



NORTHERN TERRITORY OF AUSTRALIA

No. 54 of 1981

AN ACT

To amend the Ombudsman (Northern Territory) Act

[Assented to 1 July 1981]

BE it enacted by the Legislative Assembly of the Northern Territory of Australia, with the assent as provided by the *Northern Territory (Self-Government) Act 1978* of the Commonwealth, as follows:

1. SHORT TITLE

This Act may be cited as the Ombudsman (Northern Territory) Amendment Act 1981.

2. PRINCIPAL ACT

The Ombudsman (Northern Territory) Act is in this Act referred to as the Principal Act.

3. MATTERS FOR INVESTIGATION

Section 14 of the Principal Act is amended -

(a) by omitting from sub-section (2)(a)(iv) "or";

(b) by omitting from sub-section (2)(b) "so referred." and substituting the following:

"so referred; or

(c) is the subject of a complaint concerning a member of the Police Force made direct to the Ombudsman."; and

(c) by inserting after sub-section (3) the following:

"(3A) Where a complaint concerning a member of the Police Force is made direct to the Ombudsman, the Ombudsman shall, before carrying out an investigation, refer the complaint to the Commissioner."

Ombudsman (Northern Territory) Amendment

4. PROCEDURE FOR INVESTIGATIONS

Section 19 of the Principal Act is amended -

(a) by adding at the end of sub-section (1)(a) "or"; and

(b) by omitting sub-section (1)(b) and substituting the following:

"(b) where the complaint relates to an administrative action taken by the principal officer of the council of a municipality, the mayor of the municipality and the responsible minister; and".

5. EVIDENCE

Section 20(4) of the Principal Act is amended by omitting "the Crown in right of the Commonwealth or".

6. NON-DISCLOSURE OF CERTAIN MATTERS

Section 22(1) of the Principal Act is amended by omitting paragraph (b)(iii) and substituting the following:

"(iii) the Commonwealth or Territory Cabinet or a committee of the Commonwealth or Territory Cabinet,".

7. SECRECY

Section 23 of the Principal Act is amended -

(a) by omitting from paragraph (a)(iii)(A) "of a State; or" and substituting "a State;";

(b) by omitting from paragraph (a)(iii)(B) "or a State," and substituting the following:

"or a State; or

(C) the exchange of information between persons exercising, under a law of the Commonwealth or a State, functions similar to the functions exercised by the Ombudsman," and

(c) by adding the following sub-section:

"(2) The Ombudsman may in writing direct the person to whom a document is sent by the Ombudsman not to disclose to any other person any information contained in the document except for the purposes of the investigation to which that document relates, and a person to whom such a direction is given shall comply with and not contravene the direction.

Penalty: \$1,000 or imprisonment for 6 months."

Ombudsman (Northern Territory) Amendment

8. PROCEDURE ON COMPLETION OF INVESTIGATION

Section 26(5)(b) of the Principal Act is amended by omitting the words "an officer or employee" and substituting "the principal officer".

9. FURTHER AMENDMENTS

The Principal Act is further amended as set out in the Schedule.

SCHEDULE

Section 9

Provision	Amendment	
	Omit	Substitute
Long title and sections 1, 2, 3(1), (2), (3), 4(1), (2), (4), (5), (8), 9(5), 10(1), 11(1), 12(1), (4), 13, 14(1), (4), (5), (6), (8), (9), (10), (11), 14A(1), 16, 17, 19(1), (2), (4), (7), 20, 21, 23, 24, 25(3), 26(1), (7), 27, 28(1), (2), 29, 30(1), 31(1), (4) and 32	"Ordinance" (wherever occurring)	"Act"
Section 3(1)		
- definition of "administrative action"		
- paragraph (e)	<u>"Coroners Ordinance"</u>	<u>"Coroners Act"</u>
	<u>"Justices Ordinance"</u>	<u>"Justices Act"</u>

Ombudsman (Northern Territory) Amendment

Provision	Amendment	
	Omit	Substitute
- paragraph (f)	"capacity as such; or"	"capacity as such;"
- paragraph (g)	"to such a person"	"to such a person; or"
- definition of "authority"		
- paragraph (a)	" <u>Public Service Ordinance</u> "	" <u>Public Service Act</u> "
- paragraph (c)	" <u>Local Government Ordinance</u> "	" <u>Local Government Act</u> "
- definition of "principal officer"		
- paragraph (a)	" <u>Public Service Ordinance</u> "	" <u>Public Service Act</u> "
- paragraph (c)	" <u>Local Government Ordinance</u> "	" <u>Local Government Act</u> "
- definition of "responsible minister"		
- paragraph (b)	"appropriate executive member"	"appropriate minister"
Section 11(1) and (2)	" <u>Public Service Ordinance</u> "	" <u>Public Service Act</u> "
Section 14(2)(a)(i)	" <u>Public Service Ordinance</u> "	" <u>Public Service Act</u> "
Section 14(5)	"an executive member"	"a minister"
Section 20(1)	" <u>Inquiries Ordinance</u> "	" <u>Inquiries Act</u> "
Sections 23 and 24	"1,000 dollars"	"\$1,000"
	"6 months, or both."	"6 months."
Section 25(1) and (3)	"500 dollars"	"\$500"
	"12 months, or both."	"12 months."
Section 25(5)	"2,000 dollars"	"\$2,000"