



ANALYSIS

Title
1. Short Title

2. Functions of Commissioner
3. Procedure after investigation
Schedule

1968, No. 138

An Act to amend the Parliamentary Commissioner (Ombudsman) Act 1962 [18 December 1968]

BE IT ENACTED by the General Assembly of New Zealand 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 Parliamentary Commissioner (Ombudsman) Act 1962 (hereinafter referred to as the principal Act).

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

(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.”

(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”.

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

“(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.”

(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:

“(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.”

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

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)”.

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

“(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.”

This Act is administered in the Legislative Department.
