



OMBUDSMAN AMENDMENT ACT (No. 2) 1984

No. 78 of 1984

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AN ACT to amend the Ombudsman Act 1978.

[Royal Assent 22 November 1984]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

1—This Act may be cited as the *Ombudsman Amendment Act* Short title. (No. 2) 1984.

Commence-
ment. **2**—This Act shall commence on the day on which it receives the royal assent.

Principal Act. **3**—In this Act, the *Ombudsman Act 1978** is referred to as the Principal Act.

Substitution of
section 8 of
Principal Act. **4**—Section 8 of the Principal Act is repealed and the following section is substituted:—

Acting
appointment. **8**—(1) The Governor may appoint a person to act in the office of Ombudsman—

- (a) during a vacancy in that office; or
- (b) during any period, or during all periods, when the Ombudsman is absent from duty or from Tasmania or is, for any other reason, unable to perform the functions of his office.

(2) A person shall not be appointed under subsection (1) for a period exceeding 12 months.

(3) An appointment of a person under subsection (1) may be expressed to have effect only in such circumstances as are specified in the instrument of appointment.

(4) Where a person is acting in the office of Ombudsman in accordance with subsection (1) (b) and the office becomes vacant while that person is so acting, then, subject to subsection (3), that person may continue to act in the office until the Governor otherwise directs, the vacancy is filled, or a period of 12 months from the date on which the vacancy occurred expires, whichever first happens.

(5) The Governor may terminate the appointment of a person under this section at any time.

(6) The Governor may determine the terms and conditions of appointment, including remuneration and allowances, of a person appointed under this section.

(7) Where a person is acting in the office of Ombudsman in pursuance of an appointment under this section, he has, and may exercise, all the powers, and he may perform all the functions, of the holder of that office under this Act or any other law.

* No. 82 of 1978. Subsequently amended by No. 10 of 1982 and Nos. 20, 29, and 77 of 1984, and by S.R. 1983, No. 84.

(8) All things done or omitted to be done by a person acting in the office of Ombudsman shall be as valid, and have the same consequences, as if they had been done or omitted to be done by the Ombudsman.

(9) The validity of anything done by or in relation to a person purporting to act under subsection (1) shall not be called in question on the ground that the occasion for his appointment had not arisen, that there is a defect or irregularity in or in connection with his appointment, that the appointment had ceased to have effect, or that the occasion for him to act had not arisen or had ceased.

(10) A person appointed under subsection (1) may at any time resign his office by writing under his hand delivered to the Governor.

5—Section 10 of the Principal Act is amended by omitting from subsection (3) “ The Minister, or the Ombudsman with the consent of the Minister,” and substituting “ The Ombudsman ”.

Amendment of section 10 of Principal Act (Delegation of functions of Ombudsman).

6—Section 24 of the Principal Act is amended by omitting from subsection (1) “ Division II ” and substituting “ Division 2 ”.

Amendment of section 24 of Principal Act (Evidence, &c.).

7—Section 28 of the Principal Act is amended by omitting from subsection (2) “ return ” and substituting “ report ”.

Amendment of section 28 of Principal Act (Procedure on completion of investigation).

