

1995—No. 604

OMBUDSMAN ACT 1974—PROCLAMATION

NEW SOUTH WALES



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(L.S.) P. R. SINCLAIR, Governor.

I, Rear Admiral PETER ROSS SINCLAIR, A.C., Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of section 14 of the Ombudsman Act 1974, do, by this my Proclamation, amend Schedule 1 to that Act by omitting clause 12 and inserting instead the following clause:

12. Conduct of a public authority relating to:

- (a) the appointment or employment of a person as an officer or employee, and
- (b) matters affecting a person as an officer or employee,

unless the conduct arises from the making of a protected disclosure (within the meaning of the Protected Disclosures Act 1994) to the Ombudsman or to another person who has referred the disclosure to the Ombudsman under Part 4 of that Act for investigation or other action.

Signed and sealed at Sydney, this 4th day of October 1995.

By His Excellency's Command,

BOB CARR
Premier.

GOD SAVE THE QUEEN!

EXPLANATORY NOTE

Under section 12 of the Ombudsman Act 1974, a person may not complain to the Ombudsman about the conduct of a public authority if the conduct is (among other things) of a class described in Schedule 1 to the Act. The class of conduct described in clause 12 of that Schedule is the following:

12. Conduct of a public authority relating to:

- (a) the appointment or employment of a person as an officer or employee, and
- (b) matters affecting a person as an officer or employee.

The object of this Proclamation is to replace that clause with a clause that does not prevent a person from complaining to the Ombudsman in respect of action detrimental to the person taken by a public authority if the action was taken in reprisal for the making of a protected disclosure (within the meaning of the Protected Disclosures Act 1994). The disclosure must have been made directly to the Ombudsman or have been referred to the Ombudsman by another “investigating authority” or “public official” (as defined in that Act) to whom it was made. However, it need not necessarily have been made by the person making the complaint to the Ombudsman.
