

## PARLIAMENTARY COMMISSIONER (OMBUDSMAN) AMENDMENT BILL

---

### EXPLANATORY NOTE

UNDER the Parliamentary Commissioner (Ombudsman) Act 1962, the jurisdiction of the Ombudsman is limited to administrative decisions, recommendations, and acts of the Government Departments and other organisations listed in Parts I and II of the Schedule to the Act, or of their members, officers, and employees.

The purpose of this Bill is to extend the Ombudsman's jurisdiction to decisions, recommendations, and acts of officers and employees of Education Boards and of Hospital Boards. The new jurisdiction does not extend to the Boards themselves or their members, or to medical, surgical, or dental treatment of particular patients by doctors or dentists, or to acts, etc., of teachers.

*Clause 1* relates to the Short Title.

*Clause 2: Subclause (2)* inserts a new subsection (1A) in section 11 of the principal Act, and confers the new jurisdiction referred to above.

*Subclauses (1) and (3)* make consequential amendments.

*Subclause (4):* The effect of this subclause is to authorise any Education Board or Hospital Board to refer to the Ombudsman for investigation and report any matter within the new jurisdiction conferred by *subclause (2)*.

*Subclause (5)* excludes from the Ombudsman's new jurisdiction decisions, recommendations, acts, or omissions of (a) medical practitioners or dentists (being officers or employees of Hospital Boards) in respect of the medical, surgical, or dental treatment of particular patients, and (b) teachers (being employees of Education Boards).

*Subclause (6)* adds a new Part III to the Schedule to the Act, referring to Education Boards and Hospital Boards.

*Clause 3, subclause (1):* Under section 19 (3) of the principal Act, if the Ombudsman makes a report and recommendations to a Department or organisation, he is also to send a copy to the Minister concerned. This subclause excludes that provision where the investigation is under the new jurisdiction conferred by the Bill.

*Subclause (2):* Under section 19 (4) and (5) of the principal Act, where adequate and appropriate action is not taken on the Ombudsman's recommendations within a reasonable time, he may in his discretion send a copy of his report and recommendations to the Prime Minister and may report to Parliament on the matter. This subclause excludes those provisions where the investigation is under the new jurisdiction conferred by the Bill.

The provisions of section 25, under which the Ombudsman is to make an annual report to Parliament, will apply. Also, the Ombudsman's Rules 1962 (S.R. 1962/208), made by the House of Representatives under section 12 of the principal Act, and authorising him to publish reports in the public interest or in the interests of any person or Department or organisation, will apply.

*Hon. Mr Hanan*

**PARLIAMENTARY COMMISSIONER  
(OMBUDSMAN) AMENDMENT**

---

ANALYSIS

Title	2. Functions of Commissioner
1. Short Title	

---

**A BILL INTITULED**

**An Act to amend the Parliamentary Commissioner (Ombudsman) Act 1962**

BE IT ENACTED by the General Assembly of New Zealand  
5 in Parliament assembled, and by the authority of the same,  
as follows:

**1. Short Title**—This Act may be cited as the Parliamentary  
Commissioner (Ombudsman) Amendment Act 1968, and  
shall be read together with and deemed part of the Parlia-  
10 mentary Commissioner (Ombudsman) Act 1962\* (hereinafter  
referred to as the principal Act).

**2. Functions of Commissioner**—(1) Section 11 of the prin-  
cipal Act is hereby amended by inserting in subsection (1),  
after the words “organisations named in”, the words “Parts  
15 I and II of”.

\*1962, No. 10  
Amendment: 1967, No. 106

2 *Parliamentary Commissioner (Ombudsman)*  
*Amendment*

(2) The said section 11 is hereby further amended by inserting, after subsection (1), the following subsection:

“(1A) It shall also be the function of the Commissioner to investigate any decision or recommendation made, or any act done or omitted, affecting any person or body of persons in his or its personal capacity, by any officer or employee of any organisation named in Part III of the Schedule to this Act (in his capacity as such officer or employee), including any recommendation made to any such organisation.” 5

(3) The said section 11 is hereby further amended by omitting from subsection (3) the words “the provisions of subsection (1) of this section”, and substituting the words “the foregoing provisions of this section”. 10

(4) The said section 11 is hereby further amended by inserting, after subsection (3), the following subsection: 15

“(3A) Without limiting the foregoing provisions of this section, any organisation named in Part III of the Schedule to this Act may refer to the Commissioner for investigation and report by him any matter that is within his jurisdiction by virtue of subsection (1A) of this section.” 20

(5) The said section 11 is hereby further amended by adding to subsection (5) the following paragraphs:

“(d) Any decision, recommendation, act, or omission of any medical practitioner or dentist, being an officer or employee of a Hospital Board, in respect of the medical, surgical, or dental treatment of a particular patient: 25

“(e) Any decision, recommendation, act, or omission of any teacher (as defined in the Education Act 1964), or probationary assistant teacher, or junior assistant teacher in a Maori school, or student at a teachers' college, being an employee of an Education Board.” 30

(6) The Schedule to the principal Act is hereby amended by adding the new Part III set out in the Schedule to this Act. 35

**3. Procedure after investigation**—(1) Section 19 of the principal Act is hereby amended by inserting in subsection (3), after the words “The Commissioner shall also”, the words “(except where the investigation related to an officer or employee of an organisation named in Part III of the Schedule to this Act)”. 40

(2) The said section 19 is hereby further amended by inserting, after subsection (5), the following subsection:

*Parliamentary Commissioner (Ombudsman)* 3  
*Amendment*

“(5A) Subsections (4) and (5) of this section shall not apply in the case of an investigation that related to an officer or employee of an organisation named in Part III of the Schedule to this Act.”

---

SCHEDULE

Section 2 (6)

NEW PART III ADDED TO SCHEDULE TO PRINCIPAL ACT

*“Part III—Local Organisations*

Education Boards.  
Hospital Boards.”