

Ombudsman Regulation 2005

[2005-309]



New South Wales

Status Information

Currency of version

Repealed version for 1 July 2005 to 31 August 2011 (accessed 18 July 2024 at 16:37)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

Provisions in force

The provisions displayed in this version of the legislation have all commenced.

Notes—

- **Repeal**

The Regulation was repealed by sec 10 (2) of the [Subordinate Legislation Act 1989 No 146](#) with effect from 1.9.2011.

Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

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Ombudsman Regulation 2005



New South Wales

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the [Ombudsman Act 1974](#).

BOB CARR, M.P., Premier

1 Name of Regulation

This Regulation is the [Ombudsman Regulation 2005](#).

2 Commencement

This Regulation commences on 1 July 2005.

Note—

This Regulation repeals and replaces the [Ombudsman Regulation 1999](#) which would otherwise be repealed on 1 September 2005 by section 10 (2) of the [Subordinate Legislation Act 1989](#).

3 Definitions

(1) In this Regulation:

the Act means the [Ombudsman Act 1974](#).

(2) Notes included in this Regulation do not form part of this Regulation.

4 Designated government agencies

The following bodies are prescribed for the purposes of the definition of **designated government agency** in section 25A (1) of the Act:

- (a) a statutory health corporation within the meaning of the [Health Services Act 1997](#),
- (b) the Ambulance Service of New South Wales,
- (c) the TAFE Commission,
- (d) the Department of Ageing, Disability and Home Care.

5 Designated non-government agencies

Affiliated health organisations within the meaning of the *Health Services Act 1997* are prescribed for the purposes of the definition of **designated non-government agency** in section 25A (1) of the Act.

6 Heads of certain agencies

- (1) This clause applies to an agency referred to in paragraph (a), (b) or (c) of the definition of **designated non-government agency** in section 25A (1) of the Act that is under the authority of a Catholic Bishop of New South Wales.
- (2) For the purposes of the definition of **head** of an agency in section 25A (1) of the Act, the Catholic Bishop who has authority over the agency concerned is to be regarded as the head of the agency.

7 Responsible Minister in relation to child protection matters

- (1) This clause applies only in respect of matters arising under Part 3A (Child protection) of the Act.
- (2) The definition of **responsible Minister** in section 5 (1) of the Act is modified such that the **responsible Minister** for a designated non-Government agency for the purposes of the Act is:
 - (a) the Minister whose portfolio has, in the opinion of the Ombudsman, sufficient funding or regulatory responsibility for the agency to warrant involvement on the Minister's part in relation to the agency, or
 - (b) if there is no such portfolio—the Minister who is, in the opinion of the Ombudsman, a Minister sufficiently concerned with the conduct of the agency.
- (3) Two or more Ministers may be responsible Ministers for a particular non-Government agency. In that case, the Ombudsman may (but is not obliged to) elect to regard one only of those Ministers as the responsible Minister, and the Minister so regarded is taken to be the responsible Minister for the agency concerned.
- (4) A responsible Minister is not to exercise any functions under section 26A (Authority to pay compensation), 32 (Staff) or 34 (Disclosure by Ombudsman or officer) of the Act in relation to a designated non-Government agency, and action may be taken under those sections in respect of such an agency without any authorisation, approval or consent of the responsible Minister that would, in the absence of this subclause, be required.

8 Repeal

The *Ombudsman Regulation 1999* is repealed.