the concern. The real benefit for NT Police is in having concerns aired and addressed, whether substantiated or not.

- Police who seek advice from, or report concerns to, an appropriate external body in serious and complex situations should equally be commended for the same reasons.

- Senior officers must accept that it is part of their role and responsibilities to report reasonable concerns to external bodies.

... 

145. There must be an environment in which asking questions, even difficult and uncomfortable ones, is not taken as a challenge to authority or professionalism but accepted as part of a process of establishing best practice. The contribution of officers who are willing to raise integrity issues must be acknowledged.

146. As to the second point, an officer who makes a report is sometimes criticised because he or she “doesn’t have all the facts”, “doesn’t see the bigger picture” or has “simply got the wrong end of the stick”. This can be true. An officer who discovers information that raises a concern will often know only part of the story. However, this is not a valid reason for failing to raise an issue with an appropriate authority, so long as there is some reasonable basis for asking the question.

147. It is vital for the proper functioning of the Police that, where there is a reasonable question about an integrity issue, it be answered as soon as possible. It can then be addressed and negatived, explained or appropriate steps taken to deal with it. Delay or failure to deal with concerns of this type can only exacerbate the potential for problems over time, whether or not there is any foundation to the concern.

... 

149. Prompt action in reporting concerns must be supported at every level as it may nip a problem in the bud before it has a real adverse impact.

... 

151. Officers who are willing to raise integrity concerns promptly in an appropriate forum should be supported and congratulated.
152. As to the third point, in a disciplined force, there is a natural tendency to favour reporting through the existing chain of command in relation to any concern that may be raised about another officer.

153. This is unexceptionable as a general rule whether in the NT Police or in any other organisation. It is natural to raise issues internally. Even if a direct supervisor is involved, the obvious next step is for the next manager up-the-line to be advised.

... 

155. However, there will be more serious matters where there are good reasons for raising concerns with an external body. For example, the concern may relate to a very senior officer, the officer may wish to raise the concern confidentially, or they may wish to simply discuss an issue that they are unsure of with an independent external body.

156. External reporting is a valid option open to Police. It has a statutory basis and there are legislative protections for police who raise concerns.

157. Existing external bodies have the capacity to deal with concerns raised by officers from the most junior to the most senior levels. Quite apart from statutory reporting requirements, they should be seen as responsible and effective mechanisms for addressing complex integrity issues that fall within their respective jurisdictions.

... 

165. In order for police officers to able to feel comfortable raising concerns, whether through the chain of command or to an external body, it is essential that there be a culture of support at all levels of Police management.

166. ... the decision to raise concerns can be at the very least trying and at worst traumatic. It will often seem appealing, at least in the heat of the moment, to look away in the hope that an issue is a ‘one-off’ that will either go unnoticed or be addressed by the officer involved or by some other means.

167. There must always be real effort from senior police to counteract this tendency. Obviously, one step is to mandate reporting and make it clear that failure to report can and will result in negative outcomes for the officer who does not report.

168. But on the other side of the coin, there must be clear support from senior management when an officer does raise a concern. Only when reporting is viewed positively can the integrity system reach a high level of effectiveness.

It is true that some people make disclosures and reports to further their own interests or simply to cause trouble. That does not necessarily make a disclosure baseless or detract from the courage and fortitude displayed by people who make disclosures for the right reasons.

We need people who are willing to raise concerns in an appropriate forum. We need to put processes in place to support and acknowledge good faith disclosers whether or not the concerns they raise are ultimately well founded.

With that in mind, I note the work currently being undertaken by a large group of Australian and New Zealand organisations under the title *Whistling While They Work 2*. The project is led by Griffith University’s Centre for Governance & Public Policy. The research team is drawn from Griffith University, University of Sydney, ANU, Victoria University Wellington, the Commonwealth Ombudsman, NSW Ombudsman, ASIC, CPA Australia and the NZ State Services Commission. It is supported by the Australian Research Council and 23 partner and supporter organisations across Australia and New Zealand, along with international collaborators.

ANTI-CORRUPTION COMMISSION AND POSSIBLE TRANSFER OF FOI AND PRIVACY FUNCTIONS

In my report into Matters arising from allegations of inappropriate conduct by a former Commissioner of Police and another police officer, I recommended, among other things, that the NT Government consider the need for, and benefits of, alternative options for reporting, investigating and seeking advice on integrity issues.

The Auditor-General, Commissioner for Public Employment, Commissioner for Public Interest Disclosures and I meet from time to time as the Integrity and Accountability Officers Group. In August 2015, the NT Government requested that this Group, together with the Commissioner of Police, provide input to it on a proposed model to enhance public sector integrity provisions.

Each of the statutory officers agreed to provide input jointly and preliminary work was undertaken. However, this initiative was shortly thereafter overtaken by a resolution of the Legislative Assembly which led to the establishment of the Anti-Corruption, Integrity and Misconduct Commission Inquiry undertaken by former Chief Justice, Brian Martin AO QC.

Given the work already done in the area, the members of the Group and the Commissioner of Police determined to produce a joint submission to the Inquiry. That submission appears at pages 394 to 442 of the Inquiry Report, dated May 2016. [https://acimcinquiry.nt.gov.au/](https://acimcinquiry.nt.gov.au/)

One of the recommendations of the Inquiry was that the Office of Public Interest Disclosures (which is currently run jointly with the Office of the Information Commissioner) be absorbed into the new anti-corruption commission. This was followed by a recommendation that the Information Commissioner’s Freedom of Information and Privacy functions be transferred to the Ombudsman.

While this is a matter for Government, I have no objection to such a transfer. If it eventuates, I merely note that it will be necessary for appropriate funding to be transferred to maintain those functions at their current level. Based on previous budgets for those functions, this funding would be in excess of $500,000 per annum.

POLICE SENIOR EXECUTIVE POSITIONS

Also in my report into Matters arising from allegations of inappropriate conduct by a former Commissioner of Police and another police officer, I noted and strongly supported a recommendation from the delegate of the Commissioner for Public Interest Disclosures that steps be taken to ensure that executive vacancies within NT Police be promptly filled.

I said it was clear that the extended period of acting appointments following the departure of the former Deputy Commissioner of Police in 2014 gave rise to significant challenges for all involved in the senior management of NT Police. At the time, I noted that appointments had recently been made to the Commissioner and Deputy Commissioner positions and that NT Police had advised that appointments to other senior positions would be progressed in a timely manner.

Subsequently, in November 2015, the Deputy Commissioner of Police took on an acting role as Commissioner of Corrections. This has led to another extended period of police serving in acting roles from Deputy Commissioner down the chain of command.

While recent reports indicate that this situation will shortly be resolved, I reiterate my concerns about the impact of long term, executive level, acting appointments on the operations of NT Police. Every effort must be made to ensure this situation does not recur.
INDIGENOUS ENGAGEMENT

Indigenous people and communities (either directly or through authorised representatives) are major sources of approaches to my Office, particularly in relation to Police, Corrections and Housing approaches. The two most recent tabled major investigation reports of the Office have related to indigenous communities.

I acknowledge the great work undertaken by agencies such as NAAJA and CAALAS in facilitating or making approaches to this Office on behalf of indigenous Territorians.

The indigenous population makes up approximately 30% of Territorians. The percentage of enquirers to my Office in 2015/16 who could be identified as Indigenous was 16%. This figure must be treated with considerable caution because the majority of enquirers did not identify as indigenous or non-indigenous. Even so, I maintain a concern that the services of the Office are underutilised by indigenous communities and individuals.

Bearing that in mind, we undertook the following initiatives in the reporting period aimed at increasing engagement with indigenous Territorians:

- visits to 12 indigenous communities in the Top End, Katherine and Alice Springs regions;
- visits and presentations to various indigenous organisations in each of those regions;
- improved demographic reporting (including indigenous) — stage 1, script and better recording, implemented — stage 2, more detailed reporting by region and community, under development.
- advertising on indigenous radio linked to community visits;
- co-hosting with the Commonwealth Ombudsman, a forum on use of indigenous interpreters;
- commenced a major investigation into use of indigenous interpreters by NT agencies;
- promoted and chaired a session on engagement with indigenous communities at the international Australia and New Zealand Ombudsman Association (ANZOA) conference.
- supported the establishment of an indigenous special interest group within ANZOA.

The Office will continue to prioritise indigenous engagement in 2016/17.

CORRECTIONS

During the reporting period, I made a submission to a review of the Department of Correctional Services. The full text of my submission is set out at Appendix A to this Report.

In summary, my submission drew attention to:

- recent published reports by the Children’s Commissioner relevant to operations at Don Dale Youth Detention Centre and the Health and Community Services Complaints Commission relevant to health services at Darwin Correctional Centre;
- the need for greater emphasis on, and resource allocation to, achieving the clearly stated strategic goal of reducing re-offending, through rehabilitation and reintegration measures;
- the need for innovative and integrated approaches to reducing crime generally;
• the importance of engaging the community to maintain support for innovative measures that will present their own challenges;

• the need for the prison environment to recognise and respond to diversity in the prison population, including:
  o recognition that the majority of the prison population comprises indigenous prisoners and that facility, policy and program development should be undertaken with them at front of mind;
  o the importance of addressing mental health issues;
  o the need to respond to the growing proportion of female prisoners;

• the need to enhance critical incident review, internal investigation and complaint management processes and skills;

• the importance of day to day decision-making by prison officers being based on lawful and reasonable grounds, which are adequately recorded for future reference and effectively communicated to the subject of the decision;

• the importance of prison officers effectively liaising with health professionals to ensure the appropriate care of prisoners, particularly if there is a perceived need (on operational or security grounds) to depart from a proposed care plan;

• the strong arguments in support of all reasonable steps being taken to facilitate access to prisons by affordable public transport; and

• several issues relating to housing and programs for people on remand.
CHAPTER 2 – WHAT WE DO AND HOW WE DO IT

The Ombudsman Act provides that our job is to:

(a) give people a timely, effective, efficient, independent, impartial and fair way of investigating, and dealing with complaints about, administrative actions of public authorities and conduct of police officers; and

(b) improve the quality of decision-making and administrative practices in public authorities.

To do our job, we adopt a broad range of strategies:

- **Approaches – enquiries and complaints** – The bulk of our effort is spent in dealing with approaches to the Office. We received 2,568 approaches in 2015/16 and finalised 2,572 (including a number carried over from the previous year). In dealing with approaches, we emphasise speedy and informal resolution of issues, with agencies as far as possible taking responsibility for resolution of matters involving them.

- **Police conduct complaints** – A total of 498 of the approaches we received in 2015/16 were about Police conduct. Complaints about Police conduct have their own statutory framework set out in the Ombudsman Act. While the emphasis remains on speedy and informal resolution of less serious matters, more serious matters are subject to comprehensive investigation and reporting. In these cases, investigations are usually carried out by the Police under Ombudsman supervision.

- **Major investigations** – Complex investigations involve a major commitment of resources and usually involve systemic issues. These may be initiated by a complaint or on the Ombudsman’s own initiative. They may be finalised by a report to the Chief Minister which is tabled in Parliament. We finalised one major investigation report for tabling in 2015/16 (see Chapter 3).

- **Quality improvement** – Working with agencies and stakeholders in a co-operative manner outside the formal investigation process and facilitating exchange of information between agencies about initiatives and developments in public administration. This includes accredited training and presentations to public sector bodies and officers (Chapter 4).

- **Stakeholder and community engagement** – Other issues can be raised, clarified and resolved in the course of or as a result of stakeholder meetings, presentations and public discussions or through provision of information and links to information, for example, on the Ombudsman website (Chapter 5).

- **Statutory auditing and investigation** – In relation to surveillance devices telecommunications interception and controlled operations, we have statutory obligations to audit/investigate and report on certain functions (Chapter 6).

DEALING WITH APPROACHES AND COMPLAINTS

The focus of our Office is on achieving informal and timely resolution of approaches. Of the approaches completed in 2015/16, we finalised 90% of general approaches within 7 days and 86% of Police conduct approaches within 28 days.
We deal with approaches in a range of ways. In some cases, we may not have the power to investigate a matter but we may be able to point the enquirer in the right direction. For example, an approach may be about a private sector service provider or a Commonwealth department. In those cases, we assist enquirers by putting them in touch with the relevant complaints body or giving them contact details.

In other cases, we provide details of the enquiry to the relevant department or agency and ask it to respond directly to the enquirer. We may ask the agency to advise us of the outcome or let the enquirer know they can contact us again if they are unhappy with the agency’s response.

Alternatively, we may make preliminary enquiries or require investigations to be undertaken, with a report to our Office. This, in itself, may take considerable time and effort and may or may not result in a formal investigation by our Office.

Chapter 7 contains a detailed analysis of approaches received during the reporting period.

**MAJOR INVESTIGATIONS**

In a small number of cases, the Ombudsman may determine that it is necessary to conduct a major investigation into an issue. This may arise from a complaint or may be undertaken on the Ombudsman’s own motion.

The conduct of major investigations depends on the resources available to the Office and the issues that arise for consideration. Major investigations are very resource intensive. A major investigation may well involve a significant commitment of resources for up to or in excess of a year from the time the issue is identified.

There is no particular pattern as to when the need for a major investigation may arise and no target for a number of major investigations in a year. The number of major investigations resulting in tabled reports has typically been low, varying from year to year in recent times between 0 and 3. This is consistent with the approach in other Australian jurisdictions.¹

The reality is that almost all approaches and complaints are finalised without the need for a separate tabled report even if there has been a formal investigation.

**INVESTIGATIONS CONDUCTED IN PRIVATE – REPORTING ON OUTCOMES**

In each case, we make every effort to ensure that the enquirer or complainant and the agency concerned are kept up to date with the progress of the matter and informed about the final outcome.

However, the Ombudsman is required by the *Ombudsman Act* to conduct investigations in private.² There are confidentiality provisions that make the inappropriate disclosure of information relating to inquiries and investigations an offence.³

---

¹ The number of major investigation reports finalised by the Northern Territory Ombudsman each year over the past six financial years has been 2, 0, 2, 1, 3, 0. These figures may be compared with Tasmania (0, 1, 4, 0, 1, 2) and Western Australia (0, 1, 1, 1, 1, 1). Even in a comparatively larger jurisdiction such as Queensland the number of tabled investigative reports over the past six calendar years has been 2, 4, 2, 3, 2, 3.

² Ombudsman Act, s.49(1).

³ Ombudsman Act, s.120
The Ombudsman can publish conclusions and recommendations at the end of an investigation (by way of reports to Ministers and through them to Parliament). The Ombudsman can also include information about investigations in the Annual Report. However, the clear statutory scheme is for investigations to be conducted in private.

A major investigation may or may not result in findings that require publication. It may find that unpublished damaging allegations are baseless. It may deal with highly sensitive personal matters. Or a narrowly confined issue may be best addressed by simply raising it with the relevant agency.

The decision is ultimately for the Ombudsman as to whether the public interest is best served by creating a report for tabling.

**INDEPENDENCE**

Independence and impartiality are key drivers of the Office of the Ombudsman. The *Ombudsman Act* makes it clear that the Ombudsman is independent of government in relation to complaints and investigations:

10  **Independence in relation to complaints and investigations**

1. **(1)** The Ombudsman is not subject to direction by any person about:

   (a) the way the Ombudsman exercises or performs the Ombudsman’s powers or functions in relation to complaints and investigations; or

   (b) the priority given to investigations.

2. **(2)** The Ombudsman must act independently, impartially and in the public interest in the exercise or performance of the Ombudsman’s powers or functions in relation to complaints and investigations.

That independence has been strongly maintained in the 38 years since the Office commenced.

The Office is resourced through NT Government budgetary processes but that is also true of judges, the courts and other independent officers such as the Auditor-General.

There are a range of special features that strengthen the independence of the Ombudsman, including:

- appointment as Ombudsman can only be made on recommendation from the Legislative Assembly;
- appointment is for a seven year term, which gives security of tenure;
- appointment is non-renewable, so there can be no speculation about favouring government interests in order to gain re-appointment;
- a broad power to report to the Legislative Assembly (through the Chief Minister) on the performance of the Ombudsman’s functions or on a particular case;
- conditions of appointment that cannot be altered to the detriment of the Ombudsman during his or her term;
- termination for misconduct or incapacity can only be affected through a 2/3 vote of the Legislative Assembly;
- the Ombudsman appears each year before the Budget Estimates Committee of the Legislative Assembly to report directly on appropriations matters.
**IMPARTIALITY**

It is important to stress that independence from government does not mean that the Ombudsman represents or takes the side of complainants and enquirers. Nor does it mean that the Ombudsman must be immediately critical of all or any particular position taken by the NT Government of the day.

My Office makes every effort to ensure that complainants get a fair go in their dealings with government. However, we do not represent complainants or provide legal advice to them.

The Office assesses and investigates complaints impartially. In doing so, we attempt to resolve individual complaints and identify broader problem areas, particularly systemic issues, and push for improvements in those areas.

**SCOPE OF POWERS**

Of course, while independent, the Ombudsman is bound to comply with the law and act within the boundaries set by the *Ombudsman Act*. The powers of the Ombudsman relate to the administrative actions of public authorities and police conduct.

Within those boundaries, members of the public can rest assured that the Office of the Ombudsman will consider, and where appropriate, independently investigate complaints and allegations relating to administrative actions and improper conduct of public sector officers with fairness and integrity.

**IDENTIFYING AND PRIORITISING ISSUES**

The Office of the Ombudsman identifies issues or potential issues of concern by a range of methods including analysis of complaints received, monitoring parliamentary debates, media reports and developments in other jurisdictions, and community and stakeholder engagement.

The Office must act within the resources available to it and accordingly must make decisions on the priority given and resources allocated to its various statutory functions, including investigation of particular complaints.

The overall guide to allocation of resources and priority within the Office is what best serves the public interest, bearing in mind the objects and provisions of the *Ombudsman Act*. Factors used to assess the significance of issues and the priority that should be afforded to issues, include:

**Potential harm involved**
- Death of a person
- Physical harm to a person
- Loss of liberty
- Loss, dislocation or disruption of residence
- Financial or asset damage or loss
- Loss of a benefit or financial hardship
- Mental stress or harm
- Harm to animals or the environment
- Denial of human or statutory rights, unfair treatment
- Damage to reputation
• Annoyance, inconvenience, disruption
• Harm to the public generally or a community or community group

Other factors
• Extent of potential harm – how much harm
• Number of people impacted or likely to be impacted
• Potential for ongoing future impact – is this a one off issue or will it continue in the future
• Number of similar complaints
• Unreasonable delay or disruption
• Potential corruption / criminal conduct
• Urgency, for example:
  o Statutory time limit for action
  o Potential for harm is imminent
• Serious / systemic issues
• Existence of prior investigations on similar issues – has the issue already been dealt with
• Availability of other suitable avenues for review, investigations / actions already in progress
• The extent of prior interaction by the complainant with agency – has the agency had a reasonable opportunity to deal with the issue
• Steps already taken by the agency to redress the issues.

Any decision on resource allocation and priority is ultimately one for the Ombudsman acting on the information provided by complainants and agencies and the advice of Ombudsman staff.
CHAPTER 3 – MAJOR INVESTIGATIONS

The identification of issues may give rise to a major investigation by the Ombudsman’s office. A major investigation may be initiated based on one or more complaints or on the Ombudsman’s own motion.

A major investigation involves a substantial commitment of resources by the Office and may result in the preparation of a report to the Chief Minister that is tabled in Parliament.

One major investigation report was provided to the Chief Minister for tabling in 2015/16:

- ‘Bills, Bills, Bills’ Essential Services – Power and Water billing and debt management practices in an urban indigenous community (March 2016).

Updates on acceptance and implementation of recommendations made in that report and the following reports finalised in earlier years, are set out below:

- ‘Let there be light’ – Response by Department of Housing and Power and Water to widespread incidents of damage to electricity meters in a remote community (June 2015).
- Matters arising from allegations of inappropriate conduct by a former Commissioner of Police and another police officer (May 2015).
- Investigation Report into Morgue Management on Remote Communities in the Northern Territory (March 2012).


‘BILLS, BILLS, BILLS’

The report discusses how the Power and Water Corporation (PWC) has dealt with, and should deal with, billing and debt management for water supply to urban indigenous communities. Residents of indigenous communities are in a special position because of the nature of land tenure in those communities. No matter how many houses sit within a community, community title usually vests in one incorporated body. No matter how long a person has lived in a house, the house is not ‘owned’ by that person. This group tenure has many implications for individual householders. Among them is the relationship they have with essential service providers.

The report raises no issue with group tenure in indigenous communities. It does not suggest that individual tenure is superior or the preferred model. However, it does conclude that there are differences arising from group tenure that should be recognised and accommodated by organisations such as PWC. The report discusses the special arrangements that have previously been put in place by PWC in recognition of the special position of indigenous community residents and the rationale for continuing and enhancing those arrangements.

It deals primarily with one urban indigenous community but the discussion has broader relevance to similar communities throughout Darwin and other urban areas. The central finding of the investigation is that it is essential for an effective process to be refined and implemented, in consultation with each relevant indigenous community, to ensure that each individual householder contributes equitably towards their share of water costs.
Acceptance and implementation of Ombudsman recommendations

The recommendations made in the report are set out below.

1. That PWC — having a responsibility to individual householders in the Bagot Community who paid money to it for the supply of water to their households — in consultation with BCI, take all reasonable steps to reconcile and credit/repay overpayments by those individuals. [It is noted that compliance with this recommendation is contingent on PWC obtaining detailed tenancy information from third parties (from BCI or potentially from individual householders)].

2. That PWC promptly move to reinstate a process that recognises and facilitates payments by individual householders in the Bagot Community for the supply of water services. That the process be developed in consultation with the NT Government and Bagot Community representatives, taking into account the factors and issues discussed in Chapters 2 and 3 of this Report.

3. That the NT Government and PWC undertake wide-ranging consultations with representatives of relevant indigenous communities to discuss the best approach or approaches to recognising and facilitating payments by individual householders in indigenous communities — and in doing so give careful consideration to the option of providing PWC meters for individual houses and discrete billing for individual householders.

4. That PWC, in consultation with the NT Government and relevant community representatives, review its approach to management of current debt owed by indigenous communities

5. That consultations be undertaken utilising the services of Indigenous interpreters where necessary and records of consultations be widely published within relevant communities.

6. That PWC review its billing and debt management practices to ensure that it has in place appropriate mechanisms for flexible and timely debt management in the future.

PWC’s initial responses to the recommendations are discussed at paragraphs 128-137 of the Report.

When tabling the report in the Legislative Assembly, the Chief Minister made the following remarks:

The report examined the relationship between Power and Water Corporation and the Bagot Community, specifically, PWC’s billing and payment process with individual households in the community and PWC’s approach to managing debts with the Bagot Community. Before I address the report’s findings and recommendations it is important to note the service delivery context in the Bagot Community. Bagot Community is one of 43 town camps across the Northern Territory that receives a funding contribution from the NT government.

There are 25 different entities holding the leases over 40 of these town camps. The remaining three are situated on Aboriginal land pursuant to the Aboriginal Land Rights (Northern Territory) Act. The town camps are provided under leases that are granted through four different types of tenure. While the title takes the form of a lease, it is akin to a grant of ownership. There are five different pieces of legislation that govern the four tenure types. Further, there are two different pieces of legislation that relate to the establishment and management of the entities that hold the tenure.

The Northern Territory government must navigate through the web of Commonwealth and Northern Territory legislation and get the consent of the land owners before it can do anything on these privately-owned areas. The complexity and challenges of delivering essential services to town camps across the Northern Territory should not be underestimated.
I now return to the report. The report concluded with six recommendations. I will address the substantive recommendations. The first recommendation in the report is that Power and Water Corporation, which I will refer to as PWC, takes reasonable steps to reconcile water payments made by individual households and credit or reimburse any overpayments. I can advise that PWC has reached out to Bagot Community Incorporated to commence the reconciliation process. I urge all parties to complete this task as a matter of urgency so the money can go back into the pockets of those affected individuals.

The second and third recommendations relate to putting in place a process that facilitates the payments by individual households in the community. In principle, the government supports individual billing. The residents of Bagot Community should be aware of how much water they are using and the cost of the water they use. Nevertheless, there are a number of important factors that would need to be addressed before individual billing could be implemented in the Bagot community and other town camps. These include the roles and responsibilities of stakeholders, infrastructure requirements, governance and legislation.

The final recommendation I want to raise in this Assembly is that PWC reviews its approach to the management of debt owned by Indigenous communities. The report highlighted concerns about the level of debt owed by Bagot Community Incorporated, which has been allowed to accumulate over time. The current debt level is a significant financial burden on the community. There should be an obligation on the part of PWC to proactively manage debt owed by Bagot Community Incorporated so it does not meet such unsustainable levels.

On the other hand, Bagot Community Incorporated must take responsibility for paying its water bills. It is not everybody else’s problem when Bagot cannot get its act together.

The normal course of action available to PWC for non-payment of a water bill is to restrict the water supply. In the case of Bagot Community, water supply could only be restricted at the community level and not individual households. The consequence of such an action must be weighed against the social and health impacts on the community. Further, it would unfairly disadvantage individuals who are up to date with their water charges.

PWC has increased engagement with the representatives of the town camps to discuss debt management approaches and a way forward.

The two key themes from the report are the complex arrangements in place in relation to the delivery of services on town camps and the need for greater engagement and consultation. This reinforces the government’s decision to undertake a comprehensive and inclusive review of town camps in the Northern Territory with the aim of delivering better services. The aim of the town camp review is to find new opportunities to improve living conditions on these communities.

The key areas to be considered in the review include lease arrangements, infrastructure, service delivery, housing legislation and capacity for local organisations to be engaged in the economy. Importantly, the review recognises that a one-shoe-fits-all model will not work for all town camps. Rather, the review will develop place-based approaches specific to each individual town camp.

Expressions of interest for the town camp review closed on 23 May 2016. It is anticipated that the review will be finalised by December 2016. Many of the issues to be considered in the review overlap with those raised in this report.

For this reason, I have asked the Department of Local Government and Community Services, which is coordinating the review, to include considerations of the report’s findings and recommendations in the town camp review.
In addition to providing information on progress of individual recommendations, PWC recently provided the following general update:

On 11 April 2016, the former Minister for Local Government and Community Services, announced a “comprehensive and inclusive review” of Northern Territory town camps. The aim of the review is to develop principles and the best strategic approach for improving living conditions in town camps.

Given the wide-ranging nature of the Ombudsman’s recommendations which cut across the legislative responsibilities of Power and Water, the Northern Territory Government and the Bagot Community Incorporation (BCI), this review is considered to be best placed to address and hopefully resolve many of the recommendations of the “Bills, Bills, Bills” report.

The Department of Housing and Community Development (DHCD) advises that the tender process for the external party to undertake the review is currently with the assessment panel and is expected to be finalised shortly.

Power and Water continues to support the review and remains in close consolation with the DHCD, ready to provide the necessary support and input.

My Office will continue to monitor progress against the recommendations.

‘LET THERE BE LIGHT’

The report outlined the findings of an investigation into the responses of the Department of Housing (the Department) and PWC to widespread incidents of criminal damage to electricity meters and other electrical fixtures and fittings for houses in the remote indigenous community of Wadeye.

The report recognised that the Department and PWC operate within a complex environment when providing public housing and essential services to remote communities. In Wadeye, the situation was exacerbated by the large number of houses with damaged meters, backboards and electrical fittings and the extent of the damage in some houses.

Nevertheless, the report concluded that there were number of instances of delay in repairing damaged meters and associated property and in developing agreed policies and procedures between the Department and PWC. The Report also identified instances of poor communication with interested stakeholders.

One recommendation remains outstanding — that PWC develop and implement an appropriate customer charter or similar document for Wadeye and other nominated remote communities and towns.

PWC advises that it has put considerable effort into developing customer contracts and a customer charter. However, it notes that the process of obtaining agreement/approval from a substantial number of stakeholders is involved. It states that due to number of external parties involved in the process, it cannot provide a timeframe for finalisation.

My Office will continue to monitor progress.
MATTERS ARISING FROM ALLEGATIONS OF INAPPROPRIATE CONDUCT BY A FORMER COMMISSIONER OF POLICE AND ANOTHER POLICE OFFICER

The report arose from investigation of allegations relating to the conduct of two NT Police officers, one of them the former NT Police Commissioner. In each case, it was alleged that a conflict of interests arose in relation to the same criminal investigation because of the association of the officer with a person who was under investigation.

The specific allegations against the officers were investigated by the Office of the Commissioner for Public Interest Disclosures (OCPID). While my Office conducted extensive preliminary investigations, I ultimately determined there would be no utility in reinvestigating the specific allegations.

There were, however, a range of broader issues that were referred to me by the OCPID or otherwise identified in the course of my investigation. The report dealt with those issues.

The recommendations made in the report are set out below.

1. **NT Police review its policies and procedures dealing with conflicts of interest, associations and gifts and benefits in consultation with the Office of the Ombudsman and OCPID.**

2. **NT Police review its controls in relation to procurement of travel management services to minimise the potential for personal interests to influence decision-making.**

3. **NT Police review its training and awareness programs for all levels, including senior management, in order to ensure that all officers develop and maintain the analytical skills and mindfulness to be able to identify and address integrity issues as they arise.**

4. **The NT Government consider the need for, and benefits of, alternative options for reporting, investigating and seeking advice on integrity issues.**

5. **NT Police review procedures relating to education and awareness of options for police reporting concerns about other police (including external reporting) and treatment of police who report such concerns.**

6. **NT Police review procedures for identification and reporting of police complaints in consultation with the Office of the Ombudsman and OCPID.**

7. **The NT Government take steps to amend the Ombudsman Act to abrogate the privilege against self-incrimination for the purposes of investigations under the Act, subject to inclusion of adequate protections against future use of information disclosed.**

NT Police has continued to provide updates on the implementation of recommendations made to it (1-3 and 5-6). Implementation, particularly with regard to education and awareness, is an ongoing task and my Office will continue to work with NT Police in this regard.

Recommendation 4 (concerning alternative options for reporting, investigating and seeking advice on integrity issues) is essentially being addressed by current initiatives of the NT Government relating to the establishment of an anti-corruption commission (discussed in Chapter 2).

Recommendation 7 (concerning the abrogation of the privilege against self-incrimination) has not been addressed by the NT Government to date.
MORGUE MANAGEMENT IN REMOTE COMMUNITIES

In March 2012, the former Ombudsman presented a report to the Chief Minister on Morgue Management on Remote Communities in the Northern Territory. The report was tabled in Parliament in May 2012.

The underlying issue was the failure over a number of years of anyone to take responsibility for provision or coordination of morgue management in remote communities. This contributed to a number of distressing outcomes, including:

- a body at Kalkarindji lay unrefrigerated for several days due to a broken unit, and in fact had hot air blowing on it. The deceased person’s mother (who was the complainant in this case) was advised not to view her son's body due to the state of decomposition;
- a medical practitioner returned to Yarralin to discover that a body was being stored in the kitchen of her home as there was nowhere else to put it;
- storage in a shed with no air-conditioning as the body was decomposing and smelt too much;
- storage of a body in the Timber Creek Court room;
- Northern Land Council staff who had no training had to deal with the transport of a body;
- a man’s body being mistakenly swapped with the body of a young woman. The error was only discovered at the time of the man’s funeral:
  
  “We thought it was my brother, opened the body bag and I saw a different face. A woman’s body. Then I closed it up and put the body bag back in the freezer and we came out and stopped the funeral.”

Issues relating to the Kalkarindji Morgue had been brought to the attention of the then Minister for Local Government as long ago as October 2008 and issues relating to remote morgues have been raised by the former NT Co-ordinator General for Remote Services and the Deputy Coroner.

Eight recommendations were made by the Ombudsman. Our Office has followed up with the Northern Territory Government on a regular basis to establish what progress has been made.

On 23 June 2015, the Chief Minister and the Minister for Local Government and Community Services issued a joint media release stating that the Northern Territory and Australian governments had agreed to spend almost $5 million on building and upgrading remote morgues.

While this addressed infrastructure issues, there still remained issues surrounding the ongoing management of remote morgue facilities that required resolution.

The Department of Health has provided the following update on progress:

The program to upgrade remote community morgues in the Northern Territory is now well underway and expected to be completed by February 2017. Eight new morgues will be built; this includes two collocated with new health clinics, three that will be built in communities that did not previously have a morgue and three that will replace morgues assessed as beyond practical repair. A further 12 morgues are being refurbished.

---

4 Quoted in H Hollis, “Body swapped in morgue: anguished remote communities call for action” SBS online, 12 May 2014.
The Northern Territory Government through the Department of Health is making provision to meet the future repairs and maintenance requirements of the morgues through existing Northern Territory Government maintenance contracts. The Department of Health will also meet leasing and operational costs.

The Department of Health has recently assumed responsibility for operating remote community morgues. Under the new arrangements 17 of the 20 remote morgues will be collocated with remote health clinics.

The Department of Health is currently reviewing, updating and extending existing policies for managing the bodies of deceased persons in remote communities to provide a clear operational framework for the management of morgues. These policies will be finalised and implemented by early 2017.
CHAPTER 4 – QUALITY IMPROVEMENT

The Ombudsman Act has two objects. The first relates specifically to investigating and dealing with complaints.

The second, and equally important object, is to “improve the quality of decision-making and administrative practices in public authorities”.

While information gained in the course of dealing with complaints may inform the Office in its pursuit of the second object, that object is considerably broader than the formal investigation of complaints.

The Office engages with public authorities and public sector officers through a range of mechanisms aimed at improving administrative practices across government. These include:

- delivery of accredited investigation training and a range of workshops and presentations;
- joint initiatives and regular contact with public authorities;
- joint initiatives and regular contact with complaints and review bodies;
- contributing to legislative and policy reform.

ACCREDITED TRAINING

The Office provides formal training to a wide range of investigators across Government by means of a nationally accredited Certificate IV in Government Investigations (Regulatory Compliance) course – PSP40416.

This specialist qualification covers the competencies required by those responsible for statutory investigation under a range of legislation, regulations, mandated government and organisational policies and instructions. It is a 2 week intensive course.

The course requires suitably skilled and formally trained staff at senior level within the Office. It also requires considerable effort to maintain national accreditation through a registered training organisation.

The cost for the course is currently $1900/person. Interested public servants wishing to attend can submit an expression of interest to nt.ombudsman@nt.gov.au.

WORKSHOPS AND PRESENTATIONS

In 2015/16, my Office delivered or participated in the following training and presentations to public sector officers:

- Prison Officer training
- Office of Commissioner for Public Employment (OCPE), Future Leaders Program
- OCPE Machinery of Government Program.
**JOINT PROJECTS**

In 2015/16, my Office finalised two joint projects with public sector agencies aimed at improving the quality of public sector administration.

*Internal complaints handling project*

In recognition of the importance of promoting robust internal complaint handling systems in NT public sector agencies, the Office of the Ombudsman undertook a joint project with the Power and Water Corporation, Jacana Energy and the Department of Business to develop a *Complaint Management Framework* and *Complaint Management Model Policy*.

The project was part of the Ombudsman’s commitment to helping all NT Public Sector agencies better manage complaints by following good administrative practices and developing new or enhancing existing complaint management systems, in a manner that is consistent with best practice and *Australian Standards*, and that:

- meets community expectations that agencies will be customer-focused and responsive to feedback/complaints,
- promotes complaint resolution without Ombudsman involvement,
- demonstrates a high level of accountability and transparency within the agency,
- prevents recurring systemic problems, and
- promotes continual review and improvement.

The project was finalised with the publication of the Framework and Model Policy which were distributed to Agency chief executives and are available on the Ombudsman website.

*Gifts and Benefits project*

Every day, public sector officers in the Northern Territory make decisions and take actions that impact on members of the community and the community as a whole. The community has an expectation that government functions will be conducted with integrity and impartiality — and without public sector officers being influenced by their personal interests.

From time to time, the Office of the Ombudsman has received complaints that raise integrity issues, including issues relating to the acceptance of gifts, benefits and hospitality.

To facilitate agency development and review of individual guidelines and policies, my Office developed an *Accepting Gifts, Benefits & Hospitality Policy Framework*, in co-operation with the Department of the Chief Minister, the Department of Lands, Planning and the Environment and the Department of Infrastructure.

The project was finalised by the publication of the Framework, which was distributed to Agency chief executives and is available on the Ombudsman website.

The Framework is an adjunct to the relevant statutory provisions and the NTPS Code of Conduct, which can be found on the OCPE website.

I am very grateful for the contributions of the agencies involved in both joint projects.
OTHER INVOLVEMENT WITH PUBLIC AUTHORITIES

Section 150 of the *Ombudsman Act* allows for the Ombudsman and the Police Commissioner to make an agreement about dealing with police complaints. An agreement was finalised in 2014/15 (see Appendix B). It provides considerable additional detail on the processes and procedures in place for dealing with police complaints.

My Office also maintained contact with public authorities and officers in the following ways:

- numerous meetings between the Ombudsman and various public authority chief executives or senior executives;
- regular meetings with Police senior executives and members of the Police Standards Command;
- regular meetings with Corrections, PWC and Jacana Energy;
- visits to various agencies in regional centres.

COMPLAINTS AND REVIEW BODIES

In order to facilitate ongoing co-operative relationships with complaints and review bodies, the Ombudsman has entered into the following Memorandums of Understanding:

<table>
<thead>
<tr>
<th>Entity</th>
<th>MoU commenced</th>
<th>MoU available</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commonwealth Ombudsman</td>
<td>November 2009</td>
<td>2013/14 Annual Report</td>
</tr>
<tr>
<td>Commissioner for Public Interest Disclosures</td>
<td>August 2010</td>
<td>2013/14 Annual Report</td>
</tr>
<tr>
<td>Children’s Commissioner</td>
<td>June 2014</td>
<td>2013/14 Annual Report</td>
</tr>
<tr>
<td>Information Commissioner</td>
<td>May 2015</td>
<td>2014/15 Annual Report</td>
</tr>
</tbody>
</table>

The Ombudsman and staff of the Office co-operate in a variety of other ways with complaints and review bodies in the Territory, across Australia and internationally. In 2015/16 this included:

- one on one meetings with various independent officers including the Auditor-General, the Electoral Commissioner, the Commissioner for Public Interest Disclosures, the Commissioner for Public Employment, the Health & Community Services Complaints Commissioner and the Children’s Commissioner;
- attendance at regular meetings of an NT independent officers group;
- participation in the Integrity and Accountability Officers Group;
- discussion of individual matters and formal referral to other bodies where appropriate;
- meeting with interstate and national counterparts as the opportunity arises, for example, hosting visits by staff of the Commonwealth Ombudsman and meeting with the Queensland Ombudsman;
- maintaining membership of the International Ombudsman Institute (IOI), a global organisation for the cooperation of more than 170 independent Ombudsman institutions from more than 90 countries worldwide - [http://www.theioi.org/](http://www.theioi.org/);
- maintaining membership of the Australian and New Zealand Ombudsman’s Association (ANZOA) a professional association and the peak body for Ombudsmen in Australia and New Zealand. ANZOA’s members are individual Ombudsmen working in not-for-profit industry-based, parliamentary and other statutory offices, which meet accepted high standards of independence, impartiality and effectiveness, and which observe the *Benchmarks for
Industry-Based Customer Dispute Resolution. Through the Ombudsman’s membership of ANZOA, our staff benefit from the professional development opportunities offered by participation in ANZOA’s numerous interest groups - www.anzoa.com.au.

- serving on the ANZOA Executive and on the planning committee for the biennial ANZOA conference;
- attendance at the following meetings and conferences:
  - Deputy Ombudsman Forums x 2;
  - Meeting of Australasian Parliamentary Ombudsmen;
  - Australian Public Sector Anti-Corruption Conference;
  - Australian and New Zealand Ombudsman Association Conference;
- contributing to joint projects with Australasian parliamentary ombudsmen, for example, development of University complaint handling best practice guidelines and ombudsman statistical benchmarking.

LEGISLATIVE AND POLICY REFORM

One of the roles of the Ombudsman is to take part in meetings of the Northern Territory Law Reform Committee (NTLRC). The NTLRC advises on issues referred by the Attorney-General relating to reform of the law in the Northern Territory.

During the year, the Ombudsman served on a sub-committee of the NTLRC reviewing the Interaction between people with Mental Health Issues and the Criminal Justice System.

The Ombudsman is also asked to make submissions or provide input from time to time on policy and legislative reform relating to aspects of public administration. Input was provided in relation to a number of issues during the year, including:

- a detailed joint submission to the Anti-Corruption, Integrity and Misconduct Commission Inquiry; and
- a detailed submission to the Review of the Department of Correctional Services.
CHAPTER 5 – STAKEHOLDER & COMMUNITY INVOLVEMENT

The Office regularly engages with stakeholder groups and the broader community in a variety of ways.

PRESENTATIONS, EVENTS AND VISITS

In 2015/16, we conducted visits and presentations to a range of stakeholder and community groups.

<table>
<thead>
<tr>
<th>Top End Region</th>
<th>Alice Springs Region</th>
<th>Katherine Region</th>
</tr>
</thead>
<tbody>
<tr>
<td>Multicultural Council NT</td>
<td>Salvation Army</td>
<td>Venndale Rehabilitation Centre</td>
</tr>
<tr>
<td>Somerville Community Services</td>
<td>Mission Australia</td>
<td>Katherine Women’s Legal Service</td>
</tr>
<tr>
<td>NT Working Women’s Centre</td>
<td>Catholic Care NT</td>
<td>Catholic Care NT</td>
</tr>
<tr>
<td>St Vincent de Paul</td>
<td>Tangentyere Council</td>
<td>St Vincent de Paul</td>
</tr>
<tr>
<td>Anglicare</td>
<td>CAALAS</td>
<td>NAAJA</td>
</tr>
<tr>
<td>Law Society NT</td>
<td>Central Land Council</td>
<td>Red Cross</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Northern Land Council</td>
</tr>
<tr>
<td></td>
<td></td>
<td>NT Friendship and Support Office</td>
</tr>
</tbody>
</table>

We also conducted visits and presentations to a range of government organisations.

<table>
<thead>
<tr>
<th>Top End Region</th>
<th>Alice Springs Region</th>
<th>Katherine Region</th>
</tr>
</thead>
<tbody>
<tr>
<td>NT Legal Aid</td>
<td>MacDonnell Regional Council</td>
<td>Katherine Town Council</td>
</tr>
<tr>
<td></td>
<td>Central Desert Regional Council</td>
<td>Victoria Daly Regional Council</td>
</tr>
<tr>
<td></td>
<td>Electorate offices</td>
<td>Roper Gulf Regional Council</td>
</tr>
<tr>
<td></td>
<td></td>
<td>NT Legal Aid</td>
</tr>
<tr>
<td></td>
<td></td>
<td>CDU, PWC, Health, MVR</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Electorate offices</td>
</tr>
</tbody>
</table>

In addition, we visited a number of indigenous communities across the Territory.

<table>
<thead>
<tr>
<th>Top End Region</th>
<th>Alice Springs Region</th>
<th>Katherine Region</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bagot</td>
<td>Hermannsburg</td>
<td>Barunga (Bamyili)</td>
</tr>
<tr>
<td>Belyuen</td>
<td>Santa Teresa</td>
<td>Beswick (Wugularr)</td>
</tr>
<tr>
<td>Kullaluk</td>
<td>Wallace Rockhole</td>
<td>Kalano</td>
</tr>
<tr>
<td>Minmarama</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Nauiyu (Daly River)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Palmerston Indigenous Village</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
At various venues, we conducted complaints clinics where members of the community could come forward to raise any issues of concern.

We also ran a number of radio advertisements in conjunction with visits to regional centres and communities.

**PARTICIPATION IN STAKEHOLDER MEETINGS AND EVENTS**

The Office jointly facilitated a stakeholder forum on use of indigenous interpreters with the Office of the Commonwealth Ombudsman.

Further community engagement was encouraged through participation in stalls at the following public events:

- Supreme Court Open Day
- Palmerston City Council Seniors Day
- International Women’s Day Mini Expo
- COTA NT Seniors Expo
- Multi-Cultural Council Open Day.

**PUBLICATIONS AND WEBSITE**

The Office provides access to a broad range of publications, primarily through its website at [www.ombudsman.nt.gov.au/publications](http://www.ombudsman.nt.gov.au/publications).

Available publications on the website include:

- Annual Reports dating back to 2002-03;
- Investigation Reports dating back to 2002;
- Surveillance Devices Compliance Reports dating back to 2014;
- a variety of brochures, guides and other information for enquirers and complainants.

In addition to reports, resources added to the website during 2015/16 included *Accepting Gifts, Benefits & Hospitality Policy Framework for Northern Territory Public Sector, Complaint Management Framework and Model Policy and Complaint Handling at Universities - Australasian Best Practice Guidelines*.

In 2014/15 the Office published an electronic *Complaints and Enquiries Guide* on its website to assist users who are unsure where to complain or make enquires about an issue. This guide was designed to assist both members of the general public and also other complaints entities in referring matters to the relevant body. A review of the guide is currently underway with a second updated edition due for release in the second half of 2016.

As in previous years, the most commonly visited pages on the website continued to be those that contained information on how to contact the Office and how to make a complaint, and those that contained publications and reports.
Website visits from mobile devices including tablets continue to make up a substantial proportion of total visits with 29% of visits originating from mobile devices in 2015/16.
CHAPTER 6 – OVERSIGHT FUNCTIONS

SURVEILLANCE DEVICES

The purposes of the Surveillance Devices Act (the SDA) are to:

(a) regulate the installation, use, maintenance and retrieval of surveillance devices;
(b) restrict the use, communication and publication of information obtained through the use of surveillance devices or otherwise connected with surveillance device operations;
(c) establish procedures for law enforcement officers to obtain warrants or emergency authorisations for the installation, use, maintenance and retrieval of surveillance devices in criminal investigations extending beyond this jurisdiction;
(d) recognise warrants and emergency authorisations issued in other jurisdictions; and
(e) impose requirements for the secure storage and destruction of records, and the making of reports to Judges, Magistrates and Parliament, in relation to surveillance device operations.

Section 63(1) of the SDA requires the Ombudsman to inspect the records of the NT Police to determine the extent of compliance with the SDA by NT Police and its law enforcement officers.

The Ombudsman is required, under section 64(1) of the SDA, to report to the Minister at six monthly intervals on the results of each inspection. Section 64(2) of the SDA provides that the Minister must, within 7 sitting days after receiving a report, table a copy of it in the Legislative Assembly.

In accordance with the SDA, our Office undertook two inspections during the reporting period and reports were provided to the Minister. Tabled reports are available on the Ombudsman website.

TELECOMMUNICATIONS INTERCEPTION

The Telecommunications (Interception and Access) Act (the Commonwealth Act) prohibits the interception of, and other access to, telecommunications except where authorised. An “agency” as defined in the Commonwealth Act can apply for a warrant to authorise access.

The NT Police has been declared an agency under section 34 of the Commonwealth Act.

The Telecommunications (Interception) Northern Territory Act (the NT Act) enabled that declaration and provides for record keeping, inspection and reporting required under the Commonwealth Act (see section 35 of the Commonwealth Act).

Sections 9 and 10 of the NT Act provide for the NT Ombudsman to inspect NT Police records and report on compliance by members of the NT Police with Part 2 of the NT Act.

Section 10 of the NT Act provides that there must be an inspection at least once in every six month period and that an annual report on inspections must be provided to the NT Minister within three months of the end of the financial year. The NT Minister in turn provides a copy of the report to the Commonwealth Attorney-General.

In accordance with the NT Act, the Office of the Ombudsman undertook two inspections during the reporting period and an annual report was provided to the NT Minister.
CONTROLLED OPERATIONS

The Police (Special Investigative and Other Powers) Act commenced on 1 July 2015. Part 2 of that Act provides for authorisation of ‘controlled operations’, which might colloquially be described as ‘under cover’ operations. It also provides protections against criminal and civil liability for people involved in authorised controlled operations.

As a safeguard, the Act provides for the Ombudsman to inspect the records of NT Police, at least once each year, in order to determine the extent of compliance by NT Police and its officers with Part 2.

The Ombudsman must report on compliance each year to the relevant minister. The report must include comments on the comprehensiveness and adequacy of 6 monthly reports which the Commissioner of Police is required to provide to the Ombudsman.

Our Office undertook one inspection during the reporting period and an annual report has been provided to the Minister for Police, Fire & Emergency Services. Once tabled, the report will be made available on the Ombudsman website.
CHAPTER 7 – APPROACHES – ENQUIRIES AND COMPLAINTS

NUMBER OF APPROACHES

In 2015/16, there were 2,568 approaches to the Office (compared with 2,767 in 2014/15). These varied from matters outside our jurisdiction (which we refer on where possible) to quick queries, to matters requiring more work on our part and ultimately to complaints requiring significant investigation.

The top government agencies by approach received in 2015/16 are set out below.5

<table>
<thead>
<tr>
<th>Department / Agency</th>
<th>2013/14</th>
<th>2014/15</th>
<th>2015/16</th>
</tr>
</thead>
<tbody>
<tr>
<td>Police, Fire and Emergency Services</td>
<td>446</td>
<td>525</td>
<td>560</td>
</tr>
<tr>
<td>Correctional Services</td>
<td>320</td>
<td>608</td>
<td>430</td>
</tr>
<tr>
<td>Housing</td>
<td>84</td>
<td>102</td>
<td>102</td>
</tr>
<tr>
<td>Jacana Energy</td>
<td>-</td>
<td>52</td>
<td>85</td>
</tr>
<tr>
<td>PowerWater</td>
<td>129</td>
<td>90</td>
<td>84</td>
</tr>
<tr>
<td>Attorney-General and Justice</td>
<td>17</td>
<td>33</td>
<td>54</td>
</tr>
<tr>
<td>Education</td>
<td>11</td>
<td>24</td>
<td>30</td>
</tr>
<tr>
<td>Transport [1]</td>
<td>31</td>
<td>19</td>
<td>30</td>
</tr>
<tr>
<td>City of Darwin [2]</td>
<td>20</td>
<td>24</td>
<td>28</td>
</tr>
<tr>
<td>Charles Darwin University</td>
<td>20</td>
<td>28</td>
<td>25</td>
</tr>
<tr>
<td>Business</td>
<td>21</td>
<td>12</td>
<td>20</td>
</tr>
<tr>
<td>Lands, Planning and the Environment</td>
<td>16</td>
<td>9</td>
<td>18</td>
</tr>
<tr>
<td>Health</td>
<td>14</td>
<td>8</td>
<td>18</td>
</tr>
</tbody>
</table>

**Notes**

(1) Includes Motor Vehicles Registry (27).
(2) In total, there were 67 approaches in relation to local government councils compared with 55 in 2014/15.

VARIATIONS FROM PREVIOUS YEARS

There were 498 Police conduct approaches during the year, a slight increase on the 488 Police conduct approaches in 2014/15. There were 62 NTPFES approaches about other matters, an increase from 37 in the previous year. These other approaches related to a wide variety of matters, for example, general enquiries about processes, the grant or failure to grant an Ochre Card, delay in providing a criminal history check, attempts to dispute an infringement notice, issues to do with court proceedings, failure to provide information, recruitment and other personnel issues and matters relating to civilian employees. The increase was not obviously attributable to any factor.

I noted in my previous Annual Report that there was a spike in Corrections complaints in 2014/15 arising from the transition to the new Darwin Correctional Centre. In 2015/16, Corrections complaints dropped substantially compared to the previous period, although they were still above levels in prior years. Figures for approaches received over recent months suggest that approaches are again likely to drop substantially in 2016/17.

---

5 The list reflects the names and structures in place at 30 June 2016.
Overall, energy and water approaches (Jacana Energy and PowerWater) continued to be the third most prevalent source of approach, with numbers rising appreciably over recent years from 79 to 129 to 142 to 169.

The Department of Justice and the Attorney-General also saw an increase in approaches from 33 in 2014/15 to 54. These were chiefly attributable to approaches about the Fines Recovery Unit (27) but there were also approaches regarding the Public Trustee (7), courts administration (4) and a number of independent offices.

Police conduct complaints are discussed in the next Chapter. Approaches relating to administrative actions of corrections, energy and water and housing agencies are analysed in more detail later in this Chapter.

**How Approaches are Made**

The Office offers a range of options for contact. In 2015/16, over two thirds of enquirers made initial contact with the Office by telephone. This compared with 15% of people who utilised either e-mail or the Office’s online web form.

Even with other options available, a substantial number of people still made initial contact by visiting the Office in person.

**Source of Approaches**

Establishing the demographic make-up of people who approach the Office is difficult. People who make a brief phone call or who contact us using the online complaint form, e-mail or facsimile may not provide an address that shows the region where they live. The statistics by region presented here therefore exclude a large number of ‘unknowns’.

<table>
<thead>
<tr>
<th>Region</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Darwin</td>
<td>60</td>
</tr>
<tr>
<td>Palmerston/Litchfield</td>
<td>11</td>
</tr>
<tr>
<td>Alice Springs</td>
<td>15</td>
</tr>
<tr>
<td>Katherine</td>
<td>7</td>
</tr>
<tr>
<td>Top End Rural</td>
<td>4</td>
</tr>
<tr>
<td>East Arnhem</td>
<td>2</td>
</tr>
<tr>
<td>Barkly</td>
<td>1</td>
</tr>
</tbody>
</table>

For similar reasons, it can be difficult to establish in the course of dealing with an approach whether an enquirer identifies as indigenous. My Office considers it important to obtain such information to help us establish any gaps in service provision and ways to improve our service. We have therefore developed a demographic information script for our staff to explain to enquirers why obtaining information of this type is important and ask questions about region, indigenous status and how they found out about the Office. The script and questions have also been incorporated into our complaints form.
However, as we stress to enquirers, it remains a matter of their personal choice whether they wish to answer any or all of these questions. In 2015/16, 16% of enquirers identified or were identifiable as indigenous. However, over half of enquirers did not identify a background at all. Of those whose background was identifiable, 41% were indigenous. That being the case, these statistics are at best broadly instructive rather than definitive.

**HOW APPROACHES ARE DEALT WITH**

Approaches to the Ombudsman NT can be dealt with in a number of ways.

<table>
<thead>
<tr>
<th>Deal with as</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ombudsman matters</td>
<td>Approach within jurisdiction and dealt with by Ombudsman NT.</td>
</tr>
<tr>
<td>Agency referral</td>
<td>If the complainant has not previously raised the issue with the agency, the Ombudsman NT will in almost all cases refer the complainant back to the agency to give it a chance to resolve the issue.</td>
</tr>
<tr>
<td>Complaint entity referral</td>
<td>There are other complaints and review bodies that deal with specific issues. The Ombudsman NT may formally refer a matter to one of those bodies.</td>
</tr>
<tr>
<td>Outside jurisdiction</td>
<td>Enquirer advised the Ombudsman NT has no jurisdiction. Referred or provided with contact details for another complaints body (government or private sector) if possible.</td>
</tr>
</tbody>
</table>

**Ombudsman matters**

The Ombudsman NT deals with complaints about NT government agencies, local government councils and the conduct of NT Police. Complaints against Police have special rules regarding their conduct and approaches of this type are discussed in Chapter 8.

For other matters, the Ombudsman may make preliminary enquiries of a public authority to establish whether the Office is authorised to investigate a complaint and whether the action should be investigated.

Ombudsman matters may be resolved informally or a formal investigation may be undertaken.

The Office may decline to deal with a complaint for a variety of reasons, including that the complaint is trivial, frivolous, vexatious or not made in good faith, that the complainant does not have a sufficient interest, that investigation is unnecessary or unjustified, or that the action complained of has been or will be investigated by another complaints entity.

**Giving the agency a chance to resolve the complaint**

Our office maintains the view (strongly supported under the Act) that the relevant agency should be given the opportunity to resolve a complaint in the first instance. For this reason, complainants who come to our office without first addressing their concerns with the relevant agency will be assisted by our staff in making contact with the agency.

This often involves our staff contacting the agency by phone and providing a letter that simply outlines the complainant’s concerns. The process works well and is appreciated by both the agency involved and the complainant. If the agency is unable to resolve the complaint, the complainant can return to our Office for further assistance.
Referrals to another complaints entity

There are a number of other NT Government complaints entities that deal with specific issues. In some cases, they have exclusive jurisdiction to deal with complaints of that type while in others there may be shared jurisdiction. The Ombudsman NT may refer inquiries of this kind to another entity (section 32 of the Ombudsman Act).

Complaints entities that we may refer a matter to include:

- Commissioner for Public Interest Disclosures;
- Information Commissioner;
- Children’s Commissioner;
- Health and Community Services Complaints Commission;
- Anti-Discrimination Commission.

A sample of approaches and outcomes

A student at a tertiary institution complained that the practice adopted in dealing with his appeal of a failing mark on an assignment was not in line with the institution’s policies. Following contact with my Office, the institution arranged for the assignment to be marked by an external examiner.

A driver attending the Motor Vehicle Registry (MVR) was informed that his licence had been suspended for failure to pay outstanding penalties. In discussions with the Fines Recovery Unit (FRU), the driver discovered that the penalties were attributable to another person with the same first and last name who lived in another town. My staff raised the matter with the FRU which rectified the matter and apologised to the driver.

An unsuccessful tenderer complained that the successful firm had let a required accreditation lapse. The agency had sought information about accreditation from the relevant body but there was a misunderstanding about the date for which the information was sought, leading the agency to understand that the successful firm was compliant. The contract had already been awarded and restarting the tender process was not a realistic prospect. However, the agency accepted a number of recommendations from my Office to improve its processes for the future to ensure that required accreditation is held at the appropriate time in the tender process and maintained throughout the course of a contract.

A motorcyclist had a learner’s licence that was due to expire in the near future. He advised that he had been told that he would not be able to sit the test for a licence because there were no test spots open for another two months. The complaint was referred to MVR. MVR advised that they provided five motorcycle assessment spots each week. MVR identified the only spot available prior to the expiry of the learner’s licence, the motorcyclist took the test the day after he contacted our Office and was granted his licence.
To assist the smooth referral of complaints and exchange of information between offices, our Office enters into memorandums of understanding covering the practical aspects of referrals, confidentiality and information sharing, the sharing of resources and minimising the risk of duplication.

**Outside jurisdiction**

Each year the Office also responds to a large number of enquiries relating to entities that do not fall within its jurisdiction, for example, enquiries about private sector or non-government organisations.

There are also some types of Government action that we do not have power to review, for example, personal decisions of Ministers, decisions of Cabinet and Executive Council, judicial decisions and decisions about public sector employment.

In outside jurisdiction cases, the Office attempts to either provide contact details or put the enquirer in touch with an entity that can assist them.

In 2015/16, we dealt with 985 outside jurisdiction approaches (compared to 1,153 in 2014/15). The following table lists the most common outside jurisdiction sectors where approaches were referred on to another complaints body or forum.

<table>
<thead>
<tr>
<th>Sector</th>
<th>2013/14</th>
<th>2014/15</th>
<th>2015/16</th>
</tr>
</thead>
<tbody>
<tr>
<td>Employment</td>
<td>126</td>
<td>170</td>
<td>150</td>
</tr>
<tr>
<td>Consumer affairs</td>
<td>115</td>
<td>118</td>
<td>131</td>
</tr>
<tr>
<td>Commonwealth government</td>
<td>40</td>
<td>78</td>
<td>82</td>
</tr>
<tr>
<td>Financial services</td>
<td>66</td>
<td>71</td>
<td>80</td>
</tr>
<tr>
<td>Private housing</td>
<td>37</td>
<td>62</td>
<td>68</td>
</tr>
<tr>
<td>Health services</td>
<td>43</td>
<td>84</td>
<td>57</td>
</tr>
<tr>
<td>Telecommunications</td>
<td>45</td>
<td>58</td>
<td>57</td>
</tr>
</tbody>
</table>

**How quickly approaches are dealt with**

In 2015/16, 2,572 approaches to the Office were finalised. The bulk of approaches are dealt with expeditiously by the Office. This year, 86% of Police conduct approaches were finalised within 28 days and 90% of other matters were finalised within 7 days.

<table>
<thead>
<tr>
<th>Group</th>
<th>Up to 7 days</th>
<th>8 to 28 days</th>
<th>29 to 90 days</th>
<th>91 to 180 days</th>
<th>Over 180 days</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Police conduct</td>
<td>62%</td>
<td>24%</td>
<td>11%</td>
<td>1%</td>
<td>2%</td>
<td>489</td>
</tr>
<tr>
<td>Other</td>
<td>90%</td>
<td>7%</td>
<td>2%</td>
<td>1%</td>
<td>&lt;1%</td>
<td>2,083</td>
</tr>
<tr>
<td>Total</td>
<td>2,175</td>
<td>255</td>
<td>102</td>
<td>24</td>
<td>16</td>
<td>2,572</td>
</tr>
</tbody>
</table>

A total of 39 matters remained open at 30 June 2016 compared with 42 at 30 June 2015. This represents less than 2% of approaches received during 2015/16.
### Approaches Involving Corrections

The year saw a substantial decrease in the number of approaches to our Office regarding the Department of Correctional Services (430 in 2015/16 compared to 608 in 2014/15 and 320 in 2013/14).

As noted above, the spike in 2014/15 related to the transition to the new Darwin Correctional Centre and approaches have been trending down throughout 2015/16 and the first months of 2016/17. A list of the most common issues raised by approaches in 2015/16 is set out in the table below. Some approaches raised more than one issue.

<table>
<thead>
<tr>
<th>Issue</th>
<th>Notes</th>
<th>No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>External contact</td>
<td>Includes issues with phones, mail and visits</td>
<td>81</td>
</tr>
<tr>
<td>RASP processes</td>
<td>Problems accessing Request to Attend Superintendent’s Parade forms</td>
<td>78</td>
</tr>
<tr>
<td>Classification / Housing</td>
<td>Includes issues about the classification of a prisoner, eg, high, medium, low security, as well as accommodation arrangements such as which area or block they are placed in and cell type</td>
<td>59</td>
</tr>
<tr>
<td>Health / welfare</td>
<td>Issues regarding health services are referred on to the Health &amp; Community Services Complaints Commission.</td>
<td>53</td>
</tr>
<tr>
<td>Money / buys</td>
<td>Any issues dealing with prisoner accounts and purchases</td>
<td>29</td>
</tr>
<tr>
<td>Recreation / Amenities</td>
<td>Matters relating to recreational activities and everyday aspects of living, eg access to publications, smoking, access to television, sporting and craft equipment</td>
<td>28</td>
</tr>
<tr>
<td>Food</td>
<td>Issues relating to quality or service of food. Includes issues relating to special dietary requirements</td>
<td>26</td>
</tr>
<tr>
<td>Educational programs</td>
<td></td>
<td>19</td>
</tr>
<tr>
<td>Personal safety/security</td>
<td>Assault, fight, threat by prisoner (7) – Assault, excessive force, threat by prison officer (7) – Housing prisoners together in a way that puts one or more at risk (4)</td>
<td>18</td>
</tr>
<tr>
<td>Work</td>
<td>Issues relating to work opportunities within prisons and externally</td>
<td>18</td>
</tr>
<tr>
<td>Lockdown / time outside</td>
<td>Any issues to do with limits or restrictions on time prisoners can spend in outside areas</td>
<td>15</td>
</tr>
<tr>
<td>Misconduct proceedings / appeals</td>
<td></td>
<td>13</td>
</tr>
</tbody>
</table>
Phones, Visits and Mail, which were counted separately last year, have been aggregated into External contact.

A prisoner advised that inmates were given three sets of clothing to wear but laundry was done only on certain days. He complained that this meant that prisoners would need to wear one set of clothing for two days twice before clothes were washed. My Office made inquiries with the correctional centre and was advised that a decision had been made to increase the number of laundry days.

Of the 12 top issues listed for 2014/15, RASP processes and Health/welfare are the only categories where the number of approaches increased this year.

RASP processes increased appreciably over the previous year’s figure. In many cases, this was due to a prisoner seeking to lodge a RASP to obtain an item or a service before actually seeking to obtain the item or service through routine procedures. The need to improve prisoner and officer understanding of request and complaint processes is discussed in Appendix A.

Health/welfare also increased to some extent from 40 to 53. These approaches are routinely referred to the Health & Community Services Complaints Commission. In that regard, I note a recent report by the Commission – Investigation into Prison Health Service at Darwin Correctional Centre, February 2016.

**ENERGY AND WATER APPROACHES**

At the start of 2014/15, the energy functions previously undertaken solely by the Power and Water Corporation (PWC) were split over three bodies:

- Jacana Energy took responsibility for electricity retail in urban areas;
- Territory Generation Corporation took responsibility for electricity generation;
- PWC retained responsibility for power networks, water and sewerage services and remote operations.

PWC continues to be involved in the resolution of a number of energy complaints even in urban areas because it is responsible for energy networks and distribution right up to the power box of individual consumers. So, for example, if a consumer claims there is an excessive electricity charge due to a faulty meter, PWC may well be required to become involved even if the direct relationship is between Jacana Energy and the consumer.

PWC will also be involved where, for example, a person wishes to challenge a credit listing due to an unpaid old debt.

The total number of energy and water approaches for 2015/16 was 169 (an increase from 142 in 2014/15). This comprised 85 approaches recorded against Jacana Energy and 84 against PWC.
The top four issues raised in relation to Jacana Energy were:

- Excessive charges (43);
- Financial hardship, debt collection arrangements, credit listing (16);
- Disconnection (9) - unreasonable or in error;
- Billing (6) – for example, bill not received or two bills received at the same time, or sent to wrong address.

The top four issues raised in relation to Power and Water were:

- Excessive charges (32);
- Financial hardship, debt collection arrangements, credit listing (21);
- Billing (5);
- Disconnection (4).

A consumer complained that they had been incorrectly credit-listed by an energy provider. Our Office approached the energy provider which investigated and found that the consumer’s address had not been updated when she disconnected her power. The energy provider took steps to have the credit listing removed but stated that it would pursue the debt owed by the consumer.

A consumer’s power was disconnected due to a high electricity bill which she thought may have been contributed to by faulty equipment in her house. The energy provider indicated she would have to pay $1,500 off the amount owing to have her electricity reconnected. My Office contacted the energy provider which arranged to reconnect the consumer on the basis of an initial payment of $500 (including a $200 voucher from a charitable organisation supplied by the provider as part of its initiatives to address financial hardship) and an agreed schedule of Centrelink deductions. The consumer had also complained about not being notified of the disconnection but the energy provider’s records showed that she had been sent four letters prior to disconnection.

Approaches involving Housing

There were 102 approaches to the Office relating to the Department of Housing in 2015/16 (the same as the number received in 2014/15). The five most common issues raised by enquirers related to:

- Repairs and maintenance (39);
- Financial issues (18), including rental amounts, debts, deductions and rebates;
- Allocation of housing (14), including priority housing and delays in completion of housing;
- Failure to take appropriate action on complaints against neighbours (10);
- Transfer of tenancy (6), including refusal to transfer to new accommodation and delay in transfer.

Remote public housing issues continued to be a priority for the Office in 2015/16.
A long term tenant of a public housing property purchased the property with her spouse, with a mortgage to the Department. Sadly, her spouse subsequently passed away. The new owner of the house continued payments on the mortgage which now stood at a relatively low level compared to the value of the property. However, she was failing to meet certain non-financial requirements of the mortgage. A Notice of Exercise of Power of Sale was served on the owner who complained to my Office through a legal aid agency. The situation was raised with senior officers of the Department who quickly confirmed that further action would not be taken in the absence of financial default.
CHAPTER 8 – POLICE CONDUCT

Complaints about Police conduct are addressed in detailed provisions of the Ombudsman Act. Conduct of a police officer is defined as any decision or act, or a failure to make any decision or do any act, by the police officer for, in relation to or incidental to, the exercise of a power or performance of a function of a police officer. The focus is therefore on conduct relating to the exercise of police functions rather than private conduct.

The Act requires the Commissioner of Police and the Ombudsman to notify each other, upon receipt of a complaint, and to provide details of the complaint. It provides a framework for the investigation of complaints against Police and defines the role of the NT Police Professional Standards Command (the PSC).

The provisions of the Act are supplemented by a detailed Police Complaints Agreement entered into between the Commissioner of Police and the Ombudsman under section 150 of the Act. The agreement, as in force at 30 June 2016, is set out at Appendix B of this Report.

During 2015/16, my Office received 498 approaches relating to Police conduct, up slightly from 488 in the previous year.

HOW POLICE CONDUCT APPROACHES ARE DEALT WITH

Once a complaint against Police is determined to be within jurisdiction, the complaint is assessed in consultation with the Commander PSC, according to the level of response considered necessary.

Careful consideration is given to the potential seriousness or importance of the complaint, whether it is appropriate for the Police to deal with the matter in the first instance, and the responsible allocation of resources. The classification of complaints is intended to be flexible and, if necessary, may be changed according to the results of enquiries/investigations to hand. The final decision on the classification of a complaint rests with the Ombudsman.

Different ways of dealing with approaches relating to Police conduct are discussed below.

Enquirer assistance and preliminary inquiries

Many issues raised with the Office can be addressed simply by the provision of information. A person may be making enquiries about the scope of the Ombudsman’s powers and processes or may be calling to seek information for a friend. They may be enquiring about an issue that is beyond the powers of the Ombudsman, for example, a court decision.

In other cases, NT Police can deal with minor matters as customer service inquiries that do not require classification as complaints.

In addition, there are matters where the Office will conduct preliminary inquiries with Police and determine that there is no basis on which to further pursue an enquiry or complaint. In some cases, preliminary inquiries may involve considerable work, for example, obtaining and assessing a preliminary response from the officers concerned along with copies of relevant documentation and CCTV footage or sound recordings.
The Ombudsman may decline to deal with a complaint under section 67 of the Act on a variety of grounds, including that the complaint is trivial or vexatious, that the complainant does not have a sufficient interest, that disciplinary procedures have commenced or charges have been laid against the officer in question, or that dealing with the complaint is not in the public interest.

The great bulk of approaches to the Office are finalised in the above ways without the need for a formal investigation.

**Complaint Resolution Process**

The Complaint Resolution Process (CRP) is an informal process undertaken by Police where early personal contact between Police officers and complainants may lead to a quick and effective resolution. A CRP may involve explaining to a person why a particular course of action was taken, the legal and practical considerations surrounding the incident or a simple apology.

Ideally the Police officer and the complainant should be satisfied with the outcome but this may not always be achievable. CRP is a means of dealing with common complaints about practice, procedures, attitudes and behaviours and is not intended to be an approach focused on fault-finding or punishment.

Complainants are informed by Police that they can approach my Office if they are not satisfied with the outcome of the process. Outcomes of CRPs are provided to my Office.

In 2015/16, 68 matters were dealt with by way of CRP (compared to 47 in the previous year).

**More serious complaints**

For complaints that are assessed as more serious, there are a number of options for action.

<table>
<thead>
<tr>
<th>Method</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Ombudsman investigation</strong></td>
<td>The Ombudsman may decide to directly investigate any Police complaint if satisfied it:</td>
</tr>
<tr>
<td></td>
<td>o concerns the conduct of a Police Officer holding a rank equal or senior to the rank of PSC Commander;</td>
</tr>
<tr>
<td></td>
<td>o concerns the conduct of a PSC member; or</td>
</tr>
<tr>
<td></td>
<td>o is about the practices, procedures or policies of NT Police; or</td>
</tr>
<tr>
<td></td>
<td>o should be investigated by the Ombudsman for any other reason.</td>
</tr>
</tbody>
</table>

The Ombudsman may decide that the investigation be undertaken in conjunction with a PSC member.

The Ombudsman can also commence an ‘own motion’ investigation into the conduct of a police officer.

In 2015/16, the Ombudsman did not initiate any own motion investigations into police conduct.
<table>
<thead>
<tr>
<th>Method</th>
<th>Description</th>
</tr>
</thead>
</table>
| **Category 1 complaint investigation** | This category is for the most serious allegations, for example complaints:  
  - considered to be of a serious or urgent nature, e.g. major assault, use of fire-arm or other perceived weapon, etc.;  
  - involving threats or harassment considered to be of a serious nature e.g. threat to kill, threat to endanger life, threat to unlawfully harass, etc;  
  - likely to result in criminal or disciplinary proceedings;  
  - raising a matter of public interest; or  
  - likely to raise significant questions of Police practice or procedure.  
  Police investigate and provide a report which is assessed by this Office. The Ombudsman provides an assessment, and any recommendations, to the Commissioner. If the Commissioner agrees with the recommendations, the Ombudsman then advises the complainant of the relevant outcomes of the investigation.  
  If the Commissioner and the Ombudsman are unable to agree on the outcomes and recommendations, the Ombudsman may provide a report for tabling in the Legislative Assembly.  
  In 2015/16, 3 matters were assessed as Category 1 complaints (compared with 2 in the previous year). |
| **Category 2 complaint investigation** | These complaints are not at the level of Category 1 complaints but are nevertheless important enough to warrant comprehensive investigation.  
  They are investigated and resolved directly by Police in the first instance. Police report on the investigation to the Ombudsman and the complainant. The Ombudsman reviews the investigation and the complainant can raise any ongoing concerns relating to the police response with Ombudsman.  
  In 2015/16, 9 matters were assessed as Category 2 complaints (compared with 10 in the previous year). |
| **Deferral**          | If court proceedings or disciplinary procedures have been or will be commenced in relation to police conduct, the Ombudsman Act allows for the Ombudsman to discontinue investigation pending the outcome of those proceedings or to decline to deal further with the matter (sections 107 and 67(1)).  
  In practice, I will consider this option on application by NT Police. In order to adopt this approach, I need to be satisfied that the proceedings will encompass all the substantive issues raised by the particular complaint. If satisfied that is the case, I may then defer further investigation until completion of the proceedings.  
  On completion of proceedings, NT Police advise my Office of the outcome and I consider whether any further action is necessary.  
  In 2015/16, I deferred 2 investigations pending the outcome of proceedings. Both resulted in disciplinary action. |
There is provision for formal conciliation in the *Ombudsman Act*. Conciliation may only be undertaken by agreement between the parties. It is not intended to absolve police officers of any misconduct or action. The process is an alternative dispute resolution process which is directed at reducing the need for civil matters proceeding to the courts. In practice, matters that might be resolved by this process are often dealt with as CRPs.

**Investigations**

Both NT Police officers and Ombudsman officers have substantial powers to conduct investigations in relation to complaints about Police conduct.

One question that may arise in the investigation of more serious Police complaint is whether to recommend that disciplinary action or, in some cases, criminal proceedings should be commenced against an officer.

The criminal standard of proof, beyond a reasonable doubt, is higher than the level of satisfaction required to establish a breach of discipline, so different considerations apply when weighing the answers to these two questions.

NT Police investigators have a power to direct an officer to answer a question or provide information in relation to an alleged or suspected breach of discipline even if to do so might incriminate the officer or make the officer liable to a penalty (section 79A or the *Police Administration Act*).

However, the answer to such a question or the information provided is not admissible as evidence against the officer in civil or criminal proceedings in a court (section 79A(3)). This can mean that information provided by an officer about their conduct that can be used for the purposes of a disciplinary proceeding is not available for the purposes of a criminal prosecution.

If that information is central to establishing the case against an officer, this may mean that a breach of discipline can be established but there is no reasonable prospect of securing a criminal conviction.

**ISSUES AND OUTCOMES**

Analysis of Police conduct approaches to the Office in 2015/16 again shows that the most common issues raised related to:

- the attitude or behaviour of officers, for example, complaints of rudeness;
- concerns about police investigations, for example, relating to delay or inaction; and
- use of force.

However, it is one thing for an issue or concern to be raised but another for there to be a finding that a complaint has been sustained.

**Sustained issues in Category 1 and 2 complaints**

As indicated above, Category 1 and Category 2 investigations deal with more serious complaints. For those complaints, an investigation is undertaken and a report is prepared by a Police investigating officer. The report is reviewed firstly by senior Police and then by Ombudsman investigators.
There are a variety of potential outcomes from an investigation. A complaint may be found to be sustained. It may be found to be unsubstantiated because there is no evidence or unresolved because there is insufficient evidence. The action or conduct of Police may be found to be reasonable or not unreasonable in the circumstances. More detail about potential findings can be found in the Police Complaints Agreement at Appendix B to this Report.

In addition to issues identified by complainants, investigating officers may identify ancillary matters in the course of an investigation. Often these involve failure to undertake a particular procedure or adequately complete relevant records.

Complaints may also give rise to ancillary issues regarding staff management and supervision where a complaint is substantiated against a more junior officer. In such cases, a supervisor may also be subject to appropriate guidance or action.

Eleven Category 1 and 2 complaints finalised in the reporting period involved a finding that issues were sustained (either in terms of a finding by the investigating officer or the outcome of disciplinary proceedings).

<table>
<thead>
<tr>
<th>How finalised</th>
<th>2013/14</th>
<th>2014/15</th>
<th>2015/16</th>
</tr>
</thead>
<tbody>
<tr>
<td>Category 1 - sustained</td>
<td>3</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Category 2 - sustained</td>
<td>5</td>
<td>8</td>
<td>8</td>
</tr>
<tr>
<td>Deferred in light of disciplinary action / charges</td>
<td>4</td>
<td>3</td>
<td>2</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>12</strong></td>
<td><strong>11</strong></td>
<td><strong>11</strong></td>
</tr>
</tbody>
</table>

The table below lists the number of cases involving sustained issues of each type described. In some cases, complaints involved more than one issue. In some, there was more than one officer involved.

<table>
<thead>
<tr>
<th>Sustained Issue Type</th>
<th>Cases</th>
</tr>
</thead>
<tbody>
<tr>
<td>Behaviour – abuse/rudeness/insensitivity</td>
<td>6</td>
</tr>
<tr>
<td>Custodial – personal safety / wellbeing – failure to monitor / safeguard</td>
<td>2</td>
</tr>
<tr>
<td>Property – failure to take proper care</td>
<td>2</td>
</tr>
<tr>
<td>Investigation – failure to undertake / inadequate / delay</td>
<td>1</td>
</tr>
<tr>
<td>Arrest/custody – unreasonable force</td>
<td>1</td>
</tr>
<tr>
<td>Interview – inappropriate or inadequate conduct</td>
<td>1</td>
</tr>
<tr>
<td>Arrest – unlawful / inappropriate arrest / detention</td>
<td>1</td>
</tr>
<tr>
<td>Property – unlawful action</td>
<td>1</td>
</tr>
<tr>
<td>Search and seizure - irregularity</td>
<td>1</td>
</tr>
</tbody>
</table>

Actions taken in relation to officers arising out of complaints finalised in 2015/16 included cautions, counselling, good behaviour bonds, demotion, restriction on performing higher duties, the requirement to undergo remedial training and managerial guidance under section 14C of the Police Administration Act.

In addition, in a number of cases, investigations gave rise to recommendations for improvements to police systems.

Several examples of Police conduct complaints finalised during the year follow.
USE OF FORCE / RUDENESS – Category 2 complaint

The complainant was detained by Police when he was drinking at a club. He complained that Police used excessive force at the club and the Watch house, that Police were rude to him and that a $50 note he had when he left the club was missing. The complainant said that he did not seek medical treatment from being ‘manhandled’ but had sore shoulders and shoulder blades during work for the next few days. When asked about the outcome he sought, the complainant replied that all he wanted was the same treatment not to occur to anyone else.

Police are permitted to use reasonable force in the exercise of their duties but it must be the minimum force required. It was clear from the investigation that the complainant was intoxicated and unco-operative and frequently questioned steps taken by Police. The investigation determined that the force used at the club was reasonable. However, it determined that more than ‘reasonably necessary’ force had been used when:

- the complainant was taken by the arm and moved quickly from the charge counter to a bench seat and restrained while his shoes and socks were removed;
- he was taken by the arm and moved to a cell after reception procedures were completed; and
- unsuccessful attempts were made to fingerprint him.

The Officer primarily responsible for these actions acknowledged that he had overreacted to the frustration he experienced in dealing with the complainant. The allegation was sustained.

The investigation also concluded that a number of officers had made rude and insulting comments to or about the complainant.

With regard to the alleged disappearance of the $50 note, CCTV footage showed $20 in smaller notes and $19 in change being counted on reception of the complainant and returned to the complainant on his release. There was no evidence of a $50 note. This allegation was not sustained.

The investigation identified a number of sustained ancillary issues, including rudeness to another person in custody, failings in supervision, ignoring or muting a cell alarm in the face of repeated activations, failure to assess in a timely manner whether persons in custody continued to be intoxicated, and failure to report and record information in a timely manner.

The investigator recommended that two officers receive managerial guidance under section 14C of the Police Administration Act and that Performance Plus Running Sheet entries be made outlining shortfalls in performance expectations for a further two officers.

The investigator noted that the relevant Station Induction Package had subsequently been updated to include more prescriptive instructions for each of the custody roles performed by officers working in the Watch house. It also recommended that the General Order Custody be reviewed and amended to include clear descriptions of the roles of each custodial officer, namely, Custody Sergeant, Custody Observer and Reception Officer.

NT Police apologised to the complainant for the use of unnecessary and unprofessional language and the force used.
CONSUMPTION OF SEIZED ALCOHOL – Category 1 complaint

Officers operating in a remote community seized a substantial amount of alcohol and took it back to the police station. The alcohol was not destroyed until the officers returned to a major centre the next day. An anonymous complaint alleged that the officers had consumed some of the seized alcohol.

There was no direct evidence available from the anonymous complainant or any other external source that could be relied on to show that the officers had consumed the alcohol in question. The investigation concluded, on the basis of evidence that would not be admissible in criminal proceedings, that two officers had consumed some of the seized alcohol while at the police station. The investigation also concluded that a more senior officer had failed to adequately supervise those two officers.

Advice was sought from the Office of the Director of Public Prosecutions which confirmed that there was not a reasonable prospect of conviction of any of the officers. Disciplinary proceedings were undertaken in relation to all three officers.

In addition, the investigator recommended a review of the management structure of the relevant unit and the development of an organisation-wide Alcohol Policy, which would include guidance on:

- the establishment of alcohol disposal points at police stations;
- consideration to covering these disposal points with CCTV;
- instructions on when and how to record the seizure and destruction of alcohol;
- instructions on when and how to store seized alcohol; and
- a consistent method of gaining statistical data relating to seized alcohol.

I supported these recommendations, pointing to the need for clarity on the quantity of seized alcohol and how it is recorded and destroyed. I noted that lack of consistency in recording of seizure amounts and how seized alcohol is disposed of leaves the whole process open to abuse, or at least to allegations of abuse.

INTERVIEWING A CHILD – Category 2 complaint

Police attended a juvenile detention centre to obtain a statutory declaration from a child in order to assist in identifying persons of interest. A support person from a charitable organisation was present when the child was interviewed. It appeared that the child gave a statement willingly. However, the child was not given the chance to choose their preferred support person or advised that they were entitled to seek legal advice and representation.

The allegation was found to be sustained. The child should have been informed that they could seek legal assistance and nominate their preferred support person. It was, however, noted that the statement was not used in any prosecution of the child and the child was not called on as a witness in any proceedings. NT police apologised to the child. The officer concerned was provided with remedial advice and undertook further relevant training.
DUTY OF CARE – Category 2 complaint

The complainant and another male were found intoxicated. Police were conveying the pair home when checks revealed that the complainant was wanted on an outstanding warrant. While Police were releasing the other male, the complainant jumped out the back of the vehicle and ran away. Officers chased the complainant and in order to subdue him used a Taser — however it missed the complainant completely. The chase continued and the complainant was eventually apprehended by an officer using OC spray.

The complainant was placed on the ground and alleged that Police treated him roughly, twisting his arm behind his back and holding him on the ground for 4 to 5 minutes. He said he complained about pain in his arm but Police did not let him up. The complainant stated that he told the Custody Nurse about his sore arm but the Nurse said there was nothing wrong with it.

The investigation considered the evidence from various witnesses and concluded that the allegation of excessive force was not sustained. It concluded it was probable that the complainant injured himself when he ‘stepped through’ his handcuffs to bring his hands to the front. The investigation also concluded that the assessment and care given on reception was appropriate and that there was no indication of injury at that time.

However, when the complainant was photographed and fingerprinted the next morning, the injury to his arm came to the attention of an Auxiliary at the Watch house, but was not reported to the Custody Nurse or Custody Sergeant. This aspect of the matter was found to be sustained and the Auxiliary was provided with Managerial Guidance under section 14C of the Police Administration Act.

TOO MUCH INFORMATION? – Complaint Resolution Process

An Officer gave a presentation on road and pedestrian safety at a school assembly at the request of the School Principal. The Principal was concerned at several near misses that had occurred near the school and asked the Officer to tell the children something that would get the message through about road safety. The Officer gave a description of a traffic accident which a parent was concerned was too graphic and potentially traumatic given that children of all ages attended the assembly.

A Complaint Resolution Process was undertaken with the agreement of the parent. While the Principal indicated that she had received a number of positive comments from parents about the presentation, she advised that she had written an open letter to parents, apologising for any distress the presentation may have caused.

Within a short period after the complaint, in response to a suggestion that children might feel scared of Police following the presentation, Police undertook three foot patrols and conducted community liaison during school commencement and completion time and attended the school for basketball with the children during lunchtime. Police undertook to continue to engage with children informally as often as possible. Steps were also undertaken to improve traffic facilities in the vicinity of the school and to increase the awareness of drivers regarding traffic safety around the school.

The complainant accepted the outcome of the Complaint Resolution Process and that no further action was required.
SEARCH AND SEIZURE – Category 2 complaint

The complaint related to the arrest of the complainant and searches of her car and caravan. Each allegation is discussed below.

The complainant was arrested and held in a police van while her caravan was searched without a warrant.

There was no evidence that the caravan was entered at the time of arrest. A search warrant was lawfully obtained and executed later in the day. However, Police did fail to notify her of the warrant execution and subsequent seizure of property or provide to her a copy of the warrant or a property receipt.

Cannabis plant material that was inside the caravan was missing.

The Police officers acknowledged that they disposed of cannabis remnants in the sink of the caravan during the execution of the search warrant. Allegation sustained.

Her residence was left unlocked but Police had told her it had been locked.

The complainant said she left her phone and wallet in the caravan because the officers said it was locked. The officers stated they closed the caravan door but did not lock it. They denied informing the complainant that the residence had been locked post arrest. Action found not to be unreasonable.

The caravan was left in a mess after it had been searched.

Both officers denied this allegation. The officer’s failure to video record the execution of the warrant (in line with NT Police requirements) meant there was no conclusive record of the state and condition of the caravan before and after the search. This allegation was unresolved.

Items were removed from the glove box of her vehicle and left on seat.

One officer admitted that the glove box contents were left on the front passenger seat. Allegation sustained.

Police initially denied seizing her phone when in fact they had seized it.

Police officers initially denied seizing the phone as it was not seized until later that evening when the search warrant was executed. The Officers should have provided the complainant with a property receipt following seizure.

Disciplinary proceedings were undertaken in relation to both officers.

The investigator also recommended that an internal broadcast be disseminated to all operational members, reiterating that cannabis plant material not be disposed of in this manner.

A formal apology was given by NT Police to the complainant.
FAILURE TO ADDRESS A COMPLAINT – Category 2 complaint

The complainant attended at a Police Station with her sister and advised that she wished to speak to Police about some ‘funny business’ involving a man. The Station was very busy at the time but Officer A, who had just finished her shift, spoke to the complainant, showed her to an interview room and arranged for an on duty officer to take a statement.

Officer B met with the women and obtained an account of the incident but produced a report that indicated there was no evidence as to the identity of the alleged offender, that the complainant did not wish to pursue a criminal investigation, and wanted the matter recorded for information only.

The complainant, however, has said that she was very clear that she wanted to make a statement and have the assault investigated. She said that Officer B initially took her account seriously but, once she explained that she had been intoxicated, it became a bit of a joke for him.

The complainant also maintained that she made it clear this was an allegation of sexual assault; however neither officer recorded this at the time or recalled this later.

Five days later, the complainant attended a legal service to pursue the matter. Police were contacted, the file was reopened and a criminal investigation commenced. The complaint related to the conduct and inaction of Officer B.

It was found that Officer B was negligent, inefficient or careless in the discharge of his duties in failing to properly address the allegation of assault. However, even though the complainant may have considered that she had stated that the assault was sexual in nature, there was not enough evidence to sustain a finding that Officer B had understood this to be the case.

The investigation also concluded that Officer B engaged in improper conduct on duty in failing to treat the matter and the complainant with due seriousness and respect. NT Police wrote to the complainant noting, “As the victim of a violent offence, you were in a vulnerable position and you should have been afforded appropriate support”.

Disciplinary proceedings were undertaken against Officer B in relation to both issues.
CHAPTER 9 – OUR OFFICE

CORPORATE GOVERNANCE, PLANNING AND PERFORMANCE

Under the Ombudsman Act, the Ombudsman is independent of Government in relation to complaints and investigations (section 12). However, for administrative purposes, the Ombudsman’s Office is an Agency under the administrative responsibility of the Chief Minister and the Ombudsman is the Chief Executive Officer of the Agency.

This means that under the Financial Management Act, the Ombudsman is the accountable officer for the Ombudsman’s Office, and has responsibility for the efficient, effective and economic conduct of the Office. It also means that the Ombudsman has responsibilities as a Chief Executive Officer under the Public Sector Employment and Management Act.

The Statement of Accountable Officer is on the first page of the Financial Statements for 2015/16, which forms Appendix C of this Report.

The Ombudsman NT Strategic Plan provides guidance and a general framework for strategic operations and annual business planning. A copy of the current Strategic Plan is available online at: http://www.ombudsman.nt.gov.au/about-us/our-policies/.

Within the constraints of available resources and in alignment with the strategic and business plans, financial planning is undertaken and an annual budget prepared at the commencement of each financial year.

Monthly Staff, Complaints Management and Management Board meetings are held to facilitate the administration of the Office and monitor progress against budget, strategic and business plans. Weekly Senior Management Group meetings are also held to update current projects and facilitate open communication and discussion within the management team.

Budget Paper 3 identifies Corporate Governance as a separate Output Group within the Office. The Key Performance Indicator for Corporate Governance is Client satisfaction with services. This is an internal measure of satisfaction on the part of staff with the performance of Corporate Governance. The target in the Budget Papers for 2015/16 was 90%. The outcome, based on a client survey, was 88%.

OUR STAFF

Staffing details for the Office as at 30 June 2016 are outlined below:

<table>
<thead>
<tr>
<th>Position Title</th>
<th>Level</th>
<th>Number</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ombudsman</td>
<td>ECO5</td>
<td>1</td>
<td>Statutory appointment</td>
</tr>
<tr>
<td>Deputy Ombudsman</td>
<td>ECO2</td>
<td>1</td>
<td>Executive Contract</td>
</tr>
<tr>
<td>Assistant Ombudsman</td>
<td>SA02</td>
<td>1</td>
<td>Ongoing</td>
</tr>
<tr>
<td>Senior Investigation Officer</td>
<td>AO7</td>
<td>5</td>
<td>3 Ongoing, 2 Fixed period (1 part time)</td>
</tr>
<tr>
<td>Investigation Officer</td>
<td>AO5</td>
<td>1</td>
<td>1 Ongoing</td>
</tr>
<tr>
<td>Resolution Officer</td>
<td>AO4</td>
<td>3</td>
<td>2 Ongoing (1 part time), 1 Fixed period</td>
</tr>
<tr>
<td>Business Manager</td>
<td>SAO1</td>
<td>1</td>
<td>Ongoing</td>
</tr>
<tr>
<td>Business Support Officer</td>
<td>AO4</td>
<td>1</td>
<td>Ongoing</td>
</tr>
</tbody>
</table>
In order to aid the Business Support Unit in the conduct of corporate and administrative duties, Resolution Officers provide additional administrative assistance as required. This not only provides a broader skill base in a small office to deal with scheduled and unexpected absences and peaks in demand. It also adds substantially to the professional development and flexibility of the staff concerned.

Public Sector Principles

The Office of the Ombudsman upholds the public sector principles relating to administration management, human resource management (including merit and equality of employment opportunity) and performance and conduct set out in the *Public Sector Employment and Management Act*.

As a small organisation we frequently rely on the work of the Office of the Commissioner for Public Employment, larger NT agencies or our counterparts in other jurisdictions to assist in policy development in this area, adopting or adapting policies and the like as the needs of the Office require. Their contributions in this regard are most appreciated.

Professional Development

Staff professional development attendance conducted or supported by the Office during 2015/16 included:

- Professional Management Program x 2 – University of Adelaide
- Discrimination Masterclass Conciliation – ADC, Leadr, IAMA
- Merit Selection Training x 3 - OCPE
- New supervisor course – CDU
- Records Training Program – RIM
- Governance Update – Governance Institute of Australia
- Policy Officer Forums – Department of Justice & the Attorney-General
- Law Society NT presentation
- Innovation Dialogues: Darwin – GovCampAU
- Working with interpreters – Aboriginal Interpreter Service
- Internal development sessions by various staff on:
  - *Police (Special Investigative and Other Powers) Act* and controlled operations
  - Ombudsman NT electronic resources refresher
  - New Correctional Centre forum
  - Indigenous complainants
  - Resolve and TRIM update
  - Microsoft Lync
  - Dealing with aggressive behaviour and security
  - Outreach project and methodologies
  - National and international ombudsman bodies and conferences.
One staff member completed a Bachelor of Business (Management) degree during the year and another continued with a Diploma in Business. Both courses were undertaken with support of the Office.

As indicated above, the Office conducts a regular internal development/presentation series. Sessions are aimed at updating staff on a range of topics of relevance to the Office and to complaint handling and investigations generally. All staff are encouraged to present from time to time. This also provides a valuable professional development avenue for staff who can hone their presentation skills.

**SYSTEMS, POLICIES AND PROCEDURES**

The operations of the Office are supported by a range of systems, policies and procedures.

During the reporting period, the Office commenced a review of its Accounting and Property Manual which was finalised shortly after the end of the reporting period. The review involved revision of all 24 chapters of the Manual in order to ensure compliance with all relevant legislative and policy requirements.

The Accounting and Property Manual deals with a wide range of issues, including financial and procurement matters, corporate systems, Information and Communications Technology, Risk Management and Audit.

The work of our officers is supported by the Office’s case management system, Resolve. The maintenance and development of the system involves a substantial ongoing investment of staff time and resources but it has proven to be of great benefit in terms of the management of individual matters and more general reporting.

A number of independent offices within the Department of Justice and Attorney-General have recently adopted the Resolve system. My staff were able to assist some of those offices in the implementation phase and relevant staff from each office continue to meet on a regular basis to discuss issues and opportunities as they arise. Some cost savings have also been made through server sharing without compromising the independence of the offices or the confidentiality of information.

Numerous other Ombudsman offices in Australia utilise the Resolve system and we also participate in teleconference meetings of the ANZOA Resolve interest group.

**WORK HEALTH AND SAFETY**

The Office of the Ombudsman is committed to providing a safe and healthy working environment for all of our workers and visitors to the Office. We maintain an OHS Management System, including an Occupational Health and Safety Management Plan that meets the requirements of the Work Health & Safety (National Uniform Legislation) Act and Employment Instruction 11 – Occupational Health and Safety Standards Programs.

Workplace Health and Safety (WH&S) is a standing agenda item on monthly Staff and Management Board meetings. An officer has been assigned primary responsibility for WH&S issues and regular WH&S audits are conducted.
Only minor WH&S issues were identified during the year and were recorded and rectified promptly. Should any significant WH&S issue arise which cannot be promptly addressed by the Office, the regulator NT WorkSafe will be contacted for advice/assistance.

**Annual Insurance Reporting Requirements**

Under Treasurers Directions (M 2.1.3 – Insurance Arrangements) each agency and Government Business Division is required to report insurance related information in its annual report. Details of the Office’s insurance arrangements are discussed below.

WH&S assessments of possible physical injury to staff within the Office are consistently assessed as low. This risk is further mitigated through implementation and adherence to Security and Risk Management systems. No commercial insurance is required for this risk category.

The Office does not hold large amounts of physical assets and as such the highest risk exposure to the Office is the physical risk of damage to its leased motor vehicle.

Risk to motor vehicles is mitigated through commercial vehicle insurance with TIO which costs the Office approximately $1,000 per year.

**Records Management, Disclosure and Correction**

The Ombudsman complies with the relevant requirements of Part 9 of the Information Act – Records and Archives Management.

*Information held by the Office*

The Ombudsman holds information in the following categories:

- information relating to inquiries and investigations into complaints against Northern Territory Government agencies, local government councils or the conduct of a member of the NT Police Force. This information includes complaints, correspondence and consultations with complainants and agencies, other information sources such as background material, records of conversation, analysis and advice and reports;
- information relating to the Ombudsman’s role as the chief executive of an NT agency with a particular set of responsibilities, in terms of the development or implementation of administrative process, policy or legislation; and
- information relating to the Ombudsman’s management of the office, including personnel, contracting and financial records and information about asset management.

The following are specific types of information held by the Ombudsman.

**Administrative and policy files**

The Ombudsman keeps files of correspondence and other documents, indexed by subject matter, on issues concerning office administration and management.

There are records on a wide range of policy and general questions concerning the Ombudsman’s functions and powers, the operation of the Office and the approach taken by the Ombudsman to particular classes of complaints.

Files may relate to the Ombudsman’s jurisdiction over a particular body or over particular classes of action, or they may represent the recording and consolidation of information on subjects or issues that have arisen in the course of investigations.
Access to information held on these files may be provided depending on the content of the relevant documents. Charges may also apply (see ‘Providing access to information’ below).

Complaint files
The Ombudsman keeps detailed records of all complaints made under the Ombudsman Act. Incoming complaints are registered in a relational complaints management database, this allows indexing and searching on a large number of fields including the complainant’s name, the agency complained about, issues, outcome, related parties and the subject of the complaint.

Physical files of documents relating to each written complaint are also maintained. On completion of matters, all physical files or documents are stored in the Darwin office until moved to archives or destroyed in accordance with approved disposal schedules.

Access to the information on these files is generally restricted depending on who is seeking the information.

Legal opinions
The Ombudsman maintains a copy of legal opinions the Office has been provided with. These opinions cover issues arising during the investigation of complaints and issues involving the Ombudsman’s functions and powers. They are not routinely disclosed.

Annual reports
Copies of the current Annual Report and some previous Annual Reports are available for downloading on the Ombudsman’s website at www.ombudsman.nt.gov.au. Some printed copies of the current Annual Report are available free of charge soon after publication.

Brochures
The Ombudsman has a range of brochure material available to the public. The material details the functions of the Ombudsman and provides a guide to using the services of the office. Some printed copies of these brochures are available free of charge from the Ombudsman’s Office in Darwin and some are available for downloading on the Ombudsman’s website.

Policies, manuals and guidelines
The Ombudsman has a variety of policy and procedural documents and guidelines. A number are available on the Ombudsman’s website. Access to information contained in these documents may be provided depending on the content of the relevant documents. Charges may apply.

Service Standards
The Ombudsman’s Service Standards set out the standards of service you can expect. A copy of the Service Standards is available on the Ombudsman’s website.

Providing access to information

Publicly available documents
The following documents may be available for inspection, distribution or purchase on request:

- **Brochures**: No charge.
- **Annual Report**: $30 for the purchase of a hard copy or available free on website.
- **Service Standards**: No charge.

Administrative arrangements for access to information
General inquiries and requests for access to documents may be made in person, by telephone or in writing at the Darwin Office. Alternatively, current or past complainants or respondents may choose to approach the relevant case officer directly. The Office is open between 8.00am and 4.30pm on weekdays (excluding public holidays).
Access under Part 3 of the Information Act
One object of the Information Act is to extend, as far as possible, the right of a person to access government and personal information held by government.

Initial inquiries about access to documents under Part 3 can be made to the Deputy Ombudsman through any of the contact options set out on the last page of this Report. An application to access information under Part 3 should be in writing and addressed to the Deputy Ombudsman. It may be sent by letter, facsimile or email or hand delivered.

While some information held by the Office is available under these provisions, a considerable amount is exempt from disclosure. For example, information is exempt from disclosure under section 49C of the Information Act if it is:

- contained in a complaint under the Ombudsman Act; or
- obtained or created under that Act in the course of or for making preliminary enquiries, or the conduct of conciliation, mediation, the police complaints resolution process or an investigation.

Applications for this type of information will be transferred to the organisation from which information in the control or custody of the Ombudsman was sourced.

In 2015/16, the Ombudsman received no information access requests under the Information Act.

Procedures for Correcting Information
The Information Act also provides for applications to correct personal information.

Initial inquiries about correcting personal information under Part 3 can be made to the Deputy Ombudsman through any of the contact options set out on the last page of this Report. An application to correct personal information under Part 3 should be in writing and addressed to the Deputy Ombudsman. It may be sent by letter, facsimile or email or hand delivered.

In 2015/16, the Ombudsman received no personal information correction requests under the Information Act.
APPENDIX A – SUBMISSION TO REVIEW OF DEPARTMENT OF CORRECTIONAL SERVICES

Preliminary points
1. Thank you for the invitation to provide input into the review. Before making substantive submissions I will make a number of preliminary observations.

2. The Office of the Ombudsman’s primary jurisdiction is in relation to the general operations of the Department and to adult offenders and remandees. The NT Children’s Commissioner has specific jurisdiction in relation to youths. In that regard, I note a recent report by the Children’s Commissioner — Services provided by the Department of Correctional Services at the Don Dale Youth Detention Centre, August 2015. Even so, the comments below are largely pertinent to both adults and youths.

3. Likewise, aspects of custodial care relating directly to provision of health services are usually referred by my Office to the Health & Community Services Complaints Commissioner. Again, I note a recent report by the H&CSCC – Investigation into Prison Health Service at Darwin Correctional Centre, February 2016. Nevertheless, as noted below, issues relating to how the Department implements the advice of health professionals does fall within the Ombudsman’s jurisdiction.

4. This Office has established a productive working relationship with the Department’s Professional Standards & Intelligence Unit (PSI) in relation to investigations and complaint handling. Many of the observations raised here are raised for the benefit of the review team and are in the nature of calls for closer inquiry into particular areas. They are not intended as criticisms of the staff involved or the work of the Department to date.

5. I acknowledge that the Department has undertaken considerable work in relation to many of the areas discussed. There are nevertheless areas where I consider even greater effort and resources need to be committed as part of a process of ongoing improvement of correctional systems.

6. In saying this, the size and limited resources available to the Territory must be acknowledged. The small population of the Territory limits available resources and options for different facilities but equally can present greater scope for adoption of innovative and flexible approaches.

Greater emphasis on strategic goals
7. In all strategic documentation, there is a clearly stated emphasis on reducing-reoffending. The NTG Framing the Future strategic goal, Strong Society and the Pillars of Justice law and order reform strategy both have a strong focus on reducing re-offending.

8. The Department’s Strategic Intent 2013-16, sets out its purpose as “To contribute to community safety by reducing re-offending”.

9. This approach is unexceptionable and is wholeheartedly supported. Imprisonment, of itself, is simply not an effective mechanism for reducing crime. Current return to prison rates are staggering and cannot be seen as an endorsement of the effectiveness of the justice system as it stands.
10. There is a problem in that, even with the considerable efforts undertaken by the Department to date, the reality is that the proportion of resources currently allocated to reducing re-offending does not reflect the Department’s primary strategic purpose.

11. There needs to be a fundamental change in the way we expend the vast resources allocated within the justice system, including the focus we place on reducing re-offending. The intention behind the strategic documentation must be matched by application of resources to innovative approaches to crime prevention, rehabilitation and reintegration. Approaches across all justice agencies must be integrated with that purpose in mind.

12. We must be prepared to innovate, to trial a variety of new approaches and to match our measures to fit our unique and diverse prison environment. We must learn from other jurisdictions in Australia and elsewhere but adapt to the situation we face here. We must consult widely with community members who can add value to the process. We must recognise that sometimes a range of small solutions will get better results than a “one-size-fits-all” approach.

13. In the correctional sphere, the entire prison environment needs to be aimed at promoting rehabilitation and reintegration. Facilities, policies, programs and operations need to be tailored to this end taking into account the diverse nature of the prison population.

14. Implementing new approaches will raise its own problems. Most fundamental of these will be changing public perceptions and expectations of the prison system. Errors will be made in the course of implementing new measures. Changes will be needed. Prisoners involved will from time to time do the wrong thing. This is a fact of life of developing and implementing new solutions but will provide ample opportunity for critics to attack innovative approaches.

15. There is currently a clear public emphasis on imprisonment as punishment without necessarily a deeper consideration of the role it can play in reducing future offending. Apart from the short term impact of removing an offender from the community, there is little evidence to show that imprisonment, by itself, has any significant impact on crime rates. And many members of the public express doubt as to the effectiveness of imprisonment as a tool for punishment in any event.

16. As recognised in the strategic documentation discussed above, the most significant impact that prison can have is through promoting rehabilitation and reintegration in order to reduce offending. The public must be engaged in discussion about the benefits of reducing crime in the future and how that can realistically achieved.

17. New approaches in support of rehabilitation and re-integration must therefore be accompanied by resolute political commitment to change and extensive dialogue with the public to engage them in the process of long term reform and improvement. This of itself will involve commitment of substantial resources to public communication to inform and transform community expectations.

18. Implementing and obtaining public acceptance of new justice models will be no easy task but the alternative is to continue indefinitely with a system that may give cold comfort of justice by way of punishment, without ever achieving reduction in future crime rates.

Rehabilitation and reintegration
19. As noted above, there must be a holistic approach to reform of the justice system. In a corrections context, there must be even greater emphasis on creating a prison environment that promotes rehabilitation and reintegration, including educational and work programs. In that regard, I refer to a recent report by the Victorian Ombudsman — Investigation into the rehabilitation and reintegration of prisoners in Victoria, September 2015.
20. In this regard, one area of concern expressed from time to time is delay in prisoner access to programs that are required to be completed prior to a Parole Board considering eligibility for Parole. It is a matter of great concern if a person’s liberty is denied solely because resources are unavailable to provide to them a program they are ready, willing and suited to undertake. Further, continued incarceration of a person merely due to administrative delays or limited availability of programs will inevitably be counterproductive to rehabilitation and reintegration.

**Working on the basis of diversity in prison population**

21. The prison environment is not homogenous. The Territory has distinct variations but the fundamental approach must be to recognise diversity in the development and review of all facilities, policies, procedures and programs. Particularly in the Territory, the Department cannot effectively perform its functions by taking a standardised approach to its work.

22. I refer below to three substantial elements of the prison population who bear particular consideration.

**Indigenous support**

23. Many of the priorities discussed here need to be viewed from the perspective of indigenous prisoners who make up the great majority of the prison population. In the Territory, they are not a small or even a substantial minority whose needs and culture should be taken into account in the development of policies and programs. They are the majority and policies and programs should be developed with them squarely at front of mind.

24. It is important to build a consultative framework that allows feedback about current programs and suggestions of more culturally appropriate facilities and programs from Indigenous prisoners. An example where this does not appear to have occurred was with the development of an industrial shed at the women’s facility in Alice Springs. No consultation was undertaken in its development. Further, upon completion of the shed the prison did not have any staff to deliver training on how to use machines in the shed.

25. As another example, the current reception of Indigenous prisoners is not culturally tailored despite their overrepresentation within prisons. An Aboriginal specific Induction process could be developed in various Aboriginal languages. Ideally the induction process would be undertaken by an Aboriginal Liaison Officer (ALO).

26. Steps could also be taken to have Prison Officers routinely access the Aboriginal Interpreter telephone services for prisoners who are not confident with the English language, for the reception process and any discussion involving their case management, health or other issues of significance.

27. It is important to build a more culturally sensitive workforce by providing compulsory cultural awareness programs for all officers. These programs should not be run as a one-off induction process but rather as regular training programs to remind staff of the unique challenges faced by Indigenous prisoners.

28. The above are simply illustrations of steps that could be taken to meet the needs of the majority prison population. The focus should be on consultative development of relevant facilities, programs and policies which meet the needs of the majority.

**Mental health**

29. Likewise many prisoners have mental health issues or are at significant risk of developing mental health issues. If these are not addressed, prospects for re-integration are reduced and the chances of re-offending are increased.
30. Crime and anti-social behaviour will not be reduced if there are not effective mechanisms in place to deal with these issues.

**Women**

31. Women represent a smaller but increasing percentage of the prisoner population. Consideration needs to be given to how this increase will be addressed in the future.

32. The needs of men and women in a correctional setting are substantially different. Facilities, policies and programs need to reflect these differences. A review of all policies and procedures needs to be undertaken to ensure that women’s needs are addressed.

33. The Office of the Ombudsman is currently conducting an investigation into facilities, policies and programs relating to women in prison at the Alice Springs Correctional Centre. The investigation has identified a number of issues that need to be explored further. If the report is finalised prior to the completion of the panel’s review, I will consult with the Commissioner for Corrections regarding disclosure of the report for the purposes of the review.

**Complaints and investigations**

34. This is the area where the functions of the Ombudsman’s office intersect with the operations of the PSI on a day to day basis. Our experience suggests that there are a number of ways in which the authority, powers and operations of the PSI and other relevant areas of the Department can be strengthened and enhanced.

**Dealing with critical incidents**

35. There is a need for a stronger, comprehensive critical incident review policy. It must provide robust review processes, including external investigation and review in more serious cases.

36. Responding promptly and effectively to such incidents is vital to the operations of the Department. It is important that the Department not cede responsibility for prompt management action on the basis that a Police investigation is being undertaken.

37. There should be a standing committee to review critical incidents with one or more external representatives, eg, someone from NT Police or the Department of Attorney-General and Justice.

38. There should be a routine procedure for engaging an external investigator, eg, a standing arrangement with the NT Police, an external consultant or an interstate corrections entity if the actions of the Commissioner (and if appropriate, other senior executive officers) are being investigated.

39. Where actions of the Commissioner are a subject of report, the report should be provided to the Minister at the same time as the Commissioner.

**Internal complaint processes**

40. The Office of the Ombudsman has worked closely with the Department to facilitate improved internal complaint processes. There is essentially a three stage process – RASP (Request to Attend Superintendent’s Parade) form, internal review by PSI and complaint to Ombudsman.

41. It should be noted that this is the standard process. Prisoners have direct access to the Ombudsman’s Office through phones in each cell block. If a matter is urgent or there is some difficulty in a prisoner following the routine process (for example, language difficulties) action can be taken immediately or an alternative process arranged.

42. A three stage complaint process is commonly regarded as best practice. However, the second (internal review) stage currently operates informally. This stage should be formally recognised
and adequately resourced. Further, numerous complaints regarding the RASP process indicate a lack of understanding by prisoners and perhaps prison staff. Additional steps should be taken to promote awareness of prisoners and staff regarding complaints processes.

Complaint investigation processes
43. In some cases involving internal review by PSI or collection of evidence for an Ombudsman enquiry or investigation, the PSI acts as a conduit for information, passing on some or all of the information provided by prison officers without necessarily analysing or testing the inherent strength or credibility of the information provided.

44. To some extent this may be due to a lack of clarity around the powers and position of PSI in the overall departmental structure and the complaints process.

45. Ultimately, a review of PSI needs to be conducted to ensure that it is empowered and capable of carrying out effective internal investigation and review of incidents and complaints, and support of Ombudsman investigations. Essential components of such a review would include:

- Ensuring that PSI has the actual and acknowledged authority to conduct detailed investigations of prison incidents and determine resolutions.
- Part of achieving this would be to have a senior executive (at Deputy or Executive Director level) responsible for oversight of the day to day operations of PSI;
- Comprehensive complaints policies and procedures that embed and clarify the internal investigation and review function within PSI;
- Formulation of a complaints handling training module for new trainees and for existing senior officers in management positions;
- Initial and ongoing training and professional development of PSI staff to ensure capability for complaint handing and conduct of complex investigations;
- Provision on admission to all prisoners of simple information about how to make a complaint and where to take different types of complaints (in languages that are representative of the prison population).

46. The Office of the Ombudsman would be happy to assist in any review or development of relevant policies, procedures and materials.

Use of audio and video technology
47. The new correctional centre has numerous CCTV cameras. Experience from investigations into Police conduct shows that having audio feed to bolster video footage substantially boosts the evidentiary value of these tools.

48. It is difficult to overstate the value of video and audio recordings in the investigation of complaints. In many cases, access to these materials can rapidly dispose of a complaint. In others, it can provide valuable evidence to further investigation of the complaint. The utilisation of these tools, and body worn video for individual officers, should be encouraged to the greatest extent possible.

49. It is important that PSI routinely access all potential CCTV sources in the course of its investigations. It is equally important that this material be made available to the Office of the Ombudsman for the purposes of its investigations.
Day to Day prison operations

Discretion, reasoning

50. Prison officers make a raft of decisions that can have substantial impact on the day to day lives of prisoners. It is not infrequent for prisoners who ask why a particular decision has been made (and indeed for the Office of the Ombudsman) to be provided with an answer along the lines, “for the good order of the prison”.

51. It is important that prison officers be aware that the power to exercise a discretion is bounded by certain legal requirements. For example, anyone exercising a discretion should:

- exercise such powers in a fair manner, according to law; and
- give any person who may be negatively impacted by a decision an opportunity to respond (before the decision if possible, or as soon as possible after the decision, if it must be implemented urgently).

52. In addition it is likely to be far better for the good order of the prison if an officer exercising a discretion has thought through, recorded and to the extent appropriate, explained to the prisoner the reasons for the exercise of discretion.

53. There is a need for substantial and ongoing education and awareness building for prison officers around the proper exercise of their powers and discretions.

Communication

54. Often the complaints we receive from prisoners arise because there has been inadequate communication provided to the prisoner about the reasons why a decision was made. For example, we regularly receive complaints about prisoner transfers. Although there may be sound reasons provided to our office these are not clearly relayed to the prisoner. Similarly where there has been an altercation between two prisoners and the prisoner who did not initiate the altercation is moved, this is often viewed as a punitive measure because the reason for the relocation (often to protect that prisoner) is not fully explained.

55. So, even if a discretion has been exercised on the basis of careful and lawful reasoning, issues may still arise if the reasons are not clearly communicated to the prisoner.

Recording

56. Following on from the above, it is equally important to record reasons for a decision. Failure to do so at the time a decision is made can cause problems if the officer who made it is later absent or there is some dispute about the reasoning in the future.

57. Records do not need to be copious or represent a huge burden on the officer concerned. They need to record the pertinent information. With existing records systems within the prisons, this should be part of the routine functions of officers.

58. Recording can also be problematic in relation to general administration within the Department. Meetings can be held and agreements reached on general policy directions or for example, utilisation of facilities. Failure to adequately record outcomes leaves room open for future debate and dispute about matters which all thought were resolved. This is by no means unique to the Department but it is an ongoing challenge.

59. A culture of good communication and record keeping saves time which will otherwise be wasted on unnecessary confusion and debate.
Implementation of health advice
60. A number of cases have arisen where guidance is given by a health professional in relation to the treatment or care of a particular prisoner but not followed through by prison officers. There may be rare cases when following a treatment or care plan to the letter would compromise prison security or cause issues for some other reason.

61. If for some reason there is a need to depart from a treatment or care plan, it is essential that there be immediate liaison between health professionals and senior prison staff to ensure that the health of the patient is not compromised. This should also be recorded and communicated to the prisoner.

Public access to prisons
62. For the welfare of prisoners, for the welfare of their families, for the promotion of rehabilitation and reintegration and for the promotion of the good order of the prison, all reasonable steps should be taken to facilitate access to the prison for family visits.

63. This has been recognised in the substantial investment of resources in creating visitor facilities. It should also be recognised by taking all reasonable steps to facilitate access to prisons by public transport.

Remandees
Programs and support
64. Currently provision of support and access to programs for remandees is very limited. Remandees can spend lengthy periods in prison and are not infrequently discharged from prison on or shortly after sentence.

65. If goals relating to rehabilitation and reintegration are to be met, it is important that resources be allocated to provision of support and programs for remandees. If this is not done, it is a lost opportunity for early intervention.

Housing remand and sentenced prisoners together
66. Clause 1.9 of the Standard Guidelines for Corrections in Australia (revised 2012) provides:

   Where practicable, remand prisoners should not be put in contact with convicted prisoners against their will.

67. Currently, remandees are first placed into High Security until assessed, then housed according to their classification with sentenced prisoners.

68. In a number of ways, housing unconvicted remandees with sentenced prisoners can be seen as problematic. However, it is acknowledged that there will be a substantial number of cases in which a remandee’s past history or actions in custody will mean that classification at a particular level is warranted and housing with sentenced prisoners at that classification can be arguably regarded as a reasonable approach. I also note that, notwithstanding clause 1.9, practices vary from jurisdiction to jurisdiction.

69. Given the competing arguments, I merely raise this as an issue which the review panel may wish to consider.

70. With regards to initial detention in High Security, if that cannot be avoided, it is vital that the initial assessment period be kept as short as possible.

Peter Shoyer
NT Ombudsman
May 2016
APPENDIX B – AGREEMENTS WITH OTHER BODIES

POLICE COMPLAINTS AGREEMENT

AGREEMENT BETWEEN
COMMISSIONER OF POLICE (NT)
OMBUDSMAN FOR THE NT

This agreement is made pursuant to section 150 of the Ombudsman Act. It records the joint commitment of the Commissioner of Police NT and the Ombudsman for the NT to the open, accountable and fair resolution of complaints against Police and describes agreed administrative procedures to achieve that outcome.

Table of Contents

1. Scope of Terms
2. Introduction
3. Purpose and Intent of the Agreement
4. Obligations of Professional Standards Command
5. Obligations of Police Officer
6. Notification on the Making of a Complaint
7. Assessing and Determining Whether to Deal With a Complaint
   7.1 Complaints Made Out of Time
   7.2 Preliminary Inquiries
   7.3 Declining a Complaint
8. Classification of Complaints
9. Re-Classification of Complaint
10. Conciliation [Part 7, Division 3]
    10.1 Representation at Conciliation
    11.1 Ombudsman’s Oversight
    11.2 Categories of CRP Conduct
    11.3 CRP Process
    11.4 Successfully Completed CRP
    11.5 Unsuccessful CRP
    11.6 Police Officer Dissatisfied
    11.7 Police Officer’s Rights
    11.8 Enquiries Reveal a Matter is More Serious
    11.9 Withdrawal of Complaint
    11.10 CRP Action Requirements
12. Professional Standards Command Investigation
    12.1 Preliminary Inquiry
    12.2 Category 2 PSC Investigation
    12.3 Category 1 PSC Investigation
13. Ombudsman Investigation [Part 7, Division 5, Sub Div 2]
    13.1 Finalisation Process
    13.2 Complaint Findings
14. Reviews by Ombudsman
15. Confidentiality & Immunity
16. Suspected Criminal Conduct
17. Procedural Fairness
18. Other
    18.1 Non-Disclosure of Information
    18.2 Restricted Use of Information
    18.3 Register of Police Complaints
19. Scope of This Agreement
20. Review of This Agreement
1. **Scope of Terms**

- **Commander, PSC:** PSC Commander or their delegate.
- **Commissioner:** Commissioner of Police (NT) or their delegate. The Commissioner is charged with the general control and management of the Police Force. As such, the Commissioner is responsible for the taking of appropriate action on complaints including the institution of both formal and informal disciplinary and criminal actions against police members where appropriate. The Commissioner has issued a General Order to members clarifying their obligations in this regard.
- **General Order:** Complaints Against Police.
- **Ombudsman:** Ombudsman or their delegate. The Ombudsman is charged with investigating, overseeing and reporting on complaints against Police and may make recommendations to the Commissioner concerning how a complaint may be resolved.
- **PSC:** Professional Standards Command of the NT Police Force is tasked with the internal administration, coordination and investigation of all reported complaints against Police. Functions include ensuring the obligations of the Commissioner of Police under the Act are observed and liaising with the staff of the Ombudsman on all complaints and investigations. The term Professional Standards Command is to be read as meaning the Police Standards Command as referred to in the Ombudsman Act.
- **The Act:** *Ombudsman Act*.
- **The Parties:** The Ombudsman and the Commissioner.

2. **Introduction**

This Agreement for dealing with police complaints has been made between the Commissioner of Police (NT) and the Ombudsman for the NT pursuant to section 150 of the Act.

Specifically, the Agreement provides for the following matters:

(a) the kinds of complaints for which the police Complaints Resolution Process (CRP) may be conducted;

(b) the conduct of the CRP process;

(c) report of the result of the CRP process;

(d) the kinds of complaints for which PSC report under Part 7, Division 6, Subdivision 1 or Subdivision 2 is required; and

(e) other matters the Ombudsman and Commissioner consider appropriate for dealing with the complaints mentioned in paragraphs (a) and (d).

The Parties agree that the CRP procedures will be specified in the General Order: Complaints Against Police (the General Order) for the benefit of those members who are conducting an investigation into a Complaint Against Police (CAP).

The Commissioner agrees to consult with the Ombudsman prior to promulgating the General Order and before making any amendments to the General Order.

3. **Purpose and Intent of the Agreement**

The purpose of this Agreement is to facilitate the sound investigation and appropriate determination of CAPs whether made to the Commissioner or the Ombudsman. The Agreement gives effect to the obligations placed on both the Ombudsman and Commissioner by virtue of the Act and the *Police Administration Act*. 
Bearing in mind the differing obligations and roles of the Ombudsman and Commissioner, this Agreement outlines the manner in which the various categories of police complaints will be considered, investigated and reported.

The Parties mutually agree to:
(a) consult and jointly consider complaints to ensure they are resolved thoroughly, impartially and according to law;
(b) facilitate the open exchange of information, materials and cooperation between the NT Police and the Ombudsman;
(c) monitor and review the operation of the police complaints process; Police Complaints
(d) provide accurate, thorough and timely reports on the outcome of complaints; and
(e) comply with the rules of natural justice and fairness to both complainants and police officers subject to any provisions which authorise information not be released.

4. **Obligations of Professional Standards Command**

Section 34H(b) of the *Police Administration Act* authorises PSC to investigate and otherwise deal with CAPs under Part 7 of the *Ombudsman Act*. In so doing the PSC will ensure that the Ombudsman’s obligations in respect of complaints are met by the provision to the Ombudsman of timely and complete information as necessary.

5. **Obligations of Police Officer**

Police officers who receive a CAP are required to record and immediately report that complaint to the Commander, PSC and comply with the terms of the General Order issued by the Commissioner.

A police officer is not to accept a CAP from a person if the complaint concerns that member's conduct. The member is to inform the person to make the complaint to another police officer or directly to the Ombudsman.

6. **Notification on the Making of a Complaint**

To facilitate the efficient handling of complaints, the Parties agree to notify each other of the making of a police complaint as soon as reasonably practicable. Wherever possible, notice of the making of a complaint will be provided to the other party within ten (10) working days of receipt of the complaint.

In accordance with section 65(2) of the Act, the notice provided to the Ombudsman by PSC will be submitted in writing and include:
(a) if the complaint was made in writing, a copy of the complaint, or
(b) if the complaint was made orally, a copy of the statement of particulars of the complaint prepared by the police officer to whom the complaint was made.

The Commander, PSC may include in the notice written recommendations to assist the Ombudsman in assessing and deciding how to deal with the complaint under section 66 of the Act.

The Parties acknowledge that the Commissioner may take immediate action against a member under section 80(1) of the *Police Administration Act* upon receipt of a police complaint. The Commissioner agrees to notify the Ombudsman of any action taken as soon as it is reasonably practicable to do so.

7. **Assessing and Determining Whether to Deal With a Complaint**

7.1 **Complaints Made Out of Time**

The Ombudsman may refuse to deal with a complaint if it was lodged out of time and the complainant has failed to establish any special circumstances or there is no public interest in accepting the complaint (section 25(3)) of the Act.
7.2 Preliminary Inquiries

On receipt of a complaint the Ombudsman may make preliminary inquiries for the purposes of determining whether to exercise jurisdiction or to decline to deal with the complaint.

The Parties agree that except where the Ombudsman states otherwise, the notification of a complaint by the Ombudsman to the Commander, PSC includes a request that PSC makes preliminary inquiries into the grounds of the complaint and recommends:
(a) a particular classification under section 66 of the Act; or
(b) that the Ombudsman decline to deal with the complaint.

7.3 Declining a Complaint

Under section 67 of the Act, the Ombudsman may decline to deal with a complaint, or decline to continue the investigation of a complaint, if the Ombudsman is of the opinion the complaint is:
(a) trivial, frivolous, vexatious or not made in good faith;
(b) the complainant does not have sufficient interest in the conduct that is the subject of the complaint; and there are no special reasons justifying dealing with the conduct under Part 7 of the Act;
(c) disciplinary procedures have been started against the police officer whose conduct is the subject of the complaint for a breach of discipline in relation to the conduct;
(d) the police officer whose conduct is the subject of the complaint has been charged with an offence in relation to the conduct;
(e) dealing with the complaint is not within the public interest; or
(f) another complaint’s entity has, or will, investigate the conduct at substantially the same level the Ombudsman would otherwise have investigated the complaint.

In addition, the Ombudsman may defer a decision on how to deal with, or to decline to deal with, a police complaint under Part 7 of the Act if satisfied that:
(a) a proceeding before a court or tribunal has been, or is to be, commenced in relation to the conduct the subject of the police complaint; or
(b) disciplinary procedures against a police officer whose conduct is the subject of a police complaint have been or are to be commenced in relation to the conduct (section 107(1)) of the Act.

NOTE: There is no presumption or rule that the investigation of a police complaint under the Act should be delayed if proceedings are commenced. Each case will be assessed on its facts and consideration given to the issues being considered by the respective Court or Tribunal.

As a general rule:

- **Civil Proceedings** — If civil proceedings have been instituted there is unlikely to be any justification for delaying action on a complaint solely by reason of the existence of these proceedings; or

- **Criminal Proceeding** — If a complaint is made while criminal charges are pending, and the complaint relates to the same incident from which the charges arose, the complaint is likely to be delayed if the elements of the charge(s) will result in the Court deciding the issues of the complaint.

If a complaint is declined by the Ombudsman it will be processed in the following manner:
(a) if the complaint was made directly to the Ombudsman by the complainant or their representative:
   i) the complainant or their representative will be notified by the Ombudsman that no further action will be taken on the matter;
ii) the file will be closed; and
iii) the complaint will not be forwarded to PSC;

(b) if the complaint was submitted by PSC to the Ombudsman:
   i) the complainant or their representative will be notified by PSC that no further action will be taken on the matter;
   ii) PSC will send confirmation to the Ombudsman; and
   iii) the file will be closed.

Reasons for the refusal to accept the complaint or for discontinuing the investigation will be given to the complainant or their representative.

8. Classification of Complaints

If a complaint is accepted, the Ombudsman agrees to consult with the Commander, PSC on the classification of the complaint.

Complaints fall into one of the following classifications:
(a) conciliation under Part 7, Division 3;
(b) CRP under Part 7, Division 4;
(c) investigation of category two (2) complaint (section 66(2)(d)(i)) of the Act - PSC investigates and reports to complainant under Part 7, Division 4, Subdivision 2;
(d) investigation of category one (1) complaint (section 66(2)(d)(ii)) of the Act — PSC investigates and reports to Ombudsman under Part 7, Division 4, Subdivision 2; or
(e) section 86 Investigation — Ombudsman investigation under Part 7 Division 5 of the Act.

If the Ombudsman and the Commander PSC are unable to agree on the classification of a complaint, the Ombudsman's decision will be final.

Careful consideration is to be given to:
(a) the seriousness of the complaint;
(b) any relevant police practices, procedures or policies; and
(c) the responsible allocation of resources in determining the classification.

The classification process is intended to be flexible. This means a complaint may be changed at any time to another level of classification based on the particular circumstances of the case.

9. Re-Classification of Complaint

Consideration may be given to re-classification of a complaint if:
(a) the complainant is dissatisfied with the CRP process, the outcome of the CRP process or does not agree to continue with the CRP process;
(b) evidence indicates the complaint is not suitable as a CRP;
(c) a CRP process is otherwise unsuccessful, or likely to be unsuccessful;
(d) inquiries reveal the complaint is more or less serious than first considered; or
(e) the Ombudsman’s own motion powers are utilised.

If the complainant is dissatisfied with the CRP process, they are to be advised of their right to request that the Ombudsman decides whether to have the matter dealt as a PSC or an Ombudsman investigation. PSC is to record the complainant’s request and include details in their notification to the Ombudsman. This notification will be provided in the completed CRP Form (also advising unsuccessful resolution).

If the police officer conducting the CRP becomes aware the CRP will be unsuccessful, the officer is to suspend the CRP and notify the Commander, PSC.

The Ombudsman may refuse the request to re-classify a complaint if satisfied the issues raised by the complainant are being, or have been adequately dealt with in the CRP.
Where a complaint is being investigated as a PSC Investigation, Category 2 Complaint and evidence establishes the complaint is more serious than initially considered, the investigator is to suspend the investigation and notify the Commander, PSC. The Commander, PSC is to immediately notify the Ombudsman of the suspension of the investigation and the reasons for it.

The Ombudsman agrees to consult with the Commander, PSC on the re-classification of the complaint. In the event the Ombudsman and the Commander, PSC do not agree on the relevant classification, the Ombudsman's decision is final.

The Ombudsman is to notify the complainant of the manner in which the complaint is to be investigated.

10. Conciliation [Part 7, Division 3]

The Parties jointly recognise that a successful conciliation greatly reduces the likelihood of future civil litigation against the Commissioner. If a complaint might be resolved through the conciliation process, the Parties agree to use their best endeavours to progress the complaint in this manner.

Conciliation is not intended to absolve the police officers of any misconduct or action. Rather, the process is an alternative dispute resolution process directed towards facilitating agreeable results arising out of the grounds of complaint.

The complainant, a police officer, PSC or the Ombudsman may, at any time, request a complaint be dealt with by way of conciliation.

The Ombudsman acknowledges the Commissioner is a 'relevant official' for the purposes of the conciliation process. The appointment of a conciliator is to be made by mutual agreement.

The conciliator's functions are to be as agreed between the Parties however, in general terms the conciliator is to settle a complaint by:
(a) explaining the conciliation process and the voluntary nature of the conciliation process;
(b) explaining privilege and confidentiality as described under section 114 of the Act;
(c) arranging discussions and negotiations between the complainant and the provider;
(d) assisting in the conduct of discussions and negotiations;
(e) assisting the complainant and provider to reach agreement; and
(f) assisting in resolving the complaint in any other way.

10.1 Representation at Conciliation

Approval may be given for a party to the conciliation to be represented by another person. If the conciliation is being administered by PSC, approval is to be given by PSC, otherwise approval will be given by the Ombudsman. Approval may not be granted if PSC or the Ombudsman is satisfied the proposed representative person's attendance will adversely affect the conciliation process.

The Parties agree to consult each other on the question of whether a representative is an appropriate person.

11. Complaint Resolution Process (CRP) Procedures [Part 7, Division 4, Subdivision 1]

The Commissioner and the Ombudsman have jointly agreed to the CRP procedures referred to in this agreement. It is agreed by the parties that the CRP includes the following elements and processes:
(a) that the early intervention into minor complaints may lead to a quick resolution of the complaint. This may involve listening to the complainant’s specific issues and an explanation as to why a particular course of action was taken by members, the legal and practical considerations relating to the incident or the offering of a simple apology;
(b) the CRP is not focused on fault-finding or punishment. The CRP is a means of dealing with common complaints about practice, procedures, attitudes and behaviour. One of the aims of this procedure is to settle and finalise minor complaints without proceeding to formal disciplinary action against members.

If some inappropriate conduct is identified, a member is advised / assisted by the CRP officer to correct the conduct; and

(c) the informal resolution may be undertaken by the police officer taking the complaint or some other police officer, but not the police officer whose conduct initiated the complaint.

11.1 Ombudsman's Oversight

The Parties acknowledge that in accordance with section 85 of the Act, the Ombudsman maintains a supervisory role for all CRPs.

If the Ombudsman takes an action of the kind described in section 85(1), the Ombudsman agrees to consult with the Commander, PSC on the process to be taken to resolve the outstanding CRP to the satisfaction of all parties.

11.2 Categories of CRP Conduct

The following categories of complaints can be dealt with as a CRP:

(a) failure to:
   i) take a complaint seriously;
   ii) respond promptly during inquiries;
   iii) promptly attend the scene of a minor complaint;
   iv) return telephone calls;
   v) keep people informed of the progress of inquiries;
   vi) charge a person (in minor cases only, e.g. motor vehicle disputed); and / or
   vii) return property;

(b) rudeness / incivility;

(c) perception of a threat or harassment, subject to severity and nature of threat or harassment;

(d) unreasonable treatment of a minor matter, e.g. matters where the police action appears appropriate and justified by law and the complaint arises from a misunderstanding of police powers, practices and procedures;

(e) impartiality, e.g. allegedly taking sides with one of the parties in a dispute;

(f) a complaint of police driving or parking behaviour which is not aggravated or is able to be reasonably explained;

(g) a complaint made by a person who has an apparent mental dysfunction or is otherwise disturbed or obsessive and the complaint has either been made previously or appears, by its nature, to be without substance and consistent with the complainant's apparent state of mind;

(h) a complaint concerning an incident of minor force associated with an arrest or other lawful police conduct. This may include jostling, pushing and shoving in the execution of duty — without any intended features such as intimidation or attempts to obtain a confession — but excludes unlawful assaults or unnecessary or unreasonable use of force; and/or

(i) other such conduct as the Ombudsman and the Commander, PSC determine should be subject to CRP.

11.3 CRP Process

The Parties agree that the CRP should be carried out in accordance with the following process.

The OIC of a station / section / unit, being a member of or above the rank of Sergeant, is authorised to informally resolve minor CAPs. This officer will be acknowledged as the CRP Officer.
On being advised of a complaint, the CRP Officer is to determine whether the conduct complained about comes within one of the authorised categories.

If the matter is appropriate to be dealt with as a CRP and is capable of being immediately resolved the CRP Officer is to:

(a) ensure reasonable steps have been, or are being, taken to preserve evidence;
(b) ensure the complainant is clearly identified on the CRP Form;
(c) personally contact the complainant (if not present) within twenty four (24) hours if possible;
(d) explain the CRP as well as the formal investigation process to the complainant;
(e) ask the complainant’s view on the outcome he / she expects;
(f) obtain the complainant’s agreement to the matter being informally resolved. The CRP is a voluntary process and if the complainant does not agree, the process should not be commenced;
(g) contact the member(s) involved, advise the details and explain the CRP process. Ensure the member(s) are aware of the no-blame procedure and invite an explanation; and
(h) attempt to settle the issues arising out of the complaint. To do so it may be appropriate for the CRP Officer to arrange a meeting between the complainant and the member(s) concerned.

A CRP Officer has a large degree of flexibility available to them in order to manage the CRP complaint. For example, it is not necessary for sworn statements or records of interview to be taken in support of the investigation, unless the CRP Officer establishes the complaint is unlikely to be resolved.

11.4 Successfully Completed CRP

If the complainant is satisfied with the process, the CRP Officer is to record the details of the complaint and mark that the complaint was successfully resolved on the CRP Form.

The CRP may be resolved through the following means, the details of which are to be included in the CRP Form:

(a) remedial advice given to member(s) — complainant satisfied;
(b) apology given to complainant — complainant satisfied. Generally an apology may be offered personally by the member or on behalf of the member through the CRP Officer. A personal apology can only be offered where the member gives consent;
(c) action taken by NT Police Force explained to the satisfaction of the complainant;
(d) acknowledgement by complainant where, on enquiry, the complainant accepts error or misunderstanding made by himself / herself;
(e) complainant satisfied for the matter to be brought to the attention of the member(s) concerned;
(f) complainant and member(s) fail to agree on subject of complaint but complainant satisfied that everything possible has been done to resolve the matter; and/or complainant was offered and accepted reimbursement for minor expenses, i.e. dry cleaning of clothes, etc.

Proof of the outcome agreed upon by the complainant is to be provided (for example, by signature, email or some other form of proof).

On completion of the CRP, the CRP Officer is to identify any outstanding issues of concern which arise from the enquiries made. Those issues are to be identified on the CRP Form. Where issues are within the responsibility of the CRP Officer he / she is to take the necessary steps to address those issues.
Where the issues relate to the responsibilities of another member, the CRP Officer is to ensure those issues, along with the recommendations, are sent to that member for follow up. This matter is also to be addressed on the CRP Form submitted to PSC at the completion of the process.

The Commander, PSC is to forward the CRP Form to the Ombudsman at the earliest opportunity but within seven (7) days of the CRP being finalised.

On receipt of the CRP Report the Ombudsman will consider the complaint and determine whether:
(a) the action taken was reasonable;
(b) there are any outstanding issues;
(c) the complaint was resolved; and
(d) further action is required.

The Ombudsman will finalise the complaint as a CRP if the matter requires no further action.

The Ombudsman may determine that the CRP is not suitable for finalisation and may reclassify the complaint where:
(a) the complainant is dissatisfied with the CRP, the outcome of the CRP or does not agree to continue with the CRP;
(b) evidence indicates the complaint is not suitable as a CRP;
(c) a CRP is otherwise unsuccessful or likely to be unsuccessful;
(d) inquiries reveal the complaint is more serious than first considered; or
(e) on the Ombudsman’s own motion.

If the Ombudsman is of the view the complaint should be dealt with in another way, the Ombudsman will notify the complainant of that decision.

11.5 Unsuccessful CRP

If the complainant is dissatisfied with the outcome of the CRP they may ask the Ombudsman to have the complaint investigated by PSC under Part 7, Division 4, Subdivision 2, or by the Ombudsman under Part 7, Division 5, Subdivision 2 of the Act.

In the event the complainant is dissatisfied with the CRP, the complainant is to be advised of their right to request the Ombudsman to have the matter dealt with as a PSC or an Ombudsman investigation. The CRP Officer is to record the complainant’s request and PSC are to include this in their notification to the Ombudsman. This notification will be provided in the completed CRP form (also advising unsuccessful resolution).

Where the CRP Officer forms an opinion the CRP will be unsuccessful, the CRP Officer is to suspend the CRP and notify the relevant Command Management Team (CMT) and the Commander, PSC.

In the event of an unsuccessful CRP, the relevant CMT is to send a letter to the complainant detailing what action was taken to resolve their complaint and their right to contact the Ombudsman to have the matter reinvestigated. The letter will include the following paragraph:

a) If you are dissatisfied with the outcome it is necessary for you to set out detailed reasons as to how the investigation was inadequate and forward these to the Ombudsman. However, please note, the Ombudsman may refuse to review your continued concern if satisfied the issues raised have been dealt with in the investigation.

If the Ombudsman is satisfied the issues raised in the complaint are being, or have been, adequately dealt with in the CRP, the Ombudsman will refuse the request.
If the Ombudsman agrees with the request, the Ombudsman and the Commander, PSC will re-classify the complaint and the Ombudsman will notify the complainant of the terms of the new investigation.

11.6 Police Officer Dissatisfied

A police officer who is dissatisfied with the progress or the outcome of the CRP may make a written submission to the Commander, PSC. Upon receipt of the submission the Commander, PSC will consider the submission and if satisfied the CRP will be unsuccessful, notify the Ombudsman.

The Commander, PSC and the Ombudsman will re-classify the complaint if appropriate and the Ombudsman will notify the complainant of the terms of the new investigation.

11.7 Police Officer's Rights

The Ombudsman and the Commissioner agree that evidence obtained from a police officer in the CRP cannot be used in any disciplinary investigation or proceedings against the member [section 114(1) of the Act].

There will be no records kept on the personnel file of the member in respect to the results of any CRP.

11.8 Enquiries Reveal a Matter is More Serious

If enquiries reveal that the matter is more serious than first thought, or if evidence indicates the complaint is not suitable as a CRP, the CRP Officer is to suspend the enquiries and forward all documents to the Commander, PSC.

The following factors could lead to a suspension of the CRP:
(a) identified inculpatory evidence warranting a formal PSC investigation;
(b) additional issues requiring further enquiry; and/or
(c) evidence of involvement of other police officers in the police conduct.

The Commander, PSC and the Ombudsman will re-classify the complaint. The Ombudsman will notify the complainant of the terms of the new investigation.

11.9 Withdrawal of Complaint

If a complainant wishes to withdraw a minor complaint, it is to be confirmed in writing by the complainant and the CRP Officer and forwarded to PSC. The withdrawal should include the complainant’s reasons for withdrawing the complaint.

11.10 CRP Action Requirements

Complaints dealt with under the CRP are to be completed within fourteen (14) days of the complaint being received.

An application to extend the period may be made to the Commander, PSC at any time before the expiry of the fourteen (14) days. The application is to provide particulars of the reasons for the delay in finalising the CRP within the specified period. Applications will only be approved on the joint approval of the Commander, PSC and the Ombudsman.

Completed CRP forms are to be forwarded by the Commander, PSC to the Ombudsman at the earliest opportunity but within seven (7) days of the complaint being finalised.
12. **Professional Standards Command Investigation**

There are three (3) types of investigation undertaken by or on behalf of the Professional Standards Command. Those are:

- **Preliminary Inquiry (PI)** - An investigation carried out by PSC or other member on behalf of PSC upon initial receipt of a complaint against police. The investigation is carried out to examine available material and allow for a considered recommendation to be made to the Ombudsman on the categorisation of the complaint;

- **Category 2** - An investigation carried out by PSC or other member on behalf of PSC where the Commissioner or his/her delegate reports directly to the complainant (Part 7, Division 4, Subdivision 2 and Part 7, Division 6, Subdivision 1 of the Act). These are complaints relating to incidences of minor misconduct that are not suitable for CRP or sufficiently serious to be subject to a category one (1) classification; and

- **Category 1** — An investigation carried out by PSC or other member on behalf of PSC where the Commissioner or his/her delegate reports to the Ombudsman, who considers the report and reports to the complainant (Part 7, Division 4, Subdivision 2 and Part 7, Division 6, Subdivision 2 of the Act). These are serious complaints relating to alleged serious misconduct or maladministration.

All three types of investigation are evidence based and intended to collect evidence to either sustain or negate the grounds of complaint.

12.1 **Preliminary Inquiry**

**Authorised Conduct of Preliminary Inquiry**

The purpose of a PI is to source, secure and examine all relevant evidence upon initial receipt of a complaint against police. This is done to ensure that the Ombudsman is fully apprised of all the facts of a matter when making a determination on the classification of the complaint.

Although this is an initial enquiry and no formal determination of complaint classification has been made, investigative rigour is still to be applied through all stages of the PI.

The PI can involve any of the following actions by an investigator:

(a) examination of PROMIS, IJIS or any other NT Police computer systems;
(b) examination of all relevant CCTV footage, including watch house audio recordings;
(c) examination of any Territory Communications Section records including audio files of telephone calls and radio transmissions;
(d) examination of any written documentation relevant to the complaint, including any notes made by a police officer;
(e) contact with a police officer to clarify any aspect of the complaint;
(f) contact with the complainant, a witness or other person to clarify any aspect of the complaint;
(g) examination of any legislation, policy or procedure relevant to the complaint; and
(h) examination of any evidence the investigator deems relevant to the enquiry.

All evidence examined during the PI will be made available to the Ombudsman.

The PI is to be conducted within **ten (10) days** of receipt of the complaint unless an extension has been granted by the Ombudsman. Any extension of the time to complete a PI will be made by the Ombudsman on a case by case basis. Factors that can be considered by the Ombudsman are the size and complexity of the matter, the availability of witnesses or reasonable delays in sourcing other evidence.
The PI may result in PSC recommending to the Ombudsman that a complaint be dealt with in the following manner:

(a) as a Category 1 Complaint Against Police;
(b) as a Category 2 Complaint Against Police;
(c) as a matter suitable for conciliation under Part 7 Division 3 of the Act;
(d) as a matter suitable for the Complaint Resolution Process;
(e) as a Customer Service Enquiry; or
(f) the complaint should be declined under section 67 of the Act.

12.2 Category 2 PSC Investigation

Authorised Conduct of Category 2 Complaint

These are complaints relating to police misconduct that are not suitable for CRP or sufficiently serious, or of such a nature as to warrant a section 66(2)(d)(ii) Investigation (Category 1) or direct Ombudsman involvement (section 86 of the Act).

Subject to any direction given by the Commissioner or the Ombudsman, a Category 2 investigation will normally be carried out with limited oversight from the Ombudsman.

A complaint may become a Category 2 investigation due to an unsuccessful CRP process or when evidence establishes the complaint is more serious than originally considered.

Notwithstanding the Ombudsman's decision that the complaint may be investigated by PSC, the complainant may, at any time, ask the Ombudsman to investigate the complaint.

Assignment of complaint to Investigating Officer

If a complaint is classified as a Category 2 and the Ombudsman did not instruct that the complaint was to be investigated by a PSC member, the Commander, PSC will notify the Commander of the relevant station / section / unit to arrange to have the complaint investigated.

The relevant Commander will assign the investigation to an appropriate investigating officer (IO). In determining who to allocate the Complaint against Police to, the relevant Commander is to consider:

(a) whether the proposed IO's rank is above that of the subject member;
(b) if the proposed IO's skill, capacity and training is adequate to complete the Complaint against Police;
(c) the IO's leave requirements and/or other commitments; and
(d) any obvious conflict of interest (being a supervisor or manager of the subject member alone does not constitute a conflict of interest).

Functions of Investigating Officer

It is the function of the IO to collect and consider all relevant evidence available to either prove or disprove the allegations made against the subject member including:

(a) collecting all relevant information and evidence (both inculpatory and exculpatory) relating to the grounds of complaint;
(b) investigating and reviewing the information and evidence;
(c) reaching a reasonable and logical conclusion; and
(d) preparing a report and other supporting documentation for the Commissioner or delegate's consideration.
Responsibilities of Investigating Officer

The IO is to:
(a) immediately declare any conflict of interest when a conflict, or perceived conflict, arises;
(b) conduct the investigation impartially and in a timely manner in accordance with the timeline requirements for Category 2 investigations in the General Order;
(c) conduct the investigation in a manner that preserves the subject member’s common law rights to natural justice;
(d) maintain confidentiality in accordance with NTPFES Instructions and Procedures: Internal and Sensitive Investigations Security and in accordance with the General Order;
(e) comply with any instructions from the Ombudsman, Commissioner or Commander, PSC;
(f) regularly consult with the complainant about the conduct of the investigation; and
(g) if practicable and where it will not compromise the investigation, regularly advise members involved of the status of the investigation.

The IO is to immediately contact the complainant, advise them of their assignment to the investigation and attempt to schedule an interview with the complainant or otherwise obtain a statement from them.

It is essential that the IO takes all reasonable steps to obtain or secure the evidentiary material, if not already completed. Failure to take these critical steps early in the investigation will cause irreparable damage to the outcome of the investigation, especially if the evidence is likely to be lost with the passage of time.

At the completion of the investigation, the IO is to prepare a Final Report on the findings of the investigation. The report is to include an assessment of the conduct of the subject member and may include:
(a) an assessment on whether the conduct of the subject member:
   i) constituted an offence or breach of discipline or was contrary to law;
   ii) was unreasonable, unjust, oppressive or improperly discriminatory;
   iii) was in accordance with an Act or a practice, procedure or policy that is or may be unreasonable, unjust, oppressive or improperly discriminatory;
   iv) was based either wholly or partly on a mistake of law or of fact;
   v) was otherwise wrong in the circumstances;
   vi) exercised a power for an improper purpose or on irrelevant grounds; and/or
   vii) in exercising a power in a particular way or refusing to exercise a power:
      a. irrelevant considerations were taken into account in the course of reaching the decision to exercise the power in that way or to refuse to exercise the power; or
      b. a person was entitled at law to have been given, but was not given, the reasons for deciding to exercise the power in that way or to refuse to exercise the power; or
(b) recommendations that one or more of the following actions be taken:
   i) a member be charged with an offence;
   ii) disciplinary action be taken against a member for a breach of discipline;
   iii) conciliation in relation to the conduct of the member subject of the investigation be conducted;
   iv) a decision made by the subject member be reconsidered, varied or reversed or reasons be given for a decision;
   v) the effects of a decision, act or omission made by the subject member be rectified, mitigated or altered; and
   vi) an Act, practice, procedure or policy on which a decision, act or omission was based be amended.
Any ancillary issues identified during the investigation are to be reported on.

A copy of the completed complaint file, including the report, a draft letter endorsing the report to the Ombudsman and a draft letter of response to the complainant is to be forwarded to the relevant Assistant Commissioner.

The draft letter to the complainant is to advise of their right to ask the Ombudsman to have the complaint investigated by the Ombudsman under Part 7, Division 5, Subdivision 2 of the Act. The letter will include the following paragraph:

\[a)\] ‘If you are dissatisfied with any aspect of the investigation you may request the Ombudsman to consider reinvestigating your matter. In that event, it is necessary for you to set out detailed reasons as to how the investigation was inadequate, however please note, the Ombudsman must refuse this request if satisfied the issues raised in your complaint have been dealt with in the investigation.

Re-classification of Complaint

Where a complaint is being investigated as a PSC investigation, Category 2 complaint and evidence establishes the complaint is more serious than initially considered, the investigator is to suspend the investigation and notify the Commander, PSC. The Commander, PSC is to immediately notify the Ombudsman of the suspension of the investigation and the reasons for it.

The Ombudsman agrees to consult with the Commander, PSC on the re-classification of the complaint. In the event the Ombudsman and the Commander, PSC do not agree on the relevant classification, the Ombudsman’s decision is final.

The Ombudsman is to notify the complainant how the complaint is to be investigated.

Where a complainant makes a statement requesting the CAP to be withdrawn, the PSC will seek authorisation from the Ombudsman to discontinue the investigation. Should the Ombudsman agree that the CAP is to be discontinued, the CAP file is to be returned to the PSC for case finalisation.

Ombudsman Review

In the event the complainant exercises their rights and asks the Ombudsman to re-investigate the complaint, the Ombudsman must consider the request. The Ombudsman must refuse the request if satisfied the complaint has been adequately dealt with.

Requirements when Serious Breach of Discipline Identified

Should a serious breach of discipline be identified during the investigation, the IO is to suspend the enquiries and forward all the documents to the Commander, PSC.

Commissioner Notification to the Ombudsman

Should disciplinary proceedings or criminal charges be brought against the subject member during the investigation of the Complaint, the Commissioner is to notify the Ombudsman within five (5) days of:
(a) the commencement of proceedings or laying of the charges; and
(b) the final outcome.
Deferral of Investigation

An investigation may be deferred or discontinued by the Ombudsman at any time if:
(a) proceedings against the subject member in relation to the conduct have been, or are about to be, commenced in a court or tribunal; or
(b) disciplinary procedures have been, or are about to be, started against the subject member.

An investigation may be deferred pending the finalisation of court proceedings or disciplinary procedures.

12.3 Category 1 PSC Investigation

Authorised Conduct of Category 1 Complaint

Category 1 complaints relate to serious police misconduct. Allegations of Police misconduct will result in a Category 1 complaint if the conduct:
(a) involved alleged criminal behaviour;
(b) involved a breach of some other Act;
(c) was, or appeared to be, deliberate;
(d) resulted in the use of a firearm or other weapon;
(e) involved a threat or harassment of a serious nature;
(f) was recklessly indifferent to the negative outcome of the specific conduct;
(g) resulted in death or injury, major property damage or financial loss to the claimant or some other person;
(h) constitutes an issue which is in the public interest; or
(i) is likely to identify significant questions of police practice or procedure.

Category one (1) complaints, when sustained, may result in one or more of the following outcomes pursuant to Part IV of the Police Administration Act:
(a) counselling;
(b) formal caution in writing;
(c) good behaviour Bond (GBB);
(d) fine;
(e) pay compensation/restitution;
(f) transfer;
(g) reduce rate of salary;
(h) suspension — paid/unpaid;
(i) demotion; or
(j) dismissal.

A Category 1 complaint will receive Ombudsman oversight and will be reviewed and reported on by the Ombudsman.

Complaints may be classified as a Category 1 complaint because of:
(a) the serious nature of the alleged police misconduct; or
(b) the complaint has been re-classified:
   i) because evidence established the police misconduct was more serious than first considered; or
   ii) at the request of the complainant to the Ombudsman.

Assignment of Complaint to Investigating Officer

Allegations, which if true, would involve substantial breaches of the criminal law, are to be assigned in consultation with the Commander, PSC to PSC investigators, Crime Division members, Commissioned Officers or an experienced criminal investigator.
Functions of Investigating Officer

It is the function of the IO to collect and consider all relevant evidence available to either prove or disprove the allegations made against the subject member. It includes:
(a) collecting all relevant information and evidence (both inculpatory and exculpatory) relating to the grounds of complaint;
(b) investigating and reviewing the information and evidence;
(c) reaching a reasonable and logical conclusion; and
(d) preparing a report and other supporting documentation for the Ombudsman's consideration.

Responsibilities of Investigating Officer

The IO is to:
(a) immediately declare any conflict of interest when a conflict, or perceived conflict, arises;
(b) conduct the investigation impartially and in a timely manner in accordance with the timeline requirements for category one (1) Investigations in the General Order;
(c) conduct the investigation in a manner that preserves the subject member's common law rights to natural justice;
(d) maintain confidentiality in accordance with Instructions and Procedures: Internal and Sensitive Investigations Security and in accordance with part two of the General Order;
(e) comply with any instructions from the Ombudsman, Commissioner or Commander, PSC;
(f) regularly consult with the complainant about the conduct of the investigation; and
(g) if practicable and where it will not compromise the investigation, regularly advise members involved of the status of the investigation.

The IO is to immediately contact the complainant, advise them of their assignment to the investigation and attempt to schedule an interview with the complainant or otherwise obtain a statement from them.

It is essential the IO takes all reasonable steps to obtain or secure the evidentiary material, if not already completed.

At the completion of the investigation, the IO is to prepare a final report on the findings of the investigation. The report is to include an assessment of the conduct of the subject member and may include:
(a) an assessment on whether the conduct of the subject member:
   i) constituted an offence or breach of discipline or was contrary to law;
   ii) was unreasonable, unjust, oppressive or improperly discriminatory;
   iii) was in accordance with an Act or a practice, procedure or policy that is, or may be, unreasonable, unjust, oppressive or improperly discriminatory;
   iv) was based either wholly or partly on a mistake of law or of fact;
   v) was otherwise wrong in the circumstances;
   vi) exercised a power for an improper purpose or on irrelevant grounds; and/or
   vii) in exercising a power in a particular way or refusing to exercise a power:
       a. irrelevant considerations were taken into account in the course of reaching the decision to exercise the power in that way or to refuse to exercise the power; or
       b. a person was entitled at law to have been given, but was not given, the reasons for deciding to exercise the power in that way or to refuse to exercise the power; or
(b) recommendations that one or more of the following actions be taken:
   i) a member be charged with an offence;
   ii) disciplinary action be taken against a member for a breach of discipline;
   iii) conciliation in relation to the conduct of the member subject of the investigation be conducted;
   iv) a decision made by the subject member be reconsidered, varied or reversed or reasons be given for a decision;
v) the effects of a decision, act or omission made by the subject member be rectified, mitigated or altered; and

vi) an Act, practice, procedure or policy on which a decision, act or omission was based be amended.

Findings in relation to the complaint allegations are to be provided as outlined within Part Ten of the General Order.

Any ancillary issues identified during the investigation are to be included in the report.

13. Ombudsman Investigation [Part 7, Division 5, Subdivision 2]

The Ombudsman may decide to investigate a CAP:

(a) on the Ombudsman’s own initiative under section 14 of the Act;
(b) where the Ombudsman considers the complaint should be investigated by the Ombudsman under section 86 of the Act; or
(c) where parliamentary reference is made for the investigation of police conduct under section 87(1)(b) of the Act.

The Ombudsman may, or may not, notify the Commissioner of the investigation.

If the Ombudsman’s draft report contains an adverse finding about police conduct, the Ombudsman is to provide the member and the Commissioner with reasonable details about the adverse comments and allow the member the opportunity of making any submissions. Any submissions are to be dealt with in the report.

13.1 Finalisation Process

Following completion of the investigation, the Ombudsman is to provide the Commissioner with a copy of a draft report of the investigation. The report is to contain an assessment and recommendations.

The Commissioner will notify the Ombudsman whether the Commissioner:

(a) agrees with the Ombudsman’s assessment and recommendations; or
(b) does not agree with the Ombudsman’s assessment and recommendations.

If the Commissioner supports the Ombudsman’s assessment and recommendations, the Ombudsman will notify the complainant and PSC will notify the subject member of the outcome of the Complaint and of any action to be taken.

If the Commissioner does not support the Ombudsman’s assessment and recommendations, the Ombudsman may:

(a) confirm or vary the assessment or recommendation; or
(b) substitute a new assessment or recommendation.

The Commissioner will notify the Ombudsman of the steps taken to give effect of the Ombudsman’s recommendation as agreed, or as substituted or varied. Written notice to the Ombudsman is to be made within five (5) days of the taking of the action.

Where the Commissioner does not implement the Ombudsman’s recommendations:

(a) the Commissioner is to provide written notice as to the Commissioner's reasons for not taking the steps;
(b) the Ombudsman may provide the Police Minister with a copy of the Ombudsman’s report along with the Commissioner’s written notice; and
(c) the Ombudsman may also provide the Police Minister with a copy of a final report for tabling in the Legislative Assembly.
13.2 Complaint Findings

In the interests of complainants and the subject member, agreement is made with the Ombudsman to adopt a consistent approach to respective findings on a complaint. The broad categories agreed below are intended to operate in a flexible manner:

(a) **unresolved** - Given differing versions, where the Ombudsman and PSC are unable to come to any conclusion about the allegation. This finding may be used in respect of allegations when the only available evidence is the complainant’s version against that of the members or all witnesses provide a differing/inconsistent version;

(b) **no evidence to support the allegation** - Based on the material, there is no evidence to support the allegation. This finding may apply to an allegation of minor assault (e.g. push/slap) and there is no medical evidence to support the allegation, there are no witnesses to the incident, there is no video evidence or other members present, to positively support the fact that it did or did not occur;

(c) **insufficient evidence to sustain the allegation** - Based on the material there is some evidence to support the complainant, but it is insufficient to sustain the allegation. This may apply where there is some evidence to support the allegation but the quality of the evidence is unreliable, or taking into account other evidence (e.g. the medical evidence or the evidence of the police), the evidence as a whole is insufficient to sustain the allegation;

(d) **action / conduct was not found to be unreasonable given the circumstances** - This finding may be used in cases where a member may have done something unusual or prima facie questionable, but the surrounding circumstances are such that it is inappropriate to make an adverse finding against the member;

(e) **the police action / decision was reasonable** - This is a positive finding to the effect that the Ombudsman / PSC supports the action / decision by the police;

(f) **the allegation is sustained** - Where there is sufficient evidence to sustain the allegation on the balance of probability; and

(g) **the allegation is found to be wilfully false** - Where an investigation into a complaint against Police reveals that the allegation was wilfully false, that finding will be brought to the attention of the Ombudsman to consider a prosecution under the Act. Any criminal charges arising from a wilfully false allegation will be referred to the Commander, PSC for action.

In order to facilitate a prompt finalisation of the complaint, a complaint finding is to include the recommended action(s) to be taken against the subject officer, if any.

14. Reviews by Ombudsman

The Ombudsman may review files relating to investigations into complaints against Police howsoever made or reported. Where a request for a review is made by the Ombudsman, PSC will provide all records and materials relating to the particular matter and ensure that the Ombudsman has access to Police investigators with knowledge of the investigation. Requests for access to investigation files for review purposes should be in writing so as to provide an audit trail for all relevant documents.

Where, as a result of a review, the Ombudsman requires further action on a complaint, that request will be made to the Commander, PSC in the first instance.

15. Confidentiality & Immunity

Sections 114, 120, 122, 159 and 160 of the Act impose strict confidentiality and secrecy requirements and provide legal protections on persons involved in the Ombudsman complaint process.

The use of information obtained in the course of, or for the purposes of making preliminary inquiries, conducting conciliation, undertaking a CRP or conducting an investigation, is restricted. Persons administering the Act cannot be compelled to give evidence or produce documents relating to the Ombudsman’s statutory duties. This protection extends to inquiries or investigations being conducted by PSC pursuant to this Agreement.
16. **Suspected Criminal Conduct**

Where a CAP discloses grounds to suspect that a Police Officer may have committed a criminal offence, the matter will immediately be referred to the Ombudsman to determine what further action is required in relation to the complaint. If the matter proceeds to criminal investigation by the Police the Commissioner will ensure the Ombudsman is provided with regular briefings (at least every six (6) weeks) on the progress of the investigation. Any criminal investigation arising from a police complaint should be investigated concurrently with the police complaint unless the Ombudsman directs otherwise.

17. **Procedural Fairness**

Any person with responsibility for investigating a CAP is to ensure that all parties are afforded procedural fairness and courtesy during the process. The complainant will be given a fair opportunity to express their complaint and reasons for complaint and receive an explanation for the police action complained about.

Police officers subject of a complaint under investigation will be advised of the particulars of complaint as soon as reasonably practicable without jeopardy to the investigation process and be given a fair opportunity to answer the complaint and provide their explanation. All information provided by the parties should be taken into account and given careful and impartial consideration when determining the outcome of a complaint.

Before assessing the PSC report, the Ombudsman may seek comment from a complainant or the complainant’s legal advisor. To enable meaningful comment the relevant parts of section 95 reports may be provided. If PSC provides to the Ombudsman grounds for not disclosing the report or content in the report to the complainant or another person, the Ombudsman will consider those grounds before deciding whether to disclose all, or part, of the report.

Additionally to ensure that complainants from non-English speaking backgrounds are treated fairly, the ‘tenor and spirit’ of the ‘Anunga’ Guidelines, as described by Police Practice and Procedure: *Anunga Guidelines*, are to be applied by investigating officers during any interview process. This is particularly relevant when considering the use of interpreters generally, and any request by an Indigenous complainant to have a legal representative present at interview.

18. **Other**

18.1 **Non-Disclosure of Information**

The Commissioner may request the Ombudsman not to disclose certain information to a party to a police complaint. The Ombudsman will consider the request and if the Ombudsman does not agree to the request, is to advise the Commissioner of the decision and the reasons for refusal.

The parties acknowledge that a report prepared by PSC under section 95 of the Act (section 95 Report) may fall within a class of document for which a claim against disclosure on the basis of public interest immunity may be made. The parties agree to notify each other if any application for disclosure of a section 95 Report or part of the section 95 Report is made, including:

(a) by a complainant or to any third party in a court or tribunal; or

(b) by a complainant or third party to the other party;

in order to provide each other an opportunity to make submissions in relation to application for disclosure of the section 95 Report.
18.2 **Restricted Use of Information**

Anything said or admitted during the conciliation process or the CRP process and any documents prepared for conciliation cannot be used for any other purpose unless:

(a) the person responsible or to whom the document relates consents; or
(b) for the prosecution of a person who has committed an offence against the Act.

18.3 **Register of Police Complaints**

The Ombudsman will keep a register of all police complaints and for each complaint it will contain at least the following information:

(a) the particulars of the decision on how the complaint was dealt with or declined;
(b) the particulars of the decision made by the Ombudsman when a CRP or PSC investigation was referred back to the Commissioner for further investigation or to deal with in another way; and
(c) the particulars of the conduct of the CRP or investigation.

The information contained in the Ombudsman’s complaints management system will be used for this purpose.

Any party to a complaint can request an extract of the particulars mentioned above and the Ombudsman will agree to the request if satisfied it is appropriate to do so. The applicant is to be informed by the Ombudsman of the reasons for any refusal.

19. **Scope of This Agreement**

Nothing in this Agreement is intended to limit the powers of the Commissioner or the Ombudsman under the Act or the *Police Administration Act*.

20. **Review of This Agreement**

This Agreement is to be reviewed within two years of being signed but will remain in force until either party gives written notice of termination.

October 2014
FINANCIAL STATEMENT OVERVIEW

The Ombudsman’s role is to give people a timely, effective, efficient, independent, fair and free way of investigating, and dealing with complaints about, administrative actions of public authorities and the conduct of police officers, and to improve the quality of decision-making and administrative practices in public authorities.

During 2015-16 the net result for the Ombudsman’s Office was a surplus of $28,000. This surplus was partially due to staff shortages in the first half of the year leading to reduced operational capacity to conduct outreach and related activities as well as limiting opportunities for staff training and development. Further expense reductions were realised through deferment of Cert IV in Government (Investigation) course and related expenses, and savings in anticipated Information Technology charges through server sharing arrangements.

Operating expenses comprised $1,683,000 for employee expenses and $584,000 for the purchase of goods and services (which includes $362,000 for services received free of charge and depreciation and amortisation of $46,000).

CERTIFICATION OF THE FINANCIAL STATEMENTS

We certify that the attached financial statements for the Ombudsman’s Office have been prepared from proper accounts and records in accordance with the prescribed format, the Financial Management Act and Treasurer’s Directions.

We further state that the information set out in the Comprehensive Operating Statement, Balance Sheet, Statement of Changes in Equity, Cash Flow Statement, and notes to and forming part of the financial statements, presents fairly the financial performance and cash flows for the year ended 30 June 2016 and the financial position on that date.

At the time of signing, we are not aware of any circumstances that would render the particulars included in the financial statements misleading or inaccurate.

PETER SHOYER
Ombudsman
30 Aug 2016

SARAH SCHULTZ
Business Manager
30 Aug 2016
### OMBUDSMAN’S OFFICE
### COMPREHENSIVE OPERATING STATEMENT
### For the year ended 30 June 2016

<table>
<thead>
<tr>
<th>Note</th>
<th>2016</th>
<th>2015</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$000</td>
<td>$000</td>
</tr>
</tbody>
</table>

**INCOME**

<table>
<thead>
<tr>
<th>Appropriation</th>
<th>2016</th>
<th>2015</th>
</tr>
</thead>
<tbody>
<tr>
<td>Output</td>
<td>1 933</td>
<td>1 929</td>
</tr>
<tr>
<td>Sales of goods and services</td>
<td>22</td>
<td></td>
</tr>
<tr>
<td>Interest revenue</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Goods and services received free of charge</td>
<td>4</td>
<td>362</td>
</tr>
<tr>
<td>Other income</td>
<td>34</td>
<td></td>
</tr>
</tbody>
</table>

**TOTAL INCOME**

<table>
<thead>
<tr>
<th></th>
<th>2016</th>
<th>2015</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>2 295</td>
<td>2 348</td>
</tr>
</tbody>
</table>

**EXPENSES**

<table>
<thead>
<tr>
<th>Administrative expenses</th>
<th>2016</th>
<th>2015</th>
</tr>
</thead>
<tbody>
<tr>
<td>Employee expenses</td>
<td>1 683</td>
<td>1 534</td>
</tr>
<tr>
<td>Purchases of goods and services</td>
<td>5</td>
<td>174</td>
</tr>
<tr>
<td>Repairs and maintenance</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>Depreciation and amortisation</td>
<td>8</td>
<td>46</td>
</tr>
<tr>
<td>Other administrative expenses(^1)</td>
<td></td>
<td>362</td>
</tr>
</tbody>
</table>

**TOTAL EXPENSES**

<table>
<thead>
<tr>
<th></th>
<th>2016</th>
<th>2015</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>2 267</td>
<td>2 173</td>
</tr>
</tbody>
</table>

**NET SURPLUS/(DEFICIT)**

<table>
<thead>
<tr>
<th></th>
<th>2016</th>
<th>2015</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>28</td>
<td>175</td>
</tr>
</tbody>
</table>

**COMPREHENSIVE RESULT**

<table>
<thead>
<tr>
<th></th>
<th>2016</th>
<th>2015</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>28</td>
<td>175</td>
</tr>
</tbody>
</table>

\(^1\) Includes DCIS service charges.

*The Comprehensive Operating Statement is to be read in conjunction with the notes to the financial statements.*
## OMBUDSMAN’S OFFICE
### BALANCE SHEET
#### As at 30 June 2016

<table>
<thead>
<tr>
<th>Note</th>
<th>2016</th>
<th>2015</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$000</td>
<td>$000</td>
</tr>
</tbody>
</table>

### ASSETS

#### Current Assets
- Cash and deposits
  - 2016: 969
  - 2015: 907
- Receivables
  - 2016: 3
  - 2015: 1
- Prepayments
  - 2016: 4
  - 2015: 5

**Total Current Assets**: 976 913

#### Non-Current Assets
- Property, plant and equipment
  - 2016: 87
  - 2015: 133

**Total Non-Current Assets**: 88 133

**TOTAL ASSETS**: 1 064 1 046

### LIABILITIES

#### Current Liabilities
- Payables
  - 2016: 26
  - 2015: 49
- Provisions
  - 2016: 161
  - 2015: 162

**Total Current Liabilities**: 187 211

#### Non-Current Liabilities
- Provisions
  - 2016: 64
  - 2015: 50

**Total Non-Current Liabilities**: 64 50

**TOTAL LIABILITIES**: 251 261

**NET ASSETS**: 813 785

### EQUITY

- Capital
  - 2016: 346
  - 2015: 346
- Accumulated funds
  - 2016: 467
  - 2015: 438

**TOTAL EQUITY**: 813 785

*The Balance Sheet is to be read in conjunction with the notes to the financial statements.*
OMBUDDSMAN’S OFFICE  
STATEMENT OF CHANGES IN EQUITY  
For the year ended 30 June 2016

<table>
<thead>
<tr>
<th>Note</th>
<th>Equity at 1 July</th>
<th>Comprehensive result</th>
<th>Transactions with owners in their capacity as owners</th>
<th>Equity at 30 June</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$000</td>
<td>$000</td>
<td>$000</td>
<td>$000</td>
</tr>
<tr>
<td>2015-16</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Accumulated Funds</td>
<td>438</td>
<td>28</td>
<td></td>
<td>467</td>
</tr>
<tr>
<td>Capital – Transactions with Owners</td>
<td>346</td>
<td></td>
<td></td>
<td>346</td>
</tr>
<tr>
<td>Total Equity at End of Financial Year</td>
<td>785</td>
<td>28</td>
<td></td>
<td>813</td>
</tr>
<tr>
<td>2014-15</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Accumulated Funds</td>
<td>263</td>
<td>175</td>
<td></td>
<td>438</td>
</tr>
<tr>
<td>Capital – Transactions with Owners</td>
<td>346</td>
<td></td>
<td></td>
<td>346</td>
</tr>
<tr>
<td>Total Equity at End of Financial Year</td>
<td>610</td>
<td>175</td>
<td></td>
<td>785</td>
</tr>
</tbody>
</table>

The Statement of Changes in Equity is to be read in conjunction with the notes to the financial statements.
OMBUDSMAN’S OFFICE
CASH FLOW STATEMENT
For the year ended 30 June 2016

<table>
<thead>
<tr>
<th>Note</th>
<th>2016 ($000)</th>
<th>2015 ($000)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>CASH FLOWS FROM OPERATING ACTIVITIES</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Operating Receipts</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Appropriation</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Output</td>
<td>1,933</td>
<td>1,929</td>
</tr>
<tr>
<td>Receipts from sales of goods and services</td>
<td>8</td>
<td>39</td>
</tr>
<tr>
<td>Other operating Receipts</td>
<td></td>
<td>47</td>
</tr>
<tr>
<td><strong>Total Operating Receipts</strong></td>
<td><strong>1,941</strong></td>
<td><strong>2,015</strong></td>
</tr>
<tr>
<td><strong>Operating Payments</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Payments to employees</td>
<td>(1,707)</td>
<td>(1,504)</td>
</tr>
<tr>
<td>Payments for goods and services</td>
<td>(172)</td>
<td>(271)</td>
</tr>
<tr>
<td><strong>Total Operating Payments</strong></td>
<td><strong>1,879</strong></td>
<td><strong>1,775</strong></td>
</tr>
<tr>
<td><strong>Net Cash From/(Used in) Operating Activities</strong></td>
<td>11</td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>62</strong></td>
<td><strong>241</strong></td>
</tr>
<tr>
<td>Net increase/(decrease) in cash held</td>
<td>62</td>
<td>241</td>
</tr>
<tr>
<td>Cash at beginning of financial year</td>
<td>907</td>
<td>667</td>
</tr>
<tr>
<td><strong>CASH AT END OF FINANCIAL YEAR</strong></td>
<td>6</td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>969</strong></td>
<td><strong>907</strong></td>
</tr>
</tbody>
</table>

*The Cash Flow Statement is to be read in conjunction with the notes to the financial statements.*
INDEX OF NOTES TO THE FINANCIAL STATEMENTS

Note
1. Objectives and Funding
2. Statement of Significant Accounting Policies
3. Comprehensive Operating Statement by Output Group

INCOME
4. Goods and Services Received Free of Charge

EXPENSES
5. Purchases of Goods and Services

ASSETS
6. Cash and Deposits
7. Receivables
8. Property, Plant and Equipment

LIABILITIES
9. Payables

OTHER DISCLOSURES
11. Notes to the Cash Flow Statement
12. Financial Instruments
13. Commitments
14. Contingent Liabilities and Contingent Assets
15. Events Subsequent to Balance Date
16. Write-offs, Postponements, Waivers, Gifts and Ex Gratia Payments
17. Budgetary Information
1. **OBJECTIVES AND FUNDING**

The Ombudsman’s role is to receive, investigate and resolve complaints made about administrative action to which the *Ombudsman Act* applies and to foster excellence in public sector services.

The Ombudsman’s Office is predominantly funded by, and is dependent on, the receipt of Parliamentary appropriations. The financial statements encompass all funds through which the agency controls resources to carry on its functions and deliver outputs. For reporting purposes, outputs delivered by the agency are summarised into two output groups, Ombudsman Operations and Corporate and Governance.

Note 3 provides summary financial information in the form of a Comprehensive Operating Statement by output group. Additional information in relation to the Ombudsman NT and its principal activities may be found in the Ombudsman’s Annual Report.

2. **STATEMENT OF SIGNIFICANT ACCOUNTING POLICIES**

   a) **Statement of Compliance**

   The financial statements have been prepared in accordance with the requirements of the *Financial Management Act* and related Treasurer’s Directions. The *Financial Management Act* requires the Ombudsman’s Office to prepare financial statements for the year ended 30 June based on the form determined by the Treasurer. The form of agency financial statements is to include:

   (i) a Certification of the Financial Statements;

   (ii) a Comprehensive Operating Statement;

   (iii) a Balance Sheet;

   (iv) a Statement of Changes in Equity;

   (v) a Cash Flow Statement; and

   (vi) applicable explanatory notes to the financial statements.

   b) **Basis of Accounting**

   The financial statements have been prepared using the accrual basis of accounting, which recognise the effect of financial transactions and events when they occur, rather than when cash is paid out or received. As part of the preparation of the financial statements, all intra-agency transactions and balances have been eliminated.

   Except where stated, the financial statements have also been prepared in accordance with the historical cost convention.

   The form of the agency financial statements is also consistent with the requirements of Australian Accounting Standards. The effects of all relevant new and revised Standards and Interpretations issued by the Australian Accounting Standards Board (AASB) that are effective for the current annual reporting period have been evaluated, the changes do not impact the financial statements.
c) Reporting Entity
The financial statements cover the Agency as an individual reporting entity. The Ombudsman’s Office is a Northern Territory Agency established under the Interpretation Act Administrative Arrangements Order.

The principal place of business of the Agency is: Level 12 (NT House), 22 Mitchell Street, Darwin.

d) Agency and Territory Items
The financial statements include income, expenses, assets, liabilities and equity over which the Ombudsman’s Office has control (Agency items). Certain items, while managed by the agency, are controlled and recorded by the Territory rather than the agency (Territory items). Territory items are recognised and recorded in the Central Holding Authority as discussed below.

Central Holding Authority
The Central Holding Authority is the ‘parent body’ that represents the Government’s ownership interest in Government-controlled entities.

The Central Holding Authority also records all Territory items, such as income, expenses, assets and liabilities controlled by the Government and managed by agencies on behalf of the Government. The main Territory item is Territory income, which includes taxation and royalty revenue, Commonwealth general purpose funding (such as GST revenue), fines, and statutory fees and charges.

The Central Holding Authority also holds certain Territory assets not assigned to agencies as well as certain Territory liabilities that are not practical or effective to assign to individual agencies such as unfunded superannuation and long service leave.

The Central Holding Authority recognises and records all Territory items, and as such, these items are not included in the agency’s financial statements.

e) Comparatives
Where necessary, comparative information for the 2014-15 financial year has been reclassified to provide consistency with current year disclosures.

f) Presentation and Rounding of Amounts
Amounts in the financial statements and notes to the financial statements are presented in Australian dollars and have been rounded to the nearest thousand dollars, with amounts of $500 or less being rounded down to zero. Figures in the financial statements and notes may not equate due to rounding.

g) Changes in Accounting Policies
There have been no changes to accounting policies adopted in 2015-16 as a result of management decisions.

h) Accounting Judgments and Estimates
The preparation of the financial report requires the making of judgments and estimates that affect the recognised amounts of assets, liabilities, revenues and expenses and the disclosure of contingent liabilities. The estimates and associated assumptions are based on historical experience and various other factors that are believed to be reasonable under the
circumstances, the results of which form the basis for making judgments about the carrying values of assets and liabilities that are not readily apparent from other sources. Actual results may differ from these estimates.

The estimates and underlying assumptions are reviewed on an ongoing basis. Revisions to accounting estimates are recognised in the period in which the estimate is revised if the revision affects only that period, or in the period of the revision and future periods if the revision affects both current and future periods.

Judgments and estimates that have significant effects on the financial statements are disclosed in the relevant notes to the financial statements. Notes that include significant judgments and estimates are:

- Employee Benefits – Note 2(u) Non-current liabilities in respect of employee benefits are measured as the present value of estimated future cash outflows based on the appropriate Government bond rate, estimates of future salary and wage levels and employee periods of service.
- Depreciation and Amortisation – Note 2(l), Note 8: Property, Plant and Equipment.

i) Goods and Services Tax
Income, expenses and assets are recognised net of the amount of Goods and Services Tax (GST), except where the amount of GST incurred on a purchase of goods and services is not recoverable from the Australian Tax Office (ATO). In these circumstances the GST is recognised as part of the cost of acquisition of the asset or as part of the expense.

Receivables and payables are stated with the amount of GST included. The net amount of GST recoverable from, or payable to, the ATO is included as part of receivables or payables in the Balance Sheet.

Cash flows are included in the Cash Flow Statement on a gross basis. The GST components of cash flows arising from investing and financing activities, which are recoverable from, or payable to, the ATO are classified as operating cash flows. Commitments and contingencies are disclosed net of the amount of GST recoverable or payable unless otherwise specified.

j) Income Recognition
Income encompasses both revenue and gains.

Income is recognised at the fair value of the consideration received, exclusive of the amount of GST. Exchanges of goods or services of the same nature and value without any cash consideration being exchanged are not recognised as income.

Appropriation
Output appropriation is the operating payment to each agency for the outputs they provide and is calculated as the net cost of agency outputs after taking into account funding from agency income. It does not include any allowance for major non-cash costs such as depreciation.

Revenue in respect of appropriations is recognised in the period in which the agency gains control of the funds.
Sale of Goods
Revenue from the sale of goods is recognised (net of returns, discounts and allowances) when:

- the significant risks and rewards of ownership of the goods have transferred to the buyer;
- the agency retains neither continuing managerial involvement to the degree usually associated with ownership nor effective control over the goods sold;
- the amount of revenue can be reliably measured;
- it is probable that the economic benefits associated with the transaction will flow to the agency; and
- the costs incurred or to be incurred in respect of the transaction can be measured reliably.

Rendering of Services
Revenue from rendering services is recognised by reference to the stage of completion of the contract. The revenue is recognised when:

- the amount of revenue, stage of completion and transaction costs incurred can be reliably measured; and
- it is probable that the economic benefits associated with the transaction will flow to the entity.

Interest Revenue
Interest revenue is recognised as it accrues, taking into account the effective yield on the financial asset.

Goods and Services Received Free of Charge
Goods and services received free of charge are recognised as revenue when a fair value can be reliably determined and the resource would have been purchased if it had not been donated. Use of the resource is recognised as an expense.

Disposal of Assets
A gain or loss on disposal of assets is included as a gain or loss on the date control of the asset passes to the buyer, usually when an unconditional contract of sale is signed. The gain or loss on disposal is calculated as the difference between the carrying amount of the asset at the time of disposal and the net proceeds on disposal.

Contributions of Assets
Contributions of assets and contributions to assist in the acquisition of assets, being non-reciprocal transfers, are recognised, unless otherwise determined by Government, as gains when the agency obtains control of the asset or contribution. Contributions are recognised at the fair value received or receivable.

k) Repairs and Maintenance Expense
Funding is received for repairs and maintenance works associated with agency assets as part of output appropriation. Costs associated with repairs and maintenance works on agency assets are expensed as incurred.
I) Depreciation and Amortisation Expense

Items of property, plant and equipment, including buildings but excluding land, have limited useful lives and are depreciated or amortised using the straight-line method over their estimated useful lives.

Amortisation applies in relation to intangible non-current assets with limited useful lives and is calculated and accounted for in a similar manner to depreciation.

The estimated useful lives for each class of asset are in accordance with the Treasurer’s Directions and are determined as follows:

<table>
<thead>
<tr>
<th></th>
<th>2016</th>
<th>2015</th>
</tr>
</thead>
<tbody>
<tr>
<td>Plant and Equipment</td>
<td>10 years</td>
<td>10 years</td>
</tr>
<tr>
<td>Computer Software</td>
<td>6 years</td>
<td>6 years</td>
</tr>
</tbody>
</table>

Assets are depreciated or amortised from the date of acquisition or from the time an asset is completed and held ready for use.

m) Interest Expense

Interest expenses include interest and finance lease charges. Interest expenses are expensed in the period in which they are incurred.

n) Cash and Deposits

For the purposes of the Balance Sheet and the Cash Flow Statement, cash includes cash on hand, cash at bank and cash equivalents. Cash equivalents are highly liquid short-term investments that are readily convertible to cash.

o) Receivables

Receivables include accounts receivable and other receivables and are recognised at fair value less any allowance for impairment losses.

The allowance for impairment losses represents the amount of receivables the agency estimates are likely to be uncollectible and are considered doubtful.

Accounts receivable are generally settled within 30 days.

p) Prepayments

Prepayments represent payments in advance of receipt of goods and services or that part of expenditure made in one accounting period covering a term extending beyond that period.

q) Property, Plant and Equipment

Acquisitions

All items of property, plant and equipment with a cost, or other value, equal to or greater than $10 000 are recognised in the year of acquisition and depreciated as outlined below. Items of property, plant and equipment below the $10 000 threshold are expensed in the year of acquisition.

The construction cost of property, plant and equipment includes the cost of materials and direct labour, and an appropriate proportion of fixed and variable overheads.
Complex Assets
Major items of plant and equipment comprising a number of components that have different useful lives, are accounted for as separate assets. The components may be replaced during the useful life of the complex asset.

Subsequent Additional Costs
Costs incurred on property, plant and equipment subsequent to initial acquisition are capitalised when it is probable that future economic benefits in excess of the originally assessed performance of the asset will flow to the agency in future years. Where these costs represent separate components of a complex asset, they are accounted for as separate assets and are separately depreciated over their expected useful lives.

r) Revaluations and Impairment
Revaluation of Assets
Subsequent to initial recognition, assets belonging to the following classes of non-current assets are revalued with sufficient regularity to ensure that the carrying amount of these assets does not differ materially from their fair value at reporting date:
- land;
- buildings;
- infrastructure assets;
- heritage and cultural assets;
- biological assets; and
- intangibles.

Plant and equipment are stated at historical cost less depreciation, which is deemed to equate to fair value.

Impairment of Assets
An asset is said to be impaired when the asset's carrying amount exceeds its recoverable amount.

Non-current physical and intangible agency assets are assessed for indicators of impairment on an annual basis or whenever there is indication of impairment. If an indicator of impairment exists, the agency determines the asset's recoverable amount. The asset's recoverable amount is determined as the higher of the asset's depreciated replacement cost and fair value less costs to sell. Any amount by which the asset's carrying amount exceeds the recoverable amount is recorded as an impairment loss. No assets were assessed as being impaired within the reporting period.

s) Leased Assets
Leases under which the agency assumes substantially all the risks and rewards of ownership of an asset are classified as finance leases. Other leases are classified as operating leases.
Finance Leases
Finance leases are capitalised. A lease asset and lease liability equal to the lower of the fair value of the leased property and present value of the minimum lease payments, each determined at the inception of the lease, are recognised.

Lease payments are allocated between the principal component of the lease liability and the interest expense.

Operating Leases
Operating lease payments made at regular intervals throughout the term are expensed when the payments are due, except where an alternative basis is more representative of the pattern of benefits to be derived from the leased property. Lease incentives under an operating lease of a building or office space is recognised as an integral part of the consideration for the use of the leased asset. Lease incentives are to be recognised as a deduction of the lease expenses over the term of the lease.

t) Payables
Liabilities for accounts payable and other amounts payable are carried at cost, which is the fair value of the consideration to be paid in the future for goods and services received, whether or not billed to the agency. Accounts payable are normally settled within 30 days.

u) Employee Benefits
Provision is made for employee benefits accumulated as a result of employees rendering services up to the reporting date. These benefits include wages and salaries and recreation leave. Liabilities arising in respect of wages and salaries, recreation leave and other employee benefit liabilities that fall due within twelve months of reporting date are classified as current liabilities and are measured at amounts expected to be paid. Non-current employee benefit liabilities that fall due after twelve months of the reporting date are measured at present value, calculated using the Government long-term bond rate.

No provision is made for sick leave, which is non-vesting, as the anticipated pattern of future sick leave to be taken is less than the entitlement accruing in each reporting period.

Employee benefit expenses are recognised on a net basis in respect of the following categories:

- wages and salaries, non-monetary benefits, recreation leave, sick leave and other leave entitlements; and
- other types of employee benefits.

As part of the financial management framework, the Central Holding Authority assumes the long service leave liabilities of Government agencies, including Ombudsman for the NT and as such no long service leave liability is recognised in agency financial statements.

v) Superannuation
Employees’ superannuation entitlements are provided through the:

- Northern Territory Government and Public Authorities Superannuation Scheme (NTGPASS);
- Commonwealth Superannuation Scheme (CSS); or
• non-government employee-nominated schemes for those employees commencing on or after 10 August 1999.

The agency makes superannuation contributions on behalf of its employees to the Central Holding Authority or non-government employee-nominated schemes. Superannuation liabilities related to government superannuation schemes are held by the Central Holding Authority and as such are not recognised in agency financial statements.

w) Contributions by and Distributions to Government
The agency may receive contributions from Government where the Government is acting as owner of the agency. Conversely, the agency may make distributions to Government. In accordance with the Financial Management Act and Treasurer’s Directions, certain types of contributions and distributions, including those relating to administrative restructures, have been designated as contributions by, and distributions to, Government. These designated contributions and distributions are treated by the agency as adjustments to equity.

The Statement of Changes in Equity provides additional information in relation to contributions by, and distributions to, Government.

x) Commitments
Disclosures in relation to capital and other commitments, including lease commitments are shown at Note 13.

Commitments are those contracted as at 30 June where the amount of the future commitment can be reliably measured.
### 3. Comprehensive Operating Statement by Output Group

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$000</td>
<td>$000</td>
<td>$000</td>
<td>$000</td>
<td>$000</td>
<td>$000</td>
</tr>
<tr>
<td><strong>INCOME</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Appropriation</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Output</td>
<td>1 933</td>
<td>1 929</td>
<td>1 933</td>
<td>1 929</td>
<td>1 933</td>
<td>1 929</td>
</tr>
<tr>
<td>Sales of goods and services</td>
<td>22</td>
<td>22</td>
<td>22</td>
<td>22</td>
<td>22</td>
<td>22</td>
</tr>
<tr>
<td>Goods and services received free of charge</td>
<td>4</td>
<td>362</td>
<td>363</td>
<td>362</td>
<td>363</td>
<td>362</td>
</tr>
<tr>
<td>Other income</td>
<td>34</td>
<td>34</td>
<td>34</td>
<td>34</td>
<td>34</td>
<td>34</td>
</tr>
<tr>
<td><strong>TOTAL INCOME</strong></td>
<td>2 295</td>
<td>2 348</td>
<td>2 295</td>
<td>2 348</td>
<td>2 295</td>
<td>2 348</td>
</tr>
<tr>
<td><strong>EXPENSES</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Employee expenses</td>
<td>1 464</td>
<td>1 342</td>
<td>219</td>
<td>192</td>
<td>1 683</td>
<td>1 534</td>
</tr>
<tr>
<td>Administrative expenses</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Purchases of goods and services</td>
<td>5</td>
<td>162</td>
<td>195</td>
<td>12</td>
<td>33</td>
<td>174</td>
</tr>
<tr>
<td>Repairs and maintenance</td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>Depreciation and amortisation</td>
<td>8</td>
<td>46</td>
<td>46</td>
<td>46</td>
<td>46</td>
<td>46</td>
</tr>
<tr>
<td>Other administrative expenses</td>
<td>362</td>
<td>363</td>
<td>362</td>
<td>363</td>
<td>362</td>
<td>363</td>
</tr>
<tr>
<td><strong>TOTAL EXPENSES</strong></td>
<td>2 036</td>
<td>1 948</td>
<td>231</td>
<td>225</td>
<td>2 267</td>
<td>2 173</td>
</tr>
<tr>
<td><strong>NET SURPLUS/(DEFICIT)</strong></td>
<td>259</td>
<td>400</td>
<td>(231)</td>
<td>(225)</td>
<td>28</td>
<td>175</td>
</tr>
<tr>
<td><strong>COMPREHENSIVE RESULT</strong></td>
<td>259</td>
<td>400</td>
<td>(231)</td>
<td>(225)</td>
<td>28</td>
<td>175</td>
</tr>
</tbody>
</table>

1 Includes DCIS service charges.

*This Comprehensive Operating Statement by output group is to be read in conjunction with the notes to the financial statements.*
4. **GOODS AND SERVICES RECEIVED FREE OF CHARGE**

<table>
<thead>
<tr>
<th>Description</th>
<th>2016</th>
<th>2015</th>
</tr>
</thead>
<tbody>
<tr>
<td>Corporate and information services</td>
<td>362</td>
<td>363</td>
</tr>
<tr>
<td></td>
<td>362</td>
<td>363</td>
</tr>
</tbody>
</table>

5. **PURCHASES OF GOODS AND SERVICES**

The net surplus has been arrived at after charging the following expenses:

**Goods and services expenses:**

<table>
<thead>
<tr>
<th>Description</th>
<th>2016</th>
<th>2015</th>
</tr>
</thead>
<tbody>
<tr>
<td>Consultants (1)</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Advertising (2)</td>
<td>2</td>
<td>3</td>
</tr>
<tr>
<td>Marketing and promotion (3)</td>
<td>5</td>
<td>5</td>
</tr>
<tr>
<td>Document production</td>
<td>5</td>
<td>7</td>
</tr>
<tr>
<td>Legal expenses (4)</td>
<td></td>
<td>3</td>
</tr>
<tr>
<td>Training and study</td>
<td>4</td>
<td>52</td>
</tr>
<tr>
<td>Official duty fares</td>
<td>7</td>
<td>5</td>
</tr>
<tr>
<td>Travelling allowance</td>
<td>3</td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>26</td>
<td>77</td>
</tr>
</tbody>
</table>

(1) Includes marketing, promotion and IT consultants.
(2) Does not include recruitment advertising or marketing and promotion advertising.
(3) Includes advertising for marketing and promotion but excludes marketing and promotion consultants' expenses, which are incorporated in the consultants' category.
(4) Includes legal fees, claim and settlement costs.

<table>
<thead>
<tr>
<th>Description</th>
<th>2016</th>
<th>2015</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cash on hand</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Cash at bank</td>
<td>969</td>
<td>907</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>969</td>
<td>907</td>
</tr>
</tbody>
</table>

6. **CASH AND DEPOSITS**

<table>
<thead>
<tr>
<th>Description</th>
<th>2016</th>
<th>2015</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accounts receivable</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Less: Allowance for impairment losses</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>GST receivables</td>
<td>2</td>
<td>1</td>
</tr>
<tr>
<td>Other receivables</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td><strong>Total Receivables</strong></td>
<td>3</td>
<td>1</td>
</tr>
</tbody>
</table>
8. **PROPERTY, PLANT AND EQUIPMENT**

<table>
<thead>
<tr>
<th></th>
<th>2016</th>
<th>2015</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$000</td>
<td>$000</td>
</tr>
<tr>
<td><strong>Plant and Equipment</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>At fair value</td>
<td>66</td>
<td>72</td>
</tr>
<tr>
<td>Less: Accumulated depreciation</td>
<td>(66)</td>
<td>(72)</td>
</tr>
<tr>
<td></td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td><strong>Computer Software</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>At fair value</td>
<td>400</td>
<td>400</td>
</tr>
<tr>
<td>Less: Accumulated depreciation</td>
<td>(313)</td>
<td>(267)</td>
</tr>
<tr>
<td></td>
<td>87</td>
<td>133</td>
</tr>
<tr>
<td><strong>Leased Computer Software</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>At capitalised cost</td>
<td>9</td>
<td>9</td>
</tr>
<tr>
<td>Less: Accumulated depreciation</td>
<td>(9)</td>
<td>(9)</td>
</tr>
<tr>
<td></td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td><strong>Total Property, Plant and Equipment</strong></td>
<td>87</td>
<td>133</td>
</tr>
</tbody>
</table>

**2016 Property, Plant and Equipment Reconciliations**

A reconciliation of the carrying amount of property, plant and equipment at the beginning and end of 2015-16 is set out below:

<table>
<thead>
<tr>
<th></th>
<th>Plant and Equipment</th>
<th>Computer Software</th>
<th>Leased Computer Software</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$000</td>
<td>$000</td>
<td>$000</td>
<td>$000</td>
</tr>
<tr>
<td>Carrying Amount as at 1 July 2015</td>
<td>133</td>
<td>133</td>
<td>133</td>
<td></td>
</tr>
<tr>
<td>Additions</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Disposals</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Depreciation</td>
<td>(46)</td>
<td></td>
<td>(46)</td>
<td></td>
</tr>
<tr>
<td>Revaluation increments/(decrements)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Impairment losses</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other movements</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Carrying Amount as at 30 June 2016</strong></td>
<td><strong>87</strong></td>
<td><strong>87</strong></td>
<td><strong>87</strong></td>
<td></td>
</tr>
</tbody>
</table>
2015 Property, Plant and Equipment Reconciliations
A reconciliation of the carrying amount of property, plant and equipment at the beginning and end of 2014-15 is set out below:

<table>
<thead>
<tr>
<th></th>
<th>Plant and Equipment</th>
<th>Computer Software</th>
<th>Leased Computer Software</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$000</td>
<td>$000</td>
<td>$000</td>
<td>$000</td>
</tr>
<tr>
<td>Carrying Amount as at 1 July 2014</td>
<td>179</td>
<td>179</td>
<td></td>
<td>179</td>
</tr>
<tr>
<td>Additions</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Disposals</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Depreciation</td>
<td>(46)</td>
<td>(46)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Revaluation increments/(decrements)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Impairment losses</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other movements</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Carrying Amount as at 30 June 2015</strong></td>
<td><strong>133</strong></td>
<td><strong>133</strong></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

9. PAYABLES

<table>
<thead>
<tr>
<th></th>
<th>2016</th>
<th>2015</th>
</tr>
</thead>
<tbody>
<tr>
<td>$000</td>
<td>$000</td>
<td></td>
</tr>
<tr>
<td>Accounts payable</td>
<td>18</td>
<td>6</td>
</tr>
<tr>
<td>Accrued expenses</td>
<td>8</td>
<td>43</td>
</tr>
<tr>
<td>Other payables</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total Payables</strong></td>
<td><strong>26</strong></td>
<td><strong>49</strong></td>
</tr>
</tbody>
</table>

10. PROVISIONS

Current

<table>
<thead>
<tr>
<th>Employee benefits</th>
<th>2016</th>
<th>2015</th>
</tr>
</thead>
<tbody>
<tr>
<td>Recreation leave</td>
<td>119</td>
<td>117</td>
</tr>
<tr>
<td>Leave loading</td>
<td>13</td>
<td>11</td>
</tr>
<tr>
<td>Other employee benefits</td>
<td>3</td>
<td></td>
</tr>
</tbody>
</table>

Other current provisions

<table>
<thead>
<tr>
<th>Other provisions</th>
<th>2016</th>
<th>2015</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>29</td>
<td>32</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>161</strong></td>
<td><strong>162</strong></td>
</tr>
</tbody>
</table>

Non-Current

<table>
<thead>
<tr>
<th>Employee benefits</th>
<th>2016</th>
<th>2015</th>
</tr>
</thead>
<tbody>
<tr>
<td>Recreation leave</td>
<td>63</td>
<td>50</td>
</tr>
</tbody>
</table>

| **Total Provisions** | **225** | **212** |

The Agency employed 14 employees as at 30 June 2016 (12 employees as at 30 June 2015).
11. NOTES TO THE CASH FLOW STATEMENT

Reconciliation of Cash
The total of agency ‘Cash and deposits’ of $969,000 recorded in the Balance Sheet is consistent with that recorded as ‘Cash’ in the Cash Flow Statement.

Reconciliation of Net Surplus/(Deficit) to Net Cash from Operating Activities

<table>
<thead>
<tr>
<th>Description</th>
<th>2016 $000</th>
<th>2015 $000</th>
</tr>
</thead>
<tbody>
<tr>
<td>Net Surplus/(Deficit)</td>
<td>28</td>
<td>175</td>
</tr>
<tr>
<td>Non-cash items:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Depreciation and amortisation</td>
<td>46</td>
<td>46</td>
</tr>
<tr>
<td>Changes in assets and liabilities:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Decrease/(Increase) in receivables</td>
<td>(2)</td>
<td>18</td>
</tr>
<tr>
<td>Decrease/(Increase) in prepayments</td>
<td>1</td>
<td>(2)</td>
</tr>
<tr>
<td>Decrease/(Increase) in other assets</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(Decrease)/Increase in payables</td>
<td>(23)</td>
<td>(19)</td>
</tr>
<tr>
<td>(Decrease)/Increase in provision for employee benefits</td>
<td>15</td>
<td>19</td>
</tr>
<tr>
<td>(Decrease)/Increase in other provisions</td>
<td>(3)</td>
<td>4</td>
</tr>
<tr>
<td>Net Cash from Operating Activities</td>
<td>62</td>
<td>241</td>
</tr>
</tbody>
</table>

12. FINANCIAL INSTRUMENTS

A financial instrument is a contract that gives rise to a financial asset of one entity and a financial liability or equity instrument of another entity. Financial instruments held by the Ombudsman’s Office include cash and deposits, receivables and payables. The agency has limited exposure to financial risks as discussed below.

a) Credit Risk
The agency has limited credit risk exposure (risk of default). In respect of any dealings with organisations external to Government, the agency has adopted a policy of only dealing with credit worthy organisations.
Receivables
Receivable balances are monitored on an ongoing basis to ensure that exposure to bad debts is not significant. A reconciliation and aging analysis of receivables is presented below.

<table>
<thead>
<tr>
<th>External Receivables&lt;sup&gt;(a)&lt;/sup&gt;</th>
<th>Aging of Receivables $000</th>
<th>Aging of Impaired Receivables $000</th>
<th>Net Receivables $000</th>
</tr>
</thead>
<tbody>
<tr>
<td>2015-16</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Not overdue</td>
<td>3</td>
<td>3</td>
<td>3</td>
</tr>
<tr>
<td>Total</td>
<td>3</td>
<td></td>
<td>3</td>
</tr>
<tr>
<td>2014-15</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Not overdue</td>
<td>1</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Total</td>
<td>1</td>
<td></td>
<td>1</td>
</tr>
</tbody>
</table>

b) Liquidity Risk
Liquidity risk is the risk that the agency will not be able to meet its financial obligations as they fall due. The agency’s approach to managing liquidity is to ensure that it will always have sufficient liquidity to meet its liabilities when they fall due.

c) Market Risk
Market risk is the risk that the fair value of future cash flows of a financial instrument will fluctuate because of changes in market prices. It comprises interest rate risk, price risk and currency risk.

(i) Interest Rate Risk
The Ombudsman NT is not exposed to interest rate risk as agency financial assets and financial liabilities, with the exception of finance leases are non-interest bearing. Finance lease arrangements are established on a fixed interest rate and as such do not expose the agency to interest rate risk.

(ii) Price Risk
The Ombudsman NT is not exposed to price risk as the agency does not hold units in unit trusts.

(iii) Currency Risk
The Ombudsman NT is not exposed to currency risk as the agency does not hold borrowings denominated in foreign currencies or transactional currency exposures arising from purchases in a foreign currency.
13. COMMITMENTS

(i) Operating Lease Commitments
The agency leases items of plant and equipment under non-cancellable operating leases. Future operating lease commitments not recognised as liabilities are payable as follows:

<table>
<thead>
<tr>
<th></th>
<th>2016 Internal</th>
<th>2016 External</th>
<th>2015 Internal</th>
<th>2015 External</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$000</td>
<td>$000</td>
<td>$000</td>
<td>$000</td>
</tr>
<tr>
<td>Within one year</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Later than one year and not later than five years</td>
<td>2</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

(ii) Other Expenditure Commitments
Other non-cancellable expenditure commitments not recognised as liabilities are payable as follows:

<table>
<thead>
<tr>
<th></th>
<th>2016 Internal</th>
<th>2016 External</th>
<th>2015 Internal</th>
<th>2015 External</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$000</td>
<td>$000</td>
<td>$000</td>
<td>$000</td>
</tr>
<tr>
<td>Within one year</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Later than one year and not later than five years</td>
<td>3</td>
<td></td>
<td>11</td>
<td>14</td>
</tr>
</tbody>
</table>

(a) Internal commitments are to entities controlled by the NTG, whereas external commitments are to third parties external to the NTG.

14. CONTINGENT LIABILITIES AND CONTINGENT ASSETS
The Ombudsman NT had no contingent liabilities or contingent assets as at 30 June 2016 or 30 June 2015.

15. EVENTS SUBSEQUENT TO BALANCE DATE
No events have arisen between the end of the financial year and the date of this report that require adjustment to, or disclosure in these financial statements.

16. WRITE-OFFS, POSTPONEMENTS, WAIVERS, GIFTS AND EX GRATIA PAYMENTS
The Ombudsman NT had no write off’s, postponements or waivers as at 30 June 2016 or 30 June 2015.
17. **BUDGETARY INFORMATION**

<table>
<thead>
<tr>
<th>Comprehensive Operating Statement</th>
<th>2015-16 Actual</th>
<th>2015-16 Original Budget</th>
<th>Variance</th>
<th>Note</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$000</td>
<td>$000</td>
<td>$000</td>
<td></td>
</tr>
<tr>
<td><strong>INCOME</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Appropriation</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Output</td>
<td>1 933</td>
<td>1 933</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>Sales of goods and services</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Goods and services received free of charge</td>
<td>362</td>
<td>353</td>
<td>9</td>
<td></td>
</tr>
<tr>
<td>Other income</td>
<td></td>
<td>32</td>
<td>(32)</td>
<td>1</td>
</tr>
<tr>
<td><strong>TOTAL INCOME</strong></td>
<td>2 295</td>
<td>2 318</td>
<td>(23)</td>
<td></td>
</tr>
<tr>
<td><strong>EXPENSES</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Employee expenses</td>
<td>1 683</td>
<td>1 701</td>
<td>(18)</td>
<td></td>
</tr>
<tr>
<td>Administrative expenses</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Purchases of goods and services</td>
<td>174</td>
<td>260</td>
<td>(86)</td>
<td>2</td>
</tr>
<tr>
<td>Repairs and maintenance</td>
<td>2</td>
<td>4</td>
<td>(2)</td>
<td></td>
</tr>
<tr>
<td>Depreciation and amortisation</td>
<td>46</td>
<td>39</td>
<td>7</td>
<td></td>
</tr>
<tr>
<td>Other administrative expenses</td>
<td>362</td>
<td>353</td>
<td>9</td>
<td></td>
</tr>
<tr>
<td><strong>TOTAL EXPENSES</strong></td>
<td>2 267</td>
<td>2 357</td>
<td>(90)</td>
<td></td>
</tr>
<tr>
<td><strong>NET SURPLUS/(DEFICIT)</strong></td>
<td>28</td>
<td>(39)</td>
<td>67</td>
<td></td>
</tr>
<tr>
<td><strong>COMPREHENSIVE RESULT</strong></td>
<td>28</td>
<td>(39)</td>
<td>67</td>
<td></td>
</tr>
</tbody>
</table>

**Notes:**
The following note descriptions relate to variances greater than 10 per cent or $20,000.

1. Reduction in revenue through deferment of running of Cert IV in Government (Investigation) course.

2. Operational savings primarily due to:
   a). reduced staff numbers in first half of year causing reduced formal training/development compared to proposed levels.
   b). delay of service costs related to delivery of postponed Cert IV in Government (Investigation) course.
   c). savings in Information Technology costs due to shared server environment with Department of the Attorney General and Justice and increased users of server causing reduction in Ombudsman share of costs.
Balance Sheet

<table>
<thead>
<tr>
<th></th>
<th>2015-16 Actual(a)</th>
<th>2015-16 Original Budget(b)</th>
<th>Variance(c)</th>
<th>Note(d)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>ASSETS</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Current assets</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cash and deposits</td>
<td>969</td>
<td>666</td>
<td>303</td>
<td>1</td>
</tr>
<tr>
<td>Receivables</td>
<td>3</td>
<td>18</td>
<td>(15)</td>
<td></td>
</tr>
<tr>
<td>Prepayments</td>
<td>4</td>
<td>3</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Total current assets</td>
<td>976</td>
<td>687</td>
<td>289</td>
<td></td>
</tr>
<tr>
<td>Non-current assets</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Property, plant and equipment</td>
<td>87</td>
<td>100</td>
<td>(13)</td>
<td></td>
</tr>
<tr>
<td>Total non-current assets</td>
<td>87</td>
<td>100</td>
<td>(13)</td>
<td></td>
</tr>
<tr>
<td><strong>TOTAL ASSETS</strong></td>
<td>1 064</td>
<td>787</td>
<td>277</td>
<td></td>
</tr>
</tbody>
</table>

| **LIABILITIES**      |                   |                             |             |         |
| Current liabilities  |                   |                             |             |         |
| Payables             | 26                | 65                          | (39)        | 2       |
| Provisions           | 161               | 142                         | 19          |         |
| Total current liabilities | 187              | 207                         | (20)        |         |
| Non-current liabilities |                |                             |             |         |
| Provisions           | 64                | 49                          | 15          |         |
| Total non-current liabilities | 64        | 49                          | 15          |         |
| **TOTAL LIABILITIES**| 251               | 256                         | (5)         |         |

| **NET ASSETS**       |                   |                             |             |         |
|                      | 813               | 531                         | 282         |         |

| **EQUITY**           |                   |                             |             |         |
| Capital              | 346               | 346                         |             |         |
| Accumulated funds    | 467               | 185                         | 282         |         |
| **TOTAL EQUITY**     | 813               | 531                         | 282         |         |

Notes:
The following note descriptions relate to variances greater than 10 per cent or $20,000.

1. Variance due to greater cash holdings from operational savings in both current and prior reporting periods.

2. Reduced payables at end of reporting period due to settlement of bulk of outstanding debts within reporting period.
### OMBUDSMAN’S OFFICE
NOTES TO THE FINANCIAL STATEMENTS
For the year ended 30 June 2016

<table>
<thead>
<tr>
<th>Cash Flow Statement</th>
<th>2015-16 Actual(a)</th>
<th>2015-16 Original</th>
<th>Variance(b)</th>
<th>Note(c)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$000</td>
<td>$000</td>
<td>$000</td>
<td></td>
</tr>
</tbody>
</table>

**CASH FLOWS FROM OPERATING ACTIVITIES**

**Operating receipts**

<table>
<thead>
<tr>
<th>Appropriation</th>
<th>2015-16</th>
<th>2015-16</th>
<th>Variance</th>
<th>Note</th>
</tr>
</thead>
<tbody>
<tr>
<td>Output</td>
<td>1 933</td>
<td>1 933</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Receipts from sales of goods and services</td>
<td>8</td>
<td>32</td>
<td>(24)</td>
<td>1</td>
</tr>
<tr>
<td>Other Operating Receipts</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total operating receipts</strong></td>
<td>1 941</td>
<td>1 965</td>
<td>(24)</td>
<td></td>
</tr>
</tbody>
</table>

**Operating payments**

| Payments to employees                | 1 707   | 1 701   | 6        | 2     |
| Payments for goods and services      | 172     | 264     | (92)     | 2     |
| **Total operating payments**         | 1 879   | 1 965   | (86)     |      |

**Net cash from/(used in) operating activities**

|                   | 62      | 0       | 62       |

**Net increase/(decrease) in cash held**

|                   | 62      | 62      |

**Cash at beginning of financial year**

|                   | 907     | 666     | 241      |

**CASH AT END OF FINANCIAL YEAR**

|                   | 969     | 666     | 303      |

**Notes:**
The following note descriptions relate to variances greater than 10 per cent or $20,000.

1. Reduced receipts through deferment of Cert IV in Government (Investigation) course.

2. Savings as outlined in notes to Comprehensive Operating Statement.
HOW TO CONTACT THE OMBUDSMAN

IN PERSON
12th Floor
22 Mitchell Street
Darwin, NT

BY E-MAIL
nt.ombudsman@nt.gov.au

BY TELEPHONE
(08) 8999 1818
or
1800 806 380
(Toll Free)

BY MAIL
GPO Box 1344
DARWIN, NT 0801

ONLINE
www.ombudsman.nt.gov.au

Obtaining copies of the Annual Report

An electronic copy of this report is available on our website at http://www.ombudsman.nt.gov.au

Printed copies are also available upon request.