

## INSTRUMENT OF DELEGATION

### INSTRUMENT OF DELEGATION UNDER THE OMBUDSMAN ACT 1972

14 NOVEMBER 2023

### Delegation Sources

- Ombudsman Act 1972

#### Positions

Abbreviation	Position
CEO	Chief Executive Officer
DCCS	Director Corporate & Community Services

## Instrument of Delegation under the Ombudsman Act 1972

Ombudsman Act 1972				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 12D(1)	Comply with directions and guidelines prepared by Ombudsman governing reporting or misconduct or maladministration in public administration	CEO, DCCS		public authority
section 12D(3)	Report to the Ombudsman any matter the council reasonably suspects involves misconduct or maladministration in public administration	CEO, DCCS		public authority
section 12H(1)(b)	Act on a referral from the Ombudsman	CEO, DCCS		public authority
section 12H(2)(a)	Produce a specified document or a document relating to a specified matter	CEO, DCCS		public authority
section 12H(2)(b)	Produce a written statement of information about a specified matter or answer specified questions within a specified period and in a specified form and, if the written notice so requires, verify the statement by statutory declaration	CEO, DCCS		public authority

Ombudsman Act 1972				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 18(4)	To comment on the subject matter of a report	CEO, DCCS		public authority
section 19A(1)	Comply with a notice of the Ombudsman	CEO		agency
section 19A(5)	Advise the Ombudsman that the council's failure to comply with a notice is reasonable and justifiable	CEO		agency
section 25(2)	Act in accordance with a recommendation of the Ombudsman	CEO, DCCS		public authority
section 28	Apply to the Supreme Court for a determination regarding the Ombudsman's jurisdiction	CEO		agency
section 28A(1)	Comply with directions of the Ombudsman	CEO, DCCS		public authority

Ombudsman Act 1972				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 28A(2)	Comply with varied or further directions of the Ombudsman	CEO, DCCS		public authority
section 28A(3)	Provide comments to the Ombudsman	CEO, DCCS		public authority
section 29(8)	Act on a referral of the inspector	CEO, DCCS		public authority
section 31(1)(b)	Receive and use evidence or information for the purposes of any criminal investigation or proceedings, proceedings for the imposition of a penalty or disciplinary investigation or action	CEO, DCCS		Agency/ prosecution authority

#### Document history and version control

Date	Council/Chief Executive Officer	Comment
14/11/2023	Reviewed and adopted at 14 November 2023 Special Council meeting	