



 **ombudsmanNT**



Thirty Sixth Annual Report 2013/14

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



The Honourable Adam Giles MLA
Chief Minister
Parliament House
Darwin NT 0800

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 2013 to 30 June 2014.

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

A handwritten signature in blue ink, appearing to read 'P Shoyer'.

Peter Shoyer
Ombudsman
22 September 2014



Thirty Sixth Annual Report 2013/14

TABLE OF CONTENTS

INTRODUCTION	1
Ombudsman's overview	1
<i>An exhortation to public service</i>	1
<i>Developments</i>	2
<i>Our office</i>	2
Key Deliverables Snapshot	4
CHAPTER 1 – How we identify and deal with issues	5
Identifying issues	5
Priority and resource allocation	5
How we deal with issues	6
CHAPTER 2 –Developments	7
Video and Audio monitoring of potential conflict situations	7
Public Housing – Remote Housing	8
Communication and Record Keeping	9
<i>Communication is key</i>	9
<i>Transparency is vital</i>	9
<i>Good record keeping is essential</i>	10
Complaint handling initiatives	11
<i>NT Police</i>	11
<i>Corrections custodial complaints</i>	11
<i>Power and Water Corporation</i>	13
CHAPTER 3 – Major Investigations	14
Morgue management in remote communities	14
Land subject to inundation	16
<i>Acceptance and implementation of Ombudsman recommendations</i>	16
Building Advisory Services	17
<i>Acceptance and implementation of Ombudsman recommendations</i>	17
CHAPTER 4 – Quality Improvement	18
Complaints and review bodies	18
Public Authorities	19
Legislative and policy reform	19
Presentations	19
Accredited Training	20
CHAPTER 5 – Agency Initiatives	21
Customer service improvements	21
Shared reference service	22

Relationships with NGOs and business	22
Customer service audit	23
New spatial data information system.....	23
Improvements in access, guidelines and approval processes	23
Dangerous goods licensing	24
CHAPTER 6 – Approaches – enquiries and complaints	25
Number of approaches.....	25
Where approaches came from	26
How approaches are dealt with.....	26
<i>Ombudsman matters</i>	26
<i>Giving the agency a chance to resolve the complaint</i>	27
<i>Referrals to another complaints entity</i>	27
<i>Outside jurisdiction</i>	27
How quickly approaches are dealt with	28
Approaches involving Police	29
<i>How Police approaches are dealt with</i>	29
<i>Category 1 and 2 complaints - Issues and Outcomes</i>	31
<i>Complaints lead to systemic improvements</i>	32
<i>Examples of Police complaints</i>	33
Approaches involving Corrections	36
Approaches involving Power and Water	37
Approaches involving Housing	37
CHAPTER 7 – Stakeholder & Community Involvement	38
Website visits.....	38
CHAPTER 8 – Oversight Functions	40
Surveillance Devices Act	40
Telecommunications (Interception) Northern Territory Act.....	40
CHAPTER 9 – Our Office.....	41
Our staff.....	41
<i>Professional Development</i>	41
Corporate Governance, Financial Planning and Performance	42
Public Sector Principles.....	42
Work Health and Safety.....	42
Annual Insurance Reporting requirements	43
Records Management, disclosure and correction.....	43
<i>Information held by the Office</i>	43
<i>Providing access to information</i>	44
APPENDIX A – Agreements with other bodies	46
Commonwealth Ombudsman	46
Commissioner for Public Interest Disclosures	50
Children’s Commissioner	52
APPENDIX B – Financial Statements.....	59
How to contact the Ombudsman	78

INTRODUCTION

OMBUDSMAN'S OVERVIEW

An exhortation to public service

This is man's highest end, to others' service, all his powers to bend.

Sophocles

Happiness is knowin' you've done a good job, whether it's professional or for another person.

Elvis Presley

As noted last year, my vision as Ombudsman is to see a high and increasing level of public confidence in fair and accountable public administration in the Northern Territory. To see growing public acknowledgement of the passion and commitment that public servants bring to their careers.

Shortly after the end of the reporting period, my Executive Assistant, Marian Trobbiani, retired.

Marian's career exemplifies the level of commitment to public service to which public sector officers at all levels within government should aspire.

When Marian commenced with the Office of the Ombudsman in February 1979, she had already worked in the public sector in the Northern Territory for almost ten years. Since that time she has worked for 35 years as a personal and executive assistant to seven Ombudsmen.

Marian exhibited the highest degree of integrity, efficiency, effectiveness and flexibility in her role.

She has been a direct contact point with complainants and other members of the public and she has provided great internal support to the Ombudsman team. She has always been ready to undertake any task to ensure that the Office meets its obligations to the Northern Territory community. She is much appreciated and will be sorely missed.

You must be the change you wish to see in the world.

Mahatma Ghandi

I always wondered why somebody didn't do something about that. Then I realized I was somebody.

Lily Tomlin, American actress

How wonderful it is that nobody need wait a single moment before starting to improve the world.

Anne Frank

Developments

Chapter 2 of this report deals with some notable developments and significant issues in public administration identified or addressed during the reporting period.

It first discusses the benefits of extending video and audio monitoring in potential conflict situations, particularly in policing and custodial contexts. It notes the importance of Police and Corrections investment in extending the coverage of video and audio monitoring of interactions with the public and offenders both as a means of improving resolution of complaints and as a means of moderating behaviour of all those involved.

It then reports on the continuing involvement of our Office in issues relating to Remote Housing and stresses the significance of open communication and good record keeping, particularly in functions that are under development or subject to change.

Finally, it highlights recent initiatives undertaken by agencies to improve complaint handling, most notably by Police and Corrections.

In addition, Chapter 3 draws attention again to the issue of morgue management in remote communities. This issue was addressed in a report by the previous Ombudsman in 2012 but remains unresolved, notwithstanding its ongoing potential to cause distress and personal anguish.

Our office

The year saw a reduction in approaches received from 2,243 in 2012/13 to 1,992.

It is notable that there was a lull in approaches in the first five months of the financial year. From December onwards the number of approaches increased to the level experienced in 2012/13. That increase was sustained in the first two months of 2014/15.

The reduction can be entirely accounted for by a fall in the number of *Outside Jurisdiction* matters. These matters are referred on to other bodies where possible. Total numbers for those matters fell from 1,076 in the previous year to 818 in 2013/14. Conversely, the number of *In Jurisdiction* matters rose slightly over the previous year. As these *In Jurisdiction* matters usually involve more work than *Outside Jurisdiction* matters, the workload of the Office did not decline in line with the reduction in number of approaches.

During the year, the Office undertook a comprehensive review of operational policies and procedures and produced a new Operations Manual.

The Office also undertook a complete review of personnel policies and procedures and produced a revised Personnel Framework, including a new Employee Performance Management and Development System.

In the latter part of the year, we commenced an update of our website with the aim to make it easier for enquirers to find the best avenue to pursue their issue and to increase the emphasis on mobile accessibility, including greater usability for iPad and Android devices. We also continued the fine tuning of our case management system.

PETER SHOYER
OMBUDSMAN

Ombudsman NT - 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 under telecommunications interception and surveillance devices laws; 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 DELIVERABLES SNAPSHOT

Key Deliverables	2012/13	2013/14
<p>Total approaches received</p> <p>Includes all enquiries and complaints, including matters referred on to another body or found to be outside jurisdiction.</p> <p>The average for this year was in line with the base line average for the eight years from 2003/04 to 2010/11 (1,993) approaches.</p>	2,243	1,992
<p>Total approaches finalised</p> <p>Includes approaches carried over from previous years.</p> <p>Approaches finalised slightly exceeded approaches received, leaving 34 approaches open at 30 June 2014.</p>	2,266	2,006
<p>Police approaches finalised within 90 days</p> <p>Police complaints are generally dealt with by Police Standards Command under oversight of the Ombudsman.</p>	88%	96%
<p>Other approaches finalised within 28 days</p> <p>Refers to all non-Police approaches, including local government.</p>	92%	93%
<p>Recommendations accepted</p> <p>In some cases, Government 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.</p> <p>No formal recommendations made in published reports in this reporting period.</p>	85%	N/A
<p>Statutory audit/inspection and reporting requirements met</p> <p>The Ombudsman is required to undertake audit or investigation functions and make reports under telecommunications interception and surveillance devices legislation within certain timeframes.</p>	100%	100%

CHAPTER 1 – HOW WE IDENTIFY AND DEAL WITH ISSUES

IDENTIFYING 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.

Some significant developments and issues identified or addressed during 2013/14 are discussed in Chapter 2.

PRIORITY AND RESOURCE ALLOCATION

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
 - Statutory time limit for action
 - 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.

HOW WE DEAL WITH ISSUES

The Office deals with issues in a variety of ways, including:

- **Major investigations** – Complex investigations involving a major commitment of resources, usually involving systemic issues. These may be initiated by a complaint or on the Ombudsman’s own motion. They are usually finalised by a report to the Chief Minister which is tabled in Parliament (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 (Chapters 4 and 5).
- **Approaches – enquiries and complaints** – Many issues are addressed relatively quickly and simply in the course of dealing with enquiries and complaints (Chapter 6).
- **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 NT website (Chapter 7).
- **Statutory auditing and investigation** – In relation to surveillance devices and telecommunications laws, we have statutory obligations to audit/investigate and report on certain functions (Chapter 8).

CHAPTER 2 –DEVELOPMENTS

During 2013/14, the Office considered a number of notable developments and significant issues and in public administration. Some matters related to particular agencies while others had broader implications across a number of agencies.

This Chapter discusses the following developments and issues:

- Video and audio monitoring of potential conflict situations
- Public housing – Remote housing
- Communication and Record Keeping
- Complaint handling initiatives.

VIDEO AND AUDIO MONITORING OF POTENTIAL CONFLICT SITUATIONS

In the course of the year, NT Police advised our Office of the extension and enhancement of CCTV and audio recording in a number of Police facilities. I have also recently had the opportunity to inspect facilities at the new Darwin Correctional Centre which has a high level of video monitoring in place. I also note that the NSW Police Force has recently made a substantial investment in rolling out body-worn cameras for officers.

This brings to the fore questions regarding the efficacy and appropriateness of video and audio monitoring.

Over recent years there has been considerable debate about the pros and cons of CCTV monitoring in public areas. As a former Information Commissioner, I am acutely aware of the need to find a balanced solution which promotes safety and security whilst respecting individual privacy.

However, I firmly support appropriate use of video and audio monitoring of potential conflict situations, particularly in policing and custodial contexts. In fact, for a number of reasons, I strongly advocate for its further extension in those arenas.

In a policing context, there is often significant dispute between a complainant and an officer, for example, as to the use of force or the extent and reasonableness of the force used. In the absence of evidence beyond the conflicting recollections of the subject officer and the complainant, the investigator is often simply left unable to make a finding.

Video and audio evidence can often go a long way to resolving issues in dispute. From experience in dealing with complaints against Police, it is fair to say that it is just as likely to point to there being no issue to pursue as to providing corroborative evidence of a complaint.

Just as importantly, awareness that behaviour is being recorded can act as a strong moderating influence on inappropriate behaviour on the part of everyone being filmed, officers and members of the public alike.

This last point is worth emphasising. In one United States study, a trial of body-worn cameras is reported to have led to a 50% plus reduction in 'use of force' complaints.

I should also stress the benefit of having combined video and audio recording. While viewing footage of a particular incident can be of significant evidential value for an investigator, the combination of sound and vision provides a much better appreciation of the circumstances leading up to an incident and what transpired during the incident itself.

I acknowledge that both Police and Corrections have already invested substantial resources into fixed video and audio recording facilities and that these recordings are used on a regular basis to resolve complaints and in the course of investigations.

Even so, there is room for investigating the extension of their use in the future, particularly with regard to:

- Combining and enhancing video and audio recording systems;
- video and audio recording in paddy wagons; and
- use of body-worn cameras.

Notwithstanding the advantages, I acknowledge that recording gives rise to resource issues. There is not only the initial cost of purchasing and installing equipment and ongoing maintenance costs. If it is to be used effectively, the data recorded must be stored for an appropriate length of time and must be managed in such a way that it can be readily accessed and used when necessary.

There are also operational and privacy issues arising out of any particular initiative. However, these should be seen as relevant factors to be taken into account in developing appropriate systems and procedures for use of the technology rather than as barriers to implementation.

In the final outcome, use of audio and video recording in a policing and custodial context is a positive step for officers as it tends to promote better behaviour from individuals who are being recorded and can weed out frivolous and clearly unsubstantiated complaints.

For complainants, it can be a valuable tool in establishing elements of their complaint. And for investigators and the community in general, it can lead to speedier and more certain outcomes.

PUBLIC HOUSING – REMOTE HOUSING

Remote Housing remained a key focus area for the Office in 2013/14. As noted in my previous Annual Report, the Commonwealth and Northern Territory governments have worked together to refurbish many existing houses and deliver a large number of new houses in indigenous communities under the National Partnership Agreement on Remote Indigenous Housing.

This has been an enormous undertaking which has presented many challenges for the Northern Territory Department of Housing. The Department has been required to establish a raft of policies and procedures not only regarding construction and refurbishment but also ongoing tenancy management. It has also been required to communicate with what is largely a new client base, many of whom are not familiar with their rights and responsibilities in a tenancy relationship, in order to develop and implement those policies and procedures. Furthermore, it has had to do so in a large number of remote communities.

This has clearly required a major, long term commitment from the Department which has involved, and will continue to involve, investment of considerable time and resources. Our Office has worked with the Department to facilitate that process where complaints have identified issues that require attention.

Complaints received by our Office during the year related to a range of issues including calculation of rent (particularly where several occupiers are paying rent), refunding of overpayments, the terms of the tenancy agreement, the repair and maintenance of properties, waiting times for public housing, and dissatisfaction with assessments of applicants' eligibility and priority for public housing, particularly lack of clarity as to how housing allocations were assessed.

The majority of complaints are resolved through contact with the Department's Complaints Management Unit. Our Office is grateful for the collaborative working relationship that has been developed between both our offices.

COMMUNICATION AND RECORD KEEPING

In the course of dealing with complaints about Remote Housing, our Office identified a number of areas where improvements could be made. These points are not confined to that function. They are important points for consideration by all agencies and the discussion below extends beyond the particular examples identified.

Communication is key

Providing information about maintenance, refurbishments and allocations can be challenging to an audience for whom English can be, at best, a second language. There is a risk in these circumstances that messages will be misunderstood. It is important to ensure that messages are not only delivered but are understood and that steps are undertaken to assist in gaining a mutual understanding of the situation. Use of interpreters is important in this regard as is reference to legal advisers who work regularly with remote tenants.

Transparency is vital

The Department obtained an independent review report on certain key initiatives being undertaken. It is to be commended for doing so. However, there then appeared to be some reluctance to share the findings of the report with key stakeholders. Sharing information with stakeholders aids in forming a consultative and collaborative partnership in resolving concerns. Failure to disclose information often leads to uncertainty and suspicion as to contents and leaves open the potential for "Chinese whispers" about negative aspects.

"Send three and four pence, we're going to a dance."

Edmund Blackadder (and others)

(Compare "Send reinforcements, we're going to advance.")

It can be appropriate for an agency to take time to consider and prepare its response to a report so that it can fairly present the report and its response to stakeholders. However, the longer disclosure of the contents of a report is delayed, the more open an agency may become to criticism and negative speculation about its contents. And the greater the delay in engaging stakeholders in implementing solutions to any issues raised.

Good record keeping is essential

At times in dealing with complaints, our Office was unable to clearly identify what steps had been taken and what decisions had been made as records had not been kept of key meetings or conversations. Records should tell us what was done, where and when it was done and why it was done. They should also tell us who was involved and under what authority they acted. They provide evidence of government and individual activity and promote accountability and transparency. They can also often be relied on to simply dispose of complaints about unfairness or bad decision making.

Electronic systems can be a great tool for maintaining good records but they cannot cover every situation. It is important for every public official to consider what needs to be recorded and ensure that a proper record is kept.

Where the need for action arises from a meeting and where certainty is required regarding the extent of the action and the reasons for it, a comprehensive record should be kept. This is particularly important where inter-agency cooperation is required to resolve a matter.

In the circumstances that gave rise to one complaint, a coordinated approach was required between the Department and another agency. A number of meetings were held between the agencies but the Department held no detailed records of the meetings. It is acknowledged that the meetings were dealing with urgent issues but they were important issues and the outcome of the meetings should have been recorded to ensure that they were clearly understood. The lack of adequate records hindered our ability to understand the Department's decisions and processes but more fundamentally left a real risk that the agencies might act at cross-purposes at the time and into the future.

Good record keeping can take time but 'cleaning up' after poor record keeping can cost an agency and the community a great deal more. It may seem surprising that even a relatively short meeting can see two people leaving the room completely confident that they have agreed on the way forward but totally at odds in their recollection of the meeting and its outcome. Sadly, experience shows it is a common occurrence in both public and private life. Even when people are *ad idem* when they walk out the door, lack of an adequate record can soon lead to matters being overlooked or recollections drifting apart.

Good record keeping provides:

- an immediate basis for agreement on what has been agreed and what has not;
- a concrete action list for who does what and, preferably by when;
- a clear reference point for those times when recollections start to drift;
- an explanation of why certain action was taken, for the benefit of future planners and decision-makers; and
- a sound basis for internal or external review.

Formal minutes may not be necessary on every occasion but even a brief email can help to confirm outcomes and provide the basis for future action.

COMPLAINT HANDLING INITIATIVES

In the course of the year, numerous agencies worked on improving their inquiry and complaint handling systems. Some instances are discussed below.

NT Police

NT Police have given significant priority to improving the quality and timeliness of complaint handling. As of 30 June 2014, there were no open Police complaints aged over 180 days. Steps taken to improve complaint handling are described below:

In 2011 NT Police introduced the IPro database for use by the Professional Standards Command (PSC). IPro is currently used by several hundred police forces across the world and is considered world best practice for managing police complaint and discipline investigations. The system permits officers in the field to initiate and conduct investigations into police complaints. These investigations can then be monitored by staff within PSC to ensure that the investigation is progressing in a thorough and timely manner.

Through 2013/14 existing data was migrated into IPro from previous police complaint and discipline databases and 'cleansed' to ensure it provides an accurate account of the complaint and discipline history of individual officers. IPro now stores all information relating to the involvement of police officers in complaints, discipline matters, police crashes and custody incidents.

The system holds several years' worth of data and is able to provide a clear picture of subject officers who could be considered as 'high risk' in terms of their likelihood to attract a police complaint or engage in misconduct.

In 2014 a senior sergeant was appointed to undertake a 'prevention and awareness' role within PSC. The officer was able to utilise the data from IPro to develop risk profiles of the types of behaviours that were attracting complaints. Information extracted from the database can be used to identify existing or emerging problems with individual officers, stations or sections, or alternatively identify areas of policy or procedure that may need amendment. Lectures delivered to recruits and in-service training courses by PSC were able to reinforce the types of behaviour that can attract police complaints and provide advice on how customer service delivery could be improved.

Advice on emerging trends with police complaints or individual officers is also shared with police managers on a fortnightly basis through the Command Management Team meetings. In addition, detailed profiles of 'high risk' officers can be provided to individual managers so that a programmed early intervention may be initiated and monitored. This process will be formalised in the second half of 2014 with the development of a formal 'early intervention referral process'.

Corrections custodial complaints

In line with comments in previous Annual Reports, our Office continued to work with the Department of Correctional Services on a revised complaint structure.

The base level mechanism for a prisoner to raise concerns about an issue within a correctional centre is the *Request to Attend a Superintendent's Parade* (RASP). This allows prisoners to raise the issue with the Superintendent or another senior officer within the correctional centre.

In addition, the Department maintains a Professional Standards and Intelligence Unit (PSI). Its roles include providing an avenue for dealing with prisoner complaints and liaising with our Office in relation to complaints.

Prisoners can also directly access our Office by phones situated in each block or by letter. Approaches relating to Corrections, and particularly phone calls from prisoners, occupy considerable resources of our Office.

In order to rationalise complaint processes, our Office and the Department trialled a new process in 2013/14. In brief the process is:

- The prisoner must first complete a RASP form and allow a reasonable time for response within the correctional centre. If they contact our Office without taking this step, and the matter does not require immediate attention, they are referred back to that process.
- Where the RASP process has been followed, our Office will refer routine matters to the PSI, to give the Department an opportunity to resolve the matter internally. This is explained to the prisoner who is informed that they can return to our Office if they are unsatisfied with the response of the PSI.
- Prisoners are also encouraged to contact the PSI directly if they are unsatisfied with the outcome of the RASP process.

Application of this approach is of course subject to the circumstances of the case. Some matters may require urgent attention by our Office. Others may simply be more suitable for our Office to deal with from the outset.

However, the great bulk of the issues raised can be addressed through this process and I consider the changes have worked well to date.

This approach is very much in line with the idea of our Office being an Office of last resort. It establishes clear internal processes for dealing with complaints, first at the correctional centre level and then at a Departmental level but retains oversight by our Office.

In order for this process to operate fairly and effectively, there must be clear understanding of the process by prisoners and staff and internal processes must be implemented correctly.

With any new process, it takes time for those involved to get to know how it operates. Issues have arisen, particularly with access to RASP forms. A number of prisoners have complained that they have asked for and been refused access to RASP forms.

In some cases, this may have arisen from their misunderstanding of prison processes. For example, they may have been attempting to use the RASP form to initiate a request for access to materials, rather than to initiate a complaint. In others, prison officers may not have fully understood the process and may have withheld a form when it should have been provided.

These cases illustrate the need to ensure that all involved clearly understand the process. Our Office will continue to work with the Department to improve the effectiveness and understanding of the process.

Power and Water Corporation

Power and Water (PWC) faced a challenging year, with a sustained increase in customer enquiries and complaints to our Office. Action taken in response is described below:

Power and Water continued to strengthen stakeholder engagement in numerous ways including investigating and responding to feedback received from customers. PWC values the feedback received directly from customers as well as through the Office of the Ombudsman. We have a clearly defined process in place for our customer care and we investigate all issues raised with us. Where our findings show that a process is identified as not being followed and/or areas where 'we could have done better' we work with customers to resolve in mutual agreement. Internally we address the identified issues and review and improve our processes through our continuous improvement group.

The process to manage and investigate customer concerns is well established in PWC with its customers and organisations representing customers like the NT Ombudsman, and complaints are not only addressed, PWC also analyses the concerns raised and identifies changes and trends. In this reporting period PWC introduced additional components to the compliments/complaints record types, which allows us to provide further analysis and improved reporting functionality.

During 2013 the rebill project was subject to many queries which were each valued as an opportunity to review process. Where customers were impacted by delayed bills, resulting in delayed notification of high consumption, this was acknowledged and adjusted accordingly.

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.

No reports arising from major investigations were tabled in 2013/14. Work on implementation of recommendations in relation to the following previously tabled reports was undertaken during the year:

- Investigation Report into Morgue Management on Remote Communities in the Northern Territory (March 2012).
- Report into an Investigation into the approval for development and subdivision of land for residential purposes at Beddington Road and Pelly Road Herbert (August 2012).
- Report into Department of Lands, Planning and the Environment, Building Advisory Services (March 2013).

Those reports are available at <http://www.ombudsman.nt.gov.au/publications-reports/public-reports/>.

Updates on the acceptance and implementation of recommendations contained in these reports are set out below.

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; and
- Northern Land Council staff who had no training having to deal with transport of a body.

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.

The most recent update received is from the Chief Executive of the Department of Community Services who advised by letter dated 8 September 2014:

In January this year we completed a comprehensive audit of morgue infrastructure in 17 remote communities. This gave us an independent assessment of the scope and cost of works required to restore the functionality of remote community morgues and provide for their ongoing maintenance.

The Department has also reviewed earlier business modelling undertaken by the Department of Business to determine the potential for developing funeral service enterprises in remote communities. Since the modelling was carried out in 2011 there have been no significant changes in death and burial data, and it is our view that a locally based funeral business is still not viable in any remote NT community.

Options for improving the management of remote morgues have been investigated. Following targeted consultation with regional councils, community residents, funeral industry businesses, health services, land councils and other NGOs, the Department has explored key stakeholder recommendations on the most appropriate and workable remote morgue management arrangements for the Northern Territory.

More effective approaches to remote morgue service provision have also been identified through our research into current body storage and body handling arrangements in comparable regions of 3 other Australian jurisdictions.

The bulk of this work was carried out under the guidance of an interagency working group. With their input, the Department has prepared advice on remote morgues policy options and presented this in a report to Government who are still considering the best policy options for future morgue management.

This issue has not resolved itself or dissipated with the course of time. In the absence of clear direction and governance from the Northern Territory Government, the potential for deep personal anguish remains.

This is evidenced by media reports in 2014 of a terrible situation in Wadeye where a man's body was 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."¹

The need for a concrete strategy to deal with this issue remains pressing.

¹ Quoted in H Hollis, "Body swapped in morgue: anguished remote communities call for action" SBS online, 12 May 2014.

LAND SUBJECT TO INUNDATION

In 2006, the Northern Territory Development Consent Authority (DCA) approved the subdivision of land which had previously been identified as not suitable for subdivision owing to its propensity for seasonal inundation and waterlogging. A number of the subdivided blocks were later sold to parties who were unaware that the land, for which they had paid considerable amounts of money, was subject to seasonal inundation and flooding. In early 2011, several of the subdivided blocks, on which homes had been built, were severely inundated by floodwater following a period of heavy rain.

Significant prior knowledge and substantial evidence existed and was readily available to the agencies responsible for and involved with the assessment of the development application. That information and evidence appeared to have been overlooked, resulting in consent being granted by the DCA for the development to proceed, because of the DCA not being informed about vital facts and opinions known to Development Assessment Services, a unit of the then Department of Lands and Planning, now the Department of Lands, Planning and the Environment (DLPE).

Acceptance and implementation of Ombudsman recommendations

The first four Ombudsman recommendations related to resolution of issues concerning specific blocks of land. Issues relating to specific blocks have all been resolved.

The other six recommendations were more general in nature relating to review of legislation, systems, policies and procedures. The recommendations and the responses of DLPE in relation to each are set out in full in my previous Annual Report.

DLPE has provided the following update in relation to implementation:

The Ombudsman's Report ... recommended that [DLPE] review existing legislation, policies and procedures regarding the development assessment process to ensure all proposed development applications are thoroughly investigated and information validated prior to delivery to the Development Consent Authority. The report further recommended an immediate review of and amendments to the NT Planning Act to provide legislative requirements on all developers.

In response to this recommendation, a Planning Scheme Amendment was gazetted to introduce the Northern Territory Land Suitability Guidelines as a referenced document to the Northern Territory Planning Scheme on 18 December 2013. The Guidelines apply to subdivision applications for land in the rural zones or on unzoned land. These changes strengthen the development assessment process for rural and unzoned land.

The Guidelines are available at:

http://www.lands.nt.gov.au/_data/assets/pdf_file/0005/38741/NT-Land-Suitability-Guidelines-2013.pdf

A related Fact Sheet is available at:

http://www.lands.nt.gov.au/_data/assets/pdf_file/0008/38834/DLPE-Fact-sheet-Clause-11.4.1-NTPS.pdf

One of the Ombudsman recommendations related to improvement in land information systems to ensure records remain contemporary and meet the minimum requirements as stipulated by the NT *Planning Act*, the NT Planning Scheme and associated Land Use Objectives. Developments in this area are described by the Department of Land Resource Management (DLRM) as follows:

DLRM has put considerable effort into improving its electronic data systems in 2013-14, building on the work undertaken in the previous year. DLRM implemented its new spatial data information management system which was established to capture all information that informs departmental comments to relevant decision making authorities ie. [DLPE] and the Northern Territory Environment Protection Authority.

Housing this information in one centralised system provides the highest level of integrity, authority and accountability regarding decision making processes for DLRM, as opposed to previous practices where information was stored in a number of different databases. Having a centralised information system also allows for searches of historical information on parcels of land that have previously been subjected to development assessment processes.

BUILDING ADVISORY SERVICES

The report related to the investigation of two complaints about the Building Advisory Services (BAS) area of DLPE. In one case, the complainants paid a substantial upfront sum for the purchase and construction of a kit home. No home was constructed and no money returned. The person who they dealt with had left the country and the builder who they thought had been engaged to build their home denied any involvement or liability. In the other case, the complainants were left with a partly finished house having contracted with a company that was not a registered building practitioner. In both cases, the complainants experienced frustration and delay in their dealings with the 'builder' and further delay or inaction after they approached BAS.

The report highlighted potential improvements in BAS practices and procedures and in the legislation regulating building work and building practitioners, particularly with regard to unregistered building and the regulation of company conduct.

Acceptance and implementation of Ombudsman recommendations

Ombudsman recommendations 4 and 5 related to resolution of issues concerning the specific subject matter of the complaints. These were addressed by DLPE in my previous Annual Report.

The other four recommendations were more general in nature relating to review of legislation, systems, policies and procedures. The recommendations and responses of DLPE in relation to each were set out in full in my previous Annual Report.

With regard to its complaints management systems, DLPE has advised:

The Department has reviewed its complaints handling system which covers both complaints related to the statutory functions of the Department and complaints against the Department. For ease of reference, the different types of complaints are referred to as 'statutory complaints' and 'dissatisfaction complaints'.

There are existing processes in place to ensure statutory complaints are investigated promptly. To compliment these existing processes, the Department has developed an agency-wide complaints policy to provide guidance to departmental officers in meeting the Department's customer service standards.

The policy provides consistent guiding principles for managing both statutory and dissatisfaction complaints and provides a clear commitment to the Department's clients that their complaint will be effectively responded to.

Guidance tools (a complaints handling policy, procedures on records management and guidance on accountabilities and responsibilities) have been developed to assist staff to respond to customer complaints in a manner consistent with their and the Department's statutory and legal responsibilities.

CHAPTER 4 – QUALITY IMPROVEMENT

The *Ombudsman Act* has two objects. The first object 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 seeks to work with public authorities and other stakeholders through a range of mechanisms aimed at improving administrative practices across government. These include:

- regular contact and joint initiatives with complaints and review bodies;
- regular contact and joint initiatives with public authorities;
- involvement in legislative and policy reform;
- delivery of presentations and accredited investigation training; and
- encouraging and facilitating internal agency initiatives (see Chapter 5).

COMPLAINTS AND REVIEW BODIES

The Ombudsman co-operates in a number of ways with other complaints and review bodies in the Territory, across Australia and internationally. In 2013/14 this included:

- one on one meetings with various independent officers including the Auditor-General, Commissioner for Public Interest Disclosures, Clerk of the Parliament, Children’s Commissioner and the Health and Community Services Complaints Commissioner;
- attendance at regular meetings of an independent officers group;
- initiation of an Integrity and Accountability Officers Group;
- continued operation of a Memorandum of Understanding (MoU) with the Commonwealth Ombudsman and a MoU with the Commissioner for Public Interest Disclosures (see Appendix A).
- finalisation of an MoU with the Children’s Commissioner (see Appendix A);
- hosting visits to the Office by staff of the Commonwealth Ombudsman and Fair Work Ombudsman;
- continuing a resource sharing arrangement with the Commonwealth Ombudsman;
- discussion of individual matters and formal referral to other bodies where appropriate;
- maintaining membership of the Australian and New Zealand Ombudsman’s Association (ANZOA) and the International Ombudsman Institute (IOI), allowing access to their forums and reference resources, for example, the Systemic Issues Investigations Interest Group of ANZOA;
- serving on the planning committee for the biennial ANZOA conference;

- attendance by the Ombudsman or Deputy Ombudsman at the following meetings and conferences:
 - Deputy Ombudsman Forum, November 2013;
 - Australian Public Sector Anti-Corruption Conference, November 2013;
 - Meeting of Australasian Ombudsmen, November 2013;
 - Australasian and Pacific Ombudsman Region of the IOI Biennial Conference, April 2014;
 - ANZOA Biennial Conference, May 2014.
- maintaining contact with various Ombudsmen throughout Australia as the need or opportunity arose.

PUBLIC AUTHORITIES

Maintaining contact with public authorities is an essential element of the work of the Office. In 2013/14, this included:

- over 20 meetings with public authority chief executives or senior executives;
- regular meetings with Police senior executives and members of the Police Standards Command;
- regular meetings with Corrections and Power and Water;
- specific initiatives undertaken with individual agencies.

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 also served on a sub-committee of the NTLRC reviewing the law relating to perpetuities.

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. For example, the Ombudsman:

- served on an administrative law advisory group constituted to facilitate development of draft legislation to establish the Northern Territory Civil and Administrative Tribunal;
- met with officers of the Productivity Commission and contributed information to the Commission's review of Access to Justice Arrangements.

The Ombudsman values the opportunity to comment on such matters in the development phase.

PRESENTATIONS

The Office provides regular information sessions for Police recruits and Prison Officer in Training recruits. One-off presentations to government officers are also undertaken from time to time. Presentations undertaken in 2013/14 included:

- Northern Territory Public Sector Machinery of Government course;
- Coomalie Community Government Council;
- Litchfield Council.

ACCREDITED TRAINING

In previous years, the Office has provided formal training to a wide range of investigators across Government by means of a nationally accredited Certificate IV in *Government (Investigations)* course – PSP41512.

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.

This is a 2 week intensive course delivered by senior staff of the Office.

The most recent course was offered in June 2012. Notwithstanding ongoing demand, no course was offered during 2013/14 due to resource constraints and limited availability of key staff.

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 course is scheduled to be offered again in November 2014.

There is currently a student waitlist for 2015. The cost is \$1900/person. Interested public servants wishing to attend can submit an expression of interest to nt.ombudsman@nt.gov.au.

CHAPTER 5 – AGENCY INITIATIVES

Public authorities regularly review and seek to improve their processes, sometimes following involvement of the Ombudsman or another accountability office but more frequently as a matter of good practice. In order to record quality improvement initiatives in this report, public authorities were invited to highlight service and process improvements they have undertaken during 2013/14.

A selection of their responses is set out below. The information and comment is as supplied by public authorities with some editing to maintain consistency with the style of the report.

CUSTOMER SERVICE IMPROVEMENTS

Department of Transport

Customer service improvements implemented during the year

- Over-the-counter renewals at participating Australia Post retail outlets were made available for vehicle registration where roadworthy inspections (rego checks) are not required and driver licence renewals where new photographs are not required.
- NT REGO a smartphone/tablet application is now available at www.mvr.nt.gov.au allowing customers to check their registration details and access MVR Quick Pay and other services, using a dedicated secure portal.
- Introduction of Rego Check Online, a web form enabling people without smart phones to check the registration of an NT vehicle online.
- Introduction of an online booking system for Saturday morning vehicle inspections, expected to be expanded later in the year with inspections through the week as well.

Improvements due to correspondence from Ombudsman's office

- Designated officer for managing complaints referred from the Ombudsman's office, improved the Department's and Ombudsman's ability to respond to a complaint in a timely manner. Improved complaint record management due to designating one officer to complaint management.
- Review of MVR template correspondence for "bounce back/undelivered" renewal reminder emails. Designated officer assigned to manage MVR generic email account.
- Script response for Call Centre Customer Service Officers to use when speaking with clients on various issues i.e. undelivered renewal reminders; changed office opening hours.
- MVR Staff Training Sessions have throughout the year covered issues raised from Ombudsman's matters, in particular customer service interactions.

Last year the Department implemented DriveSafe NT Remote as an urban driver education program within the centres of Darwin, Alice Springs and Katherine for young Territorians between the ages of 16 -25 years. This year DriveSafe NT Remote expanded to deliver services to remote and regional clients based in a large number of remote centres.

[The Ombudsman's office] wrote to the Department this year regarding wait times for driver licensing testing. MVR introduced an initiative that allows DriveSafe NT participants to book their driving test a short time (about 7 days) after completing the DriveSafe NT program. This was supported by a targeted awareness campaign amongst DriveSafe NT participants.

SHARED REFERENCE SERVICE

Department of Arts and Museums

In July 2013, the Northern Territory Archives Service and the National Archives of Australia co-located their Darwin offices into the Northern Territory Archives Centre at Millner, and implemented a new shared reference service to access archival collections across the Northern Territory Government, Commonwealth and Community Archives at one location. This has provided users with improved access to the Northern Territory's archive collections for researchers and the community.

RELATIONSHIPS WITH NGOs AND BUSINESS

Department of the Chief Minister

Improving working relationships with the Non-Government Organisation (NGO) Sector

An NT Government — NGO Sector Partnership Group (NNPG) has been established and is co-chaired by the Department and the NT Council of Social Services (NTCOSS). Sector representatives on the NNPG are NTCOSS, Anglicare, the Aboriginal Peak Organisations NT, Tangentyere Council and Central Australia Aboriginal Congress. Others may also be invited to assist where appropriate. The aim of the group is to:

- provide a mechanism of engagement between the NGO sector and the NT Government;
- build good working relationships between the sector and government;
- assist all stakeholders to build their capacity; and
- coordinate NT Government activity in relation to NGO engagement and capacity building.

The Department also facilitates meetings between the Chief Minister and sector representatives in Darwin and Alice Springs every 6 months. The meetings allow the Chief Minister to discuss issues with the sector directly. To further improve these meetings, Chief Executives from relevant Government agencies will be invited to attend future meetings. Any issues arising from these meetings are included in the work agenda for the NNPG.

Northern Australia Development

In January 2014 Northern Australia Development Office was established in the Department in Darwin. A key role for the Office is to develop and lead the implementation of the Northern Australia Development policies that drive the development of the Northern Territory as the capital of Northern Australia and gateway between Asia and Australia.

The Office is a conduit between the NT Government, other Australian governments and industry groups. The Office also showcases and markets Northern Australia to prospective investors and facilitates a 'one stop shop' arrangement for stakeholders interested in the development of Northern Australia. Achievements of the Office include:

- In partnership with Deloitte Touche Thomatsu, a series of boardroom sessions with key industry and business identities across the Territory.
- The launch of an interactive website as a key engagement tool with the community on Northern Australia Development matters.
- An arrangement with eight key Industry associations and two Australian Government statutory bodies to co-locate their offices within the Office based in Darwin.

CUSTOMER SERVICE AUDIT

Department of Primary Industry and Fisheries

A number of actions have been undertaken to provide more accountable and transparent decision making, and improved customer service. These included:

- an independent risk audit assessment of the key customer service areas in the Fisheries Division, with progress made on 95% of the recommendations including simplification of the licensing application process and turn-around times;
- introduction of an electronic logbook system for the Guided Fishing Industry to submit statutorily required catch and effort information;
- finalisation of the system to enable fish retailer licensees to electronically renew their licences or to apply for a new licence.

NEW SPATIAL DATA INFORMATION SYSTEM

Department of Land Resource Management

[As noted in Chapter 3, the Department implemented its new spatial data information management system aimed at providing the highest level of integrity, authority and accountability regarding decision making processes for stakeholders and allowing for searches of historical information on parcels of land that have previously been subjected to development assessment processes.]

In addition to development assessment commentary on parcels of land, the new spatial data information system incorporates other information related to natural resource management including landholder compliance with fire access trail establishment under the *Bushfires Act*. Additional components will also include water licences and bore licensing information relative to the *Water Act* and weed management compliance under the *Weeds Management Act*, which are expected to be operational in 2014/15.

IMPROVEMENTS IN ACCESS, GUIDELINES AND APPROVAL PROCESSES

Department of Lands, Planning and the Environment

Uniform Subdivision Guidelines

The Department has consulted with industry and Councils on the concept of introducing uniform subdivision guidelines for use by developers when designing infrastructure. In the Territory, each urban council (with the exception of Barkly Shire Council) has their own set of subdivision guidelines, specifying different requirements for infrastructure. Examples include different requirements for footpath widths, road widths and kerbing.

The introduction of uniform subdivision guidelines will provide more certainty and transparency to the development approval and infrastructure clearance processes. It will alleviate the complexity and costs that result from each local government authority having its own set of subdivision standards, and more broadly, the inconsistent application of standards from one development to the next by service authorities.

Building Applications Online

Following on from the establishment of the Electronic Development Application Lodgment System, the Department has developed the Building Approvals Online system which has been released to the building certification industry.

Building Approvals Online enables private building certifiers to lodge their building approval documents online. This replaces the paper-based lodgment system which imposes costs to industry (copying and delivery) and Government (data entry, filing and storage). It also removes the constraint to certifiers of only lodging during office hours. 80% of all building applications are now being lodged digitally.

Development Consent Authority

Development Consent Authority (DCA) agendas are now available online two days prior to DCA meeting dates. This provides improved transparency in the planning process (particularly for people living in regional and remote areas).

Delegations for all divisions of the DCA have also been reviewed to facilitate processing of DCA decisions in a more efficient manner to allow applicants to receive a determination in a shorter timeframe after meetings.

DANGEROUS GOODS LICENSING

Department of Business, NT Worksafe

NT WorkSafe has worked closely with the Department of Transport to secure access to its MOVERS database. Access to the database allows NT WorkSafe to search the Motor Vehicle Registry to check if dangerous goods licence applicants hold a current NT drivers licence. This has resulted in:

- reduced turnaround times to issue the licence;
- removal of the need for applicants to attend the Motor Vehicle Registry in person for a search certificate prior to applying for the licence;
- removal of the need to pay the \$12 fee associated with the search certificate.

CHAPTER 6 – APPROACHES – ENQUIRIES AND COMPLAINTS

NUMBER OF APPROACHES

In 2013/14, there were 1,992 approaches to the Office (compared with 2,243 in 2012/13). 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.

Recording of data regarding approaches improved significantly in 2012/13 with the implementation of a new case management system. Considerable time and effort has been expended in the course of the last two years in developing and fine tuning the system. Over time this will allow improved reporting of year to year comparative data.

The top 12 government agencies by approach received in 2013/14 are set out below.²

Department / Agency	2012/13	2013/14
Police, Fire and Emergency Services	418	446
Correctional Services	274	320
Power and Water	79	129
Housing	102	84
Transport⁽¹⁾	34	31
Business⁽²⁾	29	21
Charles Darwin University	15	20
City of Darwin⁽³⁾	11	20
Attorney-General and Justice	44	17
Lands, Planning and the Environment	9	16
Health	19	14
Education	19	11

Notes

(1) Includes Motor Vehicle Registry (24).

(2) Includes Gambling & Licensing, NT Worksafe.

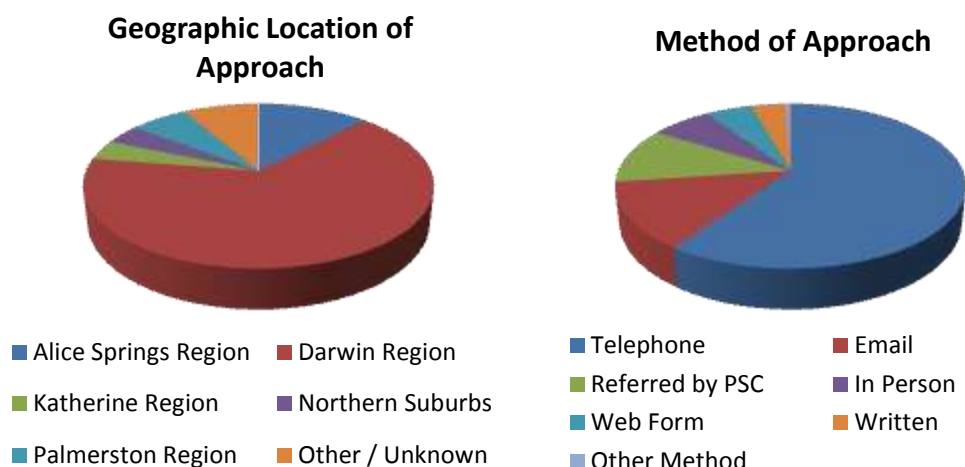
(3) In total, there were 38 approaches in relation to local government councils compared with 31 in 2012/13.

Approaches to the top four agencies are analysed in more detail later in this Chapter.

Of the other agencies in the top 12, the largest change was for the Department of Attorney-General and Justice which saw a drop from 44 to 17 approaches.

² The list reflects the names and structures in place at 30 June 2014.

WHERE APPROACHES CAME FROM



HOW APPROACHES ARE DEALT WITH

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

Dealt with as	Description
Ombudsman matters	Approach within jurisdiction and dealt with by Ombudsman NT.
Agency referral	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.
Complaint entity referral	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.
Outside jurisdiction	Enquirer advised Ombudsman NT has no jurisdiction. Referred or provided with contact details for another complaints body (government or private sector) if possible.

Ombudsman matters

The Ombudsman NT deals with complaints about NT government agencies, local government councils and conduct of NT Police. 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 encouraged 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*).

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.

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; and
- Anti-Discrimination Commission.

Outside jurisdiction

Each year the Office also responds to numerous 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.

The current year saw a significant decline in the number of Outside Jurisdiction approaches, from 1,076 to 818.

The following table lists the most common outside jurisdiction sectors where approaches were referred on to another complaints body.

Sector	2012/13	2013/14
Employment	144	126
Consumer affairs	139	115
Financial services	65	66
Telecommunications	65	45
Health services	68	43
Commonwealth government	59	40
Private housing	67	37

HOW QUICKLY APPROACHES ARE DEALT WITH

In 2013/14, 2,006 approaches to the Office were finalised.

The bulk of non-Police approaches are dealt with expeditiously by the Office. In 2013/14, 84% of non-Police complaints were dealt with within 7 days compared to 77% in 2012/13, and 93% were finalised within 28 days compared to 92% in 2012/13.

On average, Police approaches take somewhat longer than other matters to finalise, often involving allegations that must be carefully investigated. The reporting year saw further improvements by Police and this Office in timely resolution of approaches, with 96% of Police approaches finalised within 90 days compared to 88% in 2012/13.

Time taken to finalise approaches - approaches finalised in 2013/14

Group	Up to 7 days	8 to 28 days	29 to 90 days	91 to 180 days	Over 180 days	Total
Police	59%	27%	10%	3%	1%	414
Other	78%	15%	6%	1%	0%	1592
Total	1487	344	137	29	9	2006

Only 34 matters remained open at 30 June 2014 compared with 48 matters at 30 June 2013. This represents less than 2% of approaches received during 2013/14.

Age of open matters - as at 30 June 2014

Group	Up to 7 days	8 to 28 days	29 to 90 days	91 to 180 days	Over 180 days	Total
Police	3	4	6	5	0	18
Other	12	1	2	1	0	16
Total	15	5	8	6	0	34

APPROACHES INVOLVING POLICE

Complaints against Police are dealt with under detailed provisions in the *Ombudsman Act*. 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 Ethical and Professional Standards Command – referred to in the Act as the Police Standards Command (PSC).

Although the Ombudsman routinely deals with simple enquiries and may in certain circumstances exercise the prerogative to undertake an ‘Ombudsman Investigation’, the majority of complaints against Police are investigated by the PSC. It is the oversight and assessment of such complaint investigations, the ‘Complaint Resolution Process’ and any formal ‘Conciliations’ for which the Ombudsman is responsible under the Act.

How Police approaches are dealt with

Once a Police complaint has been 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, it may be changed according to the results of enquiries/investigations to hand.

The different methods of dealing with approaches utilised during 2013/14 were:

Method	Description
Enquiries	Matters addressed simply by the provision of information, advice or referral. Not categorised as complaints.
Declined	The Ombudsman may decline to deal with a complaint under section 67 on a variety of grounds, including that the complaint is trivial or vexatious, that the complainant does not have a sufficient interest or that disciplinary procedures have commenced or charges have been laid against the officer in question.
Complaint Resolution Process (CRP)	The Complaint Resolution Process is an informal process undertaken by Police where early personal contact between Police members and complainants may lead to a quick and effective resolution. The 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 member and the complainant should be satisfied with the outcome but it is appreciated that 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.
Category 2 complaint investigation	These complaints do not fall within the guidelines for CRP complaints, but are not considered sufficiently serious, or of such a nature as to warrant a Category 1 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 complainant can then raise any ongoing concerns with the Ombudsman.

Category 1 complaint investigation	<p>These are more serious allegations, for example complaints:</p> <ul style="list-style-type: none"> • 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. <p>Police 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 separate report to the complainant or provide a report for tabling in the Legislative Assembly.</p>
---	--

Two other methods of dealing with Police approaches are available under the *Ombudsman Act* but were not utilised during 2013/14.

Method	Description
Formal conciliation	<p>There is provision for formal conciliation in the <i>Ombudsman Act</i>. Conciliation may only be undertaken by agreement with 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.</p> <p>Matters which might be amenable to this process are in practice dealt with through the Complaint Resolution Process.</p>
Ombudsman investigation	<p>The Ombudsman may decide to directly investigate any Police complaint if satisfied it:</p> <ul style="list-style-type: none"> • concerns the conduct of a Police Officer holding a rank equal or senior to the rank of PSC Commander; • concerns the conduct of a PSC member; or • is about the practices, procedures or policies of the Northern Territory Police Force; or • should be investigated by the Ombudsman for any other reason. <p>The Ombudsman may decide that the investigation be undertaken in conjunction with a PSC member.</p>

Of Police approaches received in 2013/14:

- 104 were assessed for resolution as CRP matters (compared to 135 in the previous year);
- 17 were assessed as Category 2 complaints (13 in the previous year); and
- 8 were assessed as Category 1 complaints (6 in the previous year).

Analysis of all approaches to the Office relating to NT Police, Fire and Emergency Services in 2013/14 shows 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.

Category 1 and 2 complaints - Issues and Outcomes

As noted above, the majority of complaints against Police are resolved through the Police Complaints Resolution Process.

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 then 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. In some cases a complaint may be declined or discontinued in light of Police disciplinary procedures or criminal proceedings being undertaken.

Twelve of the Category 1 and 2 complaints finalised in the reporting period either involved a finding that issues were sustained or were discontinued on the basis of disciplinary procedures being undertaken (compared with 18 in the previous period).

How finalised	2012/13	2013/14
Category 1 - sustained	10	3
Category 1 – discontinued in light of disciplinary action	0	3
Category 2 - sustained	6	5
Category 2 – discontinued in light of disciplinary action	2	1
Total	18	12

In some cases, complaints involved more than one issue. In some there was more than one officer involved. For cases finalised in 2013/14, the number of cases involving each particular type of sustained issue is listed below.

Sustained Issue Category	Cases
Investigation – failure to undertake / inadequate / delay	6
Information – inadequate / incorrect recording of information	4
Arrest – unreasonable force	2
Interview – inappropriate or inadequate conduct	2
Practice / procedure – unreasonable	2
Behaviour – abuse/rudeness/insensitivity	1
Information – inappropriate access, use or disclosure	1
Arrest – unlawful arrest /detention	1
Custodial – personal safety / wellbeing – failure to monitor /safeguard	1

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 to complete 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.

Actions taken in relation to officers arising out of complaints finalised in 2013/14 included cautions, counselling, good behaviour bonds, fines and the requirement to undergo remedial training.

Complaints lead to systemic improvements

In addition to reviewing the conduct of individual officers, investigations of Police complaints may also point to a need to reconsider aspects of Police policies and procedures as well as training and dissemination of information within the Police Force. Examples of general recommendations and actions arising from complaints finalised in 2013/14 are:

- Broadcast messages issued relating to:
 - General Order - *Custody* regarding Protective Custody considerations;
 - General Order - *Custody* regarding submission of CIIRs and advising Watch Commanders of custody incidents;
 - General Order - *Custody* and General Order - *Police Practice and Procedure* regarding alerts for 'at risk' behaviour;
 - General Order - *Police Practice and Procedure* and supplemented website and the *Investigation Management Guidelines* regarding *Minimum Investigation Standards*;
 - General Order - *Operational Safety & Use of Force* (UOF) regarding UOF reporting;
 - Policy — *NTPFES Work Health and Safety* regarding reporting injury on duty;
 - Compliance with sections 140 and 141 *Police Administration Act*;
 - Accurate completion of Custody Health Assessment forms;
 - The importance of accurate input of information into IJIS; and
 - Seeking advice from a Watch Commander regarding issues experienced in IJIS;
- Modification of training and induction programs;
- A review of what is commonly known as a 'Fit for Custody' form with a view to ensuring standardisation by way of Appendix to General Order — *Custody*;
- Revision of the General Order - *Police Practice and Procedure* and supplemental webpages relating to Protective Custody, including more examples to cover a wider array of scenarios;
- A review of IJIS Administrator access;
- Revision of the '*Domestic and Family Violence*' General Order to incorporate guidelines for situations where family law court orders are in place;
- A data cleansing project to review current alerts on PROMIS;
- A change to procedures so that no new PROMIS alert actionable by arrest will be added without being checked by a supervisor.

Examples of Police complaints

USE OF FORCE - Police Category 1 complaint

The complainant alleged that he had been assaulted by an officer while being pursued. The complainant and his friend were lying on the grass when they saw police approaching from the other side of an oval. The complainant and his friend got up and started to run from the oval. Each took off in a different direction, causing officers to split up and chase individuals. The complainant stated that while he was running an officer threw a radio at him that connected with his leg, causing him to fall down. Once on the ground the complainant alleged the officer elbowed, kicked and punched him before placing handcuffs on him and abusing him verbally.

A number of allegations were not sustained. It was found that the subject officer had thrown a police walkie talkie radio towards the complainant although there was no finding that the radio hit the complainant. The member in question was provided with Managerial Guidance under section 14C of the *Police Administration Act* in relation to his use of force options and obligations regarding the proper use and handling of police property.

UNLAWFUL ARREST – Police Category 2 complaint

A complainant alleged they were arrested under false pretences, detained by force and imprisoned when they should not have been, causing them humiliation. The complainant was involved in a family related incident in a public place. Police attended and arrested the person on the understanding that they were in breach of a domestic violence order. The complainant believed that there was no ground on which to base an arrest and that their treatment by police was cruel and degrading. The complainant also stated that an officer had provided information to a third person which was claimed to be a breach of privacy and confidentiality. The complainant sought an apology.

The complaint relating to the lawfulness of arrest was sustained. It was established that Police had been acting on information that a domestic violence order was in force. Police were aware that there had been an application for an order and acted on the basis of information supplied by third parties and by the Joint Emergency Services Communication Centre. It was later established that information on Police systems was wrong. The domestic violence order application had been withdrawn on the basis of personal undertakings. When this was discovered, the complainant was released and conveyed to their home.

The investigator found that the information was not properly checked by a supervisor. NT Police apologised to the complainant and the subject officers were provided with Managerial Guidance. The investigator recommended a change in Police procedures to minimise the potential for the error to occur again. NT Police also took action to conduct an audit of existing alerts on its systems to ensure their accuracy.

FAILURE TO PROPERLY INVESTIGATE - Police Category 2 complaint

This complaint related to police officers taking a person into custody at a shopping centre, accusing them of theft and informing them that if they paid the cost of the alleged stolen items the shop would not pursue a complaint. The complainant stated that they did not steal anything and had been wearing the allegedly stolen clothes when they entered the store. The complainant provided a receipt for the items purchased and showed police money they had withdrawn from a bank. The end result was the complainant paying for an item they didn't steal in order to facilitate their release from custody.

The investigator found that a store keeper contacted shopping centre security and advised them someone had stolen some items of clothing. The security guards in turn detained the complainant and escorted them to the police shop front. The police officers spoke to the complainant about the allegations which the complainant denied. The police officer left the complainant at the police shop front and attended at the store to gain information as to what happened. The officer arrived back from the store and told the complainant that if the goods were paid for that would be an end to it.

The complainant did not want to pay as they had denied stealing any goods. However, in order to leave the police shop front they paid. The officer took the money and went back to the store, paid the money and returned with a receipt. The complainant left the police shop front but returned later with a person who verified that the item of clothing alleged to have been stolen actually belonged to the complainant.

The investigation found the police officers involved failed in their duty to conduct basic enquiries necessary when responding to incidents of this nature. It also found the action taken by the officer who took money from the complainant and paid the store owner could be seen as improperly facilitating a civil process.

NT Police apologised to the complainant. The officers involved were provided with Managerial Guidance. The investigator recommended a General Broadcast be disseminated to Police highlighting the risks inherent in intervening in civil matters of this type.

DELAY IN INVESTIGATION – Police Category 2 complaint

An incident occurred outside a nightclub involving two males who were unknown to each other. The first male had been ejected from the nightclub and while outside he was attacked by another male. Police attended the scene as did ambulance officers, who transported the complainant to hospital. The complainant attended a police station the next night to report the assault. The complainant was told that the investigating officer was not in the office at that time. The matter was referred from one officer to another and back again. The complainant did not have his statement taken for four months.

The investigator found that the subject officer failed to obtain or make arrangements to obtain a statement from the victim in a timely and efficient manner. Although the matter did eventually progress and action was taken against the offender, the delay in action by police did not instil any confidence in the complainant. NT Police apologised to the complainant. Formal disciplinary action was undertaken against one officer and other officers were provided with Managerial Guidance.

CARE IN CUSTODY - Police Category 2 complaint

This complaint related to a person being apprehended for drink driving and taken into custody. After being placed into a cell, the complainant was joined by three others. The other males had their mattresses and blankets and lay down to sleep. Another male was put into the cell. This person started talking to the complainant but ultimately became agitated and started to abuse the complainant. The abuse then turned to violence and the complainant was assaulted.

The complainant stated that an officer passed by the cell and he banged on the door asking for help. He told the officer he had been assaulted but the officer ignored him. A short time later the complainant stated he was assaulted again by the male person. Two officers were attending at a cell across the hallway and the complainant again asked for assistance, telling the officers he had been assaulted. This time one officer told him to be quiet as they were busy. During a third encounter with the male, police entered the cell and separated the two men. The alleged offender was taken to a different cell and the complainant was taken to the medical room for assessment. The complainant's injuries were described by a nurse as minor injuries to the face and right leg in the form of scratches.

CCTV footage, in the main, corroborated the complainant's story. It showed the first assault by the male on the complainant however it did not show a police officer walking passed and ignoring the complainant's calls for assistance. The footage showed the second assault and showed the officers attending at the cell opposite to the complainant. The complainant can be seen banging on the window and one officer is seen to acknowledge the complainant. The footage shows the officers walking away without further conversation with the complainant. CCTV footage also showed that an officer did not respond to the cell call button during the first assault. The officers were seen later muting the cell call button from an unknown cell.

In response to this complaint NT Police accepted that the officers involved had shown a complete disregard for the *General Order – Custody*. NT Police stated that it is committed to providing the highest level of custodial care to people apprehended and held in police watch houses. NT Police apologised to the complainant. Formal disciplinary action was undertaken against two officers and other officers were provided with Managerial Guidance.

DISCLOSURE OF INFORMATION - Police Category 1 complaint

This complaint was in relation to an allegation of improper use of information. The complainant alleged a police officer passed personal information to a third party.

Very early in the investigation process, it appeared likely to NT Police that this complaint would be sustained. It appeared that the subject officer had accessed systems and passed information to a third party. Due to the seriousness of this matter, NT Police determined to instigate formal disciplinary action against the subject officer.

Section 107 of the *Ombudsman Act* provides that the Ombudsman may defer, decline or discontinue an investigation pending the outcome of disciplinary proceedings. NT Police requested that I do so in this case. After satisfying myself that the scope of the disciplinary proceedings would adequately address the subject matter of the complaint, I decided to discontinue the complaint pending the outcome of the proceeding. Our Office was, in due course, advised of the outcome of the disciplinary proceeding, and it was determined that no further action was necessary in relation to the complaint.

APPROACHES INVOLVING CORRECTIONS

There was a substantial rise in the number of approaches to our Office regarding the Department of Correctional Services in 2013/14 compared to previous years (320 this year compared to 274 in 2012/13 and 229 in 2011/12).

An analysis of enquiries, shows that 12 enquirers made 5 or more approaches to the Office. One of them made 21 approaches. Those twelve enquirers were responsible for 32% of approaches to the Office relating to Corrections.

Approximately $\frac{3}{4}$ of approaches directly relating to correctional centres arose from the Darwin Correctional Centre. With the transition to the new correctional centre in 2014/15, it is hoped that some of the issues that related to the ageing infrastructure and facilities at the old centre may be resolved or at least minimised.

Overall, no underlying basis for the rise in approaches can be identified, and the rise does not by itself give immediate cause for concern. It does, however, warrant careful monitoring and ongoing analysis of issues raised.

The following table gives a breakdown of issues raised in 2013/14.

Issue	Notes	No.
Classification / Housing	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.	40
Visits	Includes prisoner to prisoner visits.	32
Health / welfare	Issues regarding health services are referred on to the Health and Community Services Complaints Commission.	29
Recreation / Amenities	Matters relating to recreational activities and everyday aspects of living, eg access to publications, smoking, access to television, sporting and craft equipment.	20
Phones		17
Work	Issues relating to work opportunities within prisons and externally	16
Conduct of officers	Issues include allegations of unfair treatment, abuse and excessive force	16
Money / buys	Any issues dealing with prisoner accounts and purchases	16
Mail		15
Lockdown / time outside	Any issues to do with limits or restrictions on time prisoners can spend in outside areas	12

Other issues raised related to food, misconduct proceedings and penalties, provision for hot and cold weather, transfer between prisons and condition of facilities.

APPROACHES INVOLVING POWER AND WATER

Approaches relating to Power and Water rose appreciably from 79 in 2012/13 to 129. The top four issues raised by enquirers were:

- Excessive charges (37) – approximately two thirds relating to water charges;
- Billing irregularities (28) – for example, bill not received or two bills received at the same time;
- Disputed listing with a credit agency (21);
- Disconnection, unreasonable or in error (15).

Given the rise in tariffs that has taken place over the last two years, an added sensitivity by consumers to charging and billing issues is not unexpected.

Credit listing and issues to do with financial hardship and time to pay arrangements (a further five approaches) continue to be an issue for Power and Water customers, as they do for any large commercial enterprise.

The majority of approaches were referred on to, and resolved by, Power and Water staff without the need for further intervention by our Office.

APPROACHES INVOLVING HOUSING

Approaches relating to the Department of Housing declined from 102 in 2012/13 to 84. The six most common issues raised by enquirers related to:

- Repairs and maintenance (17);
- Allocation of housing (11), including priority housing and delays in completion of housing;
- Termination of tenancy (10);
- Transfer of tenancy (8), including refusal to transfer to new accommodation and delay in transfer;
- Failure to take appropriate action on complaints against neighbours (8).

CHAPTER 7 – STAKEHOLDER & COMMUNITY INVOLVEMENT

The Office engages with stakeholders and the broader community in a variety of ways. In 2013/14, community engagement was limited in scope given the availability of staff and resources but included:

- maintenance of the Ombudsman NT website which hosts a variety of resources and links relevant to public administration, and an online complaint service;
- commencement of a review of the website to make it easier for enquirers to find the best avenue to pursue their issue and to increase the emphasis on mobile accessibility, including greater usability for iPad and Android devices;
- meetings with non-government stakeholders, for example the Central Australian Aboriginal Legal Aid Service, the North Australian Aboriginal Justice Agency (NAAJA) and the Alice Springs Working Women’s Centre;
- presentations to community groups such as the Council of the Ageing;
- participation in joint public authority / stakeholder working groups such as NT Remote Housing Legal Services meetings, and meetings with NT Police and NAAJA;
- running a stall at the *Know Your Rights Expo* in Alice Springs which was run in conjunction with National Seniors Australia NT 50Plus Expo;
- presentations at conferences:
 - *‘I’d like to register a complaint’ — gaining from public sector complaints and investigations’* - Governance Institute of Australia, Public Sector Update;
 - *‘Ethical Decision-making’* - Solicitor for the Northern Territory Masterclass;
- conducting Ombudsman complaint clinics at Coomalie and Litchfield.

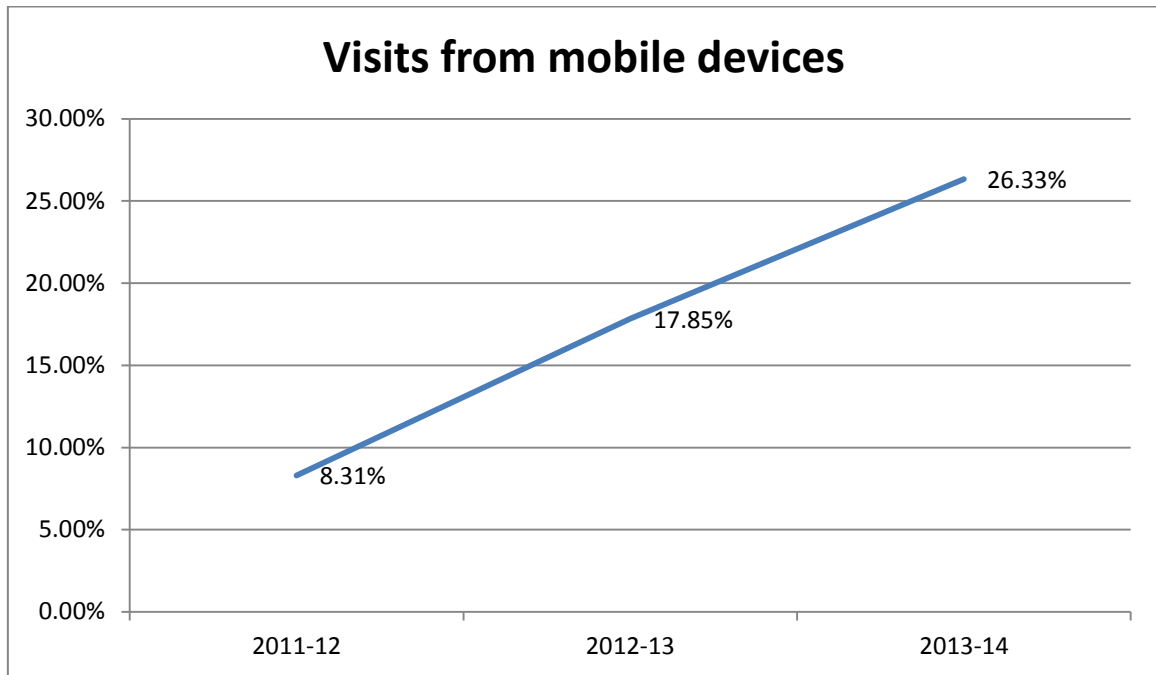
WEBSITE VISITS

Visits to the NT Ombudsman’s website decreased slightly this reporting period. In 2013/14 there were 30,770 unique page views, down from 33,092 in the prior period.

	2011/12	2012/13	2013/14
Total Unique Page view’s	32,447	33,092	30,770
Unique Visitors	13,155	15,097	14,317
Total Visits	16,203	18,386	17,257

As in previous years the most commonly visited pages contained information on how to contact the Office, how to make a complaint and how to access publications and reports.

Website visits from mobile devices continue to increase and now make up over a quarter of all visits.



CHAPTER 8 – OVERSIGHT FUNCTIONS

SURVEILLANCE DEVICES ACT

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 Northern Territory Police Force (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.

TELECOMMUNICATIONS (INTERCEPTION) NORTHERN TERRITORY ACT

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.

CHAPTER 9 – OUR OFFICE

OUR STAFF

Staffing details for the Office as at 30 June 2014 are outlined below:

Position Title	Level	Number	Status
Ombudsman	ECO5	1	Statutory appointment
Deputy Ombudsman	ECO2	1	Executive Contract
Assistant Ombudsman	SAO2	1	Ongoing
Senior Investigation Officer	AO7	1	Ongoing
Investigation Officer	AO5	2	1 Ongoing, 1 Fixed period
Resolution Officer	AO4	2	1 Ongoing AO3 on Higher Duties 1 Fixed period
Police Administration Officer	AO3	-	Incumbent on Higher Duties
Executive Assistant	AO5	1	Fixed period
Business Manager	SAO1	1	Ongoing AO6 on Higher Duties
Records/Admin Officer	AO4	1	Ongoing

In addition, the Office had one staff member on extended unpaid leave arrangements and another AO4 ongoing staff member on maternity leave at half pay.

During the year, the Assistant Ombudsman position (which was previously occupied under a fixed period ECO1 contract) was altered to an ongoing SAO2. The Business Manager position was re-classified under the Job Evaluation System from AO6 to SAO1.

There were two vacancies in AO7 positions at 30 June 2014 pending finalisation of recruitment processes. One of those vacancies was partially covered by the fixed period AO5 contract noted above.

Professional Development

External staff professional development attendance supported by the Office during 2013/14 included:

- Cultural Awareness (five staff)
- Capturing Digital Media for Business
- Conflict Management Skills for Women
- Prince II Foundation Exam
- Time Management
- Assertiveness Techniques
- The Supervision and Performance Management Tool Box.

Deputy Ombudsman Julie Carlsen is to be congratulated for her completion during 2013/14 of a Bachelor of Social Science (Criminology and Forensic Science) degree (fully funded by Ms Carlsen). During her studies she received two outstanding academic achievement awards for unit subjects *Policing: Systems and Practice* and *Criminology: Theory and Practice*. Outstanding academic achievements are provided to students who finished top of their class within the study period.

Ms Carlsen is also undertaking a Bachelor of Business (Management) degree with support from the Office and is expected to finish the degree in 2015. Another staff member is currently undertaking a Diploma in Business.

CORPORATE GOVERNANCE, FINANCIAL 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. The Statement of Accountable Officer is on the first page and the Financial Statements for 2013/14 are at Appendix B of this Report.

It also means that the Ombudsman has responsibilities as a Chief Executive Officer under the *Public Sector Employment and Management Act*.

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, Complaint Management and Management Board meetings are held to facilitate the administration of the Office and monitor progress against budget, strategic and business plans.

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.

During the reporting period, the Office finalised a detailed review of its human resource related policies and procedures and implemented a new Personnel Framework.

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 have developed and implemented 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 their 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 actions 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 files of documents relating to each written complaint made under the *Ombudsman Act*. The Ombudsman maintains a computer-based register of all complaints. The files are indexed in several ways, including the complainant's name, the agency complained about and the subject of the complaint.

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.

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 Business Manager. 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 whom information in the control or custody of the Ombudsman was sourced.

In 2013/14, 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 Business Manager. It may be sent by letter, facsimile or email or hand delivered.

In 2013/14, the Ombudsman received no personal information correction requests under the *Information Act*.

APPENDIX A – AGREEMENTS WITH OTHER BODIES

COMMONWEALTH OMBUDSMAN

MEMORANDUM OF UNDERSTANDING
between
THE COMMONWEALTH OMBUDSMAN
and
OMBUDSMAN FOR THE NORTHERN TERRITORY

PARTIES

1. The Parties to this Memorandum of Understanding (MOU) are the Commonwealth Ombudsman and the Ombudsman for the Northern Territory (NT Ombudsman).
2. To the extent possible and relevant, this MOU is an arrangement for the purposes of s 8A of the *Ombudsman Act 1976* (Com) and ss 19 and 148(1)(b) of the *Ombudsman Act 2009* (NT).
3. The Commonwealth Ombudsman is an independent statutory office holder established pursuant to the *Ombudsman Act 1976* (Com). The Commonwealth Ombudsman's mission includes fostering good public administration that is accountable, lawful, fair, transparent and responsive. The Commonwealth Ombudsman is charged with a range of functions including investigating the administrative actions of Australian Government officials and agencies either on receipt of a complaint or on the Ombudsman's own motion.
4. The Commonwealth Ombudsman is a complaint entity as defined in s 34 of the *Ombudsman Act 2009* (NT).
5. The NT Ombudsman is an independent statutory office holder established pursuant to the *Ombudsman Act 2009* (NT) charged with a range of functions, including:
 - i. investigating and dealing with complaints about administrative actions of public authorities effectively, efficiently, independently, impartially, fairly and in a timely way
 - ii. improving the quality of decision-making and administrative practices of public authorities.

DEFINITION

6. In this Memorandum of Understanding

"**administrative action**" for the purposes of the NT Ombudsman, has the meaning provided for in s 6 of the *Ombudsman Act 2009* (NT). For the purposes of the Commonwealth Ombudsman, it has a similar meaning to that of "action related to a matter of administration" in s 5(1) of the *Ombudsman Act 1976* (Com), as expanded by s 3(7) of that Act and qualified by s 5(2).

"**agency**" includes public authority as defined in the *Ombudsman Act 2009* (NT) as well as department and prescribed authority as defined in the *Ombudsman Act 1976* (Com).

"**delegation**" means the delegation of the powers and functions of the NT Ombudsman under ss 147 and 148 of the *Ombudsman Act 2009* (NT) and the delegation of the powers of the Commonwealth Ombudsman under s 34 of the *Ombudsman Act 1976* (Com).

"**investigation**" includes an investigation commenced on the basis of a complaint, the referral of a complaint or on the own motion of the Parties, within the meaning of the *Ombudsman Act 1976* (Com) and the *Ombudsman Act 2009* (NT), and includes preliminary enquiries under s 7A of the *Ombudsman Act 1976* (Com) and under Part 6, division 1 of the *Ombudsman Act 2009* (NT).

"**systemic issue**" means a recurring or persistent issue, policy or practice that may affect more than one individual.

PURPOSES

7. This MOU sets out the framework for cooperation between the Parties in areas of common interest where cooperation is required for the effective performance of their statutory roles in relation to the administrative actions of agencies that deliver programs in the Northern Territory. This MOU is not intended to be overly prescriptive, to legally bind or to override the Parties' existing statutory rights, duties or responsibilities.
8. The Parties are jointly committed to the effective investigation and review of the administrative actions of agencies that deliver programs in the Northern Territory. The Parties share the objectives of ensuring that agencies are accountable for their decisions and actions, administration is enhanced and public confidence in agencies is maintained.
9. The Parties will work together to:
 - i. communicate the role of each Party to agencies and the public, including joint outreach and promotion
 - ii. refer complaints to one another
 - iii. resolve complaints expeditiously, effectively and in good faith
 - iv. investigate and resolve systemic issues affecting the administrative actions of agencies that deliver programs in the Northern Territory
 - v. liaise with each other to avoid duplication of investigative or review activity.

STATEMENT OF COOPERATION BETWEEN THE PARTIES

10. Recognising the complex framework within which government programs are delivered in the Northern Territory, which often involves all three tiers of government, the Parties acknowledge the importance of cooperation and, where appropriate, collaboration, in order to ensure effective investigation and avoid unnecessary duplication.

Sharing information

11. To the extent that privacy, confidentiality and legislative requirements allow, the Parties agree that their officers will work together to share information and knowledge gained in the performance of their respective roles. Where appropriate, the Parties will invite each other to attend briefings.
12. To the extent relevant and necessary, the Parties will obtain authorisations from complainants to discuss matters of mutual interest.
13. The Parties agree to consult with each other as soon as an investigation reveals information that may lead to the criticism of an agency that is within the sole jurisdiction of the other Party.
14. As appropriate, the Parties may consult each other in relation to matters on which the other Party has specific expertise or qualifications that are likely to be relevant to an investigation.
15. The Parties agree to discuss relevant issues, including working arrangements, and to meet at least once each quarter.

Outreach

16. The Parties may undertake joint outreach activities to communities affected by the administrative actions of agencies that deliver programs in the Northern Territory. To that end, the Parties will regularly discuss opportunities for joint outreach activities.

17. The Parties will assist each other, wherever feasible, in the distribution of general material to target audiences and the community generally about how to make complaints and raise issues. They will, for example, include prominent links between their websites.

Referral of complaints

18. Where one of the Parties (the receiving Party) receives a complaint about an agency that is solely within the jurisdiction of the other Party, the receiving Party will liaise with the other Party and the complainant to determine the most appropriate way to manage the complaint, consistent with the legislative requirements applying to each Party, including, but not limited to:
 - i. providing the details of the complaint to the other Party
 - ii. referring the complaint
 - iii. directing the complaint to the other party and facilitating that process for the complainant. For example, where appropriate, the receiving Party will provide a copy of the complaint to the other Party.
19. When a Party accepts a referred complaint it will manage the complaint independently and shall notify the complainant accordingly. In those circumstances, regard shall be had to ss 18 and 19 of the *Ombudsman Act 2009* (NT).
20. As appropriate, where a matter of administration comes within the jurisdiction of both Parties, the Parties will liaise to determine whether the issue requires:
 - i. joint investigation with or without delegation
 - ii. management by the Commonwealth Ombudsman (requiring delegation from the NT Ombudsman)
 - iii. management by the NT Ombudsman (requiring delegation from the Commonwealth Ombudsman)
 - iv. separation of the complaint so that the Commonwealth Ombudsman and the NT Ombudsman manage those parts within their own jurisdiction.
 - v. management using any, some or all of the above options.

Joint Investigation

21. Subject to s 8A of the *Ombudsman Act 1976* (Com) and s 19 and 148(1)(b) of the *Ombudsman Act 2009* (NT) and to the extent possible, where a joint investigation by both the Commonwealth Ombudsman and the NT Ombudsman is determined to be appropriate, the Parties shall cooperate as required to effectively and efficiently resolve or investigate the matter.
22. When a complaint is investigated jointly the Party which accepted the complaint initially will acknowledge the complaint and notify the complainant of the joint investigation.
23. In order to effectively conduct a joint investigation, a copy of the complaint or a summary of the systemic issue, as the case may be, will be provided to each Party. The Parties may make arrangements to brief each other and to attend joint briefings from third parties.
24. A joint investigation may either be conducted by:
 - i. each Party investigating matters within its jurisdiction and sharing the results of the investigation with the other party, or
 - ii. delegations from the NT Ombudsman to nominated officers of the Commonwealth Ombudsman and delegations from the Commonwealth Ombudsman to nominated officers of the NT Ombudsman.

25. A joint investigation may culminate in a joint report.

Delegation

26. Where the Parties agree, the NT Ombudsman may make the required delegations to officers of the Commonwealth Ombudsman by an instrument of delegation. The delegated officers of the Commonwealth Ombudsman are required to sign Attachment A to this MOU.
27. Where the Parties agree, the Commonwealth Ombudsman may make the required delegations to officers of the NT Ombudsman by an instrument of delegation. The delegated officers of the NT Ombudsman are required to sign the Attachment B to this MOU.
28. The Parties will liaise in relation to any training, briefings or management issues that arise concerning delegates.
29. Where an investigation has been conducted by staff of one Party, but under or partly under, delegation issued by the other Party, the matter should not be finalised until:
- i. The delegator has agreed to the final report and/or action
 - ii. The delegator has signed the final documentation/correspondence
 - iii. The Commonwealth Ombudsman and the NT Ombudsman have agreed to the final report and/or action and signed the final documentation/correspondence in those instances where delegations have been made by both Parties in order to conduct a joint investigation.

Joint funding

30. Where it is in the interests of both Parties, joint applications may be made for funding concerning the investigation and oversight of agencies that deliver programs relating to the Northern Territory.
31. The Parties will cooperate in order to meet any applicable financial accounting and reporting requirements.

Duration

32. This MOU operates until the Parties agree otherwise, or either Party informs the other that it wishes to replace, vary or terminate it.
33. The Parties shall meet annually to discuss the effectiveness of the MOU.

November 2009

COMMISSIONER FOR PUBLIC INTEREST DISCLOSURES

MEMORANDUM OF UNDERSTANDING

Between:

**THE OMBUDSMAN FOR THE NORTHERN TERRITORY
(the Ombudsman)**

And

**THE COMMISSIONER FOR PUBLIC INTEREST DISCLOSURES
(the Commissioner)**

The Ombudsman and the Commissioner (the parties) record their mutual understanding of their roles and duties under the *Public Interest Disclosure Act* in relation to public interest disclosures and their agreement regarding information sharing as follows:

JURISDICTION

The parties recognise and acknowledge that:

- 1) The Ombudsman is an independent statutory office holder established pursuant to the *Ombudsman Act* charged with a range of functions including:
 - a) investigating and dealing with complaints about administrative actions of public authorities effectively, efficiently, independently, impartially, fairly and in a timely way; and
 - b) improving the quality of decision-making and administrative practices of public authorities.
- 2) The Commissioner is an independent statutory office holder established pursuant to the *Public Interest Disclosures Act* charged with a range of functions including:
 - a) providing for the disclosure and investigation of improper conduct of public officers and public bodies;
 - b) protecting persons making public interest disclosures and others from reprisal; and
 - c) ensuring that public interest information is properly investigated and any impropriety revealed by the investigation is properly dealt with.
- 3) To the extent possible and relevant, this MOU is an arrangement for the purposes of s19(1)(b) of the *Ombudsman Act* and is entered into to ensure that where there is a joint interest, matters are dealt with appropriately and expeditiously and that information is shared within the limits of the relevant legislation.

DEFINITION

- 4) In this document:
 - a) For the purposes of complaints to the Ombudsman, the terms 'complaints entity', 'administrative action', 'agency' and 'delegation' have the same meaning as in the *Ombudsman Act*.
 - b) For the purposes of public interest disclosures, the terms 'public body,' public officers', 'acting in an official capacity', 'improper conduct', 'public interest disclosure', 'referral body', 'referred MLA disclosure' and 'reprisal' have the same meaning as in the *Public Interest Disclosure Act*.

REFERRAL

- 5) Pursuant to s22 (1) (a) of the *Public Interest Disclosure Act* (and following consideration of any objection under s23 of the Act), the Commissioner may formally refer a public interest disclosure, other than a referred MLA disclosure, to the Ombudsman. Upon referral, the Ombudsman exercises his or her own powers of investigation and the *Public Interest Disclosure Act* does not apply to the investigation. The public interest disclosure does however retain its protection under the *Public Interest Disclosure Act*
- 6) An appropriate matter for formal referral to the Ombudsman might include:
 - a) a referral of a disclosure of 'improper conduct' where the identity of the discloser is generally known and a mediated settlement is preferred; or
 - b) a referral of a disclosure of 'improper conduct' where the Ombudsman is already conducting an investigation into the matter.
- 7) The Commissioner may also informally refer to the Ombudsman any complaint about a public body which is not 'improper conduct' under the *Public Interest Disclosure Act* but which deserves investigation.
- 8) The Ombudsman may informally refer a complainant to the Commissioner when the complaint relates to improper conduct by a public body or public officer and in particular when the complainant's continued anonymity or protection from reprisal is necessary.

INFORMATION AND DOCUMENTS

- 9) To assist with investigations and to prevent avoid inappropriate duplication of investigative or review activity, the parties agree as follows:
 - a) The parties may from time to time seek from each other access to relevant documents and reports with respect to a current or past complaint or disclosure with one proviso. Where the Ombudsman is completing an inquiry or investigation under the repealed *Ombudsman Act*, the parties will not seek to access the relevant documents or reports of the other party.
 - b) Requests for access will be in writing and accompanied by sufficient information (including the manner in which the documents will be used) to enable the other party to identify the relevant documents and reports and to consider whether there is good reason why access should not be granted or should be limited.
 - c) In circumstances where the anonymity of the discloser is important, a request made by the Ombudsman for access to documents held by the Commissioner may be denied or limited. In all circumstances however, the parties will act reasonably to facilitate access to documents and reports where appropriate within the limits of the legislation.

INFORMATION SECURITY

- 10) Prior to handling or accessing each other's information, staff of the parties will undergo full criminal history checks. Persons who have not passed the requisite security check should not be permitted to access this information.
- 11) Documents and reports provided by one party to the other party shall only be used for the purposes agreed between the parties and with due regard to the confidentiality provisions contained in the *Ombudsman Act* and the *Public Interest Disclosure Act*
- 12) Documents and reports provided by one party to the other party will be returned when they are no longer needed.

August 2010

CHILDREN'S COMMISSIONER

**MEMORANDUM OF UNDERSTANDING
BETWEEN
CHILDREN'S COMMISSIONER
AND
NORTHERN TERRITORY OMBUDSMAN**

Background

1. The Ombudsman is an independent statutory office holder with a range of statutory functions, including to investigate the administrative actions of Northern Territory Government officials and agencies and Police conduct, either on receipt of a complaint, or on the Ombudsman's own motion.
2. The objective of the Ombudsman is to assist the Northern Territory community by giving 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 to improve the quality of decision-making and administrative practices in public authorities.
3. The Children's Commissioner is an independent statutory officer whose key objective is to ensure the wellbeing of vulnerable children. This is achieved by the performance of the Commissioner's functions as stipulated in section 10 of the *Children's Commissioner Act*. In particular, the Commissioner can receive and deal with complaints relating to the standard of, or the lack of services, provided to vulnerable children by service providers. This can be done by way of complaint by a child or an adult acting on behalf of a child. An investigation can also be conducted on the Commissioner's own initiative.
4. The respective jurisdictions of the two offices are more fully described in Attachment A.
5. Given the statutory jurisdictions of the Ombudsman and the Children's Commissioner, there are cases where issues that may be subject to investigation by one office overlap or are closely related to issues that may be subject to investigation by the other office.
6. There are statutory provisions that define the limits of jurisdiction of the offices and provide for referral of complaints and information in appropriate cases. It is important that there be a clear understanding on the part of the Ombudsman and Children's Commissioner as to the effect of those provisions and that there are mechanisms in place to facilitate discussion and agreement on which office is empowered to deal with an issue and, if both have power, which is best placed to do so.
7. It is also important that there be mechanisms in place for exchange of information obtained in the course of related investigations in order to minimise inappropriate duplication of activity. For example, evidence may be obtained in the course of an investigation of a complaint by one office that is relevant to the investigation of a closely related complaint by the other office.

Liaison and co-operation

8. Therefore, noting sections 19 and 117 of the *Ombudsman Act* and sections 23 and 45 of the *Children's Commissioner Act*, the Ombudsman and Children's Commissioner agree to liaise and cooperate in accordance with this Memorandum of Understanding (MoU) for the purpose of

avoiding inappropriate duplication of investigative or review activity, including to exchange information and evidence for the purpose of:

- considering who should conduct an investigation or review;
- referring a matter to the other office for investigation or review; and
- facilitating the conduct by the other office of an investigation or review that is within its jurisdiction.

Regular Contact

9. Each party will nominate a contact officer as the first point of liaison for the purposes of this MoU.
10. The Ombudsman and Children's Commissioner will meet at least once in each year to discuss any issues arising from complaints and issues that may be of mutual interest.

Guiding principles

11. The guiding principles for this MoU will be:
 - Ensuring that the office that ultimately deals with a matter has legislative authority to do so;
 - Minimising the potential for unnecessary duplication of investigative activity or overlap in inquiries;
 - Minimising the impact on complainants and children when dealing with complaints that could have jurisdictional issues;
 - Ensuring that each complaint is dealt with by the office best placed to effectively and appropriately deal with it; and
 - Both parties will act in a co-operative and consultative manner to ensure those outcomes.

Initial assessment of complaints

12. If it is known that a person has contacted both agencies, and that the person is considered at risk of self-harm or of harming others, there will be prompt sharing of information between the agencies to the extent that they are lawfully able to do so.
13. If one office receives a complaint that solely relates to issues that are not within its jurisdiction but may relate to issues that are within the jurisdiction of the second office, it will immediately take action to either direct the complainant to the second office or contact the contact officer of the second office to discuss the potential for a referral.
14. If one office receives a complaint that relates to one or more issues that may fall within its jurisdiction but where the second office may have jurisdiction, the first office will consult with the contact officer of the second office to discuss the best way to proceed.
15. If, as part of that consultation, it is agreed that one or more issues should or could be more effectively dealt with by the second office, bearing in mind the guiding principles, the contact officers will identify the issues to be dealt with by each office and record the agreed approach in writing (an e-mail exchange is acceptable).

16. If it is agreed that a formal referral should be take place, a referral will be made in writing setting out the reasons for the referral.
17. If agreement cannot be reached, the matter will be referred to the Children’s Commissioner and the Ombudsman for discussion and resolution.
18. Nothing in this MoU, including a reference to ‘dealing’ with a complaint, constrains either office in the exercise of its respective statutory powers, including making a decision not to accept or investigate or not to investigate further any complaint.

General

19. The offices agree that they should work together to share information and experience in relation to their respective roles. Each office will keep the other informed of recent developments that may be of interest to the other, within the scope of this MoU and to the extent permitted by the relevant legislation governing the offices.
20. If one office has obtained evidence or materials during the course of an inquiry or investigation that is likely to be material to an investigation on a related matter being conducted by the second office, the first office may, if it considers appropriate and in order to avoid unnecessary duplication of investigative activity, provide that evidence or material to the second office for the purpose of facilitating the conduct by the second office of an investigation or review that is within its jurisdiction.
21. One office may consult the other in relation to matters where the other party has a specific expertise, experience or qualification that is relevant to an investigation.
22. If one office becomes aware during an investigation that the other office is also considering or has considered a complaint about the same matter, then the first office will consult with the contact officer of the second office in an effort to avoid unnecessary duplication of investigative activity.
23. Joint investigations may be conducted by agreement between the Ombudsman and the Children’s Commissioner. The scope and procedures for a joint investigation, including the delegation of any legislative powers to staff of either agency, will as far as practicable be agreed at the start of the investigation.
24. The parties will assist each other, wherever possible, in the distribution of general material to target audiences and the community generally about how to make complaints.

Duration

25. This MoU operates until either party terminates it or both parties agree to replace it.

June 2014

Jurisdiction of the Ombudsman and Children’s Commissioner

In summary

The Children’s Commissioner can investigate any complaint to the effect that:

- (a) a service provider (a **responsible service provider**) failed to provide services (**required services**) for a child, as a vulnerable child, that the provider was reasonably expected to provide; or
- (b) the required services provided by the provider for the child failed to meet the standard that was reasonably expected of the provider.

The Ombudsman has broad powers to investigate administrative actions of public authorities and the conduct of Police officers. So, on the face of it, there is potential for overlap in the powers of the two offices.

However, the Ombudsman cannot investigate a matter that could be investigated by the Children’s Commissioner.

This is true whoever makes the complaint and however long it is since the issue complained about happened. It is also true whether or not the Children’s Commissioner decides to investigate.

The term ‘vulnerable child’ is defined in section 7 of the *Children’s Commissioner Act (the CC Act)*. Although the definition is relatively broad, the jurisdiction of the Children’s Commissioner is limited by that definition. It does not extend to any broader societal concept of whether a child might be vulnerable.

And the jurisdiction of the Children’s Commissioner only relates to services for the child as a vulnerable child.

So services offered to children generally, e.g. primary and secondary education or bus services, will not be subject to the jurisdiction of the Children’s Commissioner even if the particular child involved happens to be a vulnerable child. And a service will only be excluded from the Ombudsman’s jurisdiction if it is aimed at the child as a vulnerable child, for example a special program (or a lack of a special program) for the child as a vulnerable child.

Exception — If a complaint relates to an act or omission of a police officer, the Ombudsman has jurisdiction to investigate even if a vulnerable child is involved.

Background

Jurisdiction of the Children’s Commissioner

Section 21 of the CC Act sets out the grounds for complaint to the Children’s Commissioner and therefore the scope of the exclusion of the Ombudsman’s jurisdiction. Section 21 provides:

- (1) *The complaint must be made on one or more of the following grounds:*
 - (a) a service provider (a **responsible service provider**) failed to provide services (**required services**) for the child, as a vulnerable child, that the provider was reasonably expected to provide;

- (b) *the required services provided for the child by the responsible service provider failed to meet the standard that was reasonably expected of the provider.*
- (2) *Without limiting subsection (1), the required services include:*
 - (a) *any services relating to the care or wellbeing of the child; and*
 - (b) *for a vulnerable child mentioned in section 7(1)(f) – child-related services mentioned in section 7(1)(f).*

Under section 20(1) of the CC Act, the Children’s Commissioner can only accept a complaint from a vulnerable child or an adult acting on behalf of a vulnerable child. However, under section 10(1)(a)(ii), the Children’s Commissioner can investigate a matter on his own initiative if the subject matter falls within section 21. This includes a situation where another person has made a complaint or raised an issue. The Children’s Commissioner has this power irrespective of when the matter occurred and whether or not a complaint was made.

Ombudsman’s jurisdiction and exception

Section 10(1) of the *Ombudsman Act* sets out a range of Ombudsman functions relating to administrative actions of public authorities and the conduct of Police.

Section 10(2) provides:

The Ombudsman's functions under subsection (1) do not extend to a matter for which the Children's Commissioner is authorised to conduct an investigation under the Children's Commissioner Act.

Section 32(1) of the *Ombudsman Act* provides:

If a complaint is made to the Ombudsman about a matter that could be the subject of a complaint under an Act to a complaints entity, the Ombudsman:

- (a) *if the complaints entity is the Children's Commissioner and the complaint does not relate to a matter mentioned in section 24(1)(b) of the Children’s Commissioner Act – must refer the complaint to the Children's Commissioner; or*
- (b) *otherwise – may refer the complaint to the complaints entity.*

The general rule is therefore that anything the Children’s Commissioner can investigate is not open to an Ombudsman investigation and must be referred to the Children’s Commissioner.

Whether or not the Children’s Commissioner decides to investigate is a matter for the Commissioner. The Ombudsman lacks jurisdiction even if the Children’s Commissioner does not investigate.

However, the express reference in section 32(1) provides an exception to the general rule in section 10(2) in relation to matter named in section 24(1)(b) of the CC Act, namely, complaints that relate to an act or omission of a police officer.

Who is a vulnerable child?

The term is defined in section 7(1) of the CC Act as follows:

*A **vulnerable child** is any of the following:*

- (a) *a child who is the subject of the exercise of a power or performance of a function under Chapter 2 of the Care and Protection of Children Act;*

- (b) *a child who has been arrested or is on bail, or in relation to whom an order made under the Youth Justice Act is in force;*
- (c) *a child in relation to whom an order made under the Volatile Substance Abuse Prevention Act is in force;*
- (d) *a child who is suffering from a mental illness or is mentally disturbed;*
- (e) *a child who has a disability;*
- (f) *a child who has sought or is seeking child-related services, or for whom a family member of the child has sought or is seeking child-related services, for any of the following:*
 - (i) *the prevention of harm to, or exploitation of, the child;*
 - (ii) *the protection of the child;*
 - (iii) *care or support of the child;*
- (g) *a person prescribed by regulation.*

Subject to one exception discussed in *Young people who have left the CEOs care* below, this sets the limits to who is a vulnerable child. If a child does not meet one of these criteria, they are not a vulnerable child for the CC Act, no matter what their actual situation is.

Paragraph (a)

Chapter 2 of the *Care and Protection of Children Act* deals with a large number of powers and functions, including mandatory reporting, inquiries and investigations into concerns about a child's wellbeing, and many provisions dealing with children in care.

Paragraph (g)

There is no relevant regulation.

For the child, as a vulnerable child

It is not enough that the child be a vulnerable child. The service must be for the child as a vulnerable child, not in some other capacity.

For example, it would not include a service that is routinely available to all children or members of the community (which may be within the Ombudsman's jurisdiction) but it would include a service that was especially created or adapted for the needs of a child as a vulnerable child.

Who is a service provider?

Section 6 of the CC Act relevantly provides:

service provider, in relation to a vulnerable child, means:

- (a) *a public authority, or another person or body acting for or under an arrangement with a public authority, who has taken or is taking an action in relation to the child as a vulnerable child; or*
 - (b) *without limiting paragraph (a) – an operator of child-related services, or an approved provider of an education and care service operated under the Education and Care Services National Law (NT), who provides, or is required to provide, services in relation to the child as a vulnerable child;*
- other than a public authority, person or body prescribed by regulation, or a court.*

A 'public authority' includes the Police Force. This can also include non-government organisations acting under an arrangement with a public authority.

The definition is broad. Key words are "who has taken or is taking an action in relation to the child as a vulnerable child". However, it is again limited by the idea of taking action in relation to 'the child as a vulnerable child'.

Young people who have left the CEOs care

Section 7(2) of the CC Act provides an extension to the definition of 'vulnerable child':

In addition, a young person who has left the CEO's care is taken to be a vulnerable child.

A 'young person who has left the CEOs care' is between 15 and 25 years old, was in the CEOs care for a continuous period of at least 6 months and is unlikely to be in the CEOs care again in the future (section 68 of the *Care and Protection of Children Act*).

The capacity to complain to the Children's Commissioner therefore extends to a young person who fits this description but only so far as the complaint relates to services to the person as a vulnerable child or as a young person who has left the CEO's care.

Police matters

Section 32(1) of the *Ombudsman Act* means that the Ombudsman may deal with a complaint that relates to an act or omission of a police officer even if it meets the grounds for a complaint to the Children's Commissioner.

This becomes problematic if the complaint involves an act or omission of a police officer and other people. This is likely to arise frequently in this context because police often operate as part of a team with other agency representatives. The Ombudsman will have no power to investigate aspects of a complaint that relate to other agencies.

It is also problematic because of the wording of section 24 of the CC Act which provides in subsection (1)(b) that the Children's Commissioner may decide not to deal with a complaint if it relates to an act or omission of a police officer but provides in subsection (3) that the Commissioner must refer the complaint to the Ombudsman for investigation and resolution if the complaint is covered by subsection (1)(b).

It is clearly not ideal for the Ombudsman to have to investigate one aspect of a complaint because it involves an act or omission of a police officer and for the Children's Commissioner to have to investigate the aspects that relate to acts or omissions of other agencies, particularly if the complaint is about a joint decision or action. The best course of action in these cases will need to be determined in consultation between the two offices, according to the particular circumstances of the case.

APPENDIX B – FINANCIAL STATEMENTS

OMBUDSMANS OFFICE FINANCIAL STATEMENT OVERVIEW

For the Year Ended 30 June 2014

The Ombudsman's role is to give people a timely, effective, efficient, independent, impartial and fair 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 2013-14 the net result for the Ombudsman's Office was a surplus of \$241,000. This surplus was primarily due to the downgrade of an executive level position to affect cost savings and delays in recruitment of additional staff due to difficulties finding suitably skilled applicants.

Operating expenses comprised \$1,406,000 for employee expenses (compared to \$1,625,000 in 2012-13) and \$619,000 for the purchase of goods and services (which includes \$353,000 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 2014 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
29 August 2014



SARAH SCHULTZ
BUSINESS MANAGER
29 August 2014

OMBUDSMAN'S OFFICE
COMPREHENSIVE OPERATING STATEMENT
For the year ended 30 June 2014

	Note	2014 \$000	2013 \$000
INCOME			
Appropriation			
Output		1 897	1 868
Sales of goods and services ^(b)		16	19
Goods and services received free of charge	4	353	340
Other income ^(b)			
TOTAL INCOME		2 265	2 227
EXPENSES			
Employee expenses		1 406	1 625
Administrative expenses			
Purchases of goods and services	5	218	228
Repairs and maintenance		2	3
Depreciation and amortisation	8	46	58
Other administrative expenses ¹		353	340
TOTAL EXPENSES		2 025	2 253
NET SURPLUS/(DEFICIT)		241	(26)
COMPREHENSIVE RESULT		241	(26)

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 2014

	Note	2014 \$000	2013 \$000
ASSETS			
Current Assets			
Cash and deposits	6	667	427
Receivables	7	19	2
Prepayments		3	5
Other assets		-	-
Total Current Assets		688	433
Non-Current Assets			
Property, plant and equipment	8	179	225
Other assets		-	-
Total Non-Current Assets		179	225
TOTAL ASSETS		867	658
LIABILITIES			
Current Liabilities			
Payables	9	68	40
Provisions	10	141	200
Total Current Liabilities		209	240
Non-Current Liabilities			
Provisions	10	49	49
Total Non-Current Liabilities		49	49
TOTAL LIABILITIES		257	289
NET ASSETS		610	369
EQUITY			
Capital		346	346
Accumulated funds		263	22
TOTAL EQUITY		610	369

The Balance Sheet is to be read in conjunction with the notes to the financial statements.

OMBUDSMAN'S OFFICE
STATEMENT OF CHANGES IN EQUITY
For the year ended 30 June 2014

	Note	Equity at 1 July \$000	Comprehensive result \$000	Transactions with owners in their capacity as owners \$000	Equity at 30 June \$000
2013-14					
Accumulated Funds		22	241		263
Capital – Transactions with Owners					
Equity injections					
Capital appropriation		573			573
Equity transfers in		(346)			(346)
Other equity injections		171			171
Equity withdrawals					
Capital withdrawal ^(d)		(52)			(52)
		346			346
Total Equity at End of Financial Year		369	241		610
2012-13					
Accumulated Funds		49	(26)		22
Capital – Transactions with Owners					
Equity injections					
Capital appropriation		573			573
Equity transfers in		(346)			(346)
Other equity injections		161		10	171
Equity withdrawals					
Capital withdrawal ^(d)		(52)			(52)
		336			346
Total Equity at End of Financial Year		385	(26)	10	369

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 2014**

	Note	2014 \$000	2013 \$000
CASH FLOWS FROM OPERATING ACTIVITIES			
Operating Receipts			
Appropriation			
Output		1 897	1 868
Receipts from sales of goods and services		13	40
Total Operating Receipts		1 910	1 908
Operating Payments			
Payments to employees		(1 465)	(1 605)
Payments for goods and services		(206)	(275)
Total Operating Payments		(1 671)	(1 880)
Net Cash From/(Used in) Operating Activities	11	240	28
CASH FLOWS FROM FINANCING ACTIVITIES			
Financing Receipts			
Equity injections			
Other equity injections			10
Total Financing Receipts			10
Net Cash From/(Used in) Financing Activities			10
Net increase/(decrease) in cash held		240	38
Cash at beginning of financial year		427	389
CASH AT END OF FINANCIAL YEAR	6	667	427

The Cash Flow Statement is to be read in conjunction with the notes to the financial statements.

OMBUDSMAN'S OFFICE
NOTES TO THE FINANCIAL STATEMENTS
For the year ended 30 June 2014

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
 10. Provisions
- 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

OMBUDSMAN'S OFFICE
NOTES TO THE FINANCIAL STATEMENTS
For the year ended 30 June 2014

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 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.

Additional information in relation to the Ombudsman and its principal activities may be found in the Ombudsman's Annual Report.

2. STATEMENT OF SIGNIFICANT ACCOUNTING POLICIES

a) Basis of Accounting

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 for the NT 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.

The financial statements have been prepared using the accrual basis of accounting, which recognises 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 standards do not impact the financial statements.

b) Agency and Territory Items

The financial statements of Ombudsman for the NT include income, expenses, assets, liabilities and equity over which the Ombudsman for the NT 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.

OMBUDSMAN'S OFFICE
NOTES TO THE FINANCIAL STATEMENTS
For the year ended 30 June 2014

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.

c) Comparatives

Where necessary, comparative information for the 2012-13 financial year has been reclassified to provide consistency with current year disclosures.

d) 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.

e) Changes in Accounting Policies

There have been no changes to accounting policies adopted in 2013-14 as a result of management decisions.

f) 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(r) and Note 10: 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(j), Note 8: Property, Plant and Equipment.

g) 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.

OMBUDSMAN'S OFFICE
NOTES TO THE FINANCIAL STATEMENTS
For the year ended 30 June 2014

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.

h) 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.

Grants and Other Contributions

Grants, donations, gifts and other non-reciprocal contributions are recognised as revenue when the agency obtains control over the assets comprising the contributions. Control is normally obtained upon receipt.

Contributions are recognised at their fair value. Contributions of services are only recognised when a fair value can be reliably determined and the services would be purchased if not donated.

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.

OMBUDSMAN'S OFFICE
NOTES TO THE FINANCIAL STATEMENTS
For the year ended 30 June 2014

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.

i) Repairs and Maintenance Expense

Funding is received for repairs and maintenance works associated with agency assets as part of output revenue. Costs associated with repairs and maintenance works on agency assets are expensed as incurred.

j) 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:

	2014	2013
Plant and Equipment	10 years	10 years
Computer Software	6 years	6 years

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

k) Interest Expense

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

l) 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.

m) 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.

OMBUDSMAN'S OFFICE
NOTES TO THE FINANCIAL STATEMENTS
For the year ended 30 June 2014

n) 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.

Construction (Work in Progress)

As part of the financial management framework, the Department of Infrastructure is responsible for managing general government capital works projects on a whole of Government basis. Therefore appropriation for capital works is provided directly to the Department of Infrastructure and the cost of construction work in progress is recognised as an asset of that Department. Once completed, capital works assets are transferred to the agency.

o) 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. 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.

OMBUDSMAN'S OFFICE
NOTES TO THE FINANCIAL STATEMENTS
For the year ended 30 June 2014

Impairment losses are recognised in the Comprehensive Operating Statement. They are disclosed as an expense unless the asset is carried at a revalued amount. Where the asset is measured at a revalued amount, the impairment loss is offset against the asset revaluation surplus for that class of asset to the extent that an available balance exists in the asset revaluation surplus.

In certain situations, an impairment loss may subsequently be reversed. Where an impairment loss is subsequently reversed, the carrying amount of the asset is increased to the revised estimate of its recoverable amount. A reversal of an impairment loss is recognised in the Comprehensive Operating Statement as income, unless the asset is carried at a revalued amount, in which case the impairment reversal results in an increase in the asset revaluation surplus.

p) 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.

q) 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.

r) 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.

OMBUDSMAN'S OFFICE
NOTES TO THE FINANCIAL STATEMENTS
For the year ended 30 June 2014

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.

s) 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.

t) 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.

u) 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.

OMBUDSMAN'S OFFICE
NOTES TO THE FINANCIAL STATEMENTS
For the year ended 30 June 2014

3. COMPREHENSIVE OPERATING STATEMENT BY OUTPUT GROUP

	Note	Ombudsman Operations		Corporate and Governance		Total	
		2014	2013	2014	2013	2014	2013
		\$000	\$000	\$000	\$000	\$000	\$000
INCOME							
Appropriation							
Output		1897				1897	1868
Sales of goods and services ^(b)		16				16	19
Goods and services received free of charge	4	353				353	340
Other income ^(b)							
TOTAL INCOME		2265				2265	2227
EXPENSES							
Employee expenses		1237		168		1406	1625
Administrative expenses							
Purchases of goods and services	5	168		50		218	228
Repairs and maintenance		2				2	3
Depreciation and amortisation	8	46				46	58
Other administrative expenses ¹		299		54		353	340
TOTAL EXPENSES		1753		272		2025	2253
NET SURPLUS/(DEFICIT)		513		272		241	(26)
COMPREHENSIVE RESULT		513		272		241	(26)

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.

OMBUDSMAN'S OFFICE
NOTES TO THE FINANCIAL STATEMENTS
For the year ended 30 June 2014

	2014 \$000	2013 \$000
4. GOODS AND SERVICES RECEIVED FREE OF CHARGE		
Corporate and information services	353	340
	353	340
5. PURCHASES OF GOODS AND SERVICES		
The net surplus/(deficit) has been arrived at after charging the following expenses:		
Goods and services expenses:		
Consultants ⁽¹⁾	-	-
Advertising ⁽²⁾	-	6
Marketing and promotion ⁽³⁾	-	-
Document production	5	6
Legal expenses ⁽⁴⁾	-	-
Recruitment ⁽⁵⁾	-	35
Training and study	18	14
Official duty fares	4	1
Travelling allowance	2	1
	30	62
⁽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.		
⁽⁵⁾ Includes recruitment-related advertising costs.		
6. CASH AND DEPOSITS		
Cash on hand	0	1
Cash at bank	666	426
	667	427
7. RECEIVABLES		
Current		
Accounts receivable	17	-
Less: Allowance for impairment losses	-	-
	17	-
GST receivables	2	2
Non-Current		
Other receivables	-	-
	-	-
Total Receivables	19	2

OMBUDSMAN'S OFFICE
NOTES TO THE FINANCIAL STATEMENTS
For the year ended 30 June 2014

	2014 \$000	2013 \$000
8. PROPERTY, PLANT AND EQUIPMENT		
Plant and Equipment		
At fair value	72	72
Less: Accumulated depreciation	(72)	(71)
	-	-
Computer Software		
At capitalised cost	400	400
Less: Accumulated depreciation	(222)	(176)
	179	224
Leased Computer Software		
At capitalised cost	9	9
Less: Accumulated depreciation	(9)	(9)
	0	0
Total Property, Plant and Equipment	179	225

2014 Property, Plant and Equipment Reconciliations

A reconciliation of the carrying amount of property, plant and equipment at the beginning and end of 2013-14 is set out below:

	Plant and Equipment \$000	Computer Software \$000	Leased Computer Software \$000	Total \$000
Carrying Amount as at 1 July 2013	0	224	-	225
Additions	-	-	-	-
Disposals	-	-	-	-
Depreciation	-	(46)	-	(46)
Revaluation increments/(decrements)	-	-	-	-
Impairment losses ^(a)	-	-	-	-
Other Movements	-	-	-	-
Carrying Amount as at 30 June 2014	-	179	-	179

OMBUDSMAN'S OFFICE
NOTES TO THE FINANCIAL STATEMENTS
For the year ended 30 June 2014

8. PROPERTY, PLANT AND EQUIPMENT (continued)

2013 Property, Plant and Equipment Reconciliations

A reconciliation of the carrying amount of property, plant and equipment at the beginning and end of 2012-13 is set out below:

	Plant and Equipment \$000	Computer Software \$000	Leased Computer Software \$000	Total \$000
Carrying Amount as at 1 July 2012	13	270	-	283
Additions	-	-	-	-
Disposals	-	-	-	-
Depreciation	(12)	(46)	-	(58)
Revaluation increments/(decrements)	-	-	-	-
Impairment losses ^(a)	-	-	-	-
Other Movements	-	-	-	-
Carrying Amount as at 30 June 2013	0	224	-	225

9. PAYABLES

	2014 \$000	2013 \$000
Accounts payable	30	5
Accrued expenses	38	35
Other payables	-	-
Total Payables	68	40

10. PROVISIONS

Current

Employee benefits

Recreation leave	99	128
Leave loading	14	11
Other employee benefits	1	5

Other current provisions

Other provisions (FBT, Payroll Tax, Superannuation)	28	56
	141	200

Non-Current

Employee benefits

Other employee benefits <describe where material>	49	49
	49	49

Total Provisions

189	249
------------	------------

The Agency employed 11 employees as at 30 June 2014 (13 employees as at 30 June 2013).

OMBUDSMAN'S OFFICE
NOTES TO THE FINANCIAL STATEMENTS
For the year ended 30 June 2014

	2014	2013
	\$000	\$000
11. NOTES TO THE CASH FLOW STATEMENT		
Reconciliation of Cash		
The total of agency 'Cash and deposits' of \$667 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		
Net Surplus/(Deficit)	241	(26)
<i>Non-cash items:</i>		
Depreciation and amortisation	46	58
<i>Changes in assets and liabilities:</i>		
Decrease/(Increase) in receivables	(17)	7
Decrease/(Increase) in prepayments	2	(5)
(Decrease)/Increase in payables	28	(27)
(Decrease)/Increase in provision for employee benefits	(31)	(5)
(Decrease)/Increase in other provisions	(28)	26
Net Cash from Operating Activities	240	28

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 NT include cash and deposits, receivables, payables and finance leases. The Ombudsman NT 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.

	Aging of Receivables	Aging of Impaired Receivables	Net Receivables
	\$000	\$000	\$000
External Receivables			
2013-14			
Not overdue	19		19
Total	19		19
2012-13			
Not overdue	2		2
Total	2		2

OMBUDSMAN'S OFFICE
NOTES TO THE FINANCIAL STATEMENTS
For the year ended 30 June 2014

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 Ombudsman NT 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

Operating Lease Commitments

The agency leases property under non-cancellable operating leases expiring from 1 to 2 years. Leases generally provide the agency with a right of renewal at which time all lease terms are renegotiated. The agency also leases items of plant and equipment under non-cancellable operating leases. Future operating lease commitments not recognised as liabilities are payable as follows:

	2014 Internal ^(a)	2014 External ^(a)	2013 Internal ^(a)	2013 External ^(a)
Within one year		3		7
Later than one year and not later than five years		2		5
		5		12

14. CONTINGENT LIABILITIES AND CONTINGENT ASSETS

The Ombudsman for the NT had no contingent liabilities or contingent assets as at 30 June 2014 or 30 June 2013.

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 for the NT had no write-off's postponements or waivers as at 30 June 2014 or 30 June 2013.

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.