



Tabled, by leave, Mr Gordon

Clerk of the Parliaments

9/5/2024

OMBUDSMAN AND OTHER LEGISLATION AMENDMENT BILL 2024

STATEMENT OF PUBLIC INTEREST

Need: Why is the policy needed based on factual evidence and stakeholder input?

The NSW Ombudsman is an independent integrity agency that oversees the NSW public sector and investigates complaints regarding most NSW government agencies, local councils and community service providers.

The Ombudsman and Other Legislation Amendment Bill 2024 (**Bill**) proposes miscellaneous amendments to the *Ombudsman Act 1974* (**Ombudsman Act**) and the *Community Services (Complaints, Reviews and Monitoring) Act 1993* (**CSCRM Act**) requested by the Ombudsman.

Schedule 1 to the Bill proposes to amend the Ombudsman Act to:

- amend the definition of 'Aboriginal programs', to which the Ombudsman's jurisdiction to monitor and assess Aboriginal programs in Part 3B of the Ombudsman Act applies, to a general definition that includes, but is not limited to, the Opportunity, Choice, Healing, Responsibility, Empowerment (OCHRE) program
- introduce an express statutory duty for a public authority to co-operate and, if asked, assist the Ombudsman in the exercise of the Ombudsman's functions
- expressly provide that the Ombudsman may provide a range of education and other training services, and charge reasonable fees for those services
- repeal a provision recently inserted by the *Public Interest Disclosures Act 2022* on 1 October 2023 that is imposing unnecessary administrative burdens on the Ombudsman's Office
- provide that the Ombudsman may make preliminary inquiries to determine whether the Ombudsman has jurisdiction over particular conduct and for the purposes of any function of the Ombudsman under the Act or another Act
- other minor miscellaneous amendments to existing provisions of the Ombudsman Act.

The Bill also proposes to make minor, consequential changes to the CSCRM Act and to repeal the *Ombudsman Regulation 2016*.

Objectives: What is the policy's objective couched in terms of the public interest?

It is in public interest that the Ombudsman's Office remains a strong and effective independent integrity agency.

Options: What alternative policies and mechanisms were considered in advance of the bill?

The proposals requested by the Ombudsman can only be achieved through legislative amendment.

Analysis: What were the pros/cons and benefits/costs of each option considered?

The Bill does not impose any appreciable cost or burden on the public or any group of the public and so the relative merits of alternative options have not been analysed.

Pathway: What are the timetable and steps for the policy's rollout and who will administer it?

If enacted, the Bill will commence on assent.

Consultation: Were the views of affected stakeholders sought and considered in making the policy?

The Bill has been prepared in consultation with the Ombudsman's Office and other NSW Government agencies. No external or public consultation has been undertaken, as the Bill relates to the functions of the Ombudsman's Office.