

Passed by both Houses



New South Wales

Ombudsman Amendment (Aboriginal Programs) Bill 2014

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I certify that this public bill, which originated in the Legislative Assembly, has finally passed the Legislative Council and the Legislative Assembly of New South Wales.

*Clerk of the Legislative Assembly.
Legislative Assembly,
Sydney,*

, 2014



New South Wales

Ombudsman Amendment (Aboriginal Programs) Bill 2014

Act No , 2014

An Act to amend the *Ombudsman Act 1974* with respect to the monitoring and assessment of Aboriginal programs and the appointment of a Deputy Ombudsman for that purpose.

I have examined this bill and find it to correspond in all respects with the bill as finally passed by both Houses.

Assistant Speaker of the Legislative Assembly.

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Ombudsman Amendment (Aboriginal Programs) Act 2014*.

2 Commencement

This Act commences on 1 July 2014.

Schedule 1 Amendment of Ombudsman Act 1974 No 68

[1] Section 8 Deputy Ombudsman and Assistant Ombudsman—appointment etc

Insert after section 8 (1A):

- (1B) The Ombudsman is to appoint a Deputy Ombudsman for the purpose of enabling the Ombudsman to monitor and assess Aboriginal programs under Part 3B.

[2] Part 3B

Insert after Part 3A:

Part 3B Aboriginal programs

25K Aboriginal programs to which Part applies

This Part applies to Aboriginal programs prescribed by the regulations.

25L Monitoring and assessment of Aboriginal programs

- (1) The Ombudsman is to monitor and assess Aboriginal programs to which this Part applies.
- (2) Sections 17–24 and 36 apply to the exercise of the Ombudsman’s functions under this Part in the same way as they apply to an investigation of a complaint by the Ombudsman, subject to any necessary modifications and to any modifications prescribed by the regulations.

25M Provision of information

- (1) It is the duty of the head of a public authority that has functions under an Aboriginal program to which this Part applies to provide the Ombudsman with full and unrestricted access to records that are under the person’s control (or whose production the person may, in an official capacity, reasonably require), being records to which the Ombudsman reasonably requires access for the purpose of exercising the functions of the Ombudsman under this Part in relation to the program.
- (2) Access to which the Ombudsman is entitled under this section includes the right to inspect and, on request, to be provided with copies of any such record and to inspect any non-documentary evidence associated with any such record.
- (3) A provision of any Act or law that restricts or denies access to records (other than a provision applied by section 25L (2)) does not prevent a person to whom this section applies from complying, or affect the person’s duty to comply, with this section.
- (4) The Ombudsman and the Minister responsible for an Aboriginal program to which this Part applies may consult each other on the monitoring and assessment of, or other matters relating to, the program.
- (5) The Ombudsman may, if the Ombudsman thinks it appropriate to do so, provide information obtained by the Ombudsman under this section to a public authority that has functions under an Aboriginal program to which this Part applies and that has a relevant interest.

- (6) The provision of information under this section:
 - (a) does not constitute a breach of professional etiquette or ethics or a departure from accepted standards of professional conduct, and
 - (b) does not give rise to any liability for defamation or other civil liability.

25N Reporting on Aboriginal programs

- (1) The Ombudsman may provide a report on any matter concerning an Aboriginal program to which this Part applies (including any recommendations for improvements in the delivery of the program) to the Minister responsible for the program and to any other Minister or public authority affected, in the opinion of the Ombudsman, by the report.
- (2) The Minister responsible for the program is to furnish a copy of the report to the Presiding Officer of each House of Parliament within 1 month after receiving the report. Section 31AA applies to a copy of a report furnished under this section in the same way as it applies to a report under Part 4.