

Ombudsman (Amendment) Bill

EXPLANATORY MEMORANDUM

Clause 1 sets out the purpose of the Bill.

Clause 2 provides for the Act to come into operation on a day or days to be proclaimed.

Clause 3 states that the *Ombudsman Act 1973* is the Principal Act.

Clause 4 amends the definitions of “Government Department” and “Principal Officer” in section 2 of the Principal Act to conform with the *Public Service Act 1974*.

Clause 5 amends section 3 (4) of the Principal Act to provide a fixed, non-renewable seven year term of office for the Ombudsman.

Clause 6 amends section 7 of the Principal Act to provide that officers of the Ombudsman are appointed subject to the *Public Service Act 1974*.

Clause 7 omits references to officers of the Ombudsman in section 8 of the Principal Act and is consequential upon Clause 6.

Clause 8 makes a number of amendments to section 13 of the Principal Act to deal with enquiries by the Ombudsman and adds the Director of Public Prosecutions and the Electoral Commissioner to section 13 (3) of the Principal Act.

Clause 9 inserts a new Part IIIA in the Principal Act, to enable the Ombudsman to conduct enquiries and to extend the provisions of section 24 of the Act to those enquiries.

Clause 10 clarifies the disclosure provisions in section 20 of the Principal Act and the circumstances in which information can be used in legal proceedings.

Clause 11 amends section 20A of the Principal Act and is consequential upon Clause 10.

Clause 12 provides that proceedings under the Principal Act require the consent of the Director of Public Prosecutions, except where the proceedings are instituted by the Ombudsman.

Clause 13 amends section 24 of the Principal Act to enable the Ombudsman to disclose to a complainant any information the Ombudsman thinks proper.

Clause 14 contains transitional provisions.

Clause 15 contains statute law revision provisions.

Clause 16 adds the “Office of the Ombudsman” and “Ombudsman” to Schedule 3A of the *Public Service Act 1974*.

