

## INSTRUMENT OF DELEGATION

# INSTRUMENT OF DELEGATION UNDER THE OMBUDSMAN ACT 1972

31 OCTOBER 2022



CITY OF  
MITCHAM

## Delegation Sources

- Ombudsman Act 1972

## Positions

Abbreviation	Position	Name
Chief Executive Officer	Chief Executive Officer	

## 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	Chief Executive Officer		public authority
section 12D(3)	Report to the Ombudsman any matter the council reasonably suspects involves misconduct or maladministration in public administration	Chief Executive Officer		public authority
section 12H(1)(b)	Act on a referral from the Ombudsman	Chief Executive Officer		public authority
section 12H(2)(a)	Produce a specified document or a document relating to a specified matter	Chief Executive Officer		public authority

## Ombudsman Act 1972

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
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	Chief Executive Officer		public authority
section 18(4)	To comment on the subject matter of a report	Chief Executive Officer		public authority
section 19A(1)	Comply with a notice of the Ombudsman	Chief Executive Officer		agency
section 19A(5)	Advise the Ombudsman that the council's failure to comply with a notice is reasonable and justifiable	Chief Executive Officer		agency
section 25(2)	Act in accordance with a recommendation of the Ombudsman	Chief Executive Officer		public authority

## Ombudsman Act 1972

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 28	Apply to the Supreme Court for a determination regarding the Ombudsman's jurisdiction	Chief Executive Officer		agency
section 28AA(1)	Comply with directions of the Ombudsman	Chief Executive Officer		public authority
section 28AA(2)	Comply with varied or further directions of the Ombudsman	Chief Executive Officer		public authority
section 28AA(3)	Provide comments to the Ombudsman	Chief Executive Officer		public authority
section 29(8)	Act on a referral of the inspector	Chief Executive Officer		public authority

## Ombudsman Act 1972

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 31(1)(b)	Receive and use evidence or information for the purposes of any disciplinary investigation or action	Chief Executive Officer		Agency