Ombudsman Regulations 1977

Statutory Rules No. 104, 1977 as amended

made under the

Ombudsman Act 1976

Compilation start date: 1 January 2014

Includes amendments up to: SLI No. 260, 2013

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About this compilation

This compilation

This is a compilation of the *Ombudsman Regulations 1977* as in force on 1 January 2014. It includes any commenced amendment affecting the legislation to that date.

This compilation was prepared on1 January 2014.

The notes at the end of this compilation (the ***endnotes***) include information about amending laws and the amendment history of each amended provision.

Uncommenced amendments

The effect of uncommenced amendments is not reflected in the text of the compiled law but the text of the amendments is included in the endnotes.

Application, saving and transitional provisions for provisions and amendments

If the operation of a provision or amendment is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

Modifications

If a provision of the compiled law is affected by a modification that is in force, details are included in the endnotes.

Provisions ceasing to have effect

If a provision of the compiled law has expired or otherwise ceased to have effect in accordance with a provision of the law, details are included in the endnotes.

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1 Name of Regulations

These Regulations are the *Ombudsman Regulations 1977*.

2 Commencement

These Regulations shall come into operation on 1 July 1977.

3 Interpretation

In these Regulations, ***the Act*** means the *Ombudsman Act 1976*.

3A Members of court staff

(1) Each security officer is declared to be a member of the staff of the chief executive of the court, for paragraph 3(14)(d) of the Act.

(2) In this regulation:

court has the meaning given by the *Court Security Act 2013*.

security officer means a person who holds an appointment under the *Court Security Act 2013* as a security officer for a court.

4 Bodies not to be taken to be prescribed authorities for the purposes of the Act

(1) For the purposes of the definition of ***prescribed authority*** in section 3 of the Act, a body specified in Schedule 1 is not to be taken to be a prescribed authority for the purposes of the Act.

(2) For paragraph 3AB(1)(b) of the Act, the nominated company for Part 2 of the *Health Insurance Commission (Reform and Separation of Functions) Act 1997* is to be taken not to be a prescribed authority.

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5 Prescribed authorities

For the purposes of the definition of ***prescribed authority*** in section 3 of the Act, each of the bodies specified in Schedule 2 is declared to be a prescribed authority for the purposes of the Act.

6 Persons not to be taken to be prescribed authorities for the purposes of the Act

For the purposes of the definition of ***prescribed authority*** in section 3 of the Act, a person holding, or performing the duties of:

(a) an office specified in Schedule 3; or

(b) an office established by a provision of an enactment of the Northern Territory, being a provision relating to a matter in respect of which the Ministers of that Territory have executive authority;

is not to be taken to be a prescribed authority for the purposes of the Act.

7 Allowances

For the purposes of subsection 24(2) of the Act, the following allowances are prescribed, namely:

(a) in relation to the Ombudsman—the allowances payable to the Secretary of a Department of the Australian Public Service;

(b) in relation to a Deputy Ombudsman—the allowances payable to a Senior Executive Service officer of the Australian Public Service.

8 Terms and conditions of holding office

In respect of matters not provided for in the Act:

(a) the Ombudsman holds office on such of the terms and conditions not inconsistent with the Act or other provisions of these Regulations as would be applicable to him if he were an officer in the Australian Public Service and were included in the First Division; and

(b) a Deputy Ombudsman holds office on such of the terms and conditions not inconsistent with the Act or other provisions

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of these Regulations as would be applicable to him if he were an officer in the Australian Public Service and were included in the Second Division.

9 Principal offices

For the purposes of the definition of ***principal officer*** in section 3 of the Act, an office specified in column 3 of Schedule 4 is declared to be the principal office in respect of the prescribed authority specified opposite to that office in column 2 of that Schedule.

10 Witnesses' expenses

A person required to attend, or appearing, as a witness before the Ombudsman or his delegate, shall, in respect of his attendance, be paid such fees and allowances for expenses as are determined by the Ombudsman or his delegate, as the case may be, in accordance with the scale in Schedule 5.

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Schedule 1—Bodies that are not taken to be prescribed authorities for the purposes of the Act

(regulation 4)

Advisory Council for Inter-government Relations

Australian Government Solicitor

Australian Security Intelligence Organisation

Coal Industry Tribunal

Cocos (Keeling) Islands Council

Commonwealth Bank Officers Superannuation Corporation

Commonwealth Development Bank of Australia

Commonwealth Grants Commission

Commonwealth Savings Bank of Australia

Defence Force Remuneration Tribunal

Industrial Appeals Tribunal of Christmas Island

National Debt Commission

Pharmaceutical Benefits Remuneration Tribunal

Remuneration Tribunal

Security Appeals Tribunal

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Schedule 2—Prescribed authorities for the purposes of the Act

(regulation 5)

Column 1 Item	Column 2 Prescribed authorities
1.	Aboriginal Hostels Limited
2.	Anutech Pty Limited
3.	Australian Institute of Sport
4.	Barker House Pty Limited
5.	Coal Mines Insurance Pty Limited
6.	Croydon Investments Pty Limited
7.	East Australian Pipeline Corporation Limited
8.	Edwards River Crocodile Farm Pty Limited
9.	Fawns and McAllan Pty Limited
10.	Law Courts Limited
11.	National Health and Medical Research Council
12.	New Guinea Resources Prospecting Company Limited
13.	Phosphate Mining Company of Christmas Island
14.	Rotary Tableting Corporation Pty Limited

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Schedule 3—Persons who are not to be taken to be prescribed authorities for the purposes of the Act

(regulation 6)

Auditor-General

Chairman of the Defence Force Remuneration Tribunal

Chairman of the Remuneration Tribunal

Chief Executive Officer of the Australian Government Solicitor

Christmas Island Arbitrator

Director-General of Security

Inspector-General of Intelligence and Security

President of the Security Appeals Tribunal

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Schedule 4—Principal offices in respect of prescribed authorities

(regulation 9)

Column 1 Item	Column 2 Prescribed authority	Column 3 Principal office
1A	Australian Crime Commission	Chief Executive Officer
1.	Australian Electoral Office	Chief Australian Electoral Officer
2.	Australian Federal Police	Commissioner of Police
3.	Australian Institute of Marine Science	Director
4.	Australian National University	Vice-Chancellor
5.	Australian Postal Corporation	Managing Director
6.	Australian Science and Technology Council	Secretary
7.	Australian Tourist Commission	Managing Director
8.	Australian Trade Commission	Managing Director
9.	Australian Trade Union Training Authority	Executive Officer
10.	Australian War Memorial	Director
11.	Council of the Australian War Memorial	Director of the Australian War Memorial
12.	Export Finance and Insurance Corporation	Managing Director
14.	National Library of Australia	Director-General
15.	National Standards Commission	Executive Director
16.	Special Broadcasting Service	Executive Director

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Schedule 5—Witnesses' allowances for travelling and other expenses

(regulation 10)

1. A witness appearing before the Ombudsman or his delegate to give evidence because of his professional, scientific or other special skill or knowledge shall be paid an amount of not less than $45, or more than $225, for each day on which he so appears.

2. A witness, other than a witness referred to in Item 1, appearing before the Ombudsman or his delegate to give evidence shall be paid:

(a) if he is remunerated by wages, salary or fees:

(i) an amount equal to the amount of wages, salary or fees lost by him by reason of his so appearing; or

(ii) an amount of $50 for each day on which he so appears,

whichever is the less; or

(b) if he is not so remunerated—an amount of $40 for each day on which he so appears.

3. A witness appearing before the Ombudsman or his delegate to give expert evidence shall be paid, in addition to any other amount payable to him under Item 1 or 2, a reasonable amount for qualifying to give that evidence.

4. A witness appearing before the Ombudsman or his delegate to give evidence shall be paid a reasonable amount:

(a) in respect of his conveyance to and from the place at which he so attends; and

(b) if he is required to be absent overnight from his usual place of residence for meals and accommodation.

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Endnotes

Endnote 1—About the endnotes

The endnotes provide details of the history of this legislation and its provisions. The following endnotes are included in each compilation:

Endnote 1—About the endnotes
Endnote 2—Abbreviation key
Endnote 3—Legislation history
Endnote 4—Amendment history
Endnote 5—Uncommenced amendments
Endnote 6—Modifications
Endnote 7—Misdescribed amendments
Endnote 8—Miscellaneous

If there is no information under a particular endnote, the word "none" will appear in square brackets after the endnote heading.

Abbreviation key—Endnote 2
The abbreviation key in this endnote sets out abbreviations that may be used in the endnotes.

Legislation history and amendment history—Endnotes 3 and 4
Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended the compiled law. The information includes commencement information for amending laws and details of application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision level. It also includes information about any provisions that have expired or otherwise ceased to have effect in accordance with a provision of the compiled law.

Uncommenced amendments—Endnote 5
The effect of uncommenced amendments is not reflected in the text of the compiled law but the text of the amendments is included in endnote 5.

Endnote 1—About the endnotes

Modifications—Endnote 6
If the compiled law is affected by a modification that is in force, details of the modification are included in endnote 6.

Misdescribed amendments—Endnote 7
An amendment is a misdescribed amendment if the effect of the amendment cannot be incorporated into the text of the compilation. Any misdescribed amendment is included in endnote 7.

Miscellaneous—Endnote 8
Endnote 8 includes any additional information that may be helpful for a reader of the compilation.

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Endnote 2—Abbreviation key

ad = added or inserted
am = amended
c = clause(s)
Ch = Chapter(s)
def = definition(s)
Dict = Dictionary
disallowed = disallowed by Parliament
Div = Division(s)
exp = expired or ceased to have effect
hdg = heading(s)
LI = Legislative Instrument
LIA = *Legislative Instruments Act 2003*
mod = modified/modification
No = Number(s)
o = order(s)
Ord = Ordinance
orig = original
par = paragraph(s)/subparagraph(s) /sub-subparagraph(s)
pres = present
prev = previous
(prev) = previously
Pt = Part(s)
r = regulation(s)/rule(s)
Reg = Regulation/Regulations
reloc = relocated
renum = renumbered
rep = repealed
rs = repealed and substituted
s = section(s)
Sch = Schedule(s)
Sdiv = Subdivision(s)
SLI = Select Legislative Instrument
SR = Statutory Rules
Sub-Ch = Sub-Chapter(s)
SubPt = Subpart(s)

Endnote 3—Legislation history

Number and year	FRLI registration	Commencement	Application, saving and transitional provisions
1977 No. 104	30 June 1977	1 July 1977	
1978 No. 103	29 June 1978	1 July 1978	—
1979 No. 182	10 Sept 1979	10 Sept 1979	—
1980 No. 348	4 Dec 1980	4 Dec 1980	—
1982 No. 63	4 Mar 1982	4 Mar 1982	—
1985 No. 98	7 June 1985	7 June 1985	—
1989 No. 9	13 Feb 1989	1 Apr 1989 (*see* r 1 and *Gazette* 1989, No S92)	—
1991 No. 431	19 Dec 1991	r 4.1, 4.5 and 6.2–6.7: 1 Feb 1992 (*see* r 1.1 and *Gazette* 1992, No S32) Remainder: 19 Dec 1991	—
1995 No. 138	15 June 1995	15 June 1995	—
1998 No. 47	25 Mar 1998	25 Mar 1998	—
1999 No. 192	1 Sept 1999	1 Sept 1999 (*see* r 2 and *Gazette* 1999, No S395)	—
2002 No. 122	14 June 2002	14 June 2002	—
2002 No. 326	20 Dec 2002	1 Jan 2003 (*see* r 2)	—
2005 No. 207	19 Sept 2005 (*see* F2005L02673)	1 Oct 2005 (*see* r 2)	—
2011 No. 120	30 June 2011 (*see* F2011L01364)	1 July 2011	—
260, 2013	16 Dec 2013 (*see* F2013L02112)	Sch 1 (item 1): 1 Jan 2014	—

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Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Telstra (Transition to Full Private Ownership) Act 2005	118, 2005	23 Sept 2005	Sch 1 (items 54–56): 24 Nov 2006 (*see* F2006L03997)	Sch 1 (item 56)

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Endnote 4—Amendment history

Provision affected	How affected
r. 1	rs. 1999 No. 192
r 3A	ad No 260, 2013
r. 4	am. 1998 No. 47
r. 6	rs. 1978 No. 103
r. 7	ad. 1979 No. 182
	rs. 1982 No. 63
	am. 1985 No. 98
r. 8	ad. 1979 No. 182
r. 9	ad. 1979 No. 182
	am. 2002 No. 122
r. 10	ad. 1980 No. 348
Schedule 1	
Schedule 1	am. 1985 No. 98
	rs. 1991 No. 431
	am. 1999 No. 192
Schedule 2	
Schedule 2	am. 1978 No. 103; 1979 No. 182
	rs. 1985 No. 98
	am. 1989 No. 9; 1991 No. 431
	rs. 1995 No. 138
	am. Act No. 118, 2005
Schedule 3	
Schedule 3	am. 1985 No. 98
	rs. 1991 No. 431
	am. 1999 No. 192
Schedule 4	
Schedule 4	ad. 1979 No. 182
	am. 1980 No. 348; 1985 No. 98; 1989 No. 9
	rs. 1991 No. 431
	am. 1991 No. 431

Endnote 4—Amendment history

Provision affected	How affected
	rs. 1995 No. 138
	am. 2002 Nos. 122 and 326; 2005 No. 207; Act No. 118, 2005; 2011 No. 120
Schedule 5	
Schedule 5	ad. 1980 No. 348

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Endnote 5—Uncommenced amendments [none]

Endnote 6—Modifications [none]

Endnote 7—Misdescribed amendments [none]

Endnote 8—Miscellaneous [none]

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