

[STATE ARMS]

New South Wales

Local Government Amendment (Ombudsman's Recommendations) Bill 1998

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

Section 26 of the *Ombudsman Act 1974* enables the Ombudsman to recommend the action to be taken by a body that is the subject of a report made under that section following an investigation into the conduct of the body. The Ombudsman is required to give a report under the section to the Minister responsible for the body.

The object of this Bill is to amend the *Local Government Act 1993* to enable the Minister for Local Government to require a council that is the subject of an Ombudsman's report to comply with any recommendations made by the Ombudsman.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on a day to be appointed by proclamation.

Clause 3 is a formal provision giving effect to the amendments to the *Local Government Act 1993* set out in Schedule 1.

Schedule 1 [1] inserts proposed section 434A into the Principal Act. Proposed section 434A:

- (a) enables the Minister for Local Government to order a council to present an Ombudsman's report concerning the conduct of the council at the council's next meeting after the Minister's order is made, and
- (b) requires the council, within 40 days after that presentation, to notify the Minister in writing of any things done or proposed to be done to give effect to any recommendations contained in the report, and
- (c) enables the Minister, after receiving the council's notice or at the expiry of the 40-day period (whichever is the earlier), to make binding orders on the council arising from any recommendations contained in the Ombudsman's report.

Schedule 1 [2] inserts a proposed Part into Schedule 8 to the Principal Act (Savings, transitional and other provisions consequent on the enactment of other Acts) to provide that proposed section 434A will not apply to any Ombudsman's report received by the Minister before the commencement of that section.