

Ombudsman Amendment Regulations 2002 (No. 1) 2002 No. 122

EXPLANATORY STATEMENT

Statutory Rule 2002 No. 122

Issued by the Authority of the Prime Minister

Ombudsman Act 1976

Ombudsman Amendment Regulations 2002 (No. 1)

The *Ombudsman Act 1976* (the Act) provides for the appointment of a Commonwealth Ombudsman and a Defence Force Ombudsman, defines their respective functions and powers, and prescribes the Commonwealth entities that are subject to their jurisdiction.

Section 38 of the Act provides that the Governor-General may make regulations, not inconsistent with the Act, prescribing all matters required or permitted by the Act to be prescribed, or necessary or convenient to be prescribed for carrying out or giving effect to the Act.

The definition of ***principal officer*** in section 3 of the Act provides that the Regulations may declare an office to be the principal office in respect of a prescribed authority.

The Regulations amend Schedule 4 of the Ombudsman Regulations to declare the Chair of the National Crime Authority as the principal office of the Authority for the purposes of the Act.

To enhance the accountability of the National Crime Authority, the Act was amended by the *National Crime Authority Legislation Amendment Act 2001* to extend the jurisdiction of the Commonwealth Ombudsman to investigate complaints about the actions of the National Crime Authority and members of the staff of the Authority. The amendment deemed the National Crime Authority to be a prescribed authority under the Act.

The Regulations facilitate the Ombudsman's processes for investigating complaints against the actions of the National Crime Authority and members of the staff of the Authority. Principal officers are the primary point of contact for the Ombudsman when carrying out an investigation. They are responsible for responding to the Ombudsman's requests for information and documents, and any recommendations the Ombudsman makes with respect to an investigation.

A minor technical amendment to regulation 9 corrects references to the columns in Schedule 4. A new Schedule 4, with an additional column, was inserted in 1995. The corresponding changes to regulation 9, which contains references to column numbers in Schedule 4, were not made at that time.

The Regulations commenced on gazettal.

Authority: Section 38 of the *Ombudsman Act 1976*