



Integrity NT

Ombudsman

Annual Report

2025-26

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Chapter 1 - Message from the Ombudsman

It is my pleasure to present the Northern Territory Ombudsman's Annual Report for 2025-26.

This reporting period has been marked by continued demand for our services and significant organisational change as preparations progressed for the commencement of the Office of the Integrity and Ethics Commissioner (OIEC). Despite these challenges, the Office maintained its focus on delivering independent, impartial and accessible oversight services to the Northern Territory community.

During the year, we received 2,308 new approaches and finalised 2,286 matters. Importantly, matters within our jurisdiction increased significantly, reflecting growing demand for our services. Despite this increased workload, staff continued to achieve strong timeliness outcomes and remained committed to providing high-quality services to complainants, public authorities and the wider community.

The complaints and investigations discussed throughout this report provide valuable insights into the operation of public administration in the Northern Territory. They highlight the importance of timely decision-making, effective communication, procedural fairness and accessible complaint handling. They also demonstrate the important role that independent oversight plays in strengthening public confidence and supporting continuous improvement across government.

Alongside our complaint handling and investigation functions, the Office continued to work collaboratively with agencies and stakeholders to promote better administrative practice, support organisational learning and contribute to improvements in public sector service delivery.

As this report demonstrates, the transition to the OIEC has not diminished our commitment to the people of the Northern Territory. Rather, it provides an opportunity to strengthen integrity, oversight, engagement and prevention functions within a single organisation and build on the foundations established by the Ombudsman's Office over many years.

I thank all relevant Northern Territory government agencies, local government councils, Northern Territory Police and other stakeholders for their cooperation during the year.

I also acknowledge the professionalism, expertise and dedication of our staff, whose commitment to fairness, integrity, respect, professionalism and accountability underpins everything we do. My particular thanks go to Bronwyn Haack, who ably acted as Ombudsman for the bulk of the reporting period, and to Candice Maclean, who also acted for a time.

As we move into a new chapter under the OIEC, we remain committed to supporting fair and accountable public administration and maintaining public confidence in the integrity of government institutions.

Peter Shoyer
Integrity and Ethics Commissioner (as Ombudsman)

30 September 2026

Key statistics

TOTAL APPROACHES

2025-26

2,308

2024-25

2,293

Comprises all enquiries and complaints, including matters referred to another body or found to be outside jurisdiction.

WE FINALISED 57 MORE APPROACHES THAN LAST YEAR

2025-26

2,286

2024-25

2,229

Includes approaches carried over from the previous year and approaches re-opened after the end of that year.

79%

of Police approaches finalised within 90 days compared to target of 80%

2024-25

87% achieved

90%

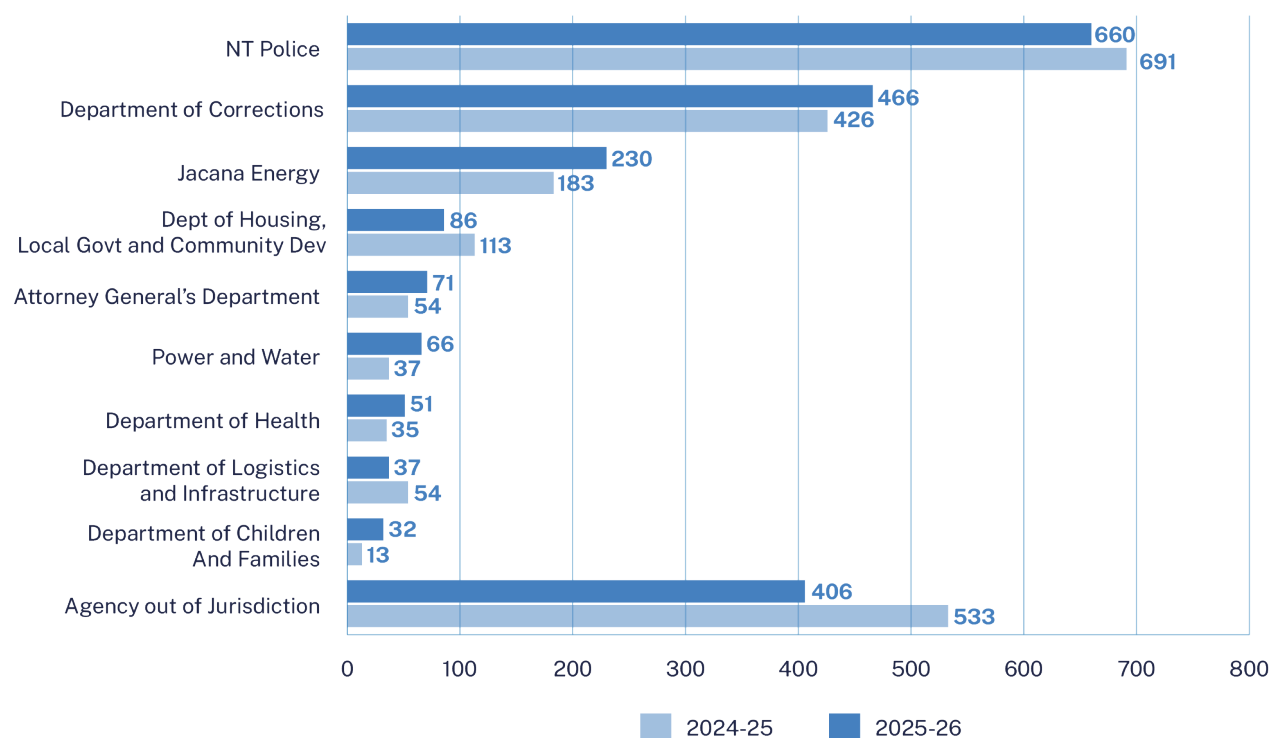
of general approaches finalised within 28 days compared to target of 90%

2024-25

91% achieved

This report covers the period from 1 July 2025 to 30 June 2026. The Office of the NT Ombudsman became part of the broader Office of the Integrity and Ethics Commissioner on 1 June 2026. This report therefore focusses on the work of the Ombudsman leading up to that change but also refers to relevant aspects of the OIEC's work after that date. For ease of reference, the report will primarily refer to the Ombudsman.

Agencies most raised with the Ombudsman



The top 3 agencies remained unchanged from last year, with the Department of Corrections and Jacana Energy recording higher numbers of approaches than in 2024-25, while there was a decrease in NT Police approaches.¹

The Department of Housing, Local Government and Community Development recorded fewer approaches, while the Attorney-General's Department and Power and Water had an increase in the number of approaches. It is worth noting that even for the top 9 agencies, approach numbers vary over a broad range from a relatively low number to a substantial proportion of approaches received. Outside of jurisdiction approaches are included to aid comparison.

Vision, mission, core values

The Ombudsman's Office is subject to change as it transitions to the Office of the Integrity and Ethics Commissioner (OIEC).

The Ombudsman's Office continued to remain grounded in its core values, mission and vision. Fairness, integrity, respect, professionalism and accountability guided decision-making, service delivery and engagement throughout the year. This strong values-based foundation was supported by staff information and engagement sessions to discuss and re-affirm commitment to these.

The Ombudsman NT:

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

¹ NT Police approach numbers on page 3 of the 2024-25 Annual Report recorded only approaches relating to police conduct. There were also 40 approaches in that year relating to NT Police administrative actions. Such approaches are included in the above table to provide a comprehensive comparison.

The Office's Vision, Mission and Core Values are set out below. As the organisation transitions to the OIEC, these will be reviewed and refined to establish a consistent framework for the new organisation.

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)

Provide 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.

Chapter 2 - The Ombudsman's Office

The way we work

The *Ombudsman Act 2009* (the Act) provides that our job is to:

- a) give people a timely, effective, efficient, independent, impartial and fair way of investigating, and dealing with complaints about, administrative actions of public authorities and conduct of police officers; and
- b) improve the quality of decision-making and administrative practices in public authorities.

To do our job, we adopt a broad range of strategies as outlined below.

Approaches – enquiries and complaints

The bulk of our effort is spent in dealing with approaches to the Office. In dealing with approaches, we emphasise speedy and informal resolution of issues, with agencies as far as possible taking responsibility for resolution of matters involving them. We focus on achieving fair treatment and outcomes for complainants. We do not represent or give legal advice to complainants. Approaches are discussed further in Chapter 3.

Police conduct complaints

Complaints about police conduct have their own statutory framework set out in the Act. While the emphasis remains on speedy and informal resolution of matters, more serious matters are subject to comprehensive investigation and reporting. In these cases, investigations are usually carried out by the NT Police Professional Standards Command (PSC) under Ombudsman oversight. Information on police conduct cases is set out in Chapter 6.

Major investigations

Complex investigations involve major commitment of resources and usually involve systemic issues. These may be initiated by a complaint or on the Ombudsman's own initiative. The reality is that nearly all approaches and complaints are finalised without the need for a separate tabled report, even if there has been a formal investigation.

Law enforcement auditing and investigation

We have ongoing statutory obligations to audit-investigate and report on law enforcement use of surveillance devices, controlled operations powers, and telecommunications interception powers. Reports on surveillance devices and controlled operations powers are tabled in the Legislative Assembly on a regular basis and are available on our website.

Quality improvement

Working with agencies and stakeholders in a co-operative manner outside the formal investigation process and facilitating exchange of information between agencies about initiatives and developments in public administration. This includes training and presentations to public sector bodies and officers as listed in Chapter 8. We also provide advice on policies and complaints handling procedures.

Community and stakeholder engagement

Other issues can be raised, clarified, and resolved through stakeholder meetings, presentations, and public discussions or through provision of information and links to information, e.g. on the Ombudsman website.

For further information on our strategies see What we do and how we do it, at: <https://ombudsman.nt.gov.au/about-us-what-we-do-and-how-we-do-it>.

Our approach to the work we do

Key drivers that guide how we operate include:

- **Independence.** We have a statutory requirement to act independently. That independence has been strongly maintained in the 48 years since the Office commenced. It is reinforced by special provisions around appointment and termination of the Ombudsman and by annual appearances before a parliamentary committee.
- **Impartiality.** We make every effort to ensure that complainants get a fair go in their dealings with government. However, we do not represent complainants or provide legal advice to them. We assess and investigate complaints without taking the side of government or complainants.
- **Legislative scope.** While independent, we are bound to comply with the law and act within the limits set by the Act. Our powers relate to administrative actions of public authorities and police conduct. There are some areas of government we are excluded from investigating, e.g. decisions of courts and ministers. If we cannot help, we try to suggest alternatives.
- **Individual and systemic approaches.** Our initial focus is on resolving individual complaints in a timely manner. However, individual complaints, or a group of them, may point to systemic issues that should be addressed to facilitate better government for the future. In such cases, we try to resolve the immediate issue but may continue to investigate the systemic issues.
- **Recommendation only.** We make recommendations. While our recommendations are generally considered carefully by public authorities, we do not provide an enforceable outcome. This may influence whether we are the best forum for a complainant who is seeking a particular outcome, e.g. an order for monetary compensation.
- **Best forum.** We consider whether there is a better forum for a complainant, depending on our powers, the nature of their concerns and what they are seeking to achieve. Other complaint-review bodies include the NT Anti-Discrimination Commission, Children's Commissioner, courts, and tribunals. To avoid unnecessary duplication of investigations we may refer a complaint or suggest a better alternative.
- **Investigations in private.** While we keep complainants and agencies updated on the progress of investigations, the Act requires us to investigate in private. We publish the outcome of a cross-section of complaints and investigations in tabled reports (either separate investigation reports or in our Annual Report).
- **Priority.** We have to act within available resources and accordingly make decisions on whether and how complaints should be dealt with based on our assessment of what best serves the public interest, bearing in mind the objects and provisions of the Act and other relevant legislation.

Our priorities

Our strategic priorities guide how we operate and how we determine our priorities in dealing with public authorities. A copy of the Strategic Priorities for the Office is available online at: <https://ombudsman.nt.gov.au/about-us-our-policies>.

As the organisation transitions to the Office of the Integrity and Ethics Commissioner, these will be reviewed and incorporated into the strategic priorities of the organisation as a whole.

Fair and Open

There is an ongoing need for government to ensure its systems are fair, relevant and accommodate the needs of the community and the individuals and businesses on which they impact. This includes maintaining clear communication about the functions, rights and responsibilities of those involved and being transparent about government decision-making.

Diversity

In the conduct of government and the provision of government services, it is essential to take account of the many and varied needs and rights of individual Territorians to ensure that each Territorian has a realistic opportunity to participate in the functioning of government and has reasonable access to government services.

Prevention

Major problems facing government are often the outcome of underlying issues that have escalated over time. There can be a tendency to devote more resources to obvious and acute outcomes than to tackling first-tier issues in a way that prevents or limits the potential for escalation. It is important for government to take the initiative and address root causes. This involves planning and system design that acknowledges and incorporates risk assessment.

Partnership

In a federal system, in a rapidly changing environment, with many government and nongovernment stakeholders able to contribute to solutions, it is imperative for government to co-operate and engage widely and enter partnerships with a broad range of interested parties to meet its objectives.

Foundations

Government is a key provider of services that establish strong foundations for a vibrant and cohesive community. These include health, energy and water, education, housing, justice, sustainable environment and family and community support.

For further information on our approach to our functions, see What we do and how we do it, at: <https://ombudsman.nt.gov.au/about-us-what-we-do-and-how-we-do-it>.



Chapter 3 - Approaches and Complaints

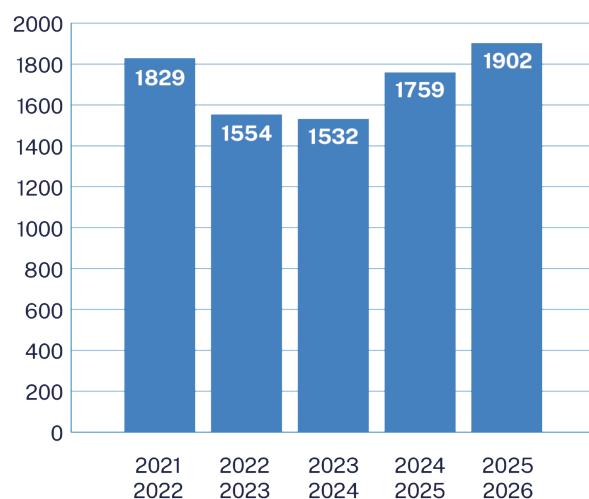
Number of approaches

In 2025-26, the Office received 2,308 new approaches, representing a slight increase from 2,293 in 2024-25. These approaches ranged from simple enquiries and requests for information to complex complaints requiring detailed assessment and investigation.

The Office received some approaches that were outside its jurisdiction. In these cases, staff provided information about the appropriate organisation to contact, guidance on making an effective complaint and, where additional support was required, referred the complainant's concerns directly to the relevant agency.

Of the approaches received, 1,902 were within the Office's jurisdiction, compared with 1,759 in 2024-25, representing an increase of 143 matters and a material increase to the Office's workload.

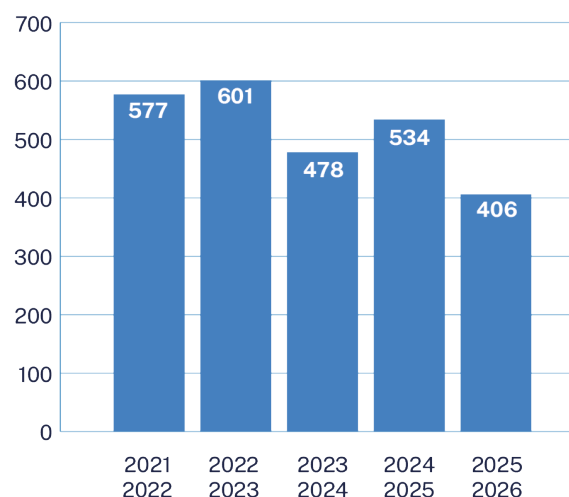
IN JURISDICTION APPROACHES



The number and complexity of approaches can vary from year to year, creating challenges in workload management. Despite the increase in matters received, the Office has met or only very narrowly missed its timeliness targets. This outcome reflects staff's dedication, professionalism, and sustained commitment to delivering high-quality services.

During 2025-26, the Office recorded a decrease in the number of out-of-jurisdiction approaches, from 534 in 2024-25 to 406 this reporting year. As with other variations in approach volumes, it is not possible to attribute this change to any single factor, but this reduction was welcome as it enabled staff to focus on matters where the Office is able to provide assistance.

OUT OF JURISDICTION APPROACHES

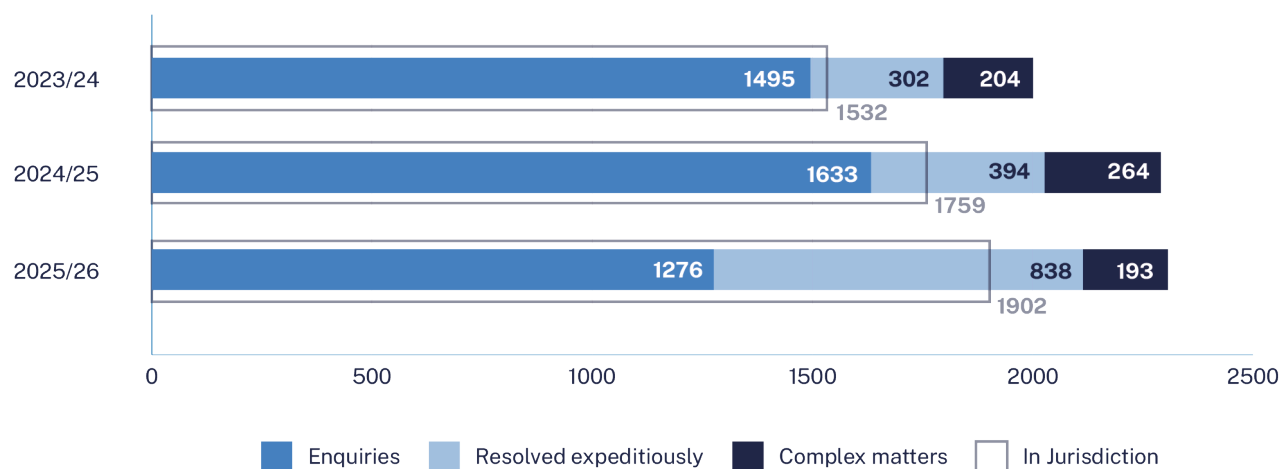


Complexity of matters received

This year the number of 'complex' matters received reduced to 193 from a high of 264 in 2024-25. However, there was a substantial increase in the proportion of matters that were 'resolved expeditiously' by the Office and can require a significant amount of work to provide an outcome, as opposed to 'enquiries' which require comparatively less effort. Overall, the proportion of more involved matters (complex and resolved expeditiously) increased from 29% in the previous year to 45%.

Many of the complex matters dealt with by the office are related to police complaints which is covered in more detail in **Chapter 7**.

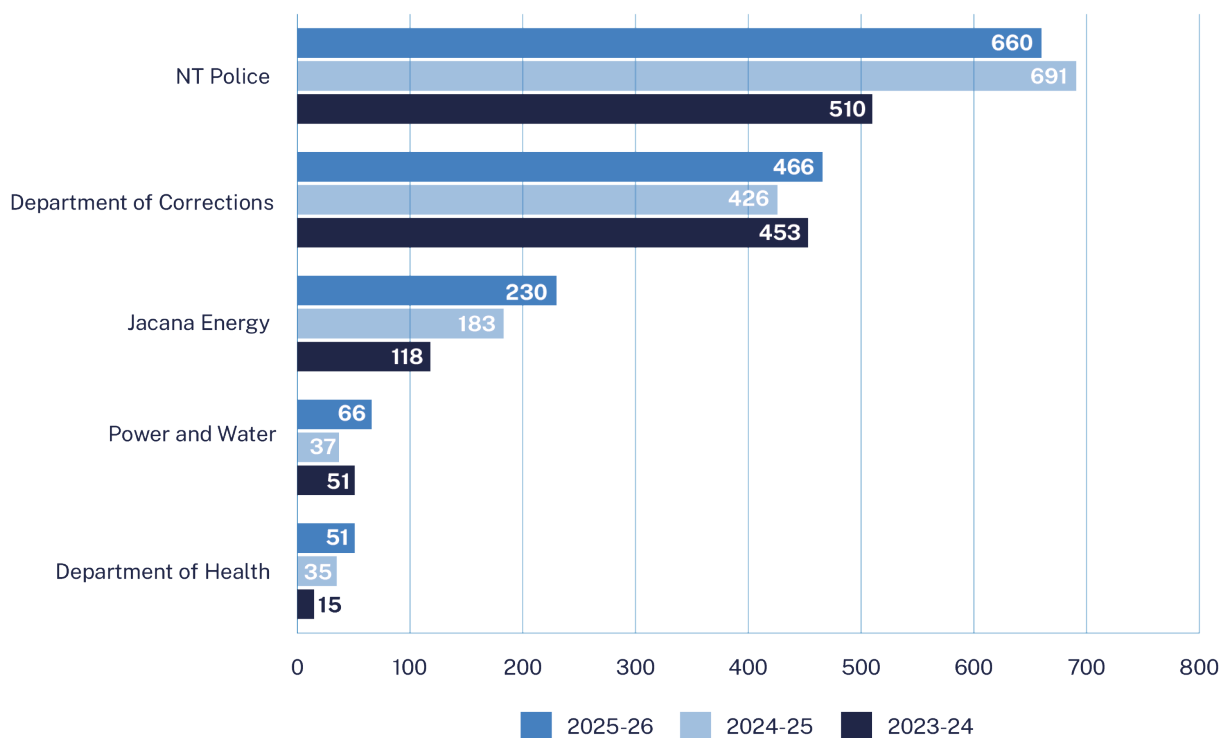
COMPLEXITY OF MATTERS RECIEVED



Note: Does not include a small number of policy advice matters that are not categorised for complexity.

Variations at agency level

Some notable variations in approaches by agency compared to the prior two years are shown below. The majority of the other agencies not depicted in the graph either declined, stayed at a relatively consistent level compared with the previous year or were unable to be accurately compared due to machinery of government (MOG) changes.



Police approach numbers decreased from 691 in 2024-25, to 660 in 2025-26. Importantly, the 2024-25 approaches represented a 35% increase in police complaints on the previous year. While 2025-26 represents a slightly lower figure from the previous year, it is still significantly higher than 2023-24. There has also been an increase in the complexity of issues reported, including use of force incidents, requiring a significant increase of time for staff to review body worn footage prior to categorising a matter.

The office also receives a number of approaches about police services that do not relate to officer conduct. These may include, for example, the installation of CCTV, the processing of working with children checks and other general administrative and employment functions.

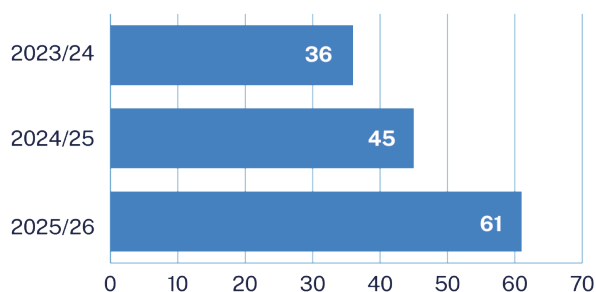
Corrections saw an increase in approaches of 9%. Further discussion and analysis of issues raised in complaints about Corrections is included at Chapter 5.

Notably, approaches about Jacana Energy increased by 26%, while approaches about Power and Water increased by 78%. Given the interrelated nature of the services provided by those agencies and their close operational relationship, it is not always clear which agency should be recorded as the ‘respondent’ in our complaint management system, and their complaint numbers are more meaningfully considered together as a collective. This is discussed in more detail in Chapter 4.

The Department of Health also saw an increase over the 3 years shown above, though the total number of approaches are not excessive for an agency of that size.

Approaches relating to local government councils increased from 45 in the previous year to 61 this year. Whilst these approaches represent a small number when compared to the yearly total of approaches to the Office, this continues a gradual upward trend observed over the past 3 years.

LOCAL GOVERNMENT COUNCILS - APPROACHES



Upon investigation, the increase appears to be largely attributable to a small number of repeat complainants rather than a broader increase across the sector. The Office will continue to monitor complaint trends and engage with councils where appropriate to support effective complaint handling, including the effective management of repeat complainants.

The Office also continues to monitor complaints about council parking infringements. While the number of complaints does not suggest a systemic issue, matters involving the PayStay app highlight the need for flexible responses to technology-related challenges although the office supports the appropriate use of technology in service delivery.

Case Example:

Key issue: Failure to properly consider relevant circumstances resulting in inflexible application of policy.

Ms J complained to our office after a council upheld two parking infringement notices. Ms J had paid for parking through the PayStay app but had mistakenly entered her vehicle registration incorrectly, confusing the letter “O” with the number “0”.

Following enquiries by our office, the council conducted a further review and accepted that Ms J had made reasonable attempts to pay for parking on both occasions. The council withdrew both infringement notices and acknowledged that the matter should have been resolved during the original review process.

Outcome

The complaint was substantiated. Although Ms J had paid for parking, her circumstances were not adequately considered during the internal review process, resulting in the infringement notices being upheld. Following our involvement, the council withdrew the notices and committed to improving its review procedures, including escalating similar matters for management’s consideration.

Learnings for agencies

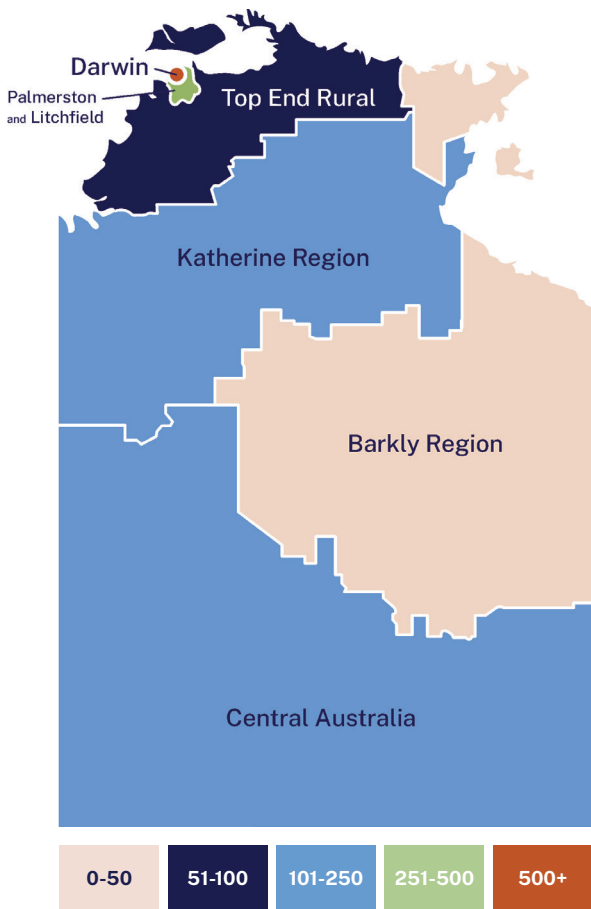
Decision-makers should consider all relevant circumstances and available evidence when reviewing complaints or requests for review. Clear escalation pathways can help ensure complex or exceptional cases receive appropriate oversight and fair consideration. Every matter should be assessed on its merits and with reasonableness and fairness in mind: inflexibility in applying policy can result in unfair outcomes.

Demographic information

Establishing the demographic make-up of people who approach the Office continues to be difficult. People who make a brief phone call or contact us using e-mail or the online complaint form may not provide an address that shows the region where they live. The map showing region of approaches therefore excludes a large number of ‘unknowns’, as well as approaches made by prisoners.

For similar reasons, it can be difficult to establish in the course of dealing with an approach whether an enquirer identifies as Indigenous. Our Office considers it important to obtain such information to help us identify any gaps in service provision and ways to improve our service.

We use a demographic information script for our staff to explain to enquirers why obtaining information of this type is important and ask questions about region, Indigenous status and how they found out about the Office. The script and questions have been incorporated into our online complaints form. However, as we stress to those individuals that contact us, it remains a matter of their personal choice whether they wish to answer any of these questions.



East Arnhem Region Total	20
Barkly Region Total	27
Top End Rural Total	74
Katherine Region Total	121
Central Australia Total	229
Palmerston/Litchfield Total	298
Darwin Region Total	817

Of the 2,308 approaches to the office, 1,188 did not disclose this information.

Of the 1,120 who did disclose this information, 512 or 46% identified as indigenous or representing an indigenous person, which is the same percentage as last year.

Indigenous

46%

Not Indigenous

54%

How initial approaches are made

APPROACHES BY PHONE

2025-26

49%

2024-25

52%

APPROACHES BY EMAIL OR ONLINE

2025-26

34%

2024-25

29%

APPROACHES REFERRED

2025-26

14%

2024-25

17%

The Office provides a range of contact options to ensure accessible services for a diverse range of people. These include telephone services, a dedicated line for people in correctional custody, an online complaint form and a public counter service.

In 2025-26, telephone contact remained the most common method of initial approach. The Office received 1,121 telephone enquiries and complaints, representing 49% of all initial contacts and remaining broadly consistent with 2024-25 levels. By comparison, 783 people made initial contact by email or online, which is an increase from the 666 people who contacted us by email or online in 2024-25.

These figures record only the initial approach. People often use multiple contact methods throughout the management of a matter.

Referred approaches continue to account for a significant proportion of initial contacts. This largely reflects the referral of police complaints to the Office under the relevant Act and in accordance with the police complaints agreement, a copy of which can be found at Appendix B.

The Office also receives enquiries and complaints by post and through in-person visits. These channels remain important for people who may face barriers to accessing online services, including limited literacy, language barriers, disability, limited internet access, or low digital literacy.

For some individuals, direct engagement with Office staff provides the most effective and accessible means of seeking assistance. Maintaining a range of contact options supports equitable access to the Office's services and helps uphold public confidence in the Office's role and functions.

How quickly approaches are dealt with

In 2025-26, 2,286 approaches to the Office were finalised, which is a slight increase from 2,229 in 2024-25. Of the matters finalised in 2025-26, 93% were completed within 90 days, compared with 95% in 2024-25.

This year, 90% of general ombudsman matters were finalised in 28 days or less, meeting our target of 90% for general ombudsman matters. However, only 79% of police matters were able to be finalised within 90 days or less, slightly below our target of 80%. The longer timeframe in the target reflects that police complaints, by their nature, tend to be more complex and consequently take more time to investigate and address.

TIME TAKEN TO FINALISE – APPROACHES FINALISED IN 2025-26

	Up to 7 days	8 to 28 days	29 to 90 days	91 to 180 days	Over 180 days	Total
Police	30%	24%	25%	12%	9%	548
Other	63%	27%	7%	1%	1%	1,738
Overall	55%	26%	11%	4%	3%	2,286

Note: Figures may not add up to 100% due to rounding.

AGE OF OPEN MATTERS - 30 JUNE - COMPARISON BETWEEN 2024-25 AND 2025-26

	Up to 7 days		8 to 28 days		29 to 90 days		91 to 180 days		Over 180 days	
	24-25	25-26	24-25	25-26	24-25	25-26	24-25	25-26	24-25	25-26
Police	13	8	16	29	30	44	29	28	12	32
Other	16	14	18	6	5	5	10	2	4	7
Total	29	22	34	35	35	49	39	30	16	39

Although the overall number of police-related matters decreased during the reporting period, the age of open matters increased. The establishment of the OIEC provides opportunities for more flexible resource allocation, supporting the timely progression and resolution of matters.

In the general ombudsman area (the 'Other' row in the above tables) there has been a decrease in the age of open matters, which represents a concerted effort to provide timely outcomes for complainants.

Referrals and declining of approaches

There are a number of reasons why we may not accept or may discontinue an approach, including:

- **Referral to agency.** We maintain the view, strongly supported under the Act, that the relevant agency should be given the opportunity to resolve a complaint in the first instance. For this reason, we continue to maintain the practice that unless a case involves an element of urgency or particular sensitivity, enquirers who come to our Office without first addressing their concerns with the relevant agency will usually be assisted by our staff to make contact with the agency.
- **Referral to another independent body.** There are cases where another complaints or review body has sole jurisdiction in relation to the subject of an approach or where we share jurisdiction. We may refer the complainant or the complaint to the other body if we consider it is better placed to deal with the case.
- **Unnecessary or unjustified.** We may decline to deal with a complaint for a variety of reasons, including that it is trivial, frivolous, vexatious or not made in good faith, that the complainant does not have a sufficient direct interest, that investigation is unnecessary or unjustified, or that the action complained of has been or will be investigated by another complaints body.
- **Outside jurisdiction.** In some cases, we may not have the power to investigate a matter, but we may be able to point the enquirer in the right direction. For example, an approach may be about a private sector service provider or an Australian Government department.

In some cases, we make preliminary enquiries or require investigations to be undertaken by an agency, to establish whether we have jurisdiction and whether we should proceed further. This, in itself, may take considerable time and effort before a decision is made on the approach we will take. Where we refer an individual, if we think they may need additional assistance, our staff will either spend time to assist the person with being able to make their complaint to the agency in a way which the agency will be able to respond to or we may contact the agency or independent body with an outline of the concerns and ask it to respond directly to the enquirer. Additionally, we may ask an agency to advise us of the outcome depending on the nature of the matter. The individual contacting us is advised that they can contact us again if they are unsatisfied with the response of the agency.

Referral to another independent body

In some cases, other complaint and investigative bodies have exclusive jurisdiction to deal with matters, while in others we may share jurisdiction. We have referred inquiries of this kind to another entity either informally or formally under section 32 of the Act.

NT bodies of this type include:

- Independent Commissioner Against Corruption;
- Information Commissioner;
- Children's Commissioner;

- Health and Community Services Complaints Commission;
- Anti-Discrimination Commission.

To assist with the smooth referral of complaints and exchange of information between offices, we have entered into memorandums of understanding covering the practical aspects of referrals, confidentiality, information sharing, sharing of resources and minimising the risk of duplication.

The transition to the Office of the Integrity and Ethics Commissioner has brought a number of complaint and integrity functions together under one agency. While this simplifies some referral pathways, it also requires careful management of matters involving overlapping jurisdictions. Appropriate governance arrangements are being established to ensure matters are allocated and managed independently, transparently and in accordance with legislative requirements.

Outside jurisdiction

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

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.

Our practice with 'outside jurisdiction' cases, is to attempt to either provide contact details or put the enquirer in touch with an entity that can assist them. In 2025-26, we dealt with 406 outside jurisdiction approaches compared with 534 in the previous year. Whilst this year the number has declined, this is still a significant amount of work for the office.

The most common places that we have referred matters to in this reporting period are listed below:

- Consumer Affairs
- Fair Work Ombudsman
- Health & Community Services Complaints Commission
- Children's Commissioner
- Commonwealth Ombudsman
- Australian Financial Complaints Authority
- Community Housing Registrar NT
- Darwin Community Legal Service
- Fair Work Commission.

Implementation of recommendations

“Can we fix it?” Building Certification in the Northern Territory

The Department of Lands, Planning and Environment (DLPE) and the Department of Logistics and Infrastructure (DLI) provided updates on steps taken during the last reporting period (2024-25) to implement recommendations made in the November 2024 report *Can we fix it? Building Certification in the NT*.

This year we have sought further updates regarding the two remaining recommendations which had actions outstanding.

All other recommendations made in this report are considered finalised and we thank DLPE and DLI for their commitment to addressing the issues identified by the investigation.

Recommendation 1	The Northern Territory Government (NTG) and DLPE give priority to developing a legislative solution to the current impracticality of achieving certification for legacy base buildings.
DLPE update provided for 2024-25 Annual report	Targeted stakeholder consultation was undertaken between November 2024 and February 2025 with registered building certifiers and certifying engineers on issues relating to building certification. This consultation sought feedback on proposed legislative amendments that included matters identified in recommendations 1, 2 and 3. Stakeholder feedback has assisted DLPE to refine proposed legislative amendments, which are being progressed for consideration by Government for a decision later this year.
Current update	DLPE reported that on 26 August 2026, the Minister for Lands, Planning and Environment introduced the Lands and Planning Legislation Amendment (Red Tape Reduction) Bill 2026 into the Legislative Assembly. This Bill amends lands, planning and building legislation to apply a risk-based regulatory approach, improve certainty in decision-making, reduce approval timeframes and modernise legislation.

Recommendation 5	NTG and DLPE consider issues relating to timing of NTFRS inspections and remote certification in any review of certification requirements
DLPE update provided for 2024-25 Annual report	In response to recommendation 5, DLPE is working with the NT Fire and Emergency Services (NTFES) to identify possible amendments required to improve compliance with legislation and NTFES involvement at critical points in the building certification process. This work is ongoing.
Current update	The key amendments in the Building Act 1993 and the Building Regulations 1993 that respond to recommendations from our investigation included amendments to occupancy certification for existing buildings and NT Fire and Rescue Service's (NTFRS's) role in building certification.



Chapter 4 - Utilities

The following tables show indicative numbers of issues raised by individuals about utility providers. While these can be helpful in identifying common issues of complaint, in some cases the issues raised could fall into multiple categories and staff must use judgement to determine how best to categorise an issue. It is important to keep this in mind when considering the below numbers. Some items have also been excluded as the individual was seeking information only or did not raise a specific issue.

Jacana Energy – Issues raised 2025-26

Issue	Notes	Number of Issues raised	
		2024-25	2025-26
Excessive charges	Includes issues around estimation process and payment of refunds	106	67
Financial hardship	Includes credit listing	25	9
Disconnection	Includes disconnection due to non-payment	17	41
Billing	For example, bill not received, two bills received at same time, for wrong property, delay in sending	13	77
Contact and communication	Includes problems with contacting Jacana Energy and poor communication	10	13
Solar	Includes issues relating to solar rebate changes, delay in paperwork for new systems, high estimates not taking solar installation into account	7	13
Fees	Includes issues relating to fees for connection and disconnection and administrative fees	7	5
Changed circumstances	Includes problems arising due to change in address or living arrangements, administration of estates, failure to disconnect on departure	4	11

Power and Water – Issues raised 2025-26

Issue	Notes	Number of Issues raised	
		2024-25	2025-26
Excessive charges	Includes issues around estimation processes and payment of refunds	14	28
Contact and communication	Includes problems with contacting PWC and poor communication including attitude of staff	12	15
Works	Includes safety issues, failure to provide infrastructure, cost of provision or connection, inaccurate information, problems with infrastructure, damage due to works, delayed works and remediation issues	9	12
Billing	For example, bill not received, two bills received at same time, for wrong property, delay in sending	7	9

Delayed billing

Utility complaints continued to represent a significant proportion of matters received by the Office during the reporting period. Issues raised relating to Jacana Energy increased by 25%, while those relating to Power and Water Corporation (PWC) increased by 52%. Given the close operational relationship between the two entities, combined complaint data provides the most meaningful indication of sector-wide trends.

A key driver of utility-related complaints was the implementation of PWC's new customer, billing, and metering systems. The transition involved the migration of customer, billing, and metering data from legacy systems to modern platforms designed to improve billing accuracy, data quality, and compliance.

Following implementation, PWC identified issues affecting the transfer, validation, and publication of meter data. These issues resulted in metering data exceptions, validation failures and configuration errors that required manual investigation and correction. Jacana Energy escalated approximately 5,500 metering data exceptions to PWC for remediation, representing around 6% of its customer base. These exceptions related to system processes and data management issues rather than widespread smart meter failures.

PWC established dedicated remediation activities, including specialist resources, enhanced escalation pathways, and increased monitoring. PWC has advised that by June 2026, all transition-related cases escalated by Jacana Energy had been resolved, with further improvements implemented to strengthen automation, monitoring, and data quality controls.

While large-scale system upgrades can involve implementation challenges, the issues experienced resulted in significant billing delays and concerns about the recovery of unbilled charges. Although Jacana Energy is not subject to the National Energy Retail Rules, its current practice is to apply a comparable 9-month limit on the recovery of unbilled charges arising from billing delays it has caused. Delayed accounts may nevertheless create financial hardship, particularly in the Northern Territory, where many residents experience socioeconomic disadvantage. Jacana Energy managed issues relating to its affected customers through its hardship program, offering flexible payment arrangements and tailored assistance where appropriate.

These matters highlighted the importance of timely communication with consumers regarding billing delays, expected resolution timeframes and back-billing arrangements. While many customers were affected, most complaints were resolved directly by Jacana Energy following referral from the Office, with few requiring further investigations.

Overall, the Office observed that Jacana Energy largely applied its back-billing policy appropriately and offered extended payment arrangements where warranted. We also note that Jacana Energy was willing to reconsider and amend its decision when we identified that a consumer had not received the full benefit of the back-billing policy.

Clear information about Jacana Energy's complaints process

During the reporting period, our Office observed that some consumers did not clearly understand Jacana Energy's internal complaints process. Several consumers who approached this Office believed they had lodged a formal complaint with Jacana Energy when they had, in fact, only engaged with its Customer Care Team.

While information about the complaints process is available on Jacana Energy's website, the matters considered by the Office suggest that the distinction between an informal complaint and a formal complaint, including how customers can request further escalation, was not always clear.

Jacana Energy states on its website that it is committed to achieving an effective and efficient complaints management system that meets the best practice standards of AS 10002:2022 – Guidelines for complaint management in organizations. While a tiered approach to complaint handling is not, of itself, inconsistent with the Standard, its principles emphasise accessible and people-focused complaint handling. Where an organisation distinguishes between customer service interactions and formal complaints, it is important that consumers clearly understand when their concerns have been recognised as a complaint and how they can seek escalation.

In response to these consumer concerns, Jacana Energy has clarified that complaints are initially managed as Informal Complaints through its Customer Care Team. Where the matter cannot be resolved at first contact, or the customer remains dissatisfied, it may be escalated to a Customer Care Team Leader for further review. If the complaint remains unresolved after these avenues have been exhausted, it is referred to Jacana Energy's Resolutions Team and managed as a Formal Complaint.

Jacana Energy has also advised that it will review the information provided to consumers, including information communicated through its Customer Care Team, to ensure customers understand how their complaint is being managed, which stage it has reached and how they can seek escalation.

Chapter 5 - Department of Corrections

Prison overcrowding

Data published by the Australian Bureau of Statistics² indicate that the Northern Territory prisoner population continued to increase during 2025–26, with 2,917 persons in full-time custody in the March quarter of 2026, compared with 2,653 persons in the March quarter of 2025.

In addition to our commentary on this issue in our 2024-25 Annual Report, complaints received in 2025-26 indicate that the sustained increase in prisoner numbers continues to place significant pressure on the Territory's correctional system and test its ability to care for and rehabilitate prisoners. While the Department of Corrections' Infrastructure Master Plan works to address accommodation capacity, complaints and stakeholder feedback suggest population growth continues to affect access to health care, mental health services, rehabilitation programs, education and other services that are essential to prisoner wellbeing and which, importantly, decrease the chance they will reoffend upon release.

We acknowledge the work being undertaken across government to respond to these pressures, including the ongoing recruitment of correctional officers and the Department of Health's efforts to recruit and retain psychologists and other specialist clinicians. We will continue to monitor and provide feedback to the Department of Corrections and Department of Health based on complaints received by our Office about the essential services for prisoners that do not appear to be keeping up with the demand caused by increasing prisoner numbers.

Case example

Key Issue: Access to psychological support following a serious incident in custody

Following a serious assault in custody, a prisoner contacted our Office about delays in accessing psychological support. The prisoner had been assessed by the Forensic Mental Health Team and referred to a Custodial Care Psychologist. However, the referral was closed because the psychologist's caseload had reached capacity. The Department of Health advised that workforce shortages and recruitment challenges had reduced the availability of custodial psychology services.

Learnings for agencies

This matter highlighted the challenges of providing timely access to specialised mental health services in custodial settings where workforce capacity is limited. Under the *Correctional Services Act 2014*, the Commissioner must arrange appropriate health care for prisoners, including access to health services comparable to those available to people in the general community.

While access to specialist public mental health services in the community is also subject to clinical prioritisation and service demand, the closure of a referral solely because a service had reached capacity raises questions about whether a prisoner received care comparable to that available outside custody. This is particularly relevant following a serious assault, where prompt assessment and access to psychological support may be critical to a person's wellbeing and recovery.

The case demonstrates the importance of maintaining sufficient specialist mental health capacity in correctional settings to ensure prisoners can access care that meets legislative requirements and community standards.

The Office notes that the Department of Health has implemented a telehealth service model that Corrections is using to support access to care where workforce capacity or service availability may otherwise result in delays. This initiative is a positive development, as it helps maintain access to essential services.

² Australian Bureau of Statistics, 'Corrective Services, Australia – March Quarter 2026 (Tables 1 to 17)'; (Web Page, 4 June 2026) Table 1, rows 36-38 <<https://www.abs.gov.au/statistics/people/crime-and-justice/corrective-services-australia/latest-release>>.

Complaint timeframes

During the reporting period, the Office identified delays in the Department of Corrections' responses to complaints and oversight inquiries. Several matters took more than 12 months to receive a substantive response.

The Office recognises that some complaints are complex and may reasonably require lengthy investigation. However, based on our review of the matters experiencing the longest delays, many did not appear to involve a level of complexity that would ordinarily justify response times exceeding 12 months.

The Department of Corrections does not have a legally mandated statutory timeframe to resolve complaints under the *Correctional Services Act 2014*. Instead, Corrections operates under broader Northern Territory Public Sector (NTPS) customer service guidelines and internal policy frameworks, which mandate that complaints must be acknowledged and resolved 'as soon as practicable' or within a standard target window. During the reporting period, a number of the Department's responses to this Office's inquiries substantially exceeded that benchmark.

Our experience in dealing with these matters, together with feedback from complainants and their legal representatives, indicated that expected timeframes and progress updates were not consistently provided when investigations became prolonged. Where delays are unavoidable, keeping complainants informed of progress and revised timeframes is an important aspect of effective complaint handling.

Lengthy delays can increase frustration, reduce opportunities for timely resolution, and contribute to matters being escalated for external review. Several matters considered by this Office during the reporting period were escalated after complainants had waited extended periods for a response and remained dissatisfied with the outcome ultimately provided.

The Office continues to engage with Corrections on improving the timeliness of its complaint handling. The Department has advised that the fragmentation of its current complaint handling processes has contributed to this problem, and it is currently implementing a centralised case management system supported by an approved professional standards framework. This is with a view to improve governance, visibility of complaints, escalation pathways and the monitoring of response timeframes across the organisation, as well as identify opportunities for early intervention.

We welcome this initiative and hope that Corrections prioritises its implementation to ensure that complaints and oversight inquiries are progressed within reasonable timeframes and that complainants are kept appropriately updated on the progress of their matter.

We appreciate Corrections continuing to engage with us on the progress of work it is undertaking to improve how it handles complaints.

Case example

Key issue: Failure to provide access to a required medical aid within a reasonable timeframe

Mr and Mrs A contacted our office on behalf of their son, B, who was incarcerated in February 2025. They were concerned that, despite having a painful chronic medical condition and a specialist recommendation for a medical device to help manage it, B had been unable to access the device while in custody. They also reported experiencing ongoing difficulties obtaining information from the Department of Corrections about his circumstances and the progress of his request. The prolonged lack of access to the prescribed device caused considerable concern for both B and his family, who were worried about his wellbeing and ability to manage his condition.

Our office made enquiries with the Department of Corrections. Following those enquiries, B was assessed by a doctor and granted ongoing approval to use the medical device. The Department also agreed to cover the cost of the device and arranged for it to be supplied. Mr and Mrs A expressed their appreciation for our assistance in resolving the matter.

Outcome

The complaint was substantiated. Our investigation found that B experienced an unreasonable delay of approximately 6 months in accessing specialist-recommended medical aid. Although he entered custody in February 2025, he did not receive the device until September 2025. During that period, B was without equipment recommended to assist in managing his chronic and painful condition, while his family faced ongoing uncertainty and frustration as they sought information and updates regarding his request. Following our involvement, the assessment was completed, approval was granted, and the device was supplied at no cost to B.

Learnings for agencies

Delays in assessing requests for medically recommended aids can have a significant impact on the health and wellbeing of individuals in custody and can cause distress to their families. Timely assessments, clear decision-making processes, and regular communication with affected individuals and their support networks can help ensure access to appropriate care and reduce the risk of complaints.

Fair punishment

As noted in our 2024–25 Annual Report, the Office remains concerned about the interplay between the Department of Corrections' security classification system and its misconduct process. Complaints considered during 2025–26 continued to identify circumstances in which allegations of misconduct resulted in significant consequences for prisoners without those allegations ultimately being established through the misconduct process.

The Office recognises that Corrections may need to take immediate precautionary action to manage potential risks while allegations are assessed. However, where alleged misconduct is not progressed through the misconduct process, prisoners may experience changes to their security classification and consequential restrictions affecting accommodation, employment, visits, or other privileges without the procedural safeguards ordinarily available through that process.

We also observed matters where allegations were progressed through the misconduct process and ultimately not substantiated, but restrictions imposed in response to those allegations remained, and previous privileges were not restored. While precautionary restrictions may be reasonable while a potential risk is being assessed, where that risk is subsequently not established, those restrictions should be promptly reviewed and previous arrangements restored unless there is a separate and supportable basis for maintaining them.

The Office will continue to engage with the Department of Corrections on the relationship between security classification decisions and the misconduct process, including the appropriate use of precautionary measures, the procedural safeguards available where alleged misconduct is not progressed through the misconduct process, and the timely review and removal of restrictions where the basis for them is no longer established.

Case example:

Key Issue: Impact of unsubstantiated allegations on sentence progression

A prisoner raised concerns that his progression to open security and participation in rehabilitation programs had been paused following allegations of drug-related misconduct. A search of his cell did not locate any prohibited items, and the Department of Corrections' investigation, including blood testing, did not identify evidence of drug use. While the allegations were not tested through a misconduct hearing, we observed that they continued to influence decisions about his classification progression and access to rehabilitation opportunities.

Learnings for agencies

This matter demonstrated how allegations can continue to shape a prisoner's progression even where they are not examined through a misconduct hearing. The Department of Corrections should ensure classification and rehabilitation decisions are supported by reliable evidence, clear procedural safeguards, and that there are appropriate opportunities for prisoners to challenge adverse information that may impact such decisions.

Case example:

Key Issue: Delay in reconsidering security classification following a not guilty finding

A prisoner raised concerns that his progression to an open security classification had stalled after a mobile phone was found in his shared cell. Although Police decided to take no action in respect of the prisoner, and a subsequent misconduct hearing found him not guilty, his previous security classification and associated entitlements were not restored. As a result, restrictions imposed while the allegations were being investigated continued despite the allegations not being substantiated.

Learnings for agencies

Precautionary restrictions may be appropriate while allegations are being investigated, and any associated risks are assessed. However, the Department of Corrections should ensure those restrictions are reviewed promptly once an investigation or disciplinary process has concluded. Where allegations are not substantiated and the underlying risk is not established, any restrictions should be removed and previous arrangements restored unless there is a separate, evidence-based justification for maintaining them. Regular review of precautionary measures helps ensure administrative decisions remain fair, proportionate, and consistent with the outcome of the investigation.

Heat stress in prisons

This Office has monitored the impact of heat within the Territory's correctional facilities, and the measures taken by the Department of Corrections to mitigate heat-related risks, over a number of years. As noted in our 2024–25 Annual Report, this remains an important issue given the age and design of some existing facilities and forecasts of increasing temperatures. Australia's National Climate Risk Assessment report published by the Australian Climate Service in September 2025 warns, with very high confidence, that extreme temperatures are likely to increase nationwide because of climate change, with the Northern Territory included amongst areas of greatest increase.

Our Office has previously emphasised the importance of ensuring that investment in correctional infrastructure includes appropriate heat mitigation measures. This applies both to improving existing facilities and ensuring that new and expanded facilities incorporate appropriate thermal management from the outset, avoiding more complex and costly retrofitting later.

We are encouraged by progress reported by the Department of Corrections during 2025–26. The Department advised that the new 96-bed Oscar Block is now operational and incorporates an evaporative air-management system, while the new Alice Springs Women's Correctional Centre provides refrigerated air conditioning throughout its accommodation and living areas. The Department of Corrections and the Department of Logistics and Infrastructure have also progressed broader infrastructure works at the Alice Springs Correctional Centre, including upgrades to essential power, water and sewerage infrastructure and refurbishment works within G Block.

The Department of Corrections has reported that further work is underway to consider longer-term improvements to thermal conditions within existing accommodation. This includes Department of Logistics and Infrastructure-led design work for G Block and assessment of passive thermal comfort measures. A pilot evaporative cooling retrofit installed in late 2025 has produced modest improvements in airflow, with its effectiveness being reviewed to inform possible further modifications. The timing and scope of some broader refurbishment works remain subject to design, funding, and delivery considerations.

The Department of Corrections also reports that it implemented a range of site-based measures to manage heat across correctional facilities, including fans and extraction systems, evaporative cooling, access to ice, increased shower access during periods of heightened heat, and refrigerated air conditioning in selected accommodation, education, medical and program areas. Measures vary between facilities according to their design and operational requirements.

These developments represent positive progress. With extreme temperatures expected to increase and significant parts of the Territory's existing correctional facilities continuing to rely on a combination of passive and operational heat-management measures, sustained attention will remain necessary. As the Department of Corrections continues to expand and refurbish its correctional infrastructure, our Office considers it important that appropriate heat mitigation remains an integral part of infrastructure planning and investment, alongside practical measures to protect prisoners and staff within existing facilities.

Implementation of recommendations

Watch House Investigation Report: The use of Police watchhouses to hold prisoners

As reported in the Office's 2024–25 Annual Report, the Office commenced an own-motion investigation into the use of police watch houses to temporarily accommodate Territory prisoners (Watch House Investigation Report – Nov 2025). The investigation was initiated in response to a significant increase in complaints from prisoners and their families, observations made by our officers during visits to watch house facilities, and concerns that conditions were deteriorating rather than improving.

The investigation examined conditions at 3 watch houses selected to reflect the different ways in which Territory prisoners were being held. It found that, during the period examined, prisoners were being held in conditions that fell significantly below the standards contemplated by the Guiding Principles for Corrections in Australia and, when considered collectively, were unreasonable and oppressive within the meaning of the *Ombudsman Act 2009*.

The investigation identified a range of systemic concerns, including severe overcrowding, limited access to fresh air, showers and personal hygiene facilities, inadequate sleeping arrangements, restricted contact with family, and prolonged detention in facilities designed only for short-term accommodation.

Recognising that watch houses are not designed to accommodate prisoners for extended periods, the Office recommended that the Northern Territory Government remove prisoners from watch houses as a matter of urgency. A further 15 recommendations were made to the Department of Corrections and NT Police to improve conditions where the temporary use of watch houses could not be avoided. The Department of Corrections and NT Police accepted, or accepted in principle, the recommendation to remove prisoners from watch houses as a matter of urgency and accepted, or accepted in principle, many of the remaining recommendations.

Almost 12 months have elapsed since the report was published in November 2025.

To assess progress in implementing the accepted recommendations, the Office sought updates from the Department of Corrections and NT Police.

The table included at **Appendix A** has details of the recommendations made, the initial response to the recommendation by Corrections and Police, together with an update provided by both to support preparation of this Annual Report.

In their update on the last quarter, the Department of Corrections has advised that there are minimal prisoners in watch houses awaiting entry to a correctional centre, and that there have been no Territory prisoners at any watch house over the last three months for a period greater than seven days.

Recommendations leading to improvement

Following an operational review, the Department of Corrections repurposed the former Darwin City Watch House to become the Darwin Transitional Custody Centre (DTCC). Operating under a revised model since December 2025, the DTCC provides short-term accommodation for lower-risk prisoners, including those attending court or likely to be released or granted bail within a short period. Day-to-day operations are managed by G4S under contract with the Department of Corrections.

The Department of Corrections has advised that the DTCC supports capacity management across the correctional system by reducing pressures associated with admissions, prisoner movements, and court preparation at larger correctional centres. It also provides a more streamlined and less intrusive option for prisoners requiring only short-term accommodation.

Importantly, the Department of Corrections advises that the period prisoners may remain at the facility has been substantially reduced, from a maximum of 4 weeks under earlier arrangements to 72 hours under the current operating model, with most prisoners now remaining for less than 24 hours.

The Department of Corrections has also undertaken significant works to address limitations previously identified at the facility, including refurbishment of accommodation and common areas, increased shower capacity, improved overnight lighting controls, an Audio-Visual Link system and commercial laundry facilities.

These changes represent a significant improvement in the circumstances previously observed when the facility operated as the Darwin City Watch House. Our Office welcomes the progress made and will continue to monitor the DTCC, particularly any future expansion of the prisoners accommodated and whether its short-stay arrangements and other safeguards are maintained.

Chapter 6 - NT Police

This Chapter discusses specific issues identified in relation to NT Police operations and includes relevant case examples.

In each NT Police case example, investigations were undertaken by a NT Police Professional Standards Command (PSC) Investigating Officer (IO), subject to oversight by our Office.

In line with the Government's commitment to address crime and prioritise community safety, the reporting period saw high levels of operational activity, including recruitment drives, to support both NT Police and Corrections. With this in mind, it should be noted the level of oversight able to be delivered by this Office is finite and dependent upon appropriate resourcing. This aspect has been increasingly challenging for the Office with such increases in activity.

The assistance and responsiveness from Police when undertaking our statutory functions has supported a productive working relationship. Whilst the majority of day-to-day communications are undertaken with PSC, who work with us to investigate and finalise complaints, the assistance from the Technical and Covert Operations Unit in accommodating our officers to undertake necessary audits, and the Executive for the provision of information to assist statutory functions, is also gratefully acknowledged.

Approaches this reporting period

This section:

- analyses police conduct approaches received and finalised during the period;
- describes the way in which police conduct complaints are dealt with; and
- describes statutory oversight roles of the Office regarding specific law enforcement functions.

Categorisation – Police Conduct Complaints

Categorisation is undertaken by our Office based on the nature of the complaint. Categorisation does not mean that an allegation has been proven.

Category 1 cases are the most serious level of complaints.

Category 2 cases are serious but not at the Category 1 level.

The **Complaint Resolution Process** (CRP) is an informal process undertaken by NT Police where early personal contact between police officers and complainants may lead to a quick and effective resolution.

A **Customer Service Inquiry** (CSI) is a method of dealing with issues raised by a complainant regarding police actions which are lawful. It allows for the resolution of the issues by providing an explanation to the member of the public at the earliest opportunity.

This year marked a period of significant transition as preparations continued for the commencement of the OIEC. Despite the uncertainty associated with ongoing organisational change, staff maintained a strong focus on building and strengthening their working relationship with Professional Standards Command and other stakeholders. As a result, matters continue to progress, and the team's advice and recommendations are generally well received and implemented.

A focus for the coming year will be strengthening the recording of advice and recommendations within the case management system. This will support more effective reporting on the volume, outcomes and finalisation of advice and recommendations, while also enhancing accountability and organisational oversight.

Police conduct approaches

Police conduct approaches are considered separately from other approaches concerning NT Police. They relate to the conduct of a police officer and involve any decision, act, or omission made in the exercise of a police power or the performance of an official duty or function.

Police conduct approaches provide the Office with an opportunity to identify and monitor concerns regarding the exercise of police powers and the performance of policing functions. These approaches may relate to arrests, investigations, use of force, interactions with members of the public, compliance with procedures, or other conduct occurring in the course of a police officer's duties.

The below table sets out total numbers of police conduct approaches received in recent years and the category for approaches which were categorised (not all approaches require categorisation).

Received	2022-23	2023-24	2024-25	2025-26
Total Police Conduct Approaches	465	464	651	587
Complaint Resolution Process	161	177	226	146
Category 2	44	23	35	23
Category 1	3	0	0	2

Overall, the numbers are lower than the last reporting period, however the complexity of matters has noticeably increased. This is particularly as a result of a significant increase in receipt of matters containing allegations about use of force, which require staff to spend substantial time to review body worn video in order to categorise the matter.

In 2025-26 there were 2 Category 1 reports made which are ongoing.

During this reporting period, 23 Category 2 matters were closed; 18 of these were open matters carried over from the previous reporting period.

Each matter may involve multiple alleged issues. As a result, the 23 Category 2 matters that were closed this reporting period comprised 112 individual issues.

Of those 112 issues:

- 22 were assessed as reasonable following consideration of the circumstances
- 53 resulted in a sustained allegation
- 37 were unresolved, found to not have sufficient evidence to sustain the allegation or finalised without a finding.

Where an allegation is sustained, remedies may include:

- Further training
- Remedial advice provided to the officer involved
- Managerial guidance provided to the officer involved
- An apology to the complainant
- Demotion or termination of the member
- Changes to policy, procedures, or practices.

As matters may involve multiple allegations, more than one remedy may be applied within a single matter.

Of the Category 1 and 2 matters received, 6 were from Central Australia, 13 from Darwin-Palmerston-Top End, 5 from the Katherine region and 1 from the Barkly region.

Key issues

Excessive use of force

We received 81 matters in the reporting period containing allegations about excessive use of force.

Of those 81 matters, 2 were categorised as Category 1 matters, 12 as Category 2 matters, and 23 as a CRP. The remaining matters were either discontinued, finalised without an adverse finding or addressed through a CSI, which provided complainants with updates, explanations for delays, or advice that the actions under review were reasonable and consistent with policy.

We also finalised 80 matters in the reporting period containing allegations about excessive use of force, 24 of which were open matters carried over from the previous 2 reporting periods.

Of those 80 matters, 18 involved a sustained excessive use of force allegation, resulting in managerial action or disciplinary measures being taken against the members involved. Of these, 7 matters resulted in formal disciplinary proceedings, including the demotion of one member.

Of note, 18 of the finalised matters involved allegations that specifically raised concerns about the use of handcuffs on alleged offenders. In the majority of these cases, the use of force was assessed as reasonable, with allegations either resolved through a CSI or declined following preliminary inquiries and assessment of relevant materials including body worn video.

During the reporting period, NT Police commenced a review of its use of force framework with the aims of:

- Strengthening the integrity and consistency of use of force reporting.
- Identifying opportunities to improve current practices.
- Ensuring operational members are appropriately supported.
- Informing reforms that deliver practical improvements for frontline officers.

Our Office was consulted as part of the review and we welcomed the initiative as an opportunity to enhance accountability, transparency and professional practice.

NT Police advised it has also sought feedback from frontline members to inform the review and support the development of any future reforms.

Body worn video

We received 24 matters in the reporting period containing allegations about body worn video, representing a consistent level from the previous year.

Of those 24 matters, 1 matter was categorised as Category 1, 4 as Category 2 matters and 6 as a CRP; the remaining matters were either discontinued, finalised without an adverse finding or addressed through a CSI.

We also finalised 27 matters in the reporting period containing allegations about body worn video, 9 of which were open matters carried over from the previous two reporting periods.

Of those 27 matters, 18 involved a sustained allegation about body worn video, resulting in managerial action or disciplinary measures being taken against the members involved.

The continued receipt and substantiation of matters relating to body worn video compliance indicates there may still be a need for NT Police to review and enhance its guidance and training to officers about its use.

Failure to investigate

We received 118 matters in the reporting period containing allegations about a failure to investigate by NT Police, representing a consistent level from the previous year. These matters primarily related to inadequate follow-up with complainants or concerns regarding investigations that did not result in outcomes meeting complainants' expectations.

Of those 118 matters, 5 were categorised as Category 2 matters and 36 as a CRP. The remaining matters were either discontinued, finalised without an adverse finding or addressed through a CSI.

We also finalised 109 matters in the reporting period containing allegations about a failure to investigate by NT Police, 17 of which were open matters carried over from the previous reporting period.

Of those 109 matters, 32 involved a sustained allegation about failing to investigate, resulting in managerial action or disciplinary measures being taken against the members involved.

Arrest based on outdated system information

The Office has continued to identify matters involving arrests or enforcement action being taken on the basis of outdated information recorded in police systems. Although the number of reported matters is limited, the potential consequences for affected individuals warrant ongoing attention. The Office has raised these concerns with NT Police and will continue to monitor reports of a similar nature during the coming reporting period with calls to address broader systemic issues.

Case example:

Key issue: Arrest based on outdated information in justice information systems.

Mr J was arrested for an alleged breach of bail after police relied on an active warrant alert in police systems. Subsequent checks established that the court matter had already been resolved and the alert should have been removed. Mr J was released without charge.

A review found that the arresting officers acted appropriately based on the information available to them. The issue arose because records were not checked in the new system, and the database that was checked had not been updated to reflect the court outcome.

Outcome

The complaint was substantiated. While police acted reasonably and in good faith, Mr J was unlawfully arrested due to inaccurate records remaining active in information systems. Members involved received remedial advice.

Learnings for agencies

Accurate and timely record keeping is essential in aiding good decision making, especially where information is shared between agencies. Delays in updating records can have significant consequences for individuals and undermine confidence in administrative and justice processes.

Chapter 7 - Statutory Oversight Functions

We have separate statutory obligations to audit-investigate and report in relation to the utilisation of a number of powers of law enforcement agencies and their officers. For each of these audits, staff of the Ombudsman's Office physically attend NT Police premises to inspect records and compliance with the relevant legislation. During the reporting period, attending Police members have provided a high level of assistance and prompt responses to enquiries made by our Office during the audits.

Surveillance devices

The purposes of the *Surveillance Devices Act 2007* (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 and ICAC 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 Supreme Court Judges, Local Court Judges and Parliament, in relation to surveillance device operations.

Section 63(1) of the SDA requires the Ombudsman to inspect the records of each law enforcement agency (but not ICAC) to determine the extent of compliance with the SDA by the agency and its law enforcement officers.

The Ombudsman is required, under section 64(1) of the SDA, to report to the Minister at 6 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 (December 2025 and June 2026) and required reports were provided to the Minister.

Tabled reports are available on the Ombudsman website.

Telecommunications interception

The *Telecommunications (Interception and Access) Act 1979 (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 2001 (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, Division 1 of the NT Act.

Section 10 of the NT Act provides that there must be an inspection at least once in every 6-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 relevant Commonwealth Minister.

In accordance with the NT Act, our Office undertook two inspections during the reporting period (December 2025 and June 2026) and provided an annual report to the NT Minister.

Controlled operations

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

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

The Ombudsman must report on compliance each year to the relevant minister. Reports are tabled in the Legislative Assembly in due course.

Tabled reports are available on the Ombudsman website.

Statutory review – Special powers to prevent, stop or reduce public disorder

Part VII, Division 5A of the *Police Administration Act 1978* provides special powers to NT Police to prevent, stop or reduce public disorder, which has been colloquially referred to as a ‘curfew’ power. The new Division commenced on 1 June 2024.

Section 135J of the *Police Administration Act 1978* required our Office to conduct a review of the operation of the Division as soon as practicable 12 months after the Division commenced. Our Office undertook that review in the reporting period and provided a report to the responsible Minister on our findings for tabling in the Legislative Assembly.



Chapter 8 - Other Ombudsman Functions

Quality improvement

The Office engages with other independent offices, public authorities and public sector officers, through a range of mechanisms aimed at improving government services.

We work collaboratively with agencies and stakeholders outside formal investigation processes to support continuous improvement in public administration. This includes facilitating the exchange of information, lessons learned and emerging practices across agencies, as well as delivering training and presentations to public sector bodies and officers.

Legislative and policy reform

The Ombudsman is also invited from time to time to make submissions or provide input on policy and legislative reform relating to aspects of public administration.

Complaints and integrity bodies

Our Office strives to minimise the potential for duplicated effort in dealing with complaints and matters of public interest, while at the same time ensuring that all matters of significance are dealt with by the body best placed to deal with them.

To that end, we meet or liaise with other independent offices to discuss matters that have come to our attention that may touch on issues within their jurisdiction. These discussions will usually result in an agreed course of action and potentially the formal referral of a complaint. This may involve provision of information already obtained by the Office and, in some cases, provision of support to, or acting in co-operation with, another office.

More generally, we make every effort to facilitate ongoing co-operative relationships with NT complaints and integrity bodies. We have entered into the following general memorandums of understanding to cement those relationships:

Entity	MoU commenced	MoU available
Children's Commissioner	June 2014	2013-14 Annual Report
Information Commissioner	May 2015	2014-15 Annual Report

We also benefit from relationships with other independent bodies across Australia and internationally. The ability to share information and draw on the knowledge, experience and materials of like bodies from our region and around the world is a major advantage for a small organisation.

In 2025-26, our involvement at this level included:

- continued membership of the International Ombudsman Institute (IOI), a global organisation for the cooperation of more than 200 independent Ombudsman institutions from more than 100 countries worldwide.
- in person or remote attendance at the following meetings:
 - Parliamentary Ombudsman Meetings; and
 - OPCAT Australian NPM Network.

Judicial Commission

The Office also provides administrative and investigative support to the independent Judicial Commission.

OPCAT – Monitoring places of detention

Australia is a party to OPCAT⁴, a United Nations treaty developed to improve the treatment and conditions of people deprived of their liberty.⁵

⁴ Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment.

⁵ Places of detention include, but are not limited to, prisons, youth detention centres, police watch houses, court cells and closed environments in mental health, disability and aged care facilities.

OPCAT requires Australia to set up a National Preventive Mechanism (NPM).

NPMs are established to regularly examine the treatment of people in detention, make recommendations to improve their treatment and conditions, and submit proposals and observations concerning existing or draft legislation.⁶

Implementation of the Australian NPM to date has been limited, with no agreement between the Commonwealth, states and territories on a funding model. However, an Australian NPM Network is operating.

Some time ago, short term funding was provided by the NT Government to the NT Ombudsman as Interim NT NPM but there is no ongoing funding for the NT Ombudsman or other entities identified as potentially having an NPM role: the Children's Commissioner and the Principal Community Visitor. None of these entities can effectively implement NPM roles without adequate funding for OPCAT functions that are distinct from their existing obligations.

During 2025-26, the NT Ombudsman undertook limited functions directly relating to OPCAT, including participating in the Australian NPM Network. We also continued to receive and deal with a very significant number of approaches and complaints from people in custody.

The Office will seek to clarify with the NT Government its status as Interim NT NPM and the potential for funding to enable the conduct of NPM roles.

For further information on OPCAT, see our website and the Commonwealth Ombudsman's website: <https://www.ombudsman.gov.au/industry-and-agency-oversight/monitoring-places-of-detention-opcat>.

Office of the Integrity and Ethics Commissioner

With the transition to the OIEC, the way Ombudsman functions are delivered may evolve. For example, a consolidated Engagement and Prevention function will support the organisation as a whole and may undertake a range of engagement-related activities currently performed across different areas. While the delivery model may change over the coming year, these activities will continue to be undertaken and reported on as part of the organisation's ongoing work.

Stakeholder Engagement

We maintained contact with public authorities and stakeholders in the following ways:

- meetings between the Acting Ombudsman and Deputy and various public authority chief executives or senior executives;
- facilitating meetings between Community Legal Service Providers and Senior Corrections staff and Senior Police to progress issues of concern;
- meetings with NT Police senior executives and members of the Professional Standards Command;
- meetings with North Australian Aboriginal Justice Agency and Professional Standards Command;
- meetings with the Commissioner of Correctional Services and other Correction's staff;
- meetings between operational staff of our Office and other agencies to discuss general complaint handling approaches and issues;
- engagement with Northern Territory Council of Social Services through participation at the NT Utilities Network quarterly meetings.

Training and presentations

In 2025-26, our Office delivered training and presentations in various forums, including:

- NT Police Recruit and Auxiliary training;
- Correctional Officer Training and information sessions;
- Foundations of Public Sector Governance presentations to Northern Territory government officers.

Information and resources

The Office provides access to a range of publications and resources through our website. Available resources include:

- Annual Reports dating back to 2002-03;
- Investigation Reports dating back to 2002;
- Surveillance Devices compliance reports;
- Controlled Operations compliance reports;
- a variety of brochures, guides and other information for enquirers and complainants;
- a set of Aboriginal language audios and a multilingual brochure containing brief introductions to the Office;
- webpages providing links to an array of complaints management resources and other resources relating to integrity, conflict of interest, accepting gifts, benefits and hospitality, corporate governance, good decision-making and stakeholder engagement.

⁶ The OPCAT provides that the minimum powers of an NPM will be:

(a) To regularly examine the treatment of the persons deprived of their liberty in places of detention ..., with a view to strengthening, if necessary, their protection against torture and other cruel, inhuman or degrading treatment or punishment;

(b) To make recommendations to the relevant authorities with the aim of improving the treatment and the conditions of the persons deprived of their liberty and to prevent torture and other cruel, inhuman or degrading treatment or punishment, taking into consideration the relevant norms of the United Nations; and

(c) To submit proposals and observations concerning existing or draft legislation.

Chapter 9 - Our Office

Corporate governance, planning, and performance

Under the Ombudsman Act 2009, the Ombudsman is independent of Government in relation to complaints and investigations (section 12). However, for administrative purposes, the Ombudsman's Office was an Agency under the administrative responsibility of the Chief Minister, and the Ombudsman was the CEO prior to the transition to the OIEC.

Under the Financial Management Act 1995, the Ombudsman was the Accountable Officer for the Agency, and had responsibility for the efficient, effective and economic conduct of the Office. The Ombudsman also had responsibilities as a Chief Executive Officer under the Public Sector Employment and Management Act 1993 (PSEMA). These responsibilities extended to financial and personnel aspects of the operations of the Office of the Information Commissioner (OIC), and the Judicial Commission Office (JCO). The Financial Statements for 2025-26, are set out in the OIEC Annual Report.

Financial planning was undertaken and an annual budget prepared for the financial year in alignment with the strategic and business plans and within the constraints of available resources. Monthly Staff, Management Board and Complaints Management meetings were held to facilitate the administration of the Office, provide forums for discussions with staff and monitor progress against budget, strategic and business plans. In addition, weekly Senior Management Group meetings were held to update current projects and facilitate open communication and discussion between senior managers.

Governance frameworks will be reviewed so that appropriate management structures are in place to support governance across the OIEC.

Our staff

The operations of the Ombudsman's Office included the performance of functions under the OIC and the JCO. There were some dedicated staff within the OIC and JCO functions during the year, other staff have shared roles or contribute to all offices, for example, staff of the Business Services Unit supported corporate aspects of all operations.

At the latter end of the year the transition to the OIEC was commenced with my appointment as the Integrity and Ethics Commissioner, and the appointment of the Chief Executive Officer, Mr Reece Kershaw.

The staffing of the Office for the reporting year consisted of 16 Full time equivalent (FTE) staff members (as of the last pay period for the reporting year).

This can be broken down to the following positions and levels:

Position Title	Classification	Number of Positions (FTE)
Deputy Ombudsman/Information Commissioner	ECO2	1
Assistant Ombudsman	SAO2	1
Principal Investigation Officer	SAO1	2
Principal Policy Officer	SAO1	1
Senior Investigation Officer	A07	2
Senior Policy and Investigation Officer	SP2	1
Complaints and Investigation Officer	A06	1
Investigation Officer	A05	1
Business Manager	SAO1	1
Senior Business Support Officer	A06	1
Business Support Officer	A04	1
Resolution Officer	A04	3
Total		16

Our people bring a diverse range of professional experiences, perspectives and qualifications to the Office. Team members have worked across government, law, investigations, education, community engagement and financial services, providing a solid foundation for the Office's oversight, complaint handling, investigation and education functions.

Staff held a broad range of tertiary, vocational and professional qualifications, including:

- Certificate IV in Government Investigations
- Certificate IV in Training and Assessment
- Certificate IV in Financial Services
- Certificate and Advanced Certificate in Engagement
- Bachelor of Behavioural Science
- Bachelor of Policing (Investigations)
- Bachelor of Teaching
- Bachelor of Business
- Bachelor of Laws
- Graduate Certificate Public Sector Management
- Juris Doctor
- Graduate Diploma in Legal Practice
- Practising certificate (law).

This breadth of qualifications reflects the multidisciplinary nature of the Office's work and supports a well-rounded approach to resolving complaints, conducting investigations, providing education and engagement activities, and promoting good administrative practice.

Our staff are highly qualified, dedicated and committed to serving the Northern Territory community. They continue to apply their expertise and professional judgement to deliver fair, independent and effective oversight across all areas of the Office's jurisdiction and are well positioned for the transition to the OIEC.

Professional development and capability building

The Office continued to prioritise professional development during the reporting period, recognising the importance of building workforce capability to support its expanding functions and the transition to the OIEC. Staff participated in a range of training programs, seminars, conferences and formal study opportunities to strengthen their professional knowledge, leadership capability and technical expertise, and where budget exists this will continue to be supported.

Training provided through the Northern Territory Government included:

- Appropriate Workplace Behaviours
- Foundational Cross-Cultural Story
- Critical Thinking, Problem Solving and Decision Making
- Writing for Government
- Mental Health First Aid
- Results Through People: Getting Great Performance.

Staff also attended a range of professional seminars and conferences to stay informed about emerging issues, public sector reform and technological developments, including:

- Reform with Intent: Urgency. Purpose. Impact. (Institute of Public Administration Australia Northern Territory)
- National AI and Cybersecurity Leadership Summit 2026.

In addition, staff completed specialised training to support the Office's statutory and operational functions, including:

- Freedom of Information Training for Decision Makers. Several staff members attended to broaden their expertise and strengthen organisational capability
- Practical Mediation Training
- Company Directors Course.

The Office also supported staff undertaking formal tertiary and professional qualifications. During the reporting period:

- One staff member continued studies towards an Executive Master's degree qualification.
- One staff member continued studies towards the Public Sector Management Program, leading to a postgraduate certificate qualification.

These professional development activities have enhanced individual capabilities and contributed to a skilled and adaptable workforce.

Systems, policies and procedures

The operations of the Office were supported by a range of systems, policies and procedures. The Accounting and Property Manual deals with a wide range of issues, including financial and procurement matters, corporate systems, Information and Communications Technology, Risk Management and Audit. The day-to-day work of resolution and investigative officers is also guided by the Office's Operations Manual.

All existing systems, policies and procedures remain in place but will be reviewed as part of the move to the OIEC.

Workplace health and safety

The Ombudsman's Office is committed to providing a safe and healthy working environment for all staff and visitors in line with the Work Health & Safety (National Uniform Legislation) Act 2011 and Employment Instruction 11 – Occupational Health and Safety Standards and Programs.

Workplace Health and Safety (WH&S) is a standing agenda item for monthly Staff and Management Board meetings. An officer has been assigned primary responsibility for WH&S issues and regular WH&S audits have been conducted throughout the year.

Only minor WH&S issues were identified during the year. They were recorded and rectified promptly.

This will become an organisation-wide function as part of the transition to the OIEC.

Records management, disclosure and correction

As part of the transition to the OIEC, existing systems and processes will be reviewed and consolidated into organisation-wide frameworks and tools. All records and documents will continue to be retained by the Office during the transition period.

The OIEC will maintain robust information management practices to ensure the secure and confidential handling of data. These arrangements will include appropriate safeguards to identify, declare and manage actual, potential and perceived conflicts of interest involving staff who view or use records.

Additionally, the policy documents relating to records held by the office will be reviewed and consolidated to OIEC-wide documents, where applicable.

The Ombudsman currently holds information in the following broad categories:

Chief Executives Records

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.

Office Management Records

Information relating to the Ombudsman's management of the office, including personnel, contracting and financial records and information about asset management.

Investigations and Complaints Records

Information relating to inquiries and investigations into complaints concerning Northern Territory Government agencies, local government councils or the conduct of NT Police officers.

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.

Administrative and policy files

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

There are records on a wide range of policy and general questions concerning the Ombudsman's functions and powers, the operation of the Office and the approach taken by the Ombudsman to particular classes of complaints. Files may relate to the Ombudsman's jurisdiction over a particular body or over particular classes of action, or they may represent the recording and consolidation of information on subjects or issues that have arisen in the course of investigations.

Access to information held on these files may be provided depending on the content of the relevant documents. Charges may also apply (see 'Providing access to information' below).

Complaint files

The Ombudsman keeps detailed records of all complaints made under the Ombudsman Act 2009. Incoming complaints are registered in a relational complaints management database, which allows indexing and searching on a large number of fields including the complainant's name, the agency complained about, issues, outcome, related parties and the subject of the complaint.

Physical files of documents relating to written complaints may also be maintained. On completion of matters, physical files or documents are stored in the Darwin office or at an off-site storage facility 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 website.

Brochures

The Ombudsman's Office 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. 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 website.

Policies, manuals and guidelines

The Ombudsman has a variety of policy and procedural documents and guidelines. A number are available on the Ombudsman 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. The Service Standards are available on the Ombudsman website.

Providing access to information

Numerous documents are available for download through the Ombudsman website. Hard copies of some brochures may be obtained from the Office on request, depending on availability.

Administrative arrangements for access to information

General inquiries and requests for access to documents may be made in person, by telephone or in writing. Alternatively, current or past complainants or respondents may choose to approach the relevant case officer directly. The Office counter is open between 8.30am and 4.00pm on weekdays (excluding public holidays).

The transition to the OIEC is not expected to result in

substantive changes to these arrangements, although they may be refined as implementation progresses.

Access under Part 3 of the Information Act

One object of the Information Act 2002 is to extend, as far as possible, the right of a person to access government and personal information held by government.

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

As part of the transition to the OIEC these matters may be dealt with by a different officer within the OIEC. Should this change, we will update our website to reflect the new officer to whom inquiries are to be addressed.

While some information held by the Ombudsman 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 2009*; or
- obtained or created under that Act in the course of or for making preliminary enquiries, or the conduct of conciliation, mediation, the police complaints resolution process or an investigation.

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

In 2025-26, there were 3 requests received and finalised.

For comparison purposes, in 2024-25, the Ombudsman received two information access requests under the *Information Act 2002*.

Procedures for correcting information

The *Information Act 2002* also provides for applications to correct personal information.

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

As part of the transition to the OIEC these matters may be dealt with by a different officer within the OIEC. Should this change, we will update our website to reflect the new officer to whom inquiries are to be addressed.

In 2024-25, the Ombudsman received no personal information correction requests under the *Information Act 2002*, and in this reporting year 2025-26, there were also no requests.

Financial statements

Detailed financial statements for the OIEC, including the Ombudsman group output, are available in the Annual Report of the Office of the Integrity and Ethics Commissioner.

How to contact the Ombudsman



IN PERSON

22 Mitchell Street
Darwin, NT



BY TELEPHONE

(08) 8999 1818 or
1800 806 380 (Toll Free)



BY E-MAIL

nt.ombudsman@nt.gov.au



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 www.ombudsman.nt.gov.au

Appendix A - Recommendations from the Watch House Investigation

Recommendation 1	Current Update
That the Northern Territory Government remove Territory prisoners from watch house facilities as a matter of urgency, and that NT Police and Corrections provide me monthly updates on steps taken to remove Territory prisoners from those facilities. This recommendation is subject to a caveat for the Katherine Watch House, as there are no other custodial facilities in Katherine and the Katherine Watch House has some design features that make it more suitable for shorter and medium-term stay. Response when report was released. Recommendation accepted by Corrections and supported by NT Police	(On track) The Department continues to implement the Corrections Infrastructure Master Plan. An updated version of the Master Plan has been circulated to relevant stakeholders and incorporates proposed future corrections infrastructure projects, including a new women's correctional facility and a new 1,200-bed male correctional facility. The Katherine Work Camp has commenced staged operations, with Stage 1 accommodating up to 20 prisoners. The Department is progressing planning for Stage 2 operations, including workforce, infrastructure and service delivery requirements necessary to support an increase in operational capacity to up to 60 prisoners, this is projected to be completed by Q4 2026 with progression to full occupancy into 2027.
Recommendation 2	Current Update
That Corrections and NT Police take all steps necessary to ensure Territory prisoners are not kept in cells with less than 4 square meters per Territory prisoner, not including space for sanitation facility. Response when report was released Noted by Corrections While NT police agreed in principle, they did not accept the recommendation.	Corrections (On track) Deliver Power BI dashboard project to identify trends for peak population across the service, to improve utilisation of infrastructure and enable forward planning for peak periods in certain locations.
Recommendation 3	Current Update
Corrections and NT Police provide an alternative source of clean drinking water to Territory prisoners upon request, as is practicable. Response when report was released Recommendation accepted by Corrections and NT Police.	Corrections The contracted service provider at the Darwin Transitional Correctional Centre (DTCC) has updated its Operating Instructions to address this recommendation. Compliance with the revised Operating Instructions has been validated through internal monitoring and assurance activities undertaken by the Territory Wide Operations team. NT Police NT Police has implemented procedures to ensure alternative drinking water is available to persons in custody on request and where operationally viable.

Recommendation 4	Current Update
Corrections and NT Police make available to all Territory prisoners' sufficient underwear to maintain hygiene. Response when report was released Recommendation was accepted by Corrections and NT Police.	Corrections Per Corrections response to recommendation 3. NT Police NT Police has amended watch house clothing provisions to include underwear for persons in custody and considers this recommendation implemented.
Recommendation 5	Current Update
That Corrections and NT Police maintain records of the clothes that have been issued to Territory prisoners and of when their clothes have been laundered. Response when report was released Accepted in principle by Corrections and not accepted by NT Police.	Corrections Per Corrections response to recommendation 3.
Recommendation 6	Current Update
Corrections and NT Police provide a suitable substitute for pillows to Territory prisoners as appropriate and where possible. Response when report was released Recommendation accepted in principle by Corrections and NT Police	Corrections Per Corrections response to recommendation 3. NT Police NT Police maintain records relating to the issue of fresh laundered bedding through existing prisoner custody recording processes.
Recommendation 7	Current Update
Corrections and NT Police maintain records of the bedding that has been issued to Territory prisoners and of when their bedding has been laundered. Response when report was released Recommendation accepted in principle by Corrections and accepted in full by NT Police	Corrections Per Corrections response to recommendation 3. NT Police NT Police maintain records relating to the issue of fresh laundered bedding through existing prisoner custody recording processes.
Recommendation 8	Current Update
Corrections and NT Police explore ways to ensure that Territory prisoner accommodation in watch houses have lights that can be dimmed or can modify their light output to be conducive to sleep and then implement a lighting time schedule. Response when report was released Noted by Corrections and accepted by NT Police	NT Police Dimmable lighting has been implemented across major NT Police watch houses. Further enhancements at Katherine Watch House will be delivered through the Territory-wide CCTV upgrade program and works to enable dimming in all cells.
Recommendation 9	Current Update
Corrections takes reasonable steps to notify a Territory prisoner's family or other approved persons as soon as practicable after they enter a NT Police watch house. Response when report was released Accepted in principle by Corrections	Corrections The Department continues to progress the implementation of a Digital Muster solution across correctional facilities. The project is designed to improve the accuracy and efficiency of prisoner movement recording through the introduction of an automated digital system. At the Darwin Transitional Correctional Centre (DTCC), contracted staff have received training in the Integrated Offender Management System (IOMS) and are now undertaking full prisoner admission processes for new in takes in accordance with operational requirements.

Recommendation 10	Current Update
Corrections and NT Police take steps to ensure that Territory prisoners are able to routinely contact their family or other approved person, at least via telephone, from NT Police watch houses. Response when report was released Accepted in principle by Corrections and not accepted by NT Police	Corrections Implementation of this recommendation has been deferred pending the completion of relevant infrastructure works across correctional facilities. The Department considers that these works may address the matters raised by the recommendation. In the meantime, prisoners at the Darwin Transitional Correctional Centre (DTCC) continue to have access to telephone services, and the Department is progressing the establishment of video link capability.
Recommendation 11	Current Update
Corrections and NT Police ensure that prisoners can shower and brush their teeth on a daily basis. Response when report was released Noted by Corrections and accepted in part by NT Police	Corrections The organisational restructure that decentralised corporate and operational policy functions resulted in delays to the finalisation of this work. To address this, the Adult Operations Directorate (Operational Reform) received approval to establish two policy officer positions and one Project Lead position. The Project Lead has now commenced and is undertaking a comprehensive review, audit and risk assessment of existing operational policies. This work will inform the development of a revised operational policy framework for correctional facilities across the Northern Territory. In addition, the contracted service provider at the Darwin Transitional Correctional Centre (DTCC) has updated its Operating Instructions to address this recommendation. NT Police NT Police has procured and distributed custody-safe toothbrushes and toothpaste across watch house facilities. Tooth brushing opportunities are routinely provided, and shower access remains available where operationally viable.
Recommendation 12	Current Update
Corrections and NT Police maintain records of the showering and tooth brushing opportunities provided to Territory prisoners. Response when report was released Accepted by Corrections and accepted in part by NT Police	Corrections As per recommendation 11. NT Police NT Police maintain records of shower opportunities through detention logs and is able to extract and report on this information, on an individual basis, where required.
Recommendation 13	Current Update
Corrections and NT Police provide sanitary bins and sufficient feminine hygiene products in places where female prisoners have ready access to allow for the discreet management of periods. Response when report was released Recommendation noted by Corrections and NT Police	No update provided by Corrections or Police as recommendation was only originally noted.

Recommendation 14	Current Update
Territory prisoners held in watch houses by either Corrections or NT Police be provided an opportunity to leave their cells to use an outdoor area at least once a day for at least an hour a day. Response when report was released Noted by Corrections and not accepted by NT Police	No update provided by Corrections was only originally noted.
Recommendation 15	Current Update
Corrections and NT Police keep readily extractable prisoner data that: • differentiates between Territory prisoners and other prisoners held in watch house facilities • details how long Territory prisoners have been kept in each watch house facility. Response when report was released Recommendation accepted in principle by Corrections and accepted in full by NT Police	Corrections Back end technical development of dashboard to deliver upon this recommendation is complete. NT Police NT Police maintain readily extractable prisoner data relating to prisoner status and watch house detention periods and is able to report on this information when required.
Recommendation 16	Current Update
For a period of 18 months following tabling of this report, Corrections and NT Police provide the Ombudsman a list of the Territory prisoners that have been in a watch house facility for 7 or more days (including spread across multiple watch houses) when this occurs and weekly thereafter for listed Territory prisoners so long as they remain in a watch house. The list is to include the following details: • the Territory prisoner's name • their sex • their date of birth • the watch house they are held in • how long they have been held at that watch house, the reason for their length of stay, and any action to exit them from the watch house Response when report was released Recommendation accepted in principle by Corrections and NT Police	Corrections Back end technical development of dashboard to deliver upon this recommendation is complete. NT Police NT Police, through the Business Intelligence Section, provides relevant prisoner data to Corrections to support reporting requirements associated with Territory prisoners held in watch houses.

Appendix B - Copy of the Police Complaints Agreement

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

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

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19. **Scope of This Agreement**
20. **Review of This Agreement**

1. Scope of Terms

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

2. Introduction

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

Specifically, the Agreement provides for the following matters:

- (a) the kinds of complaints for which the police Complaints Resolution Process (CRP) may be conducted;
- (b) the conduct of the CRP process;
- (c) report of the result of the CRP process;
- (d) the kinds of complaints for which PSC report under Part 7, Division 6, Subdivision 1 or Subdivision 2 is required; and
- (e) other matters the Ombudsman and Commissioner consider appropriate for dealing with the complaints mentioned in paragraphs (a) and (d).

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

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

3. Purpose and Intent of the Agreement

The purpose of this Agreement is to facilitate the sound investigation and appropriate determination of CAPs whether made to the Commissioner or the Ombudsman. The Agreement gives effect to the obligations placed on both the Ombudsman and Commissioner by virtue of the Act and the *Police Administration Act*.

Bearing in mind the differing obligations and roles of the Ombudsman and Commissioner, this Agreement outlines the manner in which the various categories of police complaints will be considered, investigated and reported.

The Parties mutually agree to:

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

4. Obligations of Professional Standards Command

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

5. Obligations of Police Officer

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

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

6. Notification on the Making of a Complaint

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

In accordance with section 65(2) of the Act, the notice provided to the Ombudsman by PSC will be submitted in writing and include:

- (a) if the complaint was made in writing, a copy of the complaint, or facilitate the open exchange of information, materials and cooperation between the NT Police and the Ombudsman;
- (b) if the complaint was made orally, a copy of the statement of particulars of the complaint prepared by the police officer to whom the complaint was made.

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

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

7. Assessing and Determining Whether to Deal With a Complaint

7.1 Complaints Made Out of Time

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

7.2 Preliminary Inquiries

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

The Parties agree that except where the Ombudsman states otherwise, the notification of a complaint by the Ombudsman to the Commander, PSC includes a request that PSC makes preliminary inquiries into the grounds of the complaint and recommends:

- (a) a particular classification under section 66 of the Act; or
- (b) that the Ombudsman decline to deal with the complaint.

7.3 Declining a Complaint

Under section 67 of the Act, the Ombudsman may decline to deal with a complaint, or decline to continue the investigation of a complaint, if the Ombudsman is of the opinion the complaint is:

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

In addition, the Ombudsman may defer a decision on how to deal with, or to decline to deal with, a police complaint under Part 7 of the Act if satisfied that:

- (a) a proceeding before a court or tribunal has been, or is to be, commenced in relation to the conduct the subject of the police complaint; or
- (b) disciplinary procedures against a police officer whose conduct is the subject of a police complaint have been or are to be commenced in relation to the conduct (section 107(1)) of the Act.

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

As a general rule:

- Civil Proceedings — If civil proceedings have been instituted there is unlikely to be any justification for delaying action on a complaint solely by reason of the existence of these proceedings; or
- Criminal Proceeding — If a complaint is made while criminal charges are pending, and the complaint relates to the same incident from which the charges arose, the complaint is likely to be delayed if the elements of the charge(s) will result in the Court deciding the issues of the complaint.

If a complaint is declined by the Ombudsman it will be processed in the following manner:

- (a) if the complaint was made directly to the Ombudsman by the complainant or their representative:
 - i) the complainant or their representative will be notified by the Ombudsman that no further action will be taken on the matter;
 - ii) the file will be closed; and
 - iii) the complaint will not be forwarded to PSC;
- (b) if the complaint was submitted by PSC to the Ombudsman:
 - i) the complainant or their representative will be notified by PSC that no further action will be taken on the matter;
 - ii) PSC will send confirmation to the Ombudsman; and
 - iii) the file will be closed.

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

8. Classification of Complaints

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

Complaints fall into one of the following classifications:

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

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

Careful consideration is to be given to:

- (a) the seriousness of the complaint;
- (b) any relevant police practices, procedures or policies; and
- (c) the responsible allocation of resources in determining the classification.

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

9. Re-Classification of Complaint

Consideration may be given to re-classification of a complaint if:

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

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

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

The Ombudsman may refuse the request to re-classify a complaint if satisfied the issues raised by the complainant are being, or have been adequately dealt with in the CRP.

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

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

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

10. Conciliation [Part 7, Division 3]

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

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

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

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

The conciliator's functions are to be as agreed between the Parties however, in general terms the conciliator is to settle a complaint by:

- (a) explaining the conciliation process and the voluntary nature of the conciliation process;
- (b) explaining privilege and confidentiality as described under section 114 of the Act;
- (c) arranging discussions and negotiations between the complainant and the provider;
- (d) assisting in the conduct of discussions and negotiations;
- (e) assisting the complainant and provider to reach agreement; and
- (f) assisting in resolving the complaint in any other way.

10.1 Representation at Conciliation

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

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

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

The Commissioner and the Ombudsman have jointly agreed to the CRP procedures referred to in this agreement. It is agreed by the parties that the CRP includes the following elements and processes:

- (a) that the early intervention into minor complaints may lead to a quick resolution of the complaint. This may involve listening to the complainant's specific issues and an explanation as to why a particular course of action was taken by members, the legal and practical considerations relating to the incident or the offering of a simple apology;
- (b) the CRP is not focused on fault-finding or punishment. The CRP is a means of dealing with common complaints about practice, procedures, attitudes and behaviour. One of the aims of this procedure is to settle and finalise minor complaints without proceeding to formal disciplinary action against members.
If some inappropriate conduct is identified, a member is advised / assisted by the CRP officer to correct the conduct; and
- (c) the informal resolution may be undertaken by the police officer taking the complaint or some other police officer, but not the police officer whose conduct initiated the complaint.

11.1 Ombudsman's Oversight

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

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

11.2 Categories of CRP Conduct

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

- (a) failure to:
 - i) take a complaint seriously;
 - ii) respond promptly during inquiries;
 - iii) promptly attend the scene of a minor complaint;
 - iv) return telephone calls;
 - v) keep people informed of the progress of inquiries;
 - vi) charge a person (in minor cases only, e.g. motor vehicle disputed); and / or
 - vii) return property;
- (b) rudeness / incivility;
- (c) perception of a threat or harassment, subject to severity and nature of threat or harassment;
- (d) unreasonable treatment of a minor matter, e.g. matters where the police action appears appropriate and justified by law and the complaint arises from a misunderstanding of police powers, practices and procedures;
- (e) impartiality, e.g. allegedly taking sides with one of the parties in a dispute;
- (f) a complaint of police driving or parking behaviour which is not aggravated or is able to be reasonably explained;
- (g) a complaint made by a person who has an apparent mental dysfunction or is otherwise disturbed or obsessive and the complaint has either been made previously or appears, by its nature, to be without substance and consistent with the complainant's apparent state of mind;
- (h) a complaint concerning an incident of minor force associated with an arrest or other lawful police conduct. This may include jostling, pushing and shoving in the execution of duty — without any intended features such as intimidation or attempts to obtain a confession — but excludes unlawful assaults or unnecessary or unreasonable use of force; and/or
- (i) other such conduct as the Ombudsman and the Commander, PSC determine should be subject to CRP.

11.3 CRP Process

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

The OIC of a station / section / unit, being a member of or above the rank of Sergeant, is authorised to informally resolve minor CAPs. This officer will be acknowledged as the CRP Officer.

On being advised of a complaint, the CRP Officer is to determine whether the conduct complained about comes within one of the authorised categories.

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

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

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

11.4 Successfully Completed CRP

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

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

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

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

On completion of the CRP, the CRP Officer is to identify any outstanding issues of concern which arise from the enquiries made. Those issues are to be identified on the CRP Form. Where issues are within the responsibility of the CRP Officer he / she is to take the necessary steps to address those issues.

Where the issues relate to the responsibilities of another member, the CRP Officer is to ensure those issues, along with the recommendations, are sent to that member for follow up. This matter is also to be addressed on the CRP Form submitted to PSC at the completion of the process.

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

On receipt of the CRP Report the Ombudsman will consider the complaint and determine whether:

- (a) the action taken was reasonable;
- (b) there are any outstanding issues;
- (c) the complaint was resolved; and
- (d) further action is required.

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

The Ombudsman may determine that the CRP is not suitable for finalisation and may re-classify the complaint where:

- (a) the complainant is dissatisfied with the CRP, the outcome of the CRP or does not agree to continue with the CRP;
- (b) evidence indicates the complaint is not suitable as a CRP;
- (c) a CRP is otherwise unsuccessful or likely to be unsuccessful;
- (d) inquiries reveal the complaint is more serious than first considered; or
- (e) on the Ombudsman's own motion.

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

11.5 Unsuccessful CRP

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

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

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

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

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

If the Ombudsman is satisfied the issues raised in the complaint are being, or have been, adequately dealt with in the CRP, the Ombudsman will refuse the request.

If the Ombudsman agrees with the request, the Ombudsman and the Commander, PSC will re-classify the complaint and the Ombudsman will notify the complainant of the terms of the new investigation.

11.6 Police Officer Dissatisfied

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

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

11.7 Police Officer's Rights

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

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

11.8 Enquiries Reveal a Matter is More Serious

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

The following factors could lead to a suspension of the CRP:

- (a) identified inculpatory evidence warranting a formal PSC investigation;
- (b) additional issues requiring further enquiry; and/or
- (c) evidence of involvement of other police officers in the police conduct.

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

11.9 Withdrawal of Complaint

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

11.10 CRP Action Requirements

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

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

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

12. Professional Standards Command Investigation

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

- **Preliminary Inquiry (PI)** - An investigation carried out by PSC or other member on behalf of PSC upon initial receipt of a complaint against police. The investigation is carried out to examine available material and allow for a considered recommendation to be made to the Ombudsman on the categorisation of the complaint;
- **Category 2** - An investigation carried out by PSC or other member on behalf of PSC where the Commissioner or his/her delegate reports directly to the complainant (Part 7, Division 4, Subdivision 2 and Part 7, Division 6, Subdivision 1 of the Act). These are complaints relating to incidences of minor misconduct that are not suitable for CRP or sufficiently serious to be subject to a category one (1) classification; and
- **Category 1** — An investigation carried out by PSC or other member on behalf of PSC where the Commissioner or his/her delegate reports to the Ombudsman, who considers the report and reports to the complainant (Part 7, Division 4, Subdivision 2 and Part 7, Division 6, Subdivision 2 of the Act). These are serious complaints relating to alleged serious misconduct or maladministration.

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

12.1 Preliminary Inquiry

Authorised Conduct of Preliminary Inquiry

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

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

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

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

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

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

12.1 The PI may result in PSC recommending to the Ombudsman that a complaint be dealt with in the following manner:

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

12.2 Category 2 PSC Investigation

Authorised Conduct of Category 2 Complaint

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

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

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

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

Assignment of complaint to Investigating Officer

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

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

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

Functions of Investigating Officer

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

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

Responsibilities of Investigating Officer

The IO is to:

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

12.2

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

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

At the completion of the investigation, the IO is to prepare a Final Report on the findings of the investigation. The report is to include an assessment of the conduct of the subject member and may include:

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

Any ancillary issues identified during the investigation are to be reported on.

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

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

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

Re-classification of Complaint

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

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

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

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

Ombudsman Review

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

Requirements when Serious Breach of Discipline Identified

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

Commissioner Notification to the Ombudsman

Should disciplinary proceedings or criminal charges be brought against the subject member during the investigation of the Complaint, the Commissioner is to notify the Ombudsman within **five (5) days** of:

- (a) the commencement of proceedings or laying of the charges; and
- (b) the final outcome.

Deferral of Investigation

An investigation may be deferred or discontinued by the Ombudsman at any time if:

- (a) proceedings against the subject member in relation to the conduct have been, or are about to be, commenced in a court or tribunal; or
- (b) disciplinary procedures have been, or are about to be, started against the subject member.

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

12.3**Category 1 PSC Investigation****Authorised Conduct of Category 1 Complaint**

Category 1 complaints relate to serious police misconduct. Allegations of Police misconduct will result in a Category 1 complaint if the conduct:

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

Category one (1) complaints, when sustained, may result in one or more of the following outcomes pursuant to Part IV of the *Police Administration Act*:

- (a) counselling;
- (b) formal caution in writing;
- (c) good behaviour Bond (GBB);
- (d) fine;
- (e) pay compensation/restitution;
- (f) transfer;
- (g) reduce rate of salary;
- (h) suspension — paid/unpaid;
- (i) demotion; or
- (j) dismissal.

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

Complaints may be classified as a Category 1 complaint because of:

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

Assignment of Complaint to Investigating Officer

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

Functions of Investigating Officer

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

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

Responsibilities of Investigating Officer

The IO is to:

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

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

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

At the completion of the investigation, the IO is to prepare a final report on the findings of the investigation. The report is to include an assessment of the conduct of the subject member and may include:

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

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

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

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

The Ombudsman may decide to investigate a CAP:

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

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

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

13.1 Finalisation Process

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

The Commissioner will notify the Ombudsman whether the Commissioner:

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

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

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

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

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

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

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

13.2 Complaint Findings

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

- (a) **unresolved** - Given differing versions, where the Ombudsman and PSC are unable to come to any conclusion about the allegation. This finding may be used in respect of allegations when the only available evidence is the complainant's version against that of the members or all witnesses provide a differing/inconsistent version;
- (b) **no evidence to support the allegation** - Based on the material, there is no evidence to support the allegation. This finding may apply to an allegation of minor assault (e.g. push/slap) and there is no medical evidence to support the allegation, there are no witnesses to the incident, there is no video evidence or other members present, to positively support the fact that it did or did not occur;
- (c) **insufficient evidence to sustain the allegation** - Based on the material there is some evidence to support the complainant, but it is insufficient to sustain the allegation. This may apply where there is some evidence to support the allegation but the quality of the evidence is unreliable, or taking into account other evidence (e.g. the medical evidence or the evidence of the police), the evidence as a whole is insufficient to sustain the allegation;
- (d) **action / conduct was not found to be unreasonable given the circumstances** - This finding may be used in cases where a member may have done something unusual or prima facie questionable, but the surrounding circumstances are such that it is inappropriate to make an adverse finding against the member;
- (e) **the police action / decision was reasonable** - This is a positive finding to the effect that the Ombudsman / PSC supports the action / decision by the police;
- (f) **the allegation is sustained** - Where there is sufficient evidence to sustain the allegation on the balance of probability; and
- (g) **the allegation is found to be wilfully false** - Where an investigation into a complaint against Police reveals that the allegation was wilfully false, that finding will be brought to the attention of the Ombudsman to consider a prosecution under the Act. Any criminal charges arising from a wilfully false allegation will be referred to the Commander, PSC for action.

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

14. Reviews by Ombudsman

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

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

15. Confidentiality & Immunity

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

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

16. Suspected Criminal Conduct

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

17. Procedural Fairness

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

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

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

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

18. Other

18.1 Non-Disclosure of Information

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

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

- (a) by a complainant or to any third party in a court or tribunal; or
- (b) by a complainant or third party to the other party;

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

18.2 Restricted Use of Information

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

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

18.3 Register of Police Complaints

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

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

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

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

19. Scope of This Agreement

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

20. Review of This Agreement

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

Glossary

Abbreviation	Meaning
ABS	Australian Bureau of Statistics
AO	Administrative Officer classification levels 4, 5, 6 and 7
CAP	Complaint Against Police
CEO	Chief Executive Officer
CCTV	Closed-Circuit Television
CMT	Command Management Team
CRP	Complaint Resolution Process
CSI	Customer Service Inquiry
DLI	Department of Logistics and Infrastructure
DLPE	Department of Lands, Planning and Environment
DTCC	Darwin Transitional Custody Centre
ECO2	Executive Contract Officer 2
FTE	Full-time equivalent
GBB	Good Behaviour Bond
ICAC	Independent Commissioner Against Corruption
ICT	Information and Communications Technology
IJIS	Integrated Justice Information System
IO	Investigating Officer
IOI	International Ombudsman Institute
IOMS	Integrated Offender Management System
JCO	Judicial Commission Office
MOG	Machinery of Government
MoU	Memorandum of Understanding
NPM	National Preventive Mechanism
NT	Northern Territory
NTFES	Northern Territory Fire and Emergency Services
NTFRS	Northern Territory Fire and Rescue Service
NTG	Northern Territory Government
NTPFES	Northern Territory Police, Fire and Emergency Services
NTPS	Northern Territory Public Sector
OIC	Office of the Information Commissioner
OIEC	Office of the Integrity and Ethics Commissioner
OPCAT	Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
PI	Preliminary Inquiry
PROMIS	Police Real-time Online Management Information System
PSEMA	Public Sector Employment and Management Act 1993
PSC	Professional Standards Command
PWC	Power and Water Corporation
Q4	Quarter 4
SAO	Senior Administrative Officer classification levels 1 and 2
SDA	Surveillance Devices Act 2007
SP2	Senior Professional classification level 2
WH&S	Workplace Health and Safety

