



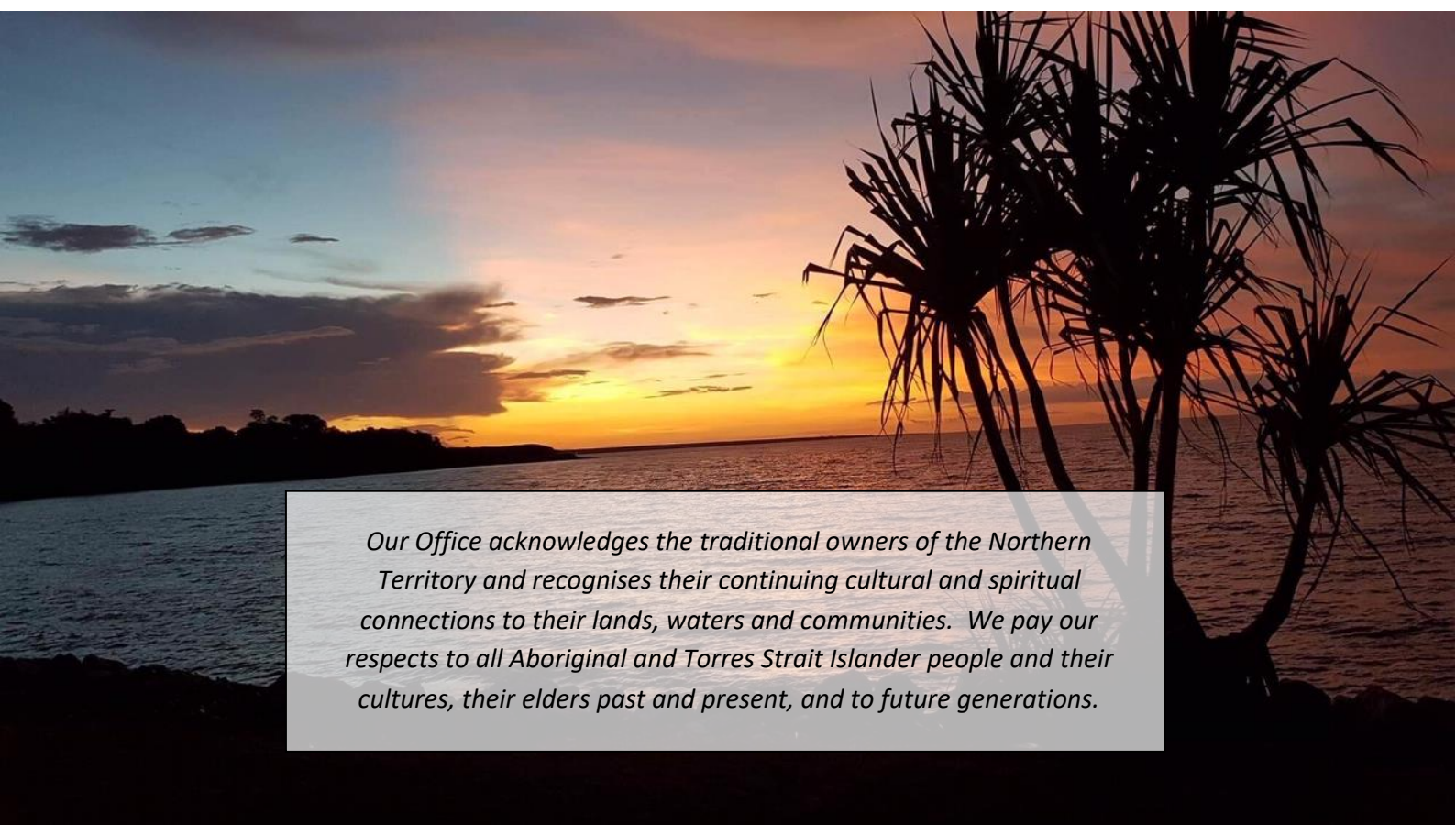
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ANNUAL REPORT

2024/25

This Annual Report is prepared pursuant to section 152 of the *Ombudsman Act 2009* and provided to the Chief Minister to be tabled in accordance with section 154 of the Act.



Our Office acknowledges the traditional owners of the Northern Territory and recognises their continuing cultural and spiritual connections to their lands, waters and communities. We pay our respects to all Aboriginal and Torres Strait Islander people and their cultures, their elders past and present, and to future generations.



Annual Report 2024/25

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CHAPTER 1 – MESSAGE FROM THE OMBUDSMAN

The 2024/25 reporting period has brought significant changes for the Ombudsman’s Office, with the former Ombudsman Mr Peter Shoyer concluding his statutory term in November 2024. The period also saw the retirement of long-serving Deputy Ombudsman, Ms Brenda Monaghan, and several long-term staff retiring.

Since 1 December 2024, the Office has been fortunate to have the skill and care of respected leaders in the public service to act as Ombudsman, namely, Ms Monaghan, Ms Traci Keys and Ms Candice Maclean. I thank them for their steady stewardship of the organisation and support to staff during this period of change. Thankfully Ms Maclean continues to work in her capacity as Deputy Ombudsman.

Each of the departing staff have left an office which represents an impressive legacy of the work of an Ombudsman done well, with a comprehensive case management system, robust policies, positive culture and a clear sense of purpose. But what is the work of an Ombudsman done well? For those unfamiliar with the title, it is derived from a similar word from 19th Century Sweden with the Government creating a position to resolve challenging problems, increase accountability and hold the King to account.

In the middle of the 20th century only 3 Scandinavian Countries had Ombudsman, but by the turn of the century the concept had experienced exponential worldwide growth. As elected governments grew with their necessary bureaucracy, governments also importantly have recognised the need to have a body who could accept complaints from citizens about the actions or inactions of those agencies and resolve issues between them. In spreading globally, the concept reached Australia with all Australian jurisdictions now having an Ombudsman, including the Commonwealth.

Since my arrival in the Ombudsman’s Office in May 2025, I have been continually impressed by our small high performing team for the commitment they bring to our values-driven agency every day through their work. We have a strong hybrid team of resolution officers, investigators, lawyers and technical staff who work together with impressive agility to deliver significant public value to the Northern Territory, across the Office’s multiple jurisdictions.

Our staff engage each day with people from all walks of life, who present with a wide range of issues. Where possible and appropriate, they assist them to resolve those issues by working with agencies, and otherwise assist agencies to review and improve their practices. That work is critical in promoting public confidence in Northern Territory government services and systems.

While not in this reporting period, we note the release of the Government commissioned Review into the Structural Models for Statutory Integrity Offices in August 2025, which provides recommendations that will impact this Office in the coming period. The Review, which has been accepted by Government, identified that the main issues facing this Office were under-resourcing and under-staffing. Our experience of this reporting period supports that assessment, and we look forward to engaging with Government and relevant agencies to optimise the delivery of Ombudsman services into the future.

OMBUDSMAN FUNCTIONS AND ACTIVITIES

Chapter 2 discusses the varying ways we approach our objectives.

Chapter 3 provides detail on Ombudsman approaches received and finalised across the public sector during the year and discussion and examples of the types of issues raised in the context of a number of specific public authorities.

Police conduct complaints continue to represent a major part of the Ombudsman function. They are routinely dealt with by the NT Police Professional Standards Command, subject to the oversight of our Office. Chapter 4 discusses some issues of relevance to NT Police, including use of force and escalation, care in custody, youth justice, care and protection of children, published reports on extraordinary restraints and body worn video use, vehicle safety, failure to update systems, protecting sources of information, and use of private security guards. It includes a variety of examples of deidentified case studies to illustrate the points discussed.

Further, Chapter 4 also analyses police conduct approaches and complaints received and finalised during the year, including a description of outcomes and the subject matter of sustained complaints. The Chapter also describes how police complaints are handled and the statutory audit, inspection and review functions undertaken by the Office in relation to law enforcement agencies.

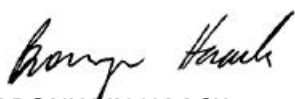
Correctional Services is also routinely one of the top two sources of approach to our Office. Chapter 4 also discusses Correctional Services matters, including an overview report to the Commissioner, heat stress in prisons, women in prison and the use of police watch houses to detain prisoners. It also analyses Correctional Services approaches received during the year and provides examples of cases dealt with.

Chapter 5 discusses some of the other functions and activities we undertook during the year, aimed at promoting better government, including:

- working co-operatively with other NT and interstate integrity and complaint bodies; and
- undertaking or contributing to training activities and presentations for public sector staff and a variety of community and stakeholder engagement.

Chapter 6 provides information about corporate aspects of the Office and our staff.

In preparing this report as Acting Ombudsman, I provide my sincerest thanks to the staff of the combined offices for their support and input, in particular to members of our Senior Management Group, Candice Maclean, Thomas Greaves and Sarah Schultz.

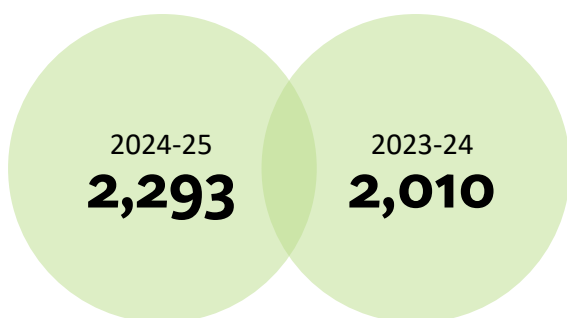


BRONWYN HAACK
A/Ombudsman

30 September 2025

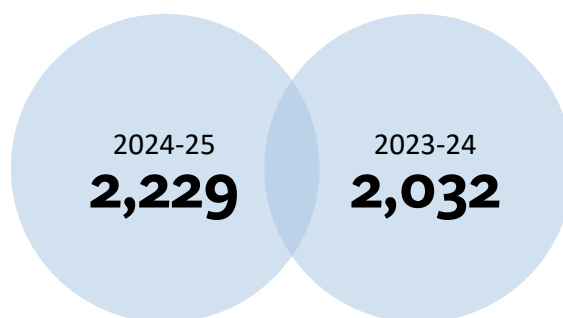
KEY STATISTICS

We had a **14%** increase in total approaches received



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

We finalised **197** more approaches



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

87%

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

84% achieved in 23-24



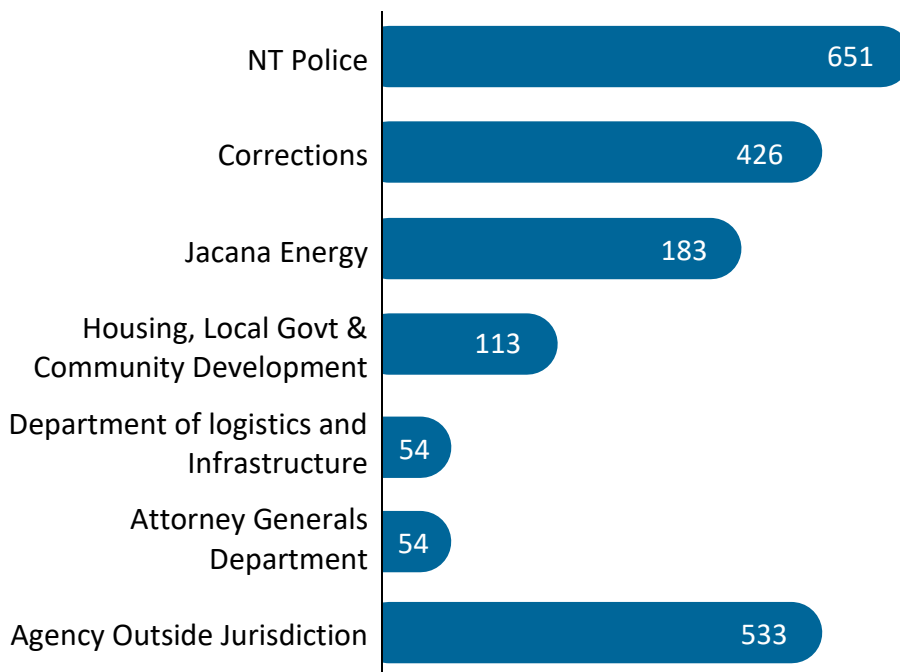
91%

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

93% achieved in 23-24



Top agencies subject of approach



VISION, MISSION, CORE VALUES

The Ombudsman NT:

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

Our Vision

(our ultimate aim)

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

Our Mission

(how we contribute to our vision)

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

Work with public authorities and other stakeholders to improve the quality of decision-making and administrative practices in public authorities.



Core Values

(a 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 4.

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 almost 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 5.

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, further detail is provided in Chapter 5.

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

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 47 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 can't 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 don't 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 and what they are seeking to achieve. Other complaint/review bodies include the ICAC, 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>.

Priorities for the Office are identified under the five aspirations described below.

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>.

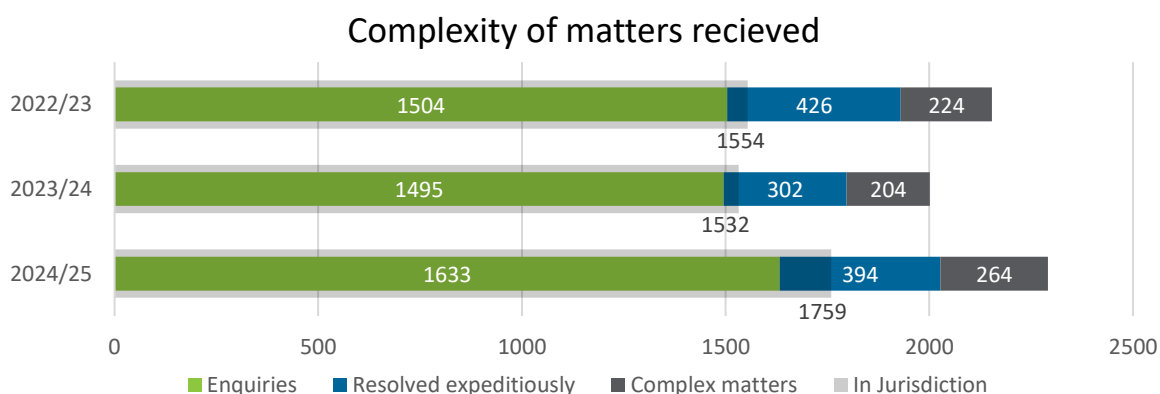
CHAPTER 3 – APPROACHES AND COMPLAINTS

NUMBER OF APPROACHES

In 2024/25, there was a total increase of approximately 14% in the number of approaches to the Office with 2,293 new approaches received (compared with 2,010 in 2023/24).

These approaches were varied and included straight forward queries, matters requiring more work on our part, complaints requiring significant investigation and matters outside our jurisdiction, which we refer on where possible.

In-jurisdiction approaches rose by just under 15% from the prior year.

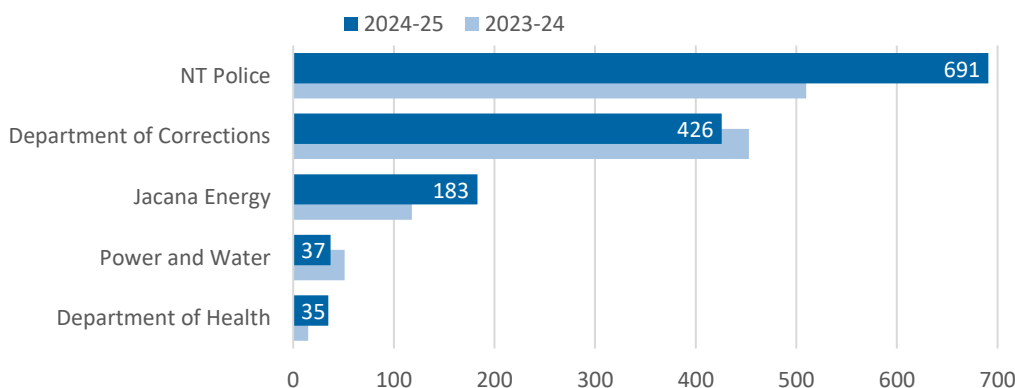


Note: Does not include a small number of policy advice matters that are not categorised for complexity.

Also showing an increase and perhaps the most significant one for the Office in 2024/25 is the number of complex matters received.

VARIATIONS AT AGENCY LEVEL

Some notable variations in approaches by agency compared to prior year are shown below. The majority of the other agencies 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 continued to increase from 510 in 2023/24 to 691 in 2025/26, an increase of 35%.

Correctional Services saw a modest decline in approaches of 6%. Further discussion on issues of Corrections complaints is included at Chapter 4.

Jacana Energy approaches were up by 55% in contrast to Power and Water which saw a decline of 27%. Department of Health also saw a reasonable increase over their 2023/24 approaches, though total approaches for 2024/25 were not excessive for an agency of that size and we will continue to monitor these numbers.

Approaches in relation to local government councils remained at a similar level (45 this year compared to 37 the year before).

DEMOGRAPHIC INFORMATION

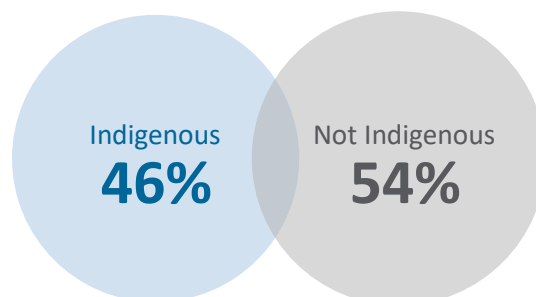
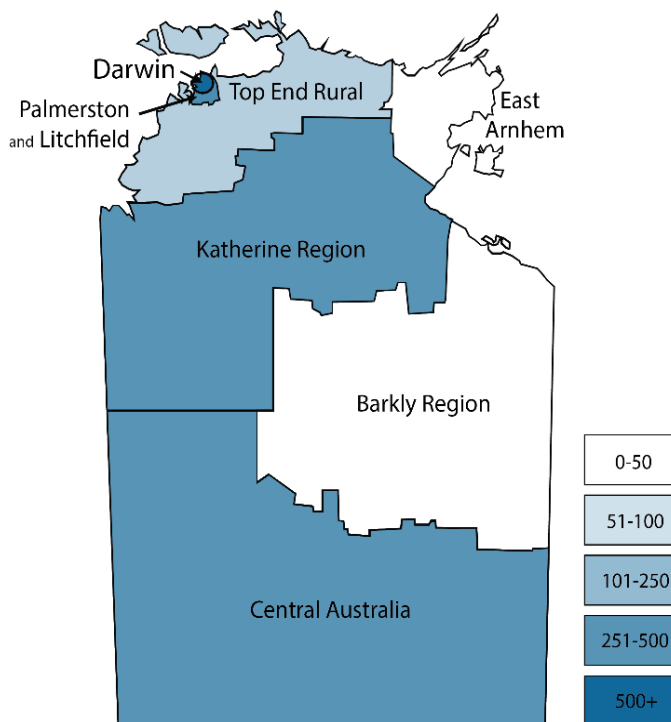
Establishing the demographic make-up of people who approach the Office continues to be difficult. People who make a brief phone call or contact us using e-mail or the online complaint form may not provide an address that shows the region where they live. The map showing region of approaches therefore exclude a large number of ‘unknowns’.¹

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 therefore 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 also 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.

In 2024/25, 22% of those contacting us identified or were identifiable as Indigenous or representing an Indigenous person. However, over half did not disclose a background at all, so these statistics are at best instructive rather than definitive.

Of those whose background was identifiable, 46% were Indigenous or represented an Indigenous person. This is broadly consistent with previous years.



¹ They also exclude prisoners at correctional centres.

HOW INITIAL APPROACHES ARE MADE

The Office provides a range of contact options to facilitate access for a broad range of people. This includes receiving incoming calls, a direct line for those in Correctional custody, online complaints forms and maintaining a front counter service.

In 2023/24, well over half of initial contacts with the Office were made by telephone, this remains consistent in 2024/25 with just under 1,200 telephone approaches being received. This can be compared with 571 who utilised e-mail and only 95 utilising the Office’s online complaint form. These statistics record the initial approach only and over the duration of a matter multiple methods of contact may be utilised.

Referred approaches continue to make up a significant portion of initial approaches as a large number of police complaints are referred to the Office under the Act and in accordance with the police complaints agreement.



HOW QUICKLY APPROACHES ARE DEALT WITH

In 2024/25, 2,229 approaches to the Office were finalised, with 95% of those matters being completed within 90 days.

Time taken to finalise - approaches finalised in 2024/25

Group	Up to 7 days	8 to 28 days	29 to 90 days	91 to 180 days	Over 180 days	Total
Police	42%	17%	28%	10%	4%	600
Other	73%	18%	7%	1%	1%	1,629
Overall	65%	18%	13%	3%	2%	2,229

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

Finalisation timeliness figures are largely consistent with numbers for the previous year despite a rise in overall complaint numbers, particularly when looking at the substantial increase in police conduct complaints. This is a considerable achievement.

Age of open matters - 30 June 2025

Group	Up to 7 days	8 to 28 days	29 to 90 days	91 to 180 days	Over 180 days	Total
Police	13	16	30	29	12	100
Other	16	18	5	10	4	53
Total	29	34	35	39	16	153

The increase in open matters at the end of the period is reflective of higher caseloads being managed both by Ombudsman staff and NT Police Professional Standards Command. Having only

16 matters aged over 180 days (up slightly from 11 in 2023-24) despite the large increase in workload is a testament to the hard work of both teams.

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 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, in order 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 may refer 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 may enter into a memorandum of understanding covering the practical aspects of referrals, confidentiality, information sharing, sharing of resources and minimising the risk of duplication.

OUTSIDE JURISDICTION

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

In ‘outside jurisdiction’ cases, we attempt to either provide contact details or put the enquirer in touch with an entity that can assist them. In 2024/25, we dealt with 534 outside jurisdiction approaches compared with 478 in the previous year.

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

Sector	2022/23	2023/24	2024/25
Consumer affairs	102	62	119
Health and community services	50	52	46
Employment	59	46	44
Financial services	40	27	38
Commonwealth government	30	26	33
Telecommunications	17	10	10
Private housing	13	11	7

SPECIFIC AUTHORITIES

UTILITIES

While utility complaints remain a significant portion of complaints received by this Office, we are pleased to report that over the past year Jacana Energy and the Power and Water Corporation have, in our experience, continued to engage cooperatively with one another and with our Office to resolve matters promptly. To foster this positive engagement, we hold quarterly meetings with senior and operational officers at both Jacana Energy and the Power and Water Corporation to work through topical issues.

[Case Example 1](#) below provides an example where the agencies were able to work through a complicated joint matter together with our Office to provide a consequential outcome for a small business owner.

Beyond individual complaints, we have continued to scan our data for utility complaint trends to identify systemic issues, that, if resolved, could improve the experience for consumers more broadly.

Last year, our complaint data identified a trend in complaints about a lack of notification in cases where Jacana Energy was prevented from disconnecting a property’s electricity. Complaints to our Office indicated that the failure to notify caused significant, unnecessary headaches for consumers who were not afforded the opportunity to quickly rearrange the disconnection, resulting in issues providing access to the meter and arguments over the electricity bill post the date of the failed disconnection.

We raised this issue with Jacana Energy, which improved its practice by now promptly texting consumers about any failed disconnection attempt, leading to a reduction in complaints received about this issue by our Office over 2024/25. This change in practice is to be commended.

This year, our complaint data identified ongoing concerns about the Power and Water Corporation’s practice of leaving ‘skip cards’ where a meter read could not be obtained, which we discuss further below in [Case Example 2](#).

Case Example 1 – Prepaid card buyback

During a recent stocktake, a small business owner discovered a large quantity of now-redundant prepayment meter cards purchased in 2018/19 before the rollout of smart meters. Seeking a refund, he initially approached Jacana Energy, which was willing to reimburse the cards but required proof of purchase. Unable to provide a receipt due to the passage of time, the business owner was left frustrated and without resolution. He then sought assistance from our office.

Following round table discussions with Jacana Energy and the Power and Water Corporation, it was established that the cards were sold by the Power and Water Corporation to Jacana Energy, effectively confirming that the business owner had purchased them from Jacana Energy despite lacking direct proof of purchase. As a result of our involvement and the constructive cooperation between Jacana Energy and the Power and Water Corporation, the small business owner received a refund of \$7,805 for the obsolete cards.

Case Example 2 – An improvement on ‘skip cards’

Access issues leading to estimated bills continue to be a major source of consumer complaints. It is the Power and Water Corporation’s practice to leave a ‘skip-card’ when access issues prevent a meter from being read, which prompts the consumer to self-report their own meter read within a limited time period to receive a bill based on actual usage. Consumers not infrequently contact our Office to advise that they did not receive or could not locate these cards, resulting in them receiving an estimated bill for that period, which can lead to an over or under payment that needs to be rectified and is hard to account for in a budget.

Our Office brought these cases to the Power and Water Corporation’s attention to consider whether there is a more reliable way to notify consumers of the missed read and prompt them to self-report. After reviewing options, the Power and Water Corporation implemented a process of reminding consumers of the read and access requirements via SMS one-to-two days before the read date and notifying them via SMS on the read date if the read could not take place. In such cases, the SMS informs consumers why their meter could not be read—for example, due to a

locked gate or a dog on site—and includes a link to the Power and Water Corporation’s website, allowing consumers to self-report their usage and avoid an estimated bill. Since implementing this new contact practice, the Power and Water Corporation has reported back to our Office that its data shows more self-reports are being made by consumers leading to less estimated bills.

The following tables show indicative numbers of issues raised by individuals about utilities 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 judgment 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 2024-25

Issue	Notes	No.
Excessive charges	Includes issues around estimation process and payment of refunds	106
Financial hardship	Includes credit listing	25
Disconnection	Includes disconnection due to non-payment	17
Billing	For example, bill not received, two bills received at same time, for wrong property, delay in sending	13
Contact and communication	Includes problems with contacting Jacana Energy and poor communication	10
Solar	Includes issues relating to solar rebate changes, delay in paperwork for new systems, high estimates not taking solar installation into account	7
Fees	Includes issues relating to fees for connection and disconnection and administrative fees	7
Changed circumstances	Includes problems arising due to change in address or living arrangements, administration of estates, failure to disconnect on departure	4

POWER AND WATER – ISSUES RAISED 2024-25

Issue	Notes	No.
Excessive charges	Includes issues around estimation processes and payment of refunds	14
Contact and communication	Includes problems with contacting PWC and poor communication including attitude of staff	12
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
Billing	For example, bill not received, two bills received at same time, for wrong property, delay in sending	7

OTHER AUTHORITIES

The casework conducted by the office remains an important pathway to achieving system improvement in agencies where the individual circumstances of a case highlight the need for broader changes to an agency's practices. Such changes lead to a benefit for Territorians broadly. The following cases provide examples of this, and we continue to be grateful for agencies who work openly with our office to improve their practices.

Case Example 1 – Justifying a school suspension

In this case, we received a complaint from a parent whose child had been suspended from school because of their involvement in an incident. The parent was concerned that the reasons provided for the suspension did not match the requirements of the law that governs school suspensions, and despite raising this several times with the school's Deputy Principal, Principal and the Department of Education, he did not receive a response that could, to his satisfaction, explain how the original suspension decision accorded with the law.

We made detailed enquiries of the Department, including seeking detailed facts, a copy of the suspension notice and notes created by the Principal when assessing whether to suspend the complainant's child. In our review of the matter, we assessed that while ultimately there did appear to be grounds to suspend the child, the Principal did not refer to those grounds in their reason for suspension and focussed on other grounds that were less relevant from a legal standpoint. As part of considering the case, we noted that while the Department's guidance material for principals on student suspensions did prompt principals to consider the legal grounds for suspension, it also prompted them to consider many other factors that didn't particularly relate to the legal test, which could have contributed to the Principal's poor explanation.

In the circumstances, we suggested it was open for the Principal to provide further reasons to the parents and child to better explain their suspension decision in line with the law, which the Principal agreed to do. We also suggested that the Department update its guidance material to principals on school suspensions to ensure their difficult decision to suspend a student has a strong legal basis. At the time of the matter the Department was already in the process of reviewing its suspension guidance and incorporated our feedback into its updated materials.

Case Example 2 – The importance of transparency in housing allocation

In this case, a complainant contacted us about a public housing allocation decision in a remote area. They felt the process lacked transparency and that their compelling circumstances warranted the property being allocated to them.

Our independent review of the allocation decision ultimately found that the house had objectively been allocated to the most meritorious applicant under the Department of Housing, Local Government and Community Development's allocation scheme. However, we identified a lack of available information about priority housing allocation in remote communities, including the eligibility criteria that are considered and how they are weighted. This was in contrast with the information for urban locations where information about eligibility criteria is made readily available.

In our assessment, by not providing this information publicly, the Department makes it difficult for applicants to ensure their applications address the eligibility criteria or to understand the relative strength or weakness of their own application. For example, while the complainant in this matter did have some compelling factors in favour of the property being allocated to them, they were missing several other heavily weighted factors which ought to have indicated to them that they were unlikely to receive the allocation.

To address this, we suggested the Department consider providing more public information about the housing allocation process and eligibility criteria in remote areas. The Department agreed to do so, and, noting the demographics of the Northern Territory's regional communities, advised it would take care to ensure the information is accessible and culturally appropriate.

IMPLEMENTATION OF RECOMMENDATIONS

The Ombudsman is empowered to make recommendations to agencies at the end of an investigation to address the effect of an inappropriate action or to assist those agencies to improve their practices and procedures. An Ombudsman's recommendations are not legally binding, but they are often implemented on the strength of the investigation and identified need for improvement.

Not every investigation will lead to recommendations, and the Ombudsman only makes them where necessary to remedy errors and prevent similar issues from recurring. For example, recommendations are not usually necessary when an agency has already taken action to address an issue.

The following are steps taken by agencies during the reporting period to implement outstanding recommendations made in the Office's recent public reports.

SEPARATE CONFINEMENT: A THEMATIC INVESTIGATION INTO PRACTICES IN DARWIN CORRECTIONAL CENTRE

The Department of Corrections (**Corrections**) provided the following update on steps taken in the reporting period to implement recommendations made in the May 2024 report *Separate Confinement: A thematic investigation into practices in Darwin Correctional Centre*:

- Recommendation 1** NTCS (the now Department of Corrections) actively explore and promote alternative approaches and solutions to avoid the need for resort to separate confinement.
- Recommendation 2** NTCS review its policies and procedures to ensure that:
 - a. separate confinement is used as a matter of last resort, with detailed recording of alternatives considered and reasons for its adoption;
 - b. separate confinement is maintained for the shortest practicable time;
 - c. there are frequent points for review, with the aim to minimise the time spent in separate confinement;
 - d. decision makers understand the above parameters, the risks in maintaining separate confinement and the onus on them to be able to justify any decision to initiate or maintain separate confinement.

Recommendation 3	<p>NTCS review its policies and procedures to ensure that any period of separate confinement that extends beyond 72 hours involves:</p> <ul style="list-style-type: none"> a. inclusive and individually focussed planning, with the prisoner and any relevant health or other prisoner supports actively involved; b. the minimum level of restrictions needed in the particular case, adjusted in a timely manner as progress is made; c. clear and comprehensible goal setting to enable the prisoner to understand what is needed for progress; d. access to stimulating activities while in confinement; e. access to regular and meaningful human contact; f. reasonable and regular time out of cell; g. access to effective behavioural rehabilitation options and health services; h. frequent and considered review of the ongoing need for separate confinement and plans.
Recommendation 4	<p>NTCS reinforce with staff the need for detailed recording around decision-making and implementation of separate confinement. This would include redesign of forms and templates, with examples, to show the level of detail needed.</p>
Recommendation 5	<p>NTCS provide for:</p> <ul style="list-style-type: none"> a. regular ongoing reports to the Commissioner of Correctional Services (the Commissioner) on any period of separate confinement that extends beyond 5 days; b. regular internal audits relating to separate confinement of prisoners, to ensure compliance with policies and procedures.
Corrections update	<p>Corrections' position on the report and its recommendations remains under consideration by the Department.</p>

This update and lack of progress from Corrections is disappointing, noting it is now just under a year-and-a-half since the recommendations were made. Our Office appreciates the Department has been required to focus its attention on accommodating the rapid rise in prisoner numbers over the past year (see the below section titled 'Prison Overcrowding' for growth figures). However, it is important that this does not come at the expense of making necessary improvements to how it manages prisoners in its care.

Separate confinement is probably always going to be an action that is required in adult custodial settings, however it is a significant action particularly for longer periods of separation. We are concerned that the more crowded and busy a prison becomes, the greater the risk that officers do not have time to appropriately consider separation decisions, monitor prisoner welfare and review separate confinement decisions.

Since receiving the Department's update, our Office has requested periodic meetings with the Department to work through implementation of the recommendations, particularly given the Department's response to the report and recommendations at the time indicated it welcomed the report and opportunity to consider how it may improve its practices and procedures.

CAN WE FIX IT? BUILDING CERTIFICATION IN THE NT

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

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	<p>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.</p> <p>Stakeholder feedback has assisted DLPE to refine proposed legislative amendments, which are being progressed for consideration by Government for a decision later this year.</p>
Recommendation 2	NTG and DLPE ensure that the proposed legislative solution provides adequate protections around the safety, health and amenity of legacy base buildings.
DLPE update	See response to Recommendation 1 above.
Recommendation 3	NTG and DLPE consider the merits of additional legislative measures to require appropriate checks are made on an ongoing and regular basis to ensure the continuing safety, health and amenity of buildings used for public assembly.
DLPE update	See response to Recommendation 1 above.
Recommendation 4	NTG and DLI review and, if necessary, engage additional, expert advice, including advice from the Northern Territory Fire and Rescue Services, to put them in a position to provide public assurances as to safety of the Marrara Stadium during major public events.
DLI update	Construction of a new Pump Room and installation of Fire Pumps, Water Storage Tanks, four additional Fire Hydrants and associated works have been undertaken at the Marrara Stadium with an Occupancy Certificate and Final Inspection Certificate issued in June 2024.
Recommendation 5	NTG and DLPE consider issues relating to timing of NTFRS inspections and remote certification in any review of certification requirements.
DLPE update	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.

CHAPTER 4 – NT POLICE AND CORRECTIONS

This Chapter discusses specific issues identified in relation to NT Police operations, and Corrections, and includes a range of case examples.

In each 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 level 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 dependant upon appropriate resourcing. This aspect has been increasingly challenging for the Office with such increases in activity.

NT POLICE - CURRENT ISSUES

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.

DEATHS IN CUSTODY

There were two deaths in police custody during the reporting period. Both deaths are subject of criminal and/or internal investigations, and mandatory coronial investigations at this time. These investigations must take priority. Police have continued to brief the Office on the progress of these investigations throughout the reporting period and that practice is expected to continue.

USE OF FORCE AND ESCALATION

A significant number of complaints relate to use of force by police, and failure to de-escalate, including, on youths. Use of force complaints have included the way an arrest is undertaken, use of accoutrements (such as OC spray, tasers) and other tactical options like police dogs.

Case Example 1 involved apprehension of a youth by police dog use of force (bite) and there was no immediate first aid able to be provided by the attending officer.

Case Example 2 concerned Officers attending a person behaving disorderly in a public place. The person had a known mental health condition and after protracted discussion with police, the person absconded on foot, and was apprehended after they started spitting and Police deployed OC spray. The person was otherwise deemed fit for custody by local hospital staff and so the person was detained in a watchhouse for a considerable period, continued to kick and spit at Officers, and was subject to periods with application of a spit hood, and in an emergency restraint chair.

This example demonstrated a serious escalation of events for what initial police attendance might have been otherwise appropriately addressed with a direction to leave the area and/or issuing an infringement notice.

CARE IN CUSTODY

Police are frequently required to apprehend those suspected or known to have mental health conditions. The treatment of those persons, particularly where significant force is used (such as OC spray, spit hoods, taser and emergency restraint chair) has indicated there is an ongoing need for education about the use of tactics for people in custody and adherence to policy and general orders. The person in Case example 2 referred to above was left sitting in their underwear only for an substantial period, with no replacement clothing, after being subject to OC spray and provided aftercare for washing of their eyes. Replacement clothing is required by internal policy in these circumstances, or other appropriate means such as a towel or blanket where it is considered safe and appropriate to do so.

Case Example 3 saw a person, handcuffed behind their back and then lifted up by their elbows into the police caged vehicle risking shoulder injuries, and in non-compliance with defence tactics training and directions.

YOUTH JUSTICE

The jurisdiction of the Ombudsman is limited with regard to youth justice and child protection matters. The Ombudsman is not empowered to deal with matters that fall within the jurisdiction of the Children's Commissioner. However, the Ombudsman does have power to investigate issues relating to police administration and police conduct with respect to youths.

In the reporting period, there were 30 approaches relating to complaints against police involving youth compared to 20 in the prior period.

BODY WORN VIDEO

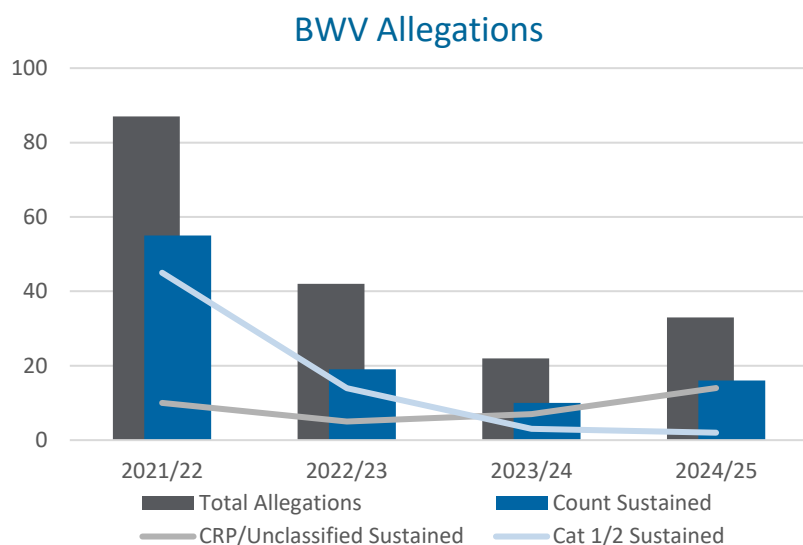
In 2022/23, the former Ombudsman Mr Shoyer finalised a report on police utilisation of body worn video (**BWV**): *Keeping a watchful eye*. The report noted the substantial benefits of BWV for NT Police reviewing the actions of individual officers. BWV can be tremendously helpful in resolving conflicting versions of events regarding particular incidents. It is frequently crucial in quickly identifying the truth of the situation. Work conducted over the reporting period continued to demonstrate the high importance of BWV for Police and supporting accountability.

In that report, it was noted a drop in the number of sustained Category 1 and 2 cases involving adverse BWV findings from 46 in 2021/22 to 17 in 2022/23.

During the reporting period, there continued to be complaints about the failure to activate BWV. In some circumstances there appears to be a discreet lack of activation on behalf of the Officer and on others it has been reported that during a 'scuffle' the camera has been deactivated. On some occasions, there has been concern there is a deliberate deactivation of the BWV prior to the completion of the Police exercising their powers during interactions with members of the public. Deliberate de-activation of BWV is particularly concerning and will continue to be monitored by the Office in the next reporting period.

There were 33 allegations made relating to failure to appropriately use BWV (this includes premature deactivation, poor BWV placement and deliberate de-activation) during 2024/25, and at the end of the reporting date, 16 of these allegations had been substantiated.

This is an increase compared to the five complaints reported as finalised in 2023/24 involving sustained findings of failure to appropriately utilise a body worn video camera. Additional findings made after the close of that reporting period indicate sustained allegations relating to 2023/24 rose to 10, however the 2024/25 figure still shows a marked increase.



This graph shows indicative trends relating to total allegations regarding BWV failures and those sustained during the indicated periods.

The statistics used may vary slightly to numbers reported at the close of each period due to additional findings being made after reporting period closure.

FAILURE TO INVESTIGATE

There have been a significant number of complaints, that focus on a failure to investigate a matter which has been reported by a member of the public. A number of these matters appear to arise out of a lack of understanding by members of the public regarding which matters have the ability to be investigated and which do not.

It should be noted there are a number of legal and technical procedures which relate to any investigation and how that may or may not progress, which the general public are not necessarily privy to or have a clear understanding of. A consistent theme which tends to accompany these types of complaints is where the Police do not keep the complainant apprised of the trajectory of their matter. There may be avenues for Police to create a greater understanding for members of the public with regards to matters such as these to ensure confidence in the investigation process but also that of the NT Police as a whole. Noting that individuals may have cause or concern to report multiple matters to Police throughout their lifetimes, it is important that the experience people have regarding the investigation of matters they report gives them confidence about the professional attention given and level of service provided by Police to encourage reporting in the future.

External factors such as annual leave, redeployment to another area and separation from employment, can also have an impact on the perceived lack of investigation when a matter is to be reallocated another Investigating Officer.

THE NEED FOR ONGOING EDUCATION

A number of complaints indicate the need for ongoing education and support of police members, in a range of areas. These include resilience, management of personal behaviour during dynamic arrest situations, and the required sensitivity shown to members of the public. Case example 3 also highlighted a need for ongoing education by members in the proper use of statutory powers.

The need for education included areas such as acting lawfully for entry into a residence (where it was identified there are possible trespass implications), physically removing a person on grounds that changed from protective custody purposes, ‘paperless arrest’ purposes and the level of care required where that person had suspected mental health concerns.

Case example 2 above also demonstrated a number of police members discussing and indicated a lack of awareness about whether there was the legal authority for use of spit hoods in a watchhouse.

OTHER POLICE-RELATED MATTERS

Other police-related activities during the year included:

- a series of ongoing discussions with PSC around enhancing the processing of police conduct complaints;
- preparation for a statutory review of public disorder declaration (curfew) provisions, which was required after 1 June 2025;
- delivery of training on the Ombudsman’s functions to Police constables and auxiliary recruit squads; and
- working with the ICAC and the Acting Commissioner to develop a Memorandum of Understanding in relation to oversight of critical incident management, which is ongoing. This was paused at the end of 2024, pending the delivery of findings into the Inquest into *Kumanjayi Walker [2025] NTLC 8* and the appointment of a substantive Ombudsman.

NT POLICE - APPROACHES & PROCESS

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.

POLICE CONDUCT APPROACHES

Police conduct approaches can be distinguished from other approaches regarding NT Police. These may relate to broader issues regarding police powers, for example installation of CCTV, and other functions such as working with children checks and general administrative and employment functions.

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

Received	2022/23	2023/24	2024/25
Approaches	465	464	651
Complaint Resolution Process	161	177	226
Category 2	44	23	35
Category 1	3	0	0

The total number of police conduct approaches received increased significantly, with approaches received in 2024/25 marking a 40% increase on the previous year.

Categorisation - 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.

For more on complaint classification, see [How Police conduct approaches are dealt with](#) later in this Chapter - and the Police Complaints Agreement at Appendix B, in particular, clauses 12.3, 12.2 and 11.2.

The number of more serious complaints received (Category 1 and 2) also increased to 35, from the 23 recorded in the previous year, though remains lower than the 2022/23 levels. The number of CRPs also had a substantial increase when compared to prior years.

It is important to consider these statistics in the context of increased police numbers in the reporting period, and reference should be had to police numbers from the Northern Territory Police annual report.

Breaking down the Category 1 and 2 matters received by region of origin, 6 were from Central Australia, 21 from Darwin/Palmerston/Top End (16/1/3), 6 from the Katherine region, and 2 from the Barkly region.

POLICE CONDUCT OUTCOMES

Police conduct issues may be identified in a complaint to NT Police or directly to our Office, by the NT Police Professional Standards Command (**PSC**), by the NT Police Investigating Officer or by staff of our Office. Frequently, more than one issue is identified in relation to a particular complaint.

The Office will regularly communicate with PSC on complaints, particularly Category 2 and any Category 1 complaints, and will review draft reports and recommendations. Whilst representations will be made to PSC where there are concerns about a proposed finding or a recommendation is not supported, the Office has statutory powers of recommendation only, and does not have a determinative authority.

CATEGORY 1 AND 2 COMPLAINT OUTCOMES

A total of 25 Category 1/2 complaints were finalised during 2024/25.

Category 1/2 complaints finalised	2022/23	2023/24	2024/25
Category 1	6	2	1
Category 2	83	31	24
Total	89	33	25

Of those finalised complaints, 14 involved a finding that at least one issue was sustained (meaning substantiated).

How finalised	2022/23	2023/24	2024/25
Category 1 – sustained issue	5	1	0
Category 2 – sustained issue	42	18	14
Deferred in light of disciplinary action / charges	11	0	2 (ongoing)
Total	58	19	14

The above table includes a case even if only one issue was sustained. It is important to be mindful that complainants frequently raise a number of issues not all of which will necessarily be sustained. The table also includes cases where the substantive complaint may not have been sustained but an ancillary procedural issue was.

The following table considers finalised Category 1/2 cases involving sustained issues of each type described. In some cases, these complaints involved more than one issue or officer.

Sustained Category 1 and 2 issues	2024/25
Arrest – unlawful / inappropriate arrest/detention / fail advise reason	2
Arrest/custody – use of force (including use of force reporting issues)	10
Behaviour – abuse/rudeness/insensitivity	5
BWV Issues – including failure to activate	2
Investigation – failure to undertake / inadequate / delay	2
Practice/procedure – failure to follow effecting rights of detainee or victim	15

Outcomes of these matters for individual officers can include provision of remedial advice, managerial guidance under section 14C of the *Police Administration Act (PAA)*, counsel and caution, formal written caution, good behaviour requirements and additional training.

Outcomes for individual complainants included further explanations and apologies.

In addition, there were a range of more general recommendations, including:

- the need for supervision, mentoring and training of junior members in more remote postings;
- the need for ongoing education on the lawful use of statutory powers and use of discretion for arrests;
- training for Police in how to deal with higher risk individuals with known mental health conditions;
- Ongoing education about internal requirements for record keeping, for example Use of Force Reports and SerPro.

INTERNAL INVESTIGATIONS OUTCOMES

Our Office also receives notifications of matters identified by sources within NT Police which are dealt with by the NT Police Internal Investigations Division. All of those matters that are, or may fall, within the Ombudsman jurisdiction are reported to, and recorded by, our Office even if criminal or disciplinary proceedings have already commenced.

This year a number of matters investigated by NT Police Internal Investigations Division culminated in formal disciplinary outcomes in relation to one or more officers, as notified to our Office. They dealt with issues such as:

- failings in relation to BWV utilisation;
- assisting an officer to falsify records regarding a qualification;
- failure to keep adequate records;
- failure to report or take action in respect of inappropriate conduct on the part of another officer;
- failings in relation to compliance with firearms possession and storage requirements, and related laws;
- inappropriate access to, use or disclosure of, information; and
- failings in relation to management of accoutrements.

Disciplinary outcomes in these cases included formal written caution, counsel and caution, good behaviour requirements, reduction in rank, transfer and dismissal. In some cases, an officer resigned prior to finalisation of a disciplinary process.

Other cases where managerial guidance or remedial advice was given dealt with issues such as:

- failure to disclose and manage a conflict of interest;
- failings in relation to BWV utilisation;
- inadequate ID or system checks;
- rude or offensive behaviour;
- excessive use of force;
- inadequate response to a domestic violence situation;
- failure to take necessary steps to rectify an error in bail documentation;
- inappropriate access to or disclosure of information;
- failure to ensure safety and security in a watch house;
- failure to keep adequate records;
- failings in relation to management of accoutrements;
- failings in vehicle safety or control;
- wrongful arrest or detention; and
- failure to conduct a proper search.

HOW POLICE CONDUCT APPROACHES ARE DEALT WITH

Complaints about police conduct are addressed in detailed in Part 7 of the Act. Conduct of a police officer is defined as any decision or act, or a failure to make any decision or do any act, by the police officer for, in relation to or incidental to, the exercise of a power or performance of a function of a police officer. The focus is therefore on conduct relating to the exercise of police functions or other official functions rather than private conduct.

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

The provisions of the Act are supplemented by a detailed Police Complaints Agreement entered into between the Commissioner of Police and the Ombudsman under section 150 of the Act. The agreement, as in force at 30 June 2025, is set out at Appendix B to this Report.

INDIVIDUAL ASSISTANCE AND PRELIMINARY INQUIRIES

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

In other cases, NT Police can deal with minor matters as customer service inquiries that do not require classification as complaints. In addition, there are matters where the Office will conduct preliminary inquiries with NT Police and determine that there is no basis on which to further pursue an enquiry or complaint.

The Ombudsman may decline to deal with a complaint under section 67 of the Act on a variety of grounds, including that the complaint is trivial or vexatious, that the complainant does not have a sufficient interest, that disciplinary procedures have commenced or charges have been laid against the officer in question, or that dealing with the complaint is not in the public interest.

Some approaches can be finalised in the above ways without the need for a formal investigation.

COMPLAINT ASSESSMENT

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

Careful consideration is given to the potential seriousness or importance of the complaint, whether it is appropriate for NT Police to deal with the matter in the first instance, and the responsible allocation of resources.

The classification of complaints is intended to be flexible and, if necessary, may be changed according to the results of enquiries/investigations as they develop. The final decision on the classification of a complaint rests with the Ombudsman.

COMPLAINT RESOLUTION PROCESS

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 CRP may involve explaining to a person why a particular course of action was taken, the legal and practical considerations surrounding the incident or an apology.

The CRP is a means of dealing with common complaints about practices, procedures, attitudes and behaviours and is not intended to be an approach focused on fault-finding or punishment. The CRP may involve a significant amount of investigation to establish the facts and enable assessment of the conduct of officers. Our Office may make suggestions as to the approach to be

adopted as part of the categorisation process. We also obtain and review copies of outcome documentation.

Ideally the police officer and the complainant should be satisfied with the outcome but this may not always be achievable. Complainants are informed by NT Police that they can approach our Office if they are not satisfied with the outcome of the process.

There is provision for formal conciliation in the Act. Conciliation may only be undertaken by agreement between the parties. It is not intended to absolve police officers of any misconduct or action. It is an alternative dispute resolution process directed at reducing the need for civil matters proceeding to the courts. In practice, matters that might be resolved by this process are dealt with as CRPs.

MORE SERIOUS COMPLAINTS

For complaints that are assessed as more serious, there are a number of options for action. Categorisation is based on the allegation in the complaint unless there is compelling evidence available to contradict the allegation. It does not otherwise represent an assessment of the credibility or validity of the complaint.

These matters are routinely investigated by PSC officers under supervision of our Office as Category 1 or Category 2 complaints. Our Office identifies relevant issues for investigation in the course of categorisation. For both categories, a report is prepared on the investigation. Our Office monitors progress and reviews the draft investigation report prior to finalisation and will make representations to PSC to identify any additional issues or further lines of enquiry and to query findings and recommendations where necessary.

For Category 2 complaints, NT Police correspond directly with the complainant to inform them of the outcome and complainants are advised that they can approach our Office if they are dissatisfied with that outcome.

For Category 1 complaints (involving more serious allegations), there are additional steps, including a formal Assessment by the Ombudsman of the investigation report and response of the Commissioner (or delegate). In these cases, our Office directly informs the complainant of the outcome.

In practice, we will consider discontinuance on application by NT Police. In order to adopt this approach, we need to be satisfied that the proceedings will encompass all the substantive issues raised by the particular complaint. If satisfied that is the case, we may then defer further investigation until completion of the proceedings. On completion of the criminal or disciplinary proceedings, NT Police advise our Office of the outcomes and we consider whether any further action is necessary.

The Ombudsman may also decide to commence an 'own initiative' investigation into a matter or to directly investigate any police complaint if satisfied it:

- concerns the conduct of a police officer holding a rank equal or senior to the rank of PSC Commander;
- concerns the conduct of a PSC member;
- is about the practices, procedures or policies of NT Police; or
- should be investigated by the Ombudsman for any other reason.

INVESTIGATIONS

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

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

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

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

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

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

OUTCOMES

For the less formal CRP process, the outcome may be recorded as *Successful* if the complainant advises they are satisfied or *Unsuccessful* if they do not. If a CRP is *Unsuccessful*, a detailed letter is provided to the complainant to explain the information and evidence reviewed as part of the CRP and the complainant is advised they can contact our Office to pursue any outstanding issues.

For other categories of complaint, the following potential findings are set out in the Police Complaints Agreement:

- (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) **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) **Allegation sustained** - Where there is sufficient evidence to sustain the allegation on the balance of probability; and
- (g) **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 addition to issues identified by complainants, our Office or PSC investigating officers may identify ancillary matters in the course of an investigation. Often these involve failure to undertake a particular procedure or adequately complete relevant records but they may nevertheless be serious issues.

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

An investigation report may include recommendations that disciplinary or other action be taken in respect of particular officers or that more general action be taken in relation to matters such as police training, awareness, policies and procedures. Our Office may also make additional recommendations if we consider it necessary.

Disciplinary action in relation to an individual officer may be taken under Part IV of the PAA. For less serious disciplinary matters, there is also an option to take action in the form of Managerial Guidance under section 14C of the PAA. For other matters requiring guidance but not disciplinary action, an officer may be given remedial advice by a superior officer (which is documented on their personnel record).

Depending on its categorisation, either our Office or NT Police will advise the complainant of outcomes of the complaint. Our Office is limited in the information that we can disclose to a complainant regarding the outcomes of disciplinary proceedings (section 106(3) of the Act).

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 six monthly intervals on the results of each inspection. Section 64(2) of the SDA provides that the Minister must, within seven 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 2024 and June 2025) 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 six month period and that an annual report on inspections must be provided to the NT Minister within three months of the end of the financial year. The NT Minister in turn provides a copy of the report to the relevant Commonwealth Minister.

In accordance with the NT Act, our Office undertook two inspections during the reporting period (December 2024 and June 2025) and provided an annual report to the NT Minister.

Tabled reports are available on the Ombudsman website.

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* (PAA), provides for special powers to Police to prevent, stop or reduce public disorder, and has been colloquially referred to as a ‘curfew’ power. The new Division commenced on 1 June 2024 and formalised police powers to be able to effectively address instances of public disorder that occurred earlier in 2024 in Alice Springs. Section 135J of the PAA requires that I must, as soon as practicable 12 months after the commencement of this Division to conduct a review of the operation of the Division, prepare a report of my findings, and give the report to the Minister. In June 2025, the Office commenced preparation for this review and a draft request for information to the Commissioner of Police to assist me, with a view to completing the review before the end of 2025.

STATUTORY REVIEW – POLICE USE OF HANDHELD SCANNERS WITHOUT WARRANT IN CERTAIN AREAS

This review did not proceed as the former sections 116KP and 116KQ of the *Police Administration Act 1978*, which required that I undertake a one off review and provide a report after 21 September 2025, were repealed on 30 October 2024.

CORRECTIONAL SERVICES

This section:

- discusses specific issues identified in relation to the operation of the Department of Corrections (**Corrections**);
- analyses approaches received about correctional services and finalised during the period; and
- includes a range of case examples.

PRISON OVERCROWDING

2024/25 has seen a very significant increase in prisoner numbers. The Australian Bureau of Statistics reports the average number of persons in full-time custody in the Northern Territory as 2,236 in the September Quarter in 2024, 2,401 in the December Quarter in 2024, 2,686 In the March Quarter in 2025 and 2,810 in the June Quarter in 2025.

From what prisoners, their families and community organisations are telling our Office, this rapid, substantial increase in prisoner numbers has placed immense pressure on the correctional system. Each new prisoner not only requires a bed and food, but facilities to contact legal services and loved ones, access to healthcare, programs for offender rehabilitation, and officers to supervise and facilitate prisoners' daily routines.

Paradoxically, even though prisoner numbers have soared, our Office received less complaints from prisoners this year than in the previous year (see the Correctional Services Approaches section below). While we do not have a conclusive explanation for this, we do not anticipate it is because conditions for prisoners are now better. Rather, complaints to our Office and conversations with prisoners indicate that prisoners are facing barriers to accessing our services, whether it be that they are locked down, struggle to contact us from police watchhouses or prioritise other calls with their more limited access to a phone.

From the complaints that have come through, and our engagement with Corrections over the past year, we see a system struggling to keep up with the administrative and infrastructure burden associated with having such a significant portion of the Territory's population in custody. This is not only from the perspective of supporting prisoners' immediate wellbeing needs, but also from the perspective of responding to prisoner complaints and oversight agencies, with extensive and increasing delays in responding to complaints and our enquiries.

We are aware Corrections has no control over prisoner numbers, that it has continued to recruit new officers and has developed, and is in the process of rapidly deploying, an infrastructure masterplan to address the increase. We also acknowledge the significant effort of Correctional officers over the past year to mitigate the impact of overcrowding on prisoners.

However, Corrections does have control over what it prioritises, and deprioritising complaints risks losing the opportunity to identify and resolve systemic problems at the outset, allowing them to escalate, as well as compounds prisoner dissatisfaction in circumstances where prisoners are already facing challenging conditions. From a separate standpoint, acting early to address identified issues importantly mitigates legal liability to the Northern Territory Government and reduces the cost to the taxpayer of litigation. Where possible, we encourage Corrections to reconsider how it can juggle competing priorities to ensure the issues raised in complaints are not ignored.

USE OF POLICE WATCH HOUSES TO HOLD PRISONERS

Last year the Office wrote at length about our concerns regarding the use of police watch houses to temporarily hold prisoners who, but for prison overcrowding, would otherwise be held in a jail. The Office reiterated our concern that by their design police watch houses are limited in their ability to meet minimum human rights standards for prisoners, as well as the strongly held view that their use to hold prisoners should be phased out as a matter of priority.

The rise in prisoner numbers in 2024/25 as outlined in the above section saw an increased reliance on watch house accommodation and we received a surge in complaints about watch house conditions in late 2024 and early 2025. In response, our Office made significant further inquiries into watch house conditions and visited many of the watch house facilities in use at the time. Based on the responses to our inquiries and what our officers saw while visiting, the then Acting Ombudsman decided to commence an investigation into the issue.

The investigation remains ongoing and we intend to finalise the investigation within the next reporting period.

HEAT STRESS IN PRISONS

This Office has reported on the issues of heat stress in prisons and document actions by Corrections to mitigate this issue over a number of years.

The potential impact on individuals is of significant concern. Further, if heat stress is unmitigated, it increases the potential risk of adverse health outcomes to both prisoners and officers, which in turn could result in financial liability to the Northern Territory.

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 as a result of climate change, with the Northern Territory included amongst areas of greatest increase.²

With the forecast that temperatures in the Northern Territory are likely to get hotter and hotter, it remains imperative that Government provide sufficient budget to Corrections to take comprehensive, timely steps to improve the ability of its existing correctional facilities to mitigate the effects of heat on prisoners.

Noting also the significant works currently underway to build new correctional facilities or expand areas in existing correctional facilities as part of the Corrections' infrastructure master plan, it is crucial that Corrections build appropriate heat mitigation capacity into these new facilities at the time of construction, not later when it is more logistically challenging and costly to do so.

Our Office is encouraged by Corrections' advice that the modular accommodation in the Alice Springs Correctional Centre was built with an integrated air ventilation system. We hope such considerations are being taken into account in the construction of other new facilities or parts of existing facilities.

In responding to our Office's request for an update on steps taken in the reporting period to mitigate the effect of heat in prisoners, Corrections advised:

- The Department of Corrections and Department of Logistics & Infrastructure are undertaking several programs of work to upgrade infrastructure at Alice Springs Correctional Centre (ASCC), as part of the Corrections Infrastructure Masterplan.
- The new modular accommodation block (96 beds expansion to capacity) was completed in March 2025 and is now operational. This new block has an integrated air ventilation system.
- A project to review electricity supply, sewer systems, water supply and fire systems for the whole site has commenced. Consultations with Power & Water Corporation have informed the project scope, and a tender for upgrade design works is expected to be released to market in October 2025.
- A full condition report of G-Block at ASCC was undertaken in 2024. Upgrade works are to be undertaken in two stages.

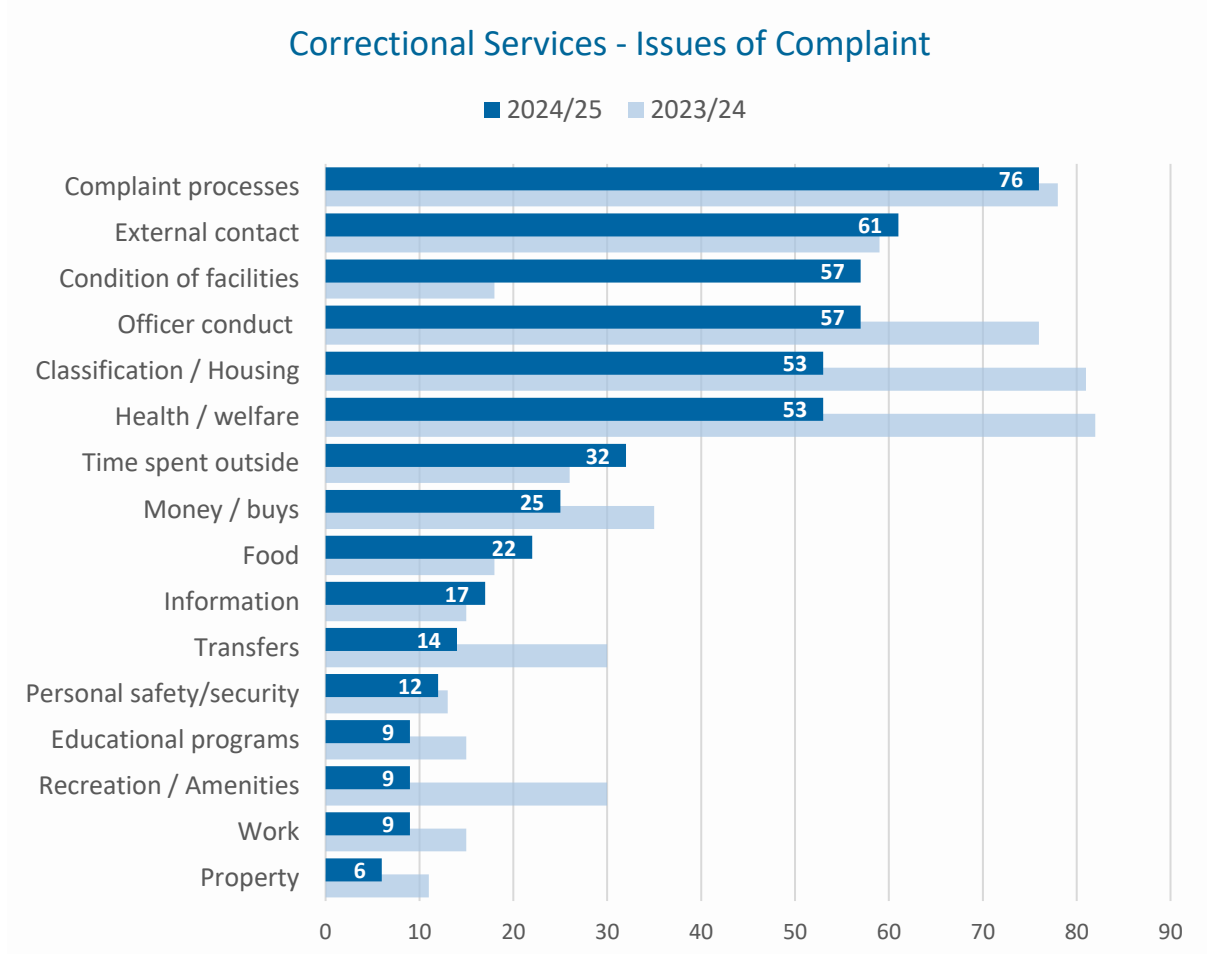
² Australian Climate Service, *Australia's National Climate Risk Assessment* (Report, 2025) 35.

- Stage 1 is a full upgrade to Officer Posts. Work commenced in May 2025 and are expected to be completed before end of the year.
- Stage 2 will be progressive upgrades to three prisoner accommodation wings. Designs for upgrades are expected to be completed in Q2, 2026, with construction expected to be commenced mid-2026. The renovation project is expected to continue until 2028. The upgrades will prioritise safety and security issues, and passive thermal comfort options, including building fabric upgrades, will be considered where feasible.
- A consultant review of thermal performance of the ASCC accommodation block identified various strategies that can be considered to improve heat management, such as shading devices, insulation, landscaping and evaporative cooling and airflow systems. These will be considered as part of the design works for Stage 2, but there is no plan to introduce refrigerated air-conditioning to prisoner blocks.
- All Officer posts at ASCC are airconditioned for appropriate staff working environments.

CORRECTIONAL SERVICES APPROACHES

Correctional Services approaches totalled 426 in 2024/25, down from 453 in 2023/24.

Some approaches raised more than one issue. A chart showing the most common issues raised by approaches in 2024/25 with 2023/24 comparisons is set out below, this is based on issues raised, not issues sustained.



Explanations of what types of issues might fit into each category are included below.

Issue	Notes
Health / welfare	Issues regarding health services are generally referred on to the Health & Community Services Complaints Commission but we deal with issues regarding how correctional officers facilitate access to health care and implement health and medical advice
External contact	Includes issues with phones (30), visits (20) and mail (11)
Officer conduct	Includes rudeness, insensitivity, harassment, poor communication, inappropriate treatment of a vulnerable person
Classification / Housing	Includes issues about the classification of a prisoner, eg, high, medium, low security, as well as accommodation arrangements such as which area or block they are placed, cell type and management plans
Condition of facilities	Includes issues such as the cleanliness of correctional facilities, as well as the restrictiveness of watch house facilities
Complaint processes	Includes problems accessing complaint system and investigation of complaints
Time spent outside	Issues relating to lockdowns and other limitations placed on time outside of cells
Money / buys	Any issues dealing with prisoner accounts and purchases
Food	Issues relating to quality or service of food. Includes issues relating to special dietary requirements
Transfers	Includes intra-Territory and external transfers
Work	Employment inside or outside prison
Personal safety/security	Includes assault, fight, threat by prisoner – assault, excessive force, threat by prison officer – housing prisoners together in a way that puts one or more at risk - other safety concerns
Recreation / Amenities	Matters relating to recreational activities and everyday aspects of living, eg access to publications, access to television, sporting and craft equipment
Educational programs	
Property	
Information	Includes requests for information and documents, complaints that information was not provided

CORRECTIONAL SERVICES EXAMPLES

Below are examples of corrections-related complaints dealt with by our Office that demonstrate what can be achieved through making a complaint.

We hold monthly meetings with senior Corrections staff, including with the officers in charge of the major custodial facilities, to work through cases such as these, as well as identify complaint trends and consider policy and practice improvements more broadly.

Case Example 1 – Delay in receiving burns clothing

A prisoner who had previously sustained significant burns to his skin called our Office about a delay in receiving medically approved clothing to wear over his burn affected areas. He said that despite obtaining permission several months ago from the prison’s medical services, he had not yet received the clothing, which required him to resort to wearing thick, restrictive coverings that he described as hot, itchy and uncomfortable.

He said he had followed up the matter several times with prison officers already who advised him that the medical recommendation was still awaiting assessment and approval by senior prison staff.

We made quick inquiries of the prison to clarify the matter and were informed that while the prison had approved the medical recommendation for access to the special clothing some time ago, a miscommunication meant that the clothes had not yet been ordered.

Following our inquiries, the prison took quick steps to purchase the clothes and issued them to the prisoner without further delay, who was grateful for our assistance.

Case Example 2 – Fair punishment

In the course of 2024/25, our Office received several complaints about prisoner punishment which indicated prisoners may effectively be being punished via the security classification system rather than the appropriate misconduct process.

For example, in one case a prisoner reported having their security classification immediately upgraded—and consequently losing their employment—based on an allegation of using derogatory language toward an officer. When the matter finally proceeded to a misconduct hearing, the hearing officer found the allegation was not substantiated, however the prisoner’s employment was not reinstated, nor was their security classification reversed.

In another case, a prisoner reported having their security classification upgraded and was forced to move to a more restrictive unit in the prison based on an allegation they were involved with contraband. In response to our enquiries the prison advised the reclassification was necessary based on the intelligence it had obtained about the prisoner’s involvement but incongruently indicated that it would not be pursuing the matter via the misconduct process.

Our Office understands that, depending on the severity of the allegation, Corrections may need to take immediate action to address the risk posed by the alleged conduct while it investigates the allegations, and that this may impact a prisoner’s placement and work. However, there is a risk that this action crosses into undue punishment or an inappropriate avenue of punishment where an allegation is not substantiated but the prisoner’s effective loss in privileges is not reversed, or where the prisoner is not ‘charged’ for the alleged misconduct and accordingly not afforded the opportunity to defend themselves against the allegation.

Our Office intends to continue considering this issue from a systemic perspective in the next reporting period.

CHAPTER 5 – 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.

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.

During the reporting period, the lack of a Commonwealth funding agreement with the Northern Territory (and other jurisdictions in Australia) for the National Preventive Mechanism (NPM) function under OPCAT has continued, this means the Office is not resourced to perform this function.

NPM functions are important safeguards for people in custody however without funding this Office is unable to perform many of the activities that would otherwise be carried out. It had been anticipated that other agencies being the Children’s Commissioner and the Principal Community Visitor would also receive resourcing for relevant activities but this has not occurred. We do however carry out some limited policy work with the Commonwealth Ombudsman related to the NPM network of the Australian National Preventive Mechanism.

On 18 October 2024, members of the Australian National Preventive Mechanism made a joint statement expressing concerns about the Northern Territory’s proposal to reintroduce the use of spit hoods on children, this Office was a signatory to that statement, which is published on our website.

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 2024/25, 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 - www.theioi.org;
- ongoing membership of the Australian and New Zealand Ombudsman's Association (**ANZOA**) a professional association for Ombudsmen in Australia and New Zealand. ANZOA's members are individual Ombudsmen working in not-for-profit industry-based, parliamentary and other statutory offices, which meet accepted high standards of independence, impartiality and effectiveness, and which observe the *Benchmarks for Industry-Based Customer Dispute Resolution*. Through the Ombudsman's membership of ANZOA, our staff benefit from the professional development opportunities offered by participation in ANZOA's numerous interest groups - www.anzoa.com.au;
- in person or remote attendance at the following meetings:
 - ANZOA meetings;
 - Parliamentary Ombudsman Meetings; and
 - OPCAT Australian NPM Network.

TRAINING AND PRESENTATIONS

In 2024/25, our Office delivered training and presentations in various forums, including:

- NT Police Recruit and Auxiliary training;
- Prison Officer Training and information sessions;
- Foundations of Public Sector Governance presentations.

OTHER INVOLVEMENT WITH PUBLIC AUTHORITIES AND KEY STAKEHOLDERS

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

- meetings between the Ombudsman and Deputy and various public authority chief executives or senior executives;
- facilitating meetings between Community Legal Service Providers and both 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 the Commissioner of Correctional Services and other Corrections staff; and
- meetings between operational staff of our Office and other agencies to discuss general complaint handling approaches and issues;
- hosting the National Student Ombudsman during a week long visit to Darwin in May 2025.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

During 2024/25, engagement in public and stakeholder events and consultations included:

- visit to Katheine Watchhouse;
- meeting with Utilities Commission & NT Utilities Network Meeting;
- meeting with Gwalwa Daraniki Association Inc;
- visit to Gunbalanya and Jabiru Township for the Healthy Skin Week in partnership with the Aboriginal Investment Group and Heart Foundation;
- in Alice Springs: visits to Alice Springs Correctional Centre, MLA Offices, Alice Springs Town Council, NAAJA, Alice Springs Public Library, NTLAC, CAAFLU, NAAJA, CAWLS, NTCOSS and Central Australian Aboriginal Congress;
- engaging with stakeholders relating to OPCAT establishment and implementation; and
- hosting the Commonwealth Ombudsman First Nations engagement team during a visit to Darwin in May 2025.

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.

CHAPTER 6 – 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 is an Agency under the administrative responsibility of the Chief Minister and the Ombudsman is the Chief Executive Officer.

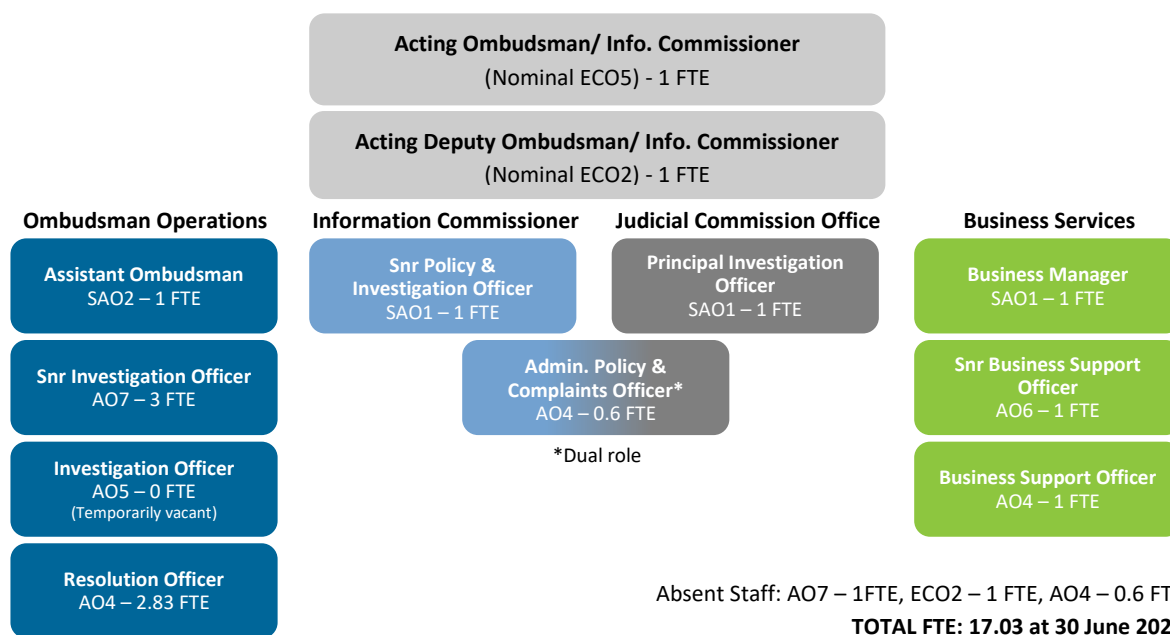
Under the *Financial Management Act 1995*, the Ombudsman is the Accountable Officer for the Agency, and has responsibility for the efficient, effective and economic conduct of the Office. The Ombudsman also has responsibilities as a Chief Executive Officer under the *Public Sector Employment and Management Act 1993 (PSEMA)*. These responsibilities extend to financial and personnel aspects of the operations of the Office of the Information Commissioner (**OIC**), and the Judicial Commission Office (**JCO**). The Statement of Accountable Officer is on the first page of the Financial Statements for 2024/25, which are set out at Appendix B.

Financial planning is undertaken and an annual budget prepared for each 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 are held to facilitate the administration of the Office, provide forums for discussions with staff and monitor progress against budget, strategic and business plans. Internal Audit meetings are held quarterly. In addition, weekly Senior Management Group meetings are held to update current projects and facilitate open communication and discussion between senior managers.

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 support corporate aspects of all operations.

Ombudsman’s Office Establishment by FTE at 30 June 2025



FTE is Full Time Equivalent staff and, in some cases, may be made up of more than one staff member working on a part-time basis. Staffing levels vary throughout the year depending on the needs of the Office and its staff.

While there was an overall increase in FTE from 16.1 at 30 June 2024 to 17.03 at 30 June 2025, it is worth noting that in 2024 there was only 1 staff member on long-term absence at end of year, compared to 4 in 2025 which included 2 staff on maternity leave and 1 on long-term leave pending retirement.

PUBLIC SECTOR PRINCIPLES

The Ombudsman's Office upholds the public sector principles relating to administration management, human resource management (including merit and equality of employment opportunity) and performance and conduct set out in the PSEMA.

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

PROFESSIONAL DEVELOPMENT

Opportunities for staff professional development undertaken by Office staff during 2024/25 (in person, remotely or online) included:

- OneNTG Emerging leaders Program
- Fraud and Corruption awareness training
- Card Payment Data Security Training
- Taming the Trolls – Online unreasonable behaviour
- Statutory Interpretation Intensive
- Administrative Decision making
- Finance for Cost Centre Managers
- FOI training – General and Senior Manager/Executive Training
- Positive Duty for leaders
- Foundational Cross Cultural Training
- Code of conduct
- WHS Officer training
- Mental Health First Aid
- CPR Refresher training
- Writing for Government

SYSTEMS, POLICIES AND PROCEDURES

The operations of the Office are 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*.

The work of our officers is supported by the Office's case management system, Resolve. The maintenance and development of the system involves a substantial ongoing investment of staff time and resources but it has proven to be of great benefit in terms of the management of individual matters and more general reporting, as well as developing and maintaining system knowledge that can be shared to other Resolve users in the NT.

WORKPLACE HEALTH AND SAFETY

The Ombudsman's Office is committed to providing a safe and healthy working environment for all of our 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 are conducted.

Only minor WH&S issues were identified during the year. They were recorded and rectified promptly. Should any significant WH&S issue arise which cannot be promptly addressed by the Office, the regulator NT Work Safe will be contacted for advice/assistance.

RECORDS MANAGEMENT, DISCLOSURE AND CORRECTION

The Ombudsman's Office complies with the relevant requirements of Part 9 of the *Information Act 2002 – Records and Archives Management*.

INFORMATION HELD BY THE OFFICE

The Ombudsman 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;

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

ADMINISTRATIVE AND POLICY FILES

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

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

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

COMPLAINT FILES

The Ombudsman keeps detailed records of all complaints made under the *Ombudsman Act 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. Some printed copies of these brochures are available free of charge from the Ombudsman's Office in Darwin and some are available for downloading on the Ombudsman 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

PUBLICLY AVAILABLE DOCUMENTS

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).

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.

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 2024/25, the Ombudsman received two information access request 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.

In 2024/25, the Ombudsman received no personal information correction requests under the *Information Act 2002*.

APPENDIX A – FINANCIAL STATEMENTS

Financial statement overview

For the year ended 30 June 2025

The Ombudsman's Office (the Agency) has several discrete work units, each with different roles and responsibilities. These are discussed briefly below.

- The Ombudsman's role is to give people a timely, effective, efficient, independent, fair and free way of investigating, and dealing with complaints, about administrative actions of public authorities and the conduct of police officers, and to improve the quality of decision-making and administrative practices in public authorities.
- The Information Commissioner provides advice and promotes knowledge about Freedom of Information (FOI) and Privacy rights and resolves and investigates complaints about FOI and privacy matters, and related applications.
- The Judicial Commission Office receives complaints relating to the behaviour or capacity of judicial officers and NTCAT members, and provides support to the independent Judicial Commission.
- From March 2022, short term funding was approved for the Office to facilitate implementation of the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT), as the interim Northern Territory National Preventive Mechanism (NPM). While initial funding has since ceased, the Ombudsman remains the interim NPM and continues to do limited work in this area although the function remains unfunded.

The net result for the Agency during 2024-25 was a deficit of \$103,000. Operating expenses for the period totalled \$3,267,000 comprising \$2,679,000 for employee expenses, and \$587,000 for administrative expenses (which included \$227,000 for the purchase of goods and services, \$347,000 for services received free of charge and \$14,000 for property management).

Certification of the financial statements

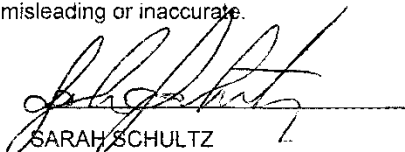
We certify that the attached financial statements for the Ombudsman's Office have been prepared based on proper accounts and records in accordance with Australian Accounting Standards and with the requirements as prescribed in the *Financial Management Act 1995* and Treasurer's Directions.

We further state that the information set out in the comprehensive operating statement, balance sheet, statement of changes in equity, cash flow statement, and notes to and forming part of the financial statements, presents fairly the financial performance and cash flows for the year ended 30 June 2025 and the financial position on that date.

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



CANDICE MACLEAN
Acting Ombudsman
29 August 2025



SARAH SCHULTZ
Business Manager
29 August 2025

Ombudsman's Office
Comprehensive operating statement
For the year ended 30 June 2025

	Note	2025	2024
		\$000	\$000
INCOME			
Appropriation			
Output	4	2 808	2 785
Goods and services received free of charge	5	347	327
Other income ²	6	9	
TOTAL INCOME		3 164	3 112
EXPENSES			
Employee benefits expense	7	2 679	2 530
Administrative expenses			
Property management		14	14
Purchases of goods and services	8	227	254
Other administrative expenses ¹		347	320
TOTAL EXPENSES		3 267	3 119
NET SURPLUS/(DEFICIT)		(103)	(7)
COMPREHENSIVE RESULT		(103)	(7)

¹ Includes DCDD service charges and DIPL repairs and maintenance service charges.

² Includes refund of overpaid FBT and reimbursement of inter-agency expenses.

The comprehensive operating statement is to be read in conjunction with the notes to the financial statements.

Ombudsman's Office
Balance sheet
As at 30 June 2025

	Note	2025	2024
		\$000	\$000
ASSETS			
Current assets			
Cash and deposits	10	1 714	1 939
Receivables	12	14	13
Total current assets		1 728	1 951
Non-current assets			
Property plant and equipment	13		
Intangibles	14		
Total non-current assets			
TOTAL ASSETS		1 728	1 951
LIABILITIES			
Current liabilities			
Payables	15	70	70
Provisions	16	328	448
Total current liabilities		398	518
TOTAL LIABILITIES		398	518
NET ASSETS		1 330	1 434
EQUITY			
Capital		295	295
Accumulated funds		1 036	1 139
TOTAL EQUITY		1 330	1 434

The balance sheet is to be read in conjunction with the notes to the financial statements.

Ombudsman's Office
Statement of changes in equity
For the year ended 30 June 2025

	Note	Equity at 1 July	Comprehensive result	Equity at 30 June
		\$000	\$000	\$000
2025				
Accumulated funds		1 139	(103)	1 036
Capital – transactions with owners				
Equity injections				
Capital appropriation		573		573
Equity transfers in		(346)		(346)
Other equity injections		171		171
Equity withdrawals				
Capital withdrawal		(104)		(104)
Total equity at end of financial year		1 434	(103)	1 330
2024				
Accumulated funds		1 146	(7)	1 139
Capital – transactions with owners				
Equity injections				
Capital appropriation		573		573
Equity transfers in		(346)		(346)
Other equity injections		171		171
Equity withdrawals				
Capital withdrawal		(104)		(104)
Total equity at end of financial year		1 440	(7)	1 434

The statement of changes in equity is to be read in conjunction with the notes to the financial statements

Ombudsman's Office
Cash flow statement
For the year ended 30 June 2025

	Note	2025	2024
		\$000	\$000
CASH FLOWS FROM OPERATING ACTIVITIES			
Operating receipts			
Appropriation received			
Output		2 808	2 785
Receipts from sales of goods and services		17	18
Total operating receipts		2 825	2 803
Operating payments			
Payments to employees		2 789	2 657
Payments for goods and services		260	320
Total operating payments		3 050	2 977
Net cash from/(used in) operating activities		(225)	(173)
Net increase/(decrease) in cash held		(225)	(173)
Cash at beginning of financial year		1 939	2 112
CASH AT END OF FINANCIAL YEAR		1 714	1 939

The cash flow statement is to be read in conjunction with the notes to the financial statements.

Ombudsman's Office

Index of notes to the financial statements

Note	
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2.	Statement of material accounting policy information
3.	Comprehensive operating statement by output group
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4a.	Summary of changes to appropriation
5.	Goods and services received free of charge
6.	Other income
	Expenses
7.	Employee benefits expense
8.	Purchases of goods and services
9.	Write-offs, postponements, waivers, gifts and ex gratia payments
	Assets
10.	Cash and deposits
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14.	Intangibles
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Ombudsman's Office

1. Objectives and funding

The Ombudsman Office's primary objective is to foster excellence in public sector services through a range of statutory oversight and complaint mechanisms.

Additional information in relation to principal activities of the Ombudsman, as well as the Information Commissioner and the Judicial Commission may be found in their respective Annual Reports.

The Agency is predominantly funded and therefore dependent on, the receipt of parliamentary appropriations. The financial statements encompass all funds through which the Agency controls resources to carry on its functions and deliver outputs. For reporting purposes, outputs delivered by the Agency are summarised into several output groups. Note 3 provides summarised financial information in the form of a comprehensive operating statement by the output group.

2. Statement of material accounting policy information

a) Statement of compliance

These financial statements are general purpose financial statements and have been prepared in accordance with the requirements of the *Financial Management Act 1995*, related Treasurer's Directions and Australian Accounting Standards and Interpretations issued by the Australian Accounting Standards Board. The *Financial Management Act 1995* requires the Ombudsman's Office to prepare financial statements for the year ended 30 June based on the form determined by the Treasurer.

The form of agency financial statements should include:

- 1) a certification of the financial statements
- 2) a comprehensive operating statement
- 3) a balance sheet
- 4) a statement of changes in equity
- 5) a cash flow statement and
- 6) applicable explanatory notes to the financial statements.

Standards and interpretations effective from 2024-25 financial year

Several amendments and interpretations have been issued that apply to the current reporting period, but are considered to have no or minimal impact on public sector reporting.

Standards and interpretations issued but not yet effective

No Australian accounting standards have been adopted early for 2024-25 financial year.

Several amendments interpretations have been issued that apply to future reporting periods but are considered to have no or minimal impact on public sector reporting.

b) Agency and Territory items

The financial statements of Ombudsman's Office include income, expenses, assets, liabilities and equity over which the Ombudsman's Office has control (agency items) and is able to

Ombudsman's Office

utilise to further its own objectives. Certain items, while managed by the agency, are administered and recorded by the Territory rather than the agency (Territory items). Territory items are recognised and recorded in the Central Holding Authority as discussed below.

Central Holding Authority

The Central Holding Authority is the 'parent body' that represents the government's ownership interest in government-controlled entities.

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

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

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

c) Presentation and rounding of amounts

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

d) Contributions by and distributions to government

The Agency may receive contributions from government where the government is acting as owner of the Agency. Conversely, the Agency may make distributions to government. In accordance with the *Financial Management Act 1995* and Treasurer's Directions, certain types of contributions and distributions, including those relating to administrative restructures, have been designated as contributions by, and distributions to, government. These designated contributions and distributions are treated by the Agency as adjustments to equity.

The statement of changes in equity provides additional information in relation to contributions by, and distributions to, government.

Ombudsman's Office

3. Comprehensive operating statement by output group

	Note	Ombudsman's Office		Information Commissioner		Judicial Commission		OPCAT		Corporate and shared services ¹		Total	
		2025	2024	2025	2024	2025	2024	2025	2024	2025	2024	2025	2024
		\$000	\$000	\$000	\$000	\$000	\$000	\$000	\$000	\$000	\$000	\$000	\$000
INCOME													
Appropriation	4												
Output		2 808	2 785									2 808	2 785
Goods and services received free of charge	5									347	327	347	327
Other income	6	4				5						9	
TOTAL INCOME		2 812	2 875			5				347	327	3 164	3 112
EXPENSES													
Employee expenses	7	1 687	1 493	382	429	181	126		119	430	363	2 679	2 530
Administrative expenses													
Property management		5	5	3	3					6	6	14	14
Purchases of goods and services	8	147	148	21	34	33	43		2	27	27	227	254
Other administrative expenses ¹										346	320	347	320
TOTAL EXPENSES		1 838	1 645	406	466	213	169		122	809	716	3 267	3 119
NET SURPLUS/(DEFICIT)		973	1 139	(406)	(466)	(208)	(169)		(122)	(463)	(389)	(103)	(7)
COMPREHENSIVE RESULT		973	1 139	(406)	(466)	(208)	(169)		(122)	(463)	(389)	(103)	(7)

¹ Includes DCDD service charges and DLI repairs and maintenance service charges.

This comprehensive operating statement by output group is to be read in conjunction with the notes to the financial statements.

The Agency is predominantly funded by parliamentary appropriations for the provision of outputs. Outputs are the services provided or goods produced by an agency for users external to the Agency. They support the delivery of the Agency's objectives and or statutory responsibilities. The above table disaggregates revenue and expenses that enable delivery of services by output group which form part of the balances of the Agency.

Ombudsman's Office

4. Appropriation

	2025			2024		
	\$000 Revenue from contracts with customers	\$000 Other	\$000 Total	\$000 Revenue from contracts with customers	\$000 Other	\$000 Total
Output		2 808	2 808		2 785	2 785
Total appropriation in the operating statement		2 808	2 808		2 785	2 785

Output appropriation is the operating payment to each agency for the outputs they provide as specified in the *Appropriation Act*. It does not include any allowance for major non-cash costs such as depreciation. Output appropriations do not have sufficiently specific performance obligations and recognised on receipt of funds.

a) Summary of changes to budget appropriations

There were no changes to output appropriation throughout the financial year.

Refer to Note 23 Budgetary information for explanation of the Agency's actual outcome compared to budget for revenue and expenses.

Output appropriations reflect funding as a direct result of government-approved decisions, with actual funding received by the Ombudsman's Office in line with the budgeted amounts.

5. Goods and services received free of charge

	2025	2024
	\$000	\$000
Corporate and information services	337	325
Repairs and maintenance	10	2
Total goods and services received free of charge	347	327

Resources received free of charge are recognised as revenue when, and only when, a fair value can be reliably determined and the services would have been purchased if they had not been donated. Use of those resources is recognised as an expense. Resources received free of charge are recorded as either revenue or gains depending on their nature.

Repairs and maintenance expenses incurred on the Agency's assets and costs associated with administration of these expenses are centralised and in the Department of Logistics and Infrastructure on behalf of the Agency, and form part of goods and services received free of charge by the Agency.

Ombudsman's Office

In addition, the following corporate services staff and functions are centralised and provided by Department of Corporate and Digital Development on behalf of the Agency and form part of goods and services received free of charge by the Agency:

- financial services including accounts receivable, accounts payable and payroll
- employment and workforce services
- information management services
- procurement services
- property leasing services.

6. Other income

	2025			2024		
	\$000	\$000	\$000	\$000	\$000	\$000
	Revenue from contracts with customers	Other	Total	Revenue from contracts with customers	Other	Total
Miscellaneous revenue		9	9			
Total other income		9	9			

Miscellaneous revenue

Miscellaneous revenue includes reimbursement of both overpaid Fringe benefits tax and expenses incurred on behalf of other government organisations.

7. Employee benefits expense

	2025	2024
	\$000	\$000
Salaries and wages	2 257	2 144
Long Service Leave	(3)	
Superannuation expenses	271	237
Fringe benefits tax	19	18
Payroll tax	136	131
Total employee benefits expense	2 679	2 530

The number of full-time equivalent (FTE) employees at 30 June 2025 was 17.04, (16.3 at 30 June 2024). It should be noted the increased FTE reflected a higher number of staff absent using statutory leave entitlements, rather than increased establishment.

Salaries and wages are recognised in the reporting period when the employee renders services to the Territory Government. It includes recreation leave, labour hire costs, allowances and other benefits, which are recognised in the reporting period when employees are entitled to the benefit or when incurred.

The recognition and measurement policy for employee benefits is detailed in Note 15: Payables and Note 16: Provisions.

Ombudsman's Office

8. Purchases of goods and services

	2025	2024
	\$000	\$000
The net surplus/(deficit) has been arrived at after charging the following expenses:		
Goods and services expenses:		
Accommodation	2	5
Document production	2	2
Information technology and communications	162	165
Insurance premiums	12	13
Legal expenses ¹	2	16
Marketing and promotion ²		2
Memberships and subscriptions	7	5
Motor vehicle expenses	6	4
Official duty fares	8	12
Regulatory and advisory board expenses	6	9
Training and study	7	5
Travelling allowance	1	3
Other	12	13
Total purchases of goods and services	227	254

¹ Includes legal fees, claim and settlement costs.

² Includes advertising for marketing and promotion.

Purchases of goods and services generally represent the day-to-day running costs incurred in normal operations, including supplies and service costs recognised in the reporting period in which they are incurred.

9. Write-offs, postponements, waiver, gifts and ex gratia payments

The Ombudsman's office had no write-off's postponements, waivers, gifts or ex gratia payments in 2024-25 or 2023-24

10. Cash and deposits

	2025	2024
	\$000	\$000
Cash on hand		
Cash at bank	1 714	1 939
Total cash and deposits	1 714	1 939

For the purposes of the balance sheet and the cash flow statement, cash includes cash on hand, cash at bank and cash equivalents. Cash equivalents are highly liquid short-term investments that are readily convertible to cash.

Ombudsman's Office

11. Cash flow reconciliation

The total of Agency 'Cash and deposits' of \$1 714 recorded in the balance sheet is consistent with that recorded as 'Cash' in the cash flow statement.

Reconciliation of net surplus/deficit to net cash from operating activities

	2025	2024
	\$000	\$000
Net surplus/(deficit)		
<i>Non-cash items:</i>		
Net surplus/(deficit)	(103)	(7)
<i>Changes in assets and liabilities:</i>		
Decrease/(increase) in receivables		1
(Decrease)/increase in payables	(2)	(45)
(Decrease)/increase in provision for employee benefits	(113)	(105)
(Decrease)/increase in other liabilities	(8)	(16)
Net cash from/(used in) operating activities	(225)	(173)

12. Receivables

	2025	2024
	\$000	\$000
Current		
Accounts receivable	5	
GST receivable	1	2
Prepayments	8	11
Total receivables	14	13

Receivables are initially recognised when the Agency becomes a party to the contractual provisions of the instrument and are measured at fair value less any directly attributable transaction costs. Receivables include accounts receivable and other receivables and are generally settled within 30 days.

Credit risk exposure of receivables

Receivables are monitored on an ongoing basis to ensure exposure to bad debts is not significant. The entity applies the simplified approach to measuring expected credit losses. This approach recognises a loss allowance based on lifetime expected credit losses for all accounts receivables, contracts receivables and accrued contract revenue.

13. Property, plant and equipment

	2025	2024
	\$000	\$000
Plant and equipment		
At fair value	66	66
Less accumulated depreciation	(66)	(66)
Carrying amount at 30 June	0	0
Total property, plant and equipment	0	0

There was no movement in the carrying amount of property, plant and equipment during 2024-25 or 2023-24 as all property, plant and equipment was fully depreciated at the end of 2017-18 and there have been no new acquisitions.

Ombudsman's Office

Acquisitions

Property, plant and equipment are initially recognised at cost.

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

Revaluation of assets

Plant and equipment are stated at historical cost less depreciation, which is deemed to equate to fair value.

Depreciation and amortisation expense

Items of property, plant and equipment, including buildings but excluding land, have limited useful lives and are depreciated using the straight-line method over their estimated useful lives. Assets are depreciated from the date of acquisition or from the time an asset is completed and held ready for use.

The estimated useful lives for each class of asset are in accordance with the Agency's determination as follows:

	2025	2024
Plant and equipment	10 years	10 years

Right-of-use asset

The Agency assesses at contract inception whether a contract conveys the right to control the use of an identified asset for a period of time in exchange for consideration and hence contains a lease.

The Agency recognises lease liabilities representing an obligation to make lease payments and right-of-use assets representing the right to use the underlying assets, except for short-term leases and leases of low-value assets.

The Agency recognises right-of-use assets at the commencement date of the lease (the date the underlying asset is available for use).

If ownership of the leased asset transfers to the Agency at the end of the lease term or the cost reflects the exercise of a purchase option, depreciation is calculated using the estimated useful life of the asset.

Right-of-use assets are subsequently measured at fair value which approximates costs less accumulated amortisation and accumulated impairment losses.

Right-of-use assets are subject to remeasurement principles consistent with the lease liability. This includes applying indexation and market rent review. Right-of-use assets are also revalued where a trigger or event may indicate their carrying amount does not equal fair value.

Inter-governmental leases

The Agency applies the inter-governmental leases recognition exemption as per the Treasurer's Direction – Leases and recognises these as an expense on a straight-line basis over the lease term. These largely relate to the lease of motor vehicles from NT Fleet. Leases of commercial properties for office accommodation are centralised with the Department of Corporate and Digital Development (DCDD). Consequently all lease liabilities and right-of-use assets relating to these arrangements are recognised by DCDD and not disclosed within these financial statements.

Ombudsman's Office

The following amounts were recognised in the comprehensive operating statement for the year in respect of leases where the Agency is the lessee:

	2025	2024
	\$000	\$000
Intergovernmental leases	13	16
Total amount recognised in the comprehensive operating statement	13	16

14. Intangibles

a) Total intangibles

	2025	2024
	\$000	\$000
Intangibles with a finite useful life		
Computer software		
Gross carrying amount	400	400
Less: accumulated amortisation	(400)	(400)
Carrying amount at 30 June	—	—
Total intangibles	—	—

The Agency's intangibles comprise only of computer software. There is no active market for any of the Agency's intangible assets. As such, intangible assets are recognised and carried at cost less accumulated amortisation and any accumulated impairment losses and amortised using the straight-line method over their estimated useful lives, which reflects the pattern of when expected economic benefits are likely to be realised.

The estimated useful lives for finite intangible assets are determined in accordance with the Treasurer's Directions and are determined as follows:

	2025	2024
Computer software	6 years	6 years

Intangible assets with finite useful life are assessed for indicators of impairment on an annual basis. If any indicator of impairment exists, the Agency determines the asset's recoverable amount. If the recoverable amount is less than its carrying amount, the carrying amount is reduced to recoverable amount and the reduction is recognised as an impairment loss. No impairment adjustments were reported during the period.

15. Payables

	2025	2024
	\$000	\$000
Accounts payable	4	15
Accrued salaries and wages	66	55
Other accrued expenses	—	—
Total payables	70	69

Liabilities for accounts payable and other amounts payable are carried at amortised cost, which is the fair value of the consideration to be paid in the future for goods and

Ombudsman's Office

services received, whether or not billed to the Agency. Accounts payable are normally settled within 20 days from receipt of valid invoices under \$1 million or 30 days for invoices over \$1 million.

Salaries and wages that are expected to be settled wholly within 12 months after the end of the period in which the employees render the service are recognised and measured at the amounts expected to be paid.

16. Provisions

	2025	2024
	\$000	\$000
Current		
<i>Employee benefits</i>		
Recreation leave	232	347
Leave loading	36	33
<i>Other current provisions¹</i>	59	67
Total provisions	328	448

¹Includes provisions for Fringe Benefits Tax, Payroll tax and Superannuation.

Employee benefits

Provision for employee benefits include wages and salaries and recreation leave accumulated as a result of employees rendering services up to the reporting date. Liabilities arising in respect of recreation leave and other employee benefit liabilities that fall due within 12 months of reporting date are classified as current liabilities and are measured at amounts expected to be paid. All recreation leave is classified as a current liability.

No provision is made for sick leave, which is non-vesting, as the anticipated pattern of future sick leave to be taken is less than the entitlement accruing in each reporting period.

Employee benefit expenses are recognised on a net basis in respect of the following categories:

- wages and salaries, non-monetary benefits, recreation leave and other leave entitlements
- other types of employee benefits.

As part of the financial management framework, the Central Holding Authority assumes the long service leave liabilities of government agencies, including the Ombudsman's Office and therefore no long service leave liability is recognised within these financial statements.

17. Other liabilities

Superannuation

Employees' superannuation entitlements are provided through the:

- Northern Territory Government and Public Authorities Superannuation Scheme (NTGPASS)
- Commonwealth Superannuation Scheme (CSS)
- or non-government employee nominated schemes for those employees commencing on or after 10 August 1999.

Ombudsman's Office

The Agency makes superannuation contributions on behalf of its employees to the Central Holding Authority or non-government employee-nominated schemes. Superannuation liabilities related to government superannuation schemes are held by the Central Holding Authority and therefore not recognised in Agency financial statements.

18. Fair value measurement

Fair value is the price that would be received to sell an asset or paid to transfer a liability in an orderly transaction between market participants at the measurement date.

The Agency did not hold any non-financial assets or liabilities during the reporting period that would require measurement at fair value. Financial assets and liabilities are recognised at amortised cost which approximates fair value.

19. Financial instruments

A financial instrument is a contract that gives rise to a financial asset of one entity and a financial liability or equity instrument of another entity.

The Agency's financial instruments include cash and deposits; receivables; deposits held and payables. These items represent noncomplex and standard financial instruments, with limited or no exposure to credit, market or liquidity risks.

a) Categories of financial instruments

The carrying amounts of the Agency's financial assets and liabilities are disclosed in the table below.

	Category	2025	2024
		\$000	\$000
Cash and deposits	Other	1 714	1 939
Receivables ¹	Amortised cost		
Total financial assets		1 714	1 939
Payables ¹	Amortised cost	4	15
Total financial liabilities		4	15

¹Total amounts disclosed here exclude statutory amounts, prepaid expenses and accrued contract revenue

Financial assets at amortised cost

Financial assets categorised at amortised cost are initially recognised at fair value and subsequently measured at amortised cost using the effective interest method, less impairment.

The Agency's financial assets categorised at amortised cost are limited to receivables.

Financial assets at fair value through other comprehensive income

The Agency does not have any financial assets under this category.

Financial assets at fair value through profit or loss

The Agency does not have any financial assets under this category.

Ombudsman's Office

Financial liabilities at amortised cost

Financial liabilities at amortised cost are measured at amortised cost using the effective interest rate method. The Agency's financial liabilities categorised at amortised cost are limited to accounts payable.

Financial liabilities at fair value through profit or loss

The Agency does not have any financial liabilities under this category.

b) Credit risk

Credit risk is the risk that one party to a financial instrument will cause financial loss for the other party by failing to discharge an obligation

The Agency has limited credit risk exposure (risk of default). In respect of any dealings with organisations external to government, the Agency has adopted a policy of only dealing with credit-worthy organisations and obtaining sufficient collateral or other security where appropriate, as a means of mitigating the risk of financial loss from defaults.

The carrying amount of financial assets recorded in the financial statements, net of any allowances for losses, represents the Agency's maximum exposure to credit risk without taking account of the value of any collateral or other security obtained.

Credit risk relating to receivables is disclosed in Note 12.

c) Liquidity risk

Liquidity risk is the risk the Agency will not be able to meet its financial obligations as they fall due. The Agency's approach to managing liquidity is to ensure it will always have sufficient funds to meet its liabilities when they fall due. This is achieved by ensuring minimum levels of cash are held in the Agency bank account to meet various current employee and supplier liabilities. The Agency's exposure to liquidity risk is minimal. Cash injections are available from the Central Holding Authority in the event of one-off extraordinary expenditure items arise that deplete cash to levels that compromise the Agency's ability to meet its financial obligations.

d) Market risk

Market risk is the risk the fair value of future cash flows of a financial instrument will fluctuate because of changes in market prices. It comprises interest rate risk, price risk and currency risk.

(i) Interest rate risk

Interest rate risk is the risk that the fair value or future cash flows of a financial instrument will fluctuate because of changes in market interest rate.

The Agency is not exposed to interest rate risk as agency financial assets and financial liabilities are non-interest bearing.

(ii) Price risk

The Agency is not exposed to price risk as it does not hold units in unit trusts.

(iii) Currency risk

Currency risk is the risk that fair value of future cash flows of a financial instrument will fluctuate because of changes in foreign exchange rates.

The Ombudsman's Office is not exposed to currency risk as it does not hold borrowings denominated in foreign currencies or transactional currency exposures arising from purchases in a foreign currency.

Ombudsman's Office

20. Related parties

a) Related parties

The Ombudsman's Office is a government administrative entity and is wholly owned and controlled by the Territory Government. Related parties of the Agency include:

- the portfolio minister and key management personnel (KMP) because they have authority and responsibility for planning, directing and controlling the activities of the Agency directly
- close family members of the portfolio minister or KMP including spouses, children and dependents
- all public sector entities that are controlled and consolidated into the whole of government financial statements
- any entities controlled or jointly controlled by KMP's or the portfolio minister, or controlled or jointly controlled by their close family members.

b) Key management personnel (KMP)

Key management personnel of the Ombudsman's Office are those persons having authority and responsibility for planning, directing and controlling the activities of the Agency. These include the Chief Minister and the Chief Executive Officer.

c) Remuneration of key management personnel

The details below excludes the salaries and other benefits of the Chief minister as the Chief minister's remunerations and allowances are payable by the Department of the Legislative Assembly and consequently disclosed within the Treasurer's annual financial statements.

The aggregate compensation of key management personnel of the Agency is set out below:

	2025	2024
	\$000	\$000
Short-term benefits ¹	510	301
Post-employment benefits	28	27
Total remuneration of key management personnel	538	323

¹2025 figure Includes payment of accrued statutory entitlements on completion of statutory term.

d) Related party transactions:

Transactions with Northern Territory Government-controlled entities

The Agency primary ongoing source of funding is received from the Central Holding Authority in the form of output and capital appropriation. The Agency also has significant transactions with the Department of Corporate and Digital Development for the delivery of goods and services and the Department of Treasury and Finance with regards to payroll tax. The Agency's transactions with other government entities are not individually significant.

Ombudsman's Office

Other related party Transactions

Given the breadth and depth of Territory Government activities, related parties will transact with the Territory Public Sector in a manner consistent with other members of the public including paying stamp duty and other government fees and charges and therefore these transactions have not been disclosed. No related party transactions in excess of \$10,000 or otherwise considered significant occurred during the reporting period.

21. Contingent liabilities and contingent assets

The Ombudsman's Office had no contingent liabilities or contingent assets as at 30 June 2025 or 30 June 2024.

22. Events subsequent to balance date

No events have arisen between the end of the financial year and the date of this report that require adjustment to, or disclosure in these financial statements.

23. Budgetary information

The following tables present the variation between the 2024-25 original budgeted financial statements, as reported in *2024-25 Budget Paper No. 3 Agency Budget Statements* and the 2024-25 actual amounts reported in the financial statements, together with explanations for significant variations.

The variations within these tables do not include changes to budgeted appropriations from 2024-25 original budget to 2024-25 final budget. Refer to Note 4a for summary changes to budget appropriations.

Ombudsman's Office

Comprehensive operating statement	2025 Actual	2025 Original budget	Variance	Note
	\$000	\$000	\$000	
INCOME				
Appropriation				
Output	2 808	2 808		
Goods and services received free of charge	347	307	40	1
Other income	9		9	
TOTAL INCOME	3 164	3 115	49	
EXPENSES				
Employee expenses	2 679	2 432	247	2
Administrative expenses				
Property Management	14	14		
Purchases of goods and services	227	362	(135)	3
Other administrative expenses	346	307	39	1
TOTAL EXPENSES	3 267	3 115	152	
NET SURPLUS/(DEFICIT)	(103)		(103)	
COMPREHENSIVE RESULT	(103)		(103)	

Notes:

The following note descriptions relate to variances greater than 20 per cent or \$20,000.

1. Increase in revenue and expenditure for Goods and services free of charge in-line with service delivery.
2. Increased employee costs attributed to several factors including: backfilling 2 key staff on maternity leave, a senior staff member taking extended leave prior to transitioning to retirement, and several staff transferring into the Agency with high entitlement balances that needed to be taken up as provisions and were unable to be avoided or anticipated.
3. Operational savings intentionally made to assist in offsetting anticipated Employee overspend.

Ombudsman's Office

Balance Sheet	2025 Actual	2025 Original budget	Variance	Note
	\$000	\$000	\$000	
ASSETS				
Current assets				
Cash and deposits	1 714	1 967	(253)	1
Receivables	14	5	9	
Prepayments		9	(9)	
Total current assets	1 728	1 981	(253)	
TOTAL ASSETS	1 728	1 981	(253)	
LIABILITIES				
Current liabilities				
Payables	70	115	(45)	2
Provisions	328	570	(242)	3
Total current liabilities	398	685	(287)	
TOTAL LIABILITIES	398	685	(287)	
NET ASSETS	1 330	1 296	34	
EQUITY				
Capital	295	295		
Accumulated funds	1 036	1 001	35	
TOTAL EQUITY	1 330	1 296	34	

Notes:

The following note descriptions relate to variances greater than 20 per cent or \$20,000.

1. Decreased cash holdings due to increased operational spending as outlined in operating statement.
2. Increased payables relating to timing of outstanding payments.
3. Decreased provisions due to several staff utilising extended leave and cessation of long-term employees with high provision balances.

Ombudsman's Office

Cash flow statement	2025 Actual ^(a)	2025 Original budget ^(b)	Variance	Note
	\$000	\$000	\$000	
CASH FLOWS FROM OPERATING ACTIVITIES				
Operating receipts				
Appropriation				
Output	2 808	2 808		
Receipts from sales of goods and services	17		17	
Total operating receipts	2 825	2 808	17	
Operating payments				
Payments to employees	2 789	2 432	357	1
Payments for goods and services	260	376	(116)	1
Total operating payments	3 050	2 808	(242)	
Net cash from/(used in) operating activities	(225)		(225)	
Net increase/(decrease) in cash held	(225)		(225)	
Cash at beginning of financial year	1 939	1 967	(28)	
CASH AT END OF FINANCIAL YEAR	1 714	1 967	(253)	

Notes:

The following note descriptions relate to variances greater than 20 per cent or \$20,000.

1. Variances as outlined in Comprehensive operating statement.

APPENDIX B – 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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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
- (b) if the complaint was made orally, a copy of the statement of particulars of the complaint prepared by the police officer to whom the complaint was made.

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

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

7. Assessing and Determining Whether to Deal With a Complaint

7.1 Complaints Made Out of Time

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

7.2 Preliminary Inquiries

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

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

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

7.3 Declining a Complaint

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

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

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

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

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

As a general rule:

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

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

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

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

8. Classification of Complaints

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

Complaints fall into one of the following classifications:

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

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

Careful consideration is to be given to:

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

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

9. Re-Classification of Complaint

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

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

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

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

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

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

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

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

10. Conciliation [Part 7, Division 3]

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

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

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

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

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

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

10.1 Representation at Conciliation

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

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

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

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

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

11.1 Ombudsman's Oversight

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

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

11.2 Categories of CRP Conduct

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

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

11.3 CRP Process

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

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

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

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

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

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

11.4 Successfully Completed CRP

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

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

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

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

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

12.2 Category 2 PSC Investigation

Authorised Conduct of Category 2 Complaint

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

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

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

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

Assignment of complaint to Investigating Officer

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

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

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

Functions of Investigating Officer

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

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

Responsibilities of Investigating Officer

The IO is to:

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

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

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

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

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

- iv) a decision made by the subject member be reconsidered, varied or reversed or reasons be given for a decision;
- v) the effects of a decision, act or omission made by the subject member be rectified, mitigated or altered; and
- vi) an Act, practice, procedure or policy on which a decision, act or omission was based be amended.

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

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

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

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

Re-classification of Complaint

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

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

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

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

Ombudsman Review

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

Requirements when Serious Breach of Discipline Identified

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

Commissioner Notification to the Ombudsman

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

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

Deferral of Investigation

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

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

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

12.3 Category 1 PSC Investigation

Authorised Conduct of Category 1 Complaint

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

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

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

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

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

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

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

Assignment of Complaint to Investigating Officer

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

Functions of Investigating Officer

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

- (a) collecting all relevant information and evidence (both inculpatory and exculpatory) relating to the grounds of complaint;

- (b) investigating and reviewing the information and evidence;
- (c) reaching a reasonable and logical conclusion; and
- (d) preparing a report and other supporting documentation for the Ombudsman's consideration.

Responsibilities of Investigating Officer

The IO is to:

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

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

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

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

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

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

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

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

The Ombudsman may decide to investigate a CAP:

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

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

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

13.1 Finalisation Process

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

The Commissioner will notify the Ombudsman whether the Commissioner:

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

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

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

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

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

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

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

13.2 Complaint Findings

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

- (a) **unresolved** - Given differing versions, where the Ombudsman and PSC are unable to come to any conclusion about the allegation. This finding may be used in respect of allegations when the only available evidence is the complainant's version against that of the members or all witnesses provide a differing/inconsistent version;
- (b) **no evidence to support the allegation** - Based on the material, there is no evidence to support the allegation. This finding may apply to an allegation of minor assault (e.g. push/slap) and there is no medical evidence to support the allegation, there are no witnesses to the incident, there is no video evidence or other members present, to positively support the fact that it did or did not occur;

- (c) **insufficient evidence to sustain the allegation** - Based on the material there is some evidence to support the complainant, but it is insufficient to sustain the allegation. This may apply where there is some evidence to support the allegation but the quality of the evidence is unreliable, or taking into account other evidence (e.g. the medical evidence or the evidence of the police), the evidence as a whole is insufficient to sustain the allegation;
- (d) **action / conduct was not found to be unreasonable given the circumstances** - This finding may be used in cases where a member may have done something unusual or prima facie questionable, but the surrounding circumstances are such that it is inappropriate to make an adverse finding against the member;
- (e) **the police action / decision was reasonable** - This is a positive finding to the effect that the Ombudsman / PSC supports the action / decision by the police;
- (f) **the allegation is sustained** - Where there is sufficient evidence to sustain the allegation on the balance of probability; and
- (g) **the allegation is found to be wilfully false** - Where an investigation into a complaint against Police reveals that the allegation was wilfully false, that finding will be brought to the attention of the Ombudsman to consider a prosecution under the Act. Any criminal charges arising from a wilfully false allegation will be referred to the Commander, PSC for action.

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

14. **Reviews by Ombudsman**

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

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

15. **Confidentiality & Immunity**

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

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

16. **Suspected Criminal Conduct**

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

17. **Procedural Fairness**

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

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

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

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

18. Other

18.1 Non-Disclosure of Information

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

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

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

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

18.2 Restricted Use of Information

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

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

18.3 Register of Police Complaints

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

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

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

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

19. Scope of This Agreement

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

20. Review of This Agreement

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

October 2014

HOW TO CONTACT THE OMBUDSMAN



IN PERSON

22 Mitchell Street
Darwin, NT



BY E-MAIL

nt.ombudsman@nt.gov.au



BY TELEPHONE

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



BY MAIL

GPO Box 1344
DARWIN NT 0801



ONLINE

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