

New South Wales



ANNO VICESIMO QUINTO

ELIZABETHÆ II REGINÆ

Act No. 39, 1976.

An Act to amend the Ombudsman Act, 1974, to enable the Ombudsman to investigate certain conduct of local government authorities. [Assented to, 13th October, 1976.]

BE

Ombudsman (Amendment).

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

Short title. 1. This Act may be cited as the "Ombudsman (Amendment) Act, 1976".

**Commence-
ment.** 2. (1) This section and section 1 shall commence on the date of assent to this Act.

(2) Except as provided in subsection (1), this Act shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

**Amendment
of Act No.
68, 1974.** 3. The Ombudsman Act, 1974, is amended in the manner set forth in Schedule 1.

Sec. 3.

SCHEDULE 1.
AMENDMENTS TO THE OMBUDSMAN ACT, 1974.

(1) Section 3—

Omit "SCHEDULE", insert instead "SCHEDULE 1".

SCHEDULE

Ombudsman (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE OMBUDSMAN ACT, 1974—*continued.*

(2) (a) Section 5 (1), definition of “head”—

Omit paragraph (e), insert instead :—

- (e) in relation to a public authority that is a corporation aggregate, an unincorporated body or a local government authority—the person entitled to preside at meetings of the corporation, body or local government authority; and

(b) Section 5 (1), definition of “local government authority”—

After the definition of “head”, insert :—

“local government authority” means a council within the meaning of the Local Government Act, 1919, a county council within the meaning of that Act or an urban committee constituted under Part XXVII of that Act;

(c) Section 5 (1), definition of “public authority”—

(i) From paragraph (g), omit “and”.

(ii) After paragraph (g), insert :—

(g1) any local government authority;
and

SCHEDULE

Ombudsman (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE OMBUDSMAN ACT, 1974—*continued.*

- (d) Section 5 (1), definition of “responsible Minister”—

After paragraph (b), insert :—

- (b1) in relation to a public authority, being a local government authority—the Minister of the Crown administering the Local Government Act, 1919; and

- (3) (a) Section 12 (1) (a)—

Omit “the Schedule”, insert instead “Schedule 1”.

- (b) Section 12 (1) (b)—

Omit “or”.

- (c) Section 12 (1) (c)—

Omit “day.”, insert instead “day; or”.

- (d) Section 12 (1) (d)—

After section 12 (1) (c), insert :—

- (d) the conduct, being conduct of a local government authority, took place before the day appointed and notified under section 2 (2) of the Ombudsman (Amendment) Act, 1976.

SCHEDULE

Ombudsman (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE OMBUDSMAN ACT, 1974—*continued.*

(4) Section 13 (5)—

After section 13 (4), insert :—

(5) Notwithstanding any other provision of this section, the Ombudsman shall not investigate the conduct of a public authority, being a local government authority, if that conduct is subject to a right of appeal or review conferred by or under an Act unless the Ombudsman is of the opinion that special circumstances make it unreasonable to expect that right to be or to have been exercised.

(5) Section 14—

Omit “the Schedule” wherever occurring, insert instead “Schedule 1”.

(6) (a) Schedule—

Omit “SCHEDULE”, insert instead “SCHEDULE 1”.

(b) Schedule—

Omit item 11.
