



New South Wales

Local Government Amendment (Ombudsman's Recommendations) Act 1998 No 90

Act No 90, 1998

An Act to amend the *Local Government Act 1993* to enable the Minister administering the Act to require a council to comply with recommendations made by the Ombudsman in a report under section 26 of the *Ombudsman Act 1974* about the council. [Assented to 2 October 1998]

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Local Government Amendment (Ombudsman's Recommendations) Act 1998*.

2 Commencement

This Act commences on a day to be appointed by proclamation.

3 Amendment of Local Government Act 1993 No 30

The *Local Government Act 1993* is amended as set out in Schedule 1.

Schedule 1 Amendments

(Section 3)

[1] Section 434A

Insert after section 434:

434A Council's response to Ombudsman's report

- (1) The Minister may order a council to present a copy of a report made by the Ombudsman under section 26 of the *Ombudsman Act 1974* concerning the conduct of the council (together with a copy of the Minister's order) at the next meeting of the council occurring after the order is made.
- (2) The council must, within 40 days after the presentation of the Ombudsman's report and the Minister's order, give written notice to the Minister of the things done or proposed to be done to give effect to any recommendations contained in the report.
- (3) At any time after receiving the council's notice or the expiration of the 40-day period (whichever is the earlier) the Minister may order the council to do such things or to refrain from doing such things arising from the recommendations contained in the Ombudsman's report as are specified in the order.
- (4) The council must comply with any order made by the Minister under this section.
- (5) An order under this section may state that a failure to comply with the order may lead to legal proceedings being taken to enforce compliance.
- (6) Nothing in this section affects any other obligation of the council in respect of the Ombudsman's report under the *Ombudsman Act 1974*.

[2] Schedule 8 Savings, transitional and other provisions consequent on the enactment of other Acts

Insert in Schedule 8 (with appropriate Part and clause numbers):

**Part Provision consequent on enactment of
Local Government Amendment
(Ombudsman's Recommendations) Act 1998**

Application of section 434A

Section 434A does not apply to any Ombudsman's report received by the Minister before the commencement of that section.

[Minister's second reading speech made in—
Legislative Assembly on 10 September 1998 a.m.
Legislative Council on 22 September 1998]