

EXPLANATORY STATEMENT
STATUTORY RULES 1989 NO.9
ISSUED BY THE AUTHORITY OF THE
PRIME MINISTER
OMBUDSMAN REGULATIONS

Section 38 of the Ombudsman Act 1976 (the Act), so far as is relevant, provides that the Governor-General may make regulations, not inconsistent with the Act, prescribing all matters that are required or permitted by the Act to be prescribed or are necessary or convenient to be prescribed for carrying out or giving effect to the Act.

Section 3 of the Act, so far as is relevant, provides:

(1) In this Act, unless the contrary intention appears -

"prescribed authority" means -

(a) a body corporate, or an unincorporated body, established for a public purpose by, or in accordance with the provisions of, an enactment, other than -

(i) an incorporate company or association ...

(b) any other body, whether incorporated or unincorporated, declared by the regulations to be a prescribed authority for the purposes of this Act, being ...

(ii) an incorporated company over which the Commonwealth is in a position to exercise control ...

"principal officer" means ...

(c) in relation to a prescribed authority -

(i) if the regulations declare an office to be a principal office in respect of the authority - the person holding, or performing the duties of, that office ...

The proposed regulations will amend the Ombudsman Regulations to provide that, following the commencement of the OTC (Conversion into Public Company Act 1988, OTC Limited (the successor body to the Overseas Telecommunications Commission) shall be a prescribed authority for the purposes of the Act, and its Chief

Executive Officer will be the principal officer for the purposes of the Act. The amendments are necessary as on the commencement of the OTC (Conversion into Public Company) Act 1988, the Overseas Telecommunications Commission will cease to come within the definition of a prescribed authority in sub-section 3(1) of the Act.

Details of the proposed regulations are as follows:

Regulation 1 provides that the regulations will commence on the day of commencement of the OTC (Conversion into Public Company) Act 1988.

Regulation 2 provides that the OTC Limited be included in Schedule 2 of the Ombudsman Regulations as a prescribed authority for the purposes of the Act.

Regulation 3 provides that the Chief Executive Officer of the OTC Limited be substituted for the General Manager of the Overseas Telecommunications Commission (Australia) as the principal officer of the body.