

This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

R. E. WARD,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 15 September, 1976.*

New South Wales



ANNO VICESIMO QUINTO

ELIZABETHÆ II REGINÆ

Act No. , 1976.

An Act to amend the Ombudsman Act, 1974, to enable the Ombudsman to investigate certain conduct of local government authorities.

BE

Ombudsman (Amendment).

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the "Ombudsman Short title. (Amendment) Act, 1976".

2. (1) This section and section 1 shall commence on the date of assent to this Act. Commence-
ment.

10 (2) Except as provided in subsection (1), this Act shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

15 3. The Ombudsman Act, 1974, is amended in the manner set forth in Schedule 1. Amendment
of Act No.
68, 1974.

SCHEDULE 1.

Sec. 3.

AMENDMENTS TO THE OMBUDSMAN ACT, 1974.

(1) Section 3—

Omit "SCHEDULE", insert instead "SCHEDULE 1".

SCHEDULE

Ombudsman (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE OMBUDSMAN ACT, 1974—*continued.*

(2) (a) Section 5 (1), definition of “head”—

Omit paragraph (e), insert instead :—

- 5 (e) in relation to a public authority that is a
corporation aggregate, an unincorporated
body or a local government authority—
the person entitled to preside at meetings
10 of the corporation, body or local
government authority; and

(b) Section 5 (1), definition of “local government
authority”—

After the definition of “head”, insert :—

- 15 “local government authority” means a council
within the meaning of the Local Govern-
ment Act, 1919, a county council within
the meaning of that Act or an urban
committee constituted under Part XXVII
of that Act;

20 (c) Section 5 (1), definition of “public authority”—

(i) From paragraph (g), omit “and”.

(ii) After paragraph (g), insert :—

(g1) any local government authority;
and

SCHEDULE

Ombudsman (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE OMBUDSMAN ACT, 1974—*continued.*

(d) Section 5 (1), definition of “responsible Minister”—

5 After paragraph (b), insert :—

(b1) in relation to a public authority, being a local government authority—the Minister of the Crown administering the Local Government Act, 1919; and

10 (3) (a) Section 12 (1) (a)—

Omit “the Schedule”, insert instead “Schedule 1”.

(b) Section 12 (1) (b)—

Omit “or”.

(c) Section 12 (1) (c)—

15 Omit “day.”, insert instead “day; or”.

(d) Section 12 (1) (d)—

After section 12 (1) (c), insert :—

20 (d) the conduct, being conduct of a local government authority, took place before the day appointed and notified under section 2 (2) of the Ombudsman (Amendment) Act, 1976.

Ombudsman (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE OMBUDSMAN ACT, 1974—*continued.*

(4) Section 13 (5)—

After section 13 (4), insert :—

- 5 (5) Notwithstanding any other provision of this
section, the Ombudsman shall not investigate the
conduct of a public authority, being a local govern-
ment authority, if that conduct is subject to a right
of appeal or review conferred by or under an Act
10 unless the Ombudsman is of the opinion that special
circumstances make it unreasonable to expect that
right to be or to have been exercised.

(5) Section 14—

- 15 Omit “the Schedule” wherever occurring, insert
instead “Schedule 1”.

(6) (a) Schedule—

Omit “SCHEDULE”, insert instead
“SCHEDULE 1”.

(b) Schedule—

- 20 Omit item 11.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1976

[8c]

1970

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(1)

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No. , 1976.

A BILL

To amend the Ombudsman Act, 1974, to enable the Ombudsman to investigate certain conduct of local government authorities.

[MR WRAN—8 September, 1976.]

BE

Ombudsman (Amendment).

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the "Ombudsman Short title. (Amendment) Act, 1976".

2. (1) This section and section 1 shall commence on Commence-
the date of assent to this Act. ment.

10 (2) Except as provided in subsection (1), this Act shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

3. The Ombudsman Act, 1974, is amended in the manner Amendment
15 set forth in Schedule 1. of Act No.
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Omit "SCHEDULE", insert instead "SCHEDULE 1".

SCHEDULE

Ombudsman (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE OMBUDSMAN ACT, 1974—*continued.*

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Omit paragraph (e), insert instead :—

- 5 (e) in relation to a public authority that is a
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 the person entitled to preside at meetings
10 of the corporation, body or local
 government authority; and

(b) Section 5 (1), definition of “local government
authority”—

After the definition of “head”, insert :—

- 15 “local government authority” means a council
 within the meaning of the Local Govern-
 ment Act, 1919, a county council within
 the meaning of that Act or an urban
 committee constituted under Part XXVII
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20 (c) Section 5 (1), definition of “public authority”—

- (i) From paragraph (g), omit “and”.
(ii) After paragraph (g), insert :—
 (g1) any local government authority;
 and

Ombudsman (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE OMBUDSMAN ACT, 1974—*continued.*

(d) Section 5 (1), definition of “responsible Minister”—

5 After paragraph (b), insert :—

(b1) in relation to a public authority, being a local government authority—the Minister of the Crown administering the Local Government Act, 1919; and

10 (3) (a) Section 12 (1) (a)—

Omit “the Schedule”, insert instead “Schedule 1”.

(b) Section 12 (1) (b)—

Omit “or”.

(c) Section 12 (1) (c)—

15 Omit “day.”, insert instead “day; or”.

(d) Section 12 (1) (d)—

After section 12 (1) (c), insert :—

20 (d) the conduct, being conduct of a local government authority, took place before the day appointed and notified under section 2 (2) of the Ombudsman (Amendment) Act, 1976.

Ombudsman (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE OMBUDSMAN ACT, 1974—*continued.*

(4) Section 13 (5)—

After section 13 (4), insert :—

- 5 (5) Notwithstanding any other provision of this
section, the Ombudsman shall not investigate the
conduct of a public authority, being a local govern-
ment authority, if that conduct is subject to a right
10 of appeal or review conferred by or under an Act
unless the Ombudsman is of the opinion that special
circumstances make it unreasonable to expect that
right to be or to have been exercised.

(5) Section 14—

- 15 Omit "the Schedule" wherever occurring, insert
instead "Schedule 1".

(6) (a) Schedule—

Omit "SCHEDULE", insert instead
"SCHEDULE 1".

(b) Schedule—

- 20 Omit item 11.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1976

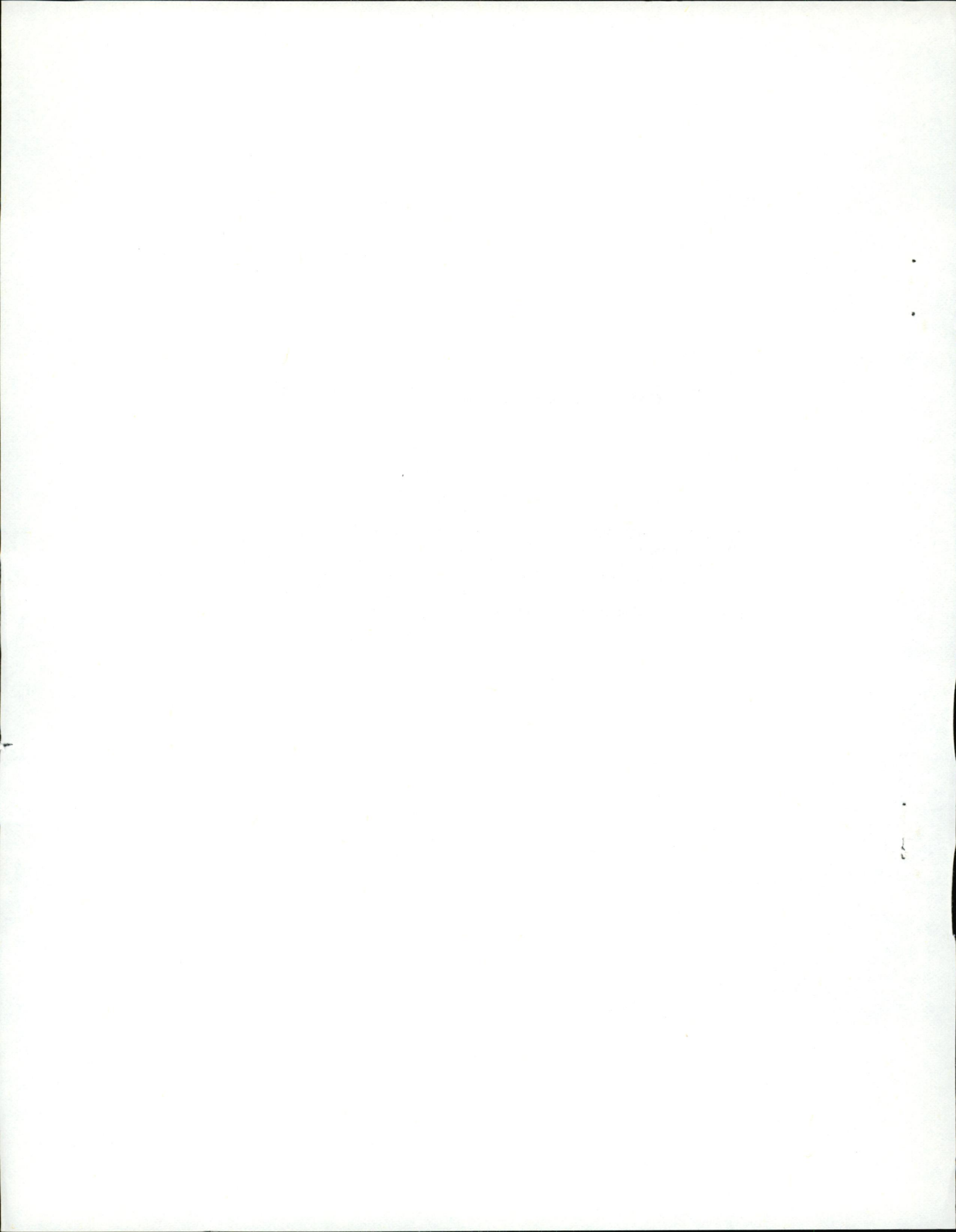
[8c]

PROOF

OMBUDSMAN (AMENDMENT) BILL, 1976

EXPLANATORY NOTE

THE object of this Bill is to enable the Ombudsman to investigate the conduct, in relation to matters of administration, of councils, county councils and urban committees under the Local Government Act, 1919, but to preclude him from investigating any such conduct that is subject to a right of appeal or review conferred by or under an Act unless he is of the opinion that special circumstances make it unreasonable to expect that right to be or to have been exercised.



PROOF

No. , 1976.

A BILL

To amend the Ombudsman Act, 1974, to enable the Ombudsman to investigate certain conduct of local government authorities.

[MR WRAN—8 *September*, 1976.]

BE

Ombudsman (Amendment).

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the "Ombudsman Short title. (Amendment) Act, 1976".

2. (1) This section and section 1 shall commence on Commence-
the date of assent to this Act. ment.

10 (2) Except as provided in subsection (1), this Act shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

15 3. The Ombudsman Act, 1974, is amended in the manner Amendment
set forth in Schedule 1. of Act No.
68, 1974.

SCHEDULE 1.

Sec. 3.

AMENDMENTS TO THE OMBUDSMAN ACT, 1974.

(1) Section 3—

Omit "SCHEDULE", insert instead "SCHEDULE 1".

SCHEDULE

Ombudsman (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE OMBUDSMAN ACT, 1974—*continued.*

(2) (a) Section 5 (1), definition of “head”—

Omit paragraph (e), insert instead :—

5 (e) in relation to a public authority that is a
 corporation aggregate, an unincorporated
 body or a local government authority—
 the person entitled to preside at meetings
10 of the corporation, body or local
 government authority; and

(b) Section 5 (1), definition of “local government
authority”—

After the definition of “head”, insert :—

15 “local government authority” means a council
 within the meaning of the Local Govern-
 ment Act, 1919, a county council within
 the meaning of that Act or an urban
 committee constituted under Part XXVII
 of that Act;

20 (c) Section 5 (1), definition of “public authority”—

(i) From paragraph (g), omit “and”.

(ii) After paragraph (g), insert :—

(g1) any local government authority;
and

Ombudsman (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE OMBUDSMAN ACT, 1974—*continued.*

(d) Section 5 (1), definition of “responsible Minister”—

5 After paragraph (b), insert :—

(b1) in relation to a public authority, being a local government authority—the Minister of the Crown administering the Local Government Act, 1919; and

10 (3) (a) Section 12 (1) (a)—

Omit “the Schedule”, insert instead “Schedule 1”.

(b) Section 12 (1) (b)—

Omit “or”.

(c) Section 12 (1) (c)—

15 Omit “day.”, insert instead “day; or”.

(d) Section 12 (1) (d)—

After section 12 (1) (c), insert :—

20 (d) the conduct, being conduct of a local government authority, took place before the day appointed and notified under section 2 (2) of the Ombudsman (Amendment) Act, 1976.

SCHEDULE

Ombudsman (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE OMBUDSMAN ACT, 1974—*continued.*

(4) Section 13 (5)—

After section 13 (4), insert :—

- 5 (5) Notwithstanding any other provision of this
section, the Ombudsman shall not investigate the
conduct of a public authority, being a local govern-
ment authority, if that conduct is subject to a right
of appeal or review conferred by or under an Act
10 unless the Ombudsman is of the opinion that special
circumstances make it unreasonable to expect that
right to be or to have been exercised.

(5) Section 14—

- 15 Omit “the Schedule” wherever occurring, insert
instead “Schedule 1”.

(6) (a) Schedule—

Omit “SCHEDULE”, insert instead
“SCHEDULE 1”.

(b) Schedule—

- 20 Omit item 11.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1976

1. The first section of the paper discusses the general background of the study and the objectives of the research. It also outlines the scope of the study and the limitations of the data used.

(1) Section 1.1

2. The second section of the paper discusses the methodology used in the study. It describes the data collection process, the sample size, and the statistical methods used to analyze the data. It also discusses the reliability and validity of the data.

(2) Section 1.2

3. The third section of the paper discusses the results of the study. It presents the data and discusses the findings of the research. It also discusses the implications of the findings and the conclusions drawn from the study.

(3) Section 1.3

4. The fourth section of the paper discusses the conclusions of the study. It summarizes the findings and discusses the implications of the study. It also discusses the limitations of the study and the need for further research.

(4) Section 1.4

5. The fifth section of the paper discusses the references used in the study. It lists the books, articles, and other sources used to support the research.

New South Wales



ANNO VICESIMO QUINTO

ELIZABETHÆ II REGINÆ

Act No. 39, 1976.

An Act to amend the Ombudsman Act, 1974, to enable the Ombudsman to investigate certain conduct of local government authorities. [Assented to, 13th October, 1976.]

BE

Ombudsman (Amendment).

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

Short title. 1. This Act may be cited as the "Ombudsman (Amendment) Act, 1976".

Commencement. 2. (1) This section and section 1 shall commence on the date of assent to this Act.

(2) Except as provided in subsection (1), this Act shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

Amendment of Act No. 68, 1974. 3. The Ombudsman Act, 1974, is amended in the manner set forth in Schedule 1.

Sec. 3.

SCHEDULE 1.

AMENDMENTS TO THE OMBUDSMAN ACT, 1974.

(1) Section 3—

Omit "SCHEDULE", insert instead "SCHEDULE 1".

SCHEDULE

Ombudsman (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE OMBUDSMAN ACT, 1974—*continued.*

(2) (a) Section 5 (1), definition of “head”—

Omit paragraph (e), insert instead :—

- (e) in relation to a public authority that is a corporation aggregate, an unincorporated body or a local government authority—the person entitled to preside at meetings of the corporation, body or local government authority; and

(b) Section 5 (1), definition of “local government authority”—

After the definition of “head”, insert :—

“local government authority” means a council within the meaning of the Local Government Act, 1919, a county council within the meaning of that Act or an urban committee constituted under Part XXVII of that Act;

(c) Section 5 (1), definition of “public authority”—

(i) From paragraph (g), omit “and”.

(ii) After paragraph (g), insert :—

- (g1) any local government authority:
and

Ombudsman (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE OMBUDSMAN ACT, 1974—*continued.*

- (d) Section 5 (1), definition of “responsible Minister”—

After paragraph (b), insert :—

- (b1) in relation to a public authority, being a local government authority—the Minister of the Crown administering the Local Government Act, 1919; and

- (3) (a) Section 12 (1) (a)—

Omit “the Schedule”, insert instead “Schedule 1”.

- (b) Section 12 (1) (b)—

Omit “or”.

- (c) Section 12 (1) (c)—

Omit “day.”, insert instead “day; or”.

- (d) Section 12 (1) (d)—

After section 12 (1) (c), insert :—

- (d) the conduct, being conduct of a local government authority, took place before the day appointed and notified under section 2 (2) of the Ombudsman (Amendment) Act, 1976.

Ombudsman (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE OMBUDSMAN ACT, 1974—*continued.*

(4) Section 13 (5)—

After section 13 (4), insert :—

(5) Notwithstanding any other provision of this section, the Ombudsman shall not investigate the conduct of a public authority, being a local government authority, if that conduct is subject to a right of appeal or review conferred by or under an Act unless the Ombudsman is of the opinion that special circumstances make it unreasonable to expect that right to be or to have been exercised.

(5) Section 14—

Omit “the Schedule” wherever occurring, insert instead “Schedule 1”.

(6) (a) Schedule—

Omit “SCHEDULE”, insert instead “SCHEDULE 1”.

(b) Schedule—

Omit item 11.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1976

ACT 101, 1976

Public Law 94-142

Education of All Handicapped Children Act

Section 300.101 - Purpose and Scope

(a) Purpose

(b) Scope

The purpose of this Act is to ensure that all children with handicaps are educated to the maximum extent appropriate with children who are not handicapped. This Act is intended to provide for the education of all handicapped children in the least restrictive environment.

(c) Definitions

The following definitions apply to this Act:

(d) State

State means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

(e) Local educational agency

Local educational agency means a local educational agency as defined in section 118101 of the Education of All Handicapped Children Act of 1975.

EDUCATION

U.S. DEPARTMENT OF EDUCATION





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.

R. E. WARD,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 29 September, 1976.*

New South Wales



ANNO VICESIMO QUINTO

ELIZABETHÆ II REGINÆ

Act No. 39, 1976.

An Act to amend the Ombudsman Act, 1974, to enable the Ombudsman to investigate certain conduct of local government authorities. [Assented to, 13th October, 1976.]

BE

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

T. J. CAHILL,
Chairman of Committees of the Legislative Assembly.

Ombudsman (Amendment).

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

Short title. 1. This Act may be cited as the "Ombudsman (Amendment) Act, 1976".

Commence- 2. (1) This section and section 1 shall commence on
ment. the date of assent to this Act.

(2) Except as provided in subsection (1), this Act shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

Amendment 3. The Ombudsman Act, 1974, is amended in the manner
of Act No. set forth in Schedule 1.
68, 1974.

Sec. 3.

SCHEDULE 1.

AMENDMENTS TO THE OMBUDSMAN ACT, 1974.

(1) Section 3—

Omit "SCHEDULE", insert instead "SCHEDULE 1".

SCHEDULE

Ombudsman (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE OMBUDSMAN ACT, 1974—*continued.*

(2) (a) Section 5 (1), definition of “head”—

Omit paragraph (e), insert instead :—

- (e) in relation to a public authority that is a corporation aggregate, an unincorporated body or a local government authority—the person entitled to preside at meetings of the corporation, body or local government authority; and

(b) Section 5 (1), definition of “local government authority”—

After the definition of “head”, insert :—

“local government authority” means a council within the meaning of the Local Government Act, 1919, a county council within the meaning of that Act or an urban committee constituted under Part XXVII of that Act;

(c) Section 5 (1), definition of “public authority”—

(i) From paragraph (g), omit “and”.

(ii) After paragraph (g), insert :—

(g1) any local government authority;
and

SCHEDULE

Ombudsman (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE OMBUDSMAN ACT, 1974—*continued.*

- (d) Section 5 (1), definition of “responsible Minister”—

After paragraph (b), insert :—

- (b1) in relation to a public authority, being a local government authority—the Minister of the Crown administering the Local Government Act, 1919; and

- (3) (a) Section 12 (1) (a)—

Omit “the Schedule”, insert instead “Schedule 1”.

- (b) Section 12 (1) (b)—

Omit “or”.

- (c) Section 12 (1) (c)—

Omit “day.”, insert instead “day; or”.

- (d) Section 12 (1) (d)—

After section 12 (1) (c), insert :—

- (d) the conduct, being conduct of a local government authority, took place before the day appointed and notified under section 2 (2) of the Ombudsman (Amendment) Act, 1976.

SCHEDULE

Ombudsman (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE OMBUDSMAN ACT, 1974—*continued.*

(4) Section 13 (5)—

After section 13 (4), insert :—

(5) Notwithstanding any other provision of this section, the Ombudsman shall not investigate the conduct of a public authority, being a local government authority, if that conduct is subject to a right of appeal or review conferred by or under an Act unless the Ombudsman is of the opinion that special circumstances make it unreasonable to expect that right to be or to have been exercised.

(5) Section 14—

Omit “the Schedule” wherever occurring, insert instead “Schedule 1”.

(6) (a) Schedule—

Omit “SCHEDULE”, insert instead “SCHEDULE 1”.

(b) Schedule—

Omit item 11.

In the name and on behalf of Her Majesty I assent to this Act.

A. R. CUTLER,
Governor.

*Government House,
Sydney, 13th October, 1976.*

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