



Ombudsman Regulations 1977

Statutory Rules No. 104, 197

made under the

Ombudsman Act 1976

Compilation No. 12

Compilation date:	1 July 2015
Includes amendments up to:	SLI No. 105, 2015
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About this compilation

This compilation

This is a compilation of the *Ombudsman Regulations 1977* that shows the text of the law as amended and in force on 1 July 2015 (the **compilation date**).

This compilation was prepared on 20 August 2015.

The notes at the end of this compilation (the **endnotes**) include information about amending laws and the amendment history of provisions of the compiled law.

Uncommenced amendments

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on ComLaw (www.comlaw.gov.au). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the series page on ComLaw for the compiled law.

Application, saving and transitional provisions for provisions and amendments

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

Modifications

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the series page on ComLaw for the compiled law.

Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.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

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.

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.

6A Actions deemed not to be taken by Attorney-General's Department

- (1) For subsection 3(5A) of the Act, action taken by the Australian Government Solicitor or any other officer of the Attorney-General's Department in furtherance of the duties of the Australian Government Solicitor is deemed not to be action taken by the Attorney-General's Department.
- (2) Subregulation (1) does not apply to action that is disclosable conduct to which subsection 5A(1) of the Act applies.

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 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.

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 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

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

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

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

(regulation 6)

Auditor-General

Australian Government Solicitor

Chairman of the Defence Force Remuneration Tribunal

Chairman of the Remuneration Tribunal

Christmas Island Arbitrator

Director-General of Security

Inspector-General of Intelligence and Security

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

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.

Endnotes

Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes

Endnote 2—Abbreviation key

Endnote 3—Legislation history

Endnote 4—Amendment history

Endnotes about misdescribed amendments and other matters are included in a compilation only as necessary.

Abbreviation key—Endnote 2

The abbreviation key 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 (or will amend) the compiled law. The information includes commencement details for amending laws and details of any 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 (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

Misdescribed amendments

A misdescribed amendment is an amendment that does not accurately describe the amendment to be made. If, despite the misdescription, the amendment can be given effect as intended, the amendment is incorporated into the compiled law and the abbreviation “(md)” added to the details of the amendment included in the amendment history.

If a misdescribed amendment cannot be given effect as intended, the abbreviation “(md not incorp)” is added to the details of the amendment included in the amendment history.

Endnotes

Endnote 2—Abbreviation key

Endnote 2—Abbreviation key

A = Act	o = order(s)
ad = added or inserted	Ord = Ordinance
am = amended	orig = original
amdt = amendment	par = paragraph(s)/subparagraph(s) /sub-subparagraph(s)
c = clause(s)	pres = present
C[x] = Compilation No. x	prev = previous (prev...) = previously
Ch = Chapter(s)	Pt = Part(s)
def = definition(s)	r = regulation(s)/rule(s)
Dict = Dictionary	Reg = Regulation/Regulations
disallowed = disallowed by Parliament	reloc = relocated
Div = Division(s)	renum = renumbered
exp = expires/expired or ceases/ceased to have effect	rep = repealed
F = Federal Register of Legislative Instruments	rs = repealed and substituted
gaz = gazette	s = section(s)/subsection(s)
LI = Legislative Instrument	Sch = Schedule(s)
LIA = <i>Legislative Instruments Act 2003</i>	Sdiv = Subdivision(s)
(md) = misdescribed amendment can be given effect	SLI = Select Legislative Instrument
(md not incorp) = misdescribed amendment cannot be given effect	SR = Statutory Rules
mod = modified/modification	Sub-Ch = Sub-Chapter(s)
No. = Number(s)	SubPt = Subpart(s)
	<u>underlining</u> = whole or part not commenced or to be commenced

Endnote 3—Legislation history

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 (r 1 and gaz 1989, No S92)	—
1991 No. 431	19 Dec 1991	r 4.1, 4.5 and 6.2–6.7: 1 Feb 1992 (r 1.1 and gaz 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 (r 2 and gaz 1999, No S395)	—
2002 No. 122	14 June 2002	14 June 2002	—
2002 No. 326	20 Dec 2002	1 Jan 2003 (r 2)	—
2005 No. 207	19 Sept 2005 (F2005L02673)	1 Oct 2005 (r 2)	—
2011 No. 120	30 June 2011 (F2011L01364)	1 July 2011 (r 2)	—
260, 2013	16 Dec 2013 (F2013L02112)	Sch 1 (item 1): 1 Jan 2014 (s 2)	—
95, 2015	26 June 2015 (F2015L00953)	Sch 1 (items 9, 10): 1 July 2015 (s 2(1) item 1)	—

Endnotes

Endnote 3—Legislation history

Number and year	FRLI registration	Commencement	Application, saving and transitional provisions	
105, 2015	26 June 2015 (F2015L00947)	1 July 2015 (s 2(1) item 1)	—	

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 (F2006L03997)	Sch 1 (item 56)

Endnote 4—Amendment history

Endnote 4—Amendment history

Provision affected	How affected
r 1	rs No 192, 1999
r 3A	ad No 260, 2013
r 4	am No 47, 1998; No 105, 2015
r 6	rs No 103, 1978
r 6A	ad No 105, 2015
r 7	ad No 182, 1979
	rs No 63, 1982
	am No 98, 1985
r 8	ad No 182, 1979
r 9	ad No 182, 1979
	am No 122, 2002
r 10	ad No 348, 1980
Schedule 1	
Schedule 1	am No 98, 1985
	rs No 431, 1991
	am No 192, 1999; No 95, 2015; No 105, 2015
Schedule 2	
Schedule 2	am No 103, 1978; No. 182, 1979
	rs No 98, 1985
	am No 9, 1989; No 431, 1991
	rs No. 138, 1995
	am Act No 118, 2005
Schedule 3	
Schedule 3	am No 98, 1985
	rs No 431, 1991
	am No 192, 1999; No 95, 2015; No 105, 2015
Schedule 4	
Schedule 4	ad No 182, 1979

Endnotes

Endnote 4—Amendment history

Provision affected	How affected
	am No 348, 1980; No 98, 1985; No 9, 1989
	rs No 431, 1991
	am No 431, 1991
	rs No 138, 1995
	am No 122, 2002; No 326, 2002; No 207, 2005; Act No 118, 2005; No 120, 2011
Schedule 5	
Schedule 5	ad No 348, 1980
