

MOTION

Note paper - Ombudsman's Report 2007-08

Mr VATSKALIS (Business and Employment): Madam Speaker, I move that the Assembly take note of the report.

On 20 November 2008, the Ombudsman provided Cabinet with a copy of her annual report for the year ending 30 June 2008. The annual report contains a comprehensive assessment of the office's performance and financial statements required under the *Financial Management Act* and the Treasurer's Direction.

In summary, during the 2007-08 financial year, the total number of approaches or inquiries and complaints received by the Ombudsman increased by 18% from 2081 to 2454. Of the total approaches, 407 became complaints that were handled by the Ombudsman. Of the 407 complaints, 274 related to Northern Territory Police conduct, 30 related to complaints from prisoners, and 103 related to administration of Northern Territory government agencies.

Forty per cent of the complaints were finalised because an adequate explanation was provided by Northern Territory agencies, compared to 20% in 2006-07. Twenty-six case studies and two significant investigations - women in prison and general investigative process - were undertaken and the resolution of litigation above the jurisdiction of the Ombudsman to investigate administrative action of a health service provider.

On the issue of the litigation, the Ombudsman has pointed to a conflict in her dual role as Ombudsman and the Health and Community Service Complaints Commissioner, in particular, the increasing workloads of both positions and she recommended that government give consideration to establishing the Health and Community Services Complaints Commission as a separate working unit from the Ombudsman.

During 2007-08, the Ombudsman also undertook inspection of the Northern Territory Police records to report on the compliance with the legislation protecting the rights of citizens when surveillance devices are used and when telephone communications are intercepted. A report was provided to the Minister for Police, Fire and Emergency Services which was tabled in the Legislative Assembly on 18 September 2008. The report identified that the Northern Territory Police were not complying with some aspects of the *Surveillance Devices Act 2007*.

In her annual report, the Ombudsman has also made reference to the proposed Ombudsman Bill 2008 and the consequential amendments to the *Information Act* to exempt from disclosure

information obtained by NT Police when investigating a complaint about police conduct. The Ombudsman considered that the amendment to the *Information Act* is contrary to her credibility, transparency of government and the rights of individuals who may have grievances about police conduct.

The Ombudsman appears to be under the misapprehension that the consequential amendment to the *Information Act* is acting to exempt from disclosure information obtained during all police investigations. The Ombudsman is incorrect. Investigation undertaken by Northern Territory Police through their normal disciplinary processes, and any information obtained, will still be subject to the *Information Act*.

Currently, the *Information Act* exempts from disclosure information obtained during the investigation of a complaint about police conduct made under the *Ombudsman (Northern Territory) Act* where the Ombudsman undertakes the investigation. The amendment to the *Information Act* is simply providing the same status to information obtained by NT Police where a complaint about police conduct is made under the *Ombudsman (Northern Territory) Act* and the Ombudsman asks the Northern Territory Police to investigate the complaint.

Pursuant to section 28 of the *Ombudsman (Northern Territory) Act*, the report must be tabled in the Legislative Assembly within three sitting days after it is received by the minister. To meet the tabling requirements, the report must be tabled no later than 27 November 2008. Cabinet has approved the Ombudsman's Report 2007-08 for introduction in the November 2008 sitting of the Legislative Assembly.

Madam Speaker, I table the 30th Annual Report of the Ombudsman.

Debate adjourned.

ADJOURNMENT

Mr HENDERSON (Chief Minister): Madam Speaker, I move that the Assembly do now adjourn.

Mr ELFERINK: A point of order, Madam Speaker! I thought the information we had received from the government was that we were going on with the economic statement debate this evening.

Madam SPEAKER: The Chief Minister has just adjourned the House.

Mr ELFERINK: I understand that but, if these guys want to start changing the rules halfway