2018

THE LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Chief Minister)

Ombudsman Amendment Bill 2018

A Bill for

An Act to amend the Ombudsman Act 1989

The Legislative Assembly for the Australian Capital Territory enacts as follows:

1	1	Name of Act		
2		This Act is the <i>Ombudsman Amendment Act 2018</i> .		
3	2	Commencement		
4		This Act commences on 1 July 2018.		
5 6		Note The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75 (1)).		
7	3	Legislation amended		
8		This Act amends the <i>Ombudsman Act 1989</i> .		
9	4	Definitions—div 2.2A Section 17D, definition of employee, new paragraph (aa)		
11		insert		
12		(aa) for a designated entity that is a religious body—means—		
3 4		(i) a minister of religion, a religious leader or an officer of the religious body; or		
15 16		(ii) a person who is engaged under a contract of employment with the religious body; or		
17 18 19		(iii) a person who is engaged by the religious body to provide services (other than under a contract of employment) whether or not the services are provided to children; and		
20	5	Section 17D, definition of <i>head</i> , paragraph (b) (ii)		
21		substitute		
22 23		(ii) in any other case—the individual primarily in charge of the management of the entity.		

1 2	6	Meaning of <i>designated entity</i> —div 2.2A Section 17EA (1) (a), new paragraph (a) (viia)			
3		insert			
4		(viia) a religious body not otherwise included in this paragraph;			
5	7	Section 17EA (2), new definition of <i>religious body</i>			
6		insert			
7		<i>religious body</i> means a body—			
8 9 10		(a) established or operated for a religious purpose, that operates under the auspices of 1 or more religious denominations or faiths; and			
11 12 13		(b) that provides, or has provided, activities, facilities, programs or services that provide a means for people to have contact with children.			
14		Examples—activities, facilities, programs or services			
15		 religious services 			
16		altar serving			
17		• art groups			
18		 bible study groups 			
19		 choirs and music groups 			
20		• church-run crèches			
21		 dance groups 			
22		 faith-based children's and youth groups 			
23		• multi-faith networks			
24		• open days			
25		• prayer groups			
26		 religious community engagement and outreach 			
27		 religious festivals and celebrations 			
28		• sports teams			
29		Sunday school			

1			• tutoring services			
2	• youth camps					
3 4 5			Note	An example is part of the Act, is not exhaustive and may extend but does not limit, the meaning of the provision in which is appears (see Legislation Act, s 126 and s 132).		
6	8		New part 11			
7			insert			
8 9	Pai	rt 11	l	Transitional—Ombudsman Amendment Act 2018		
0 1				the Ombudsman Amendment Act 2018 extended the operation of the portable conduct scheme in div 2.2A to religious bodies.		
2	52		Religious confession not reportable allegation			
3 4 5		(1)	An express assertion that reportable conduct has happened is not a reportable allegation for division 2.2A (Reportable conduct) if the assertion was made as a religious confession.			
6		(2)	In this section:			
7			religious c	confession—see the Evidence Act 2011, section 127 (4).		
8	53		Expiry—pt 11			
9			This part e	expires on 31 March 2019.		

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 10 May 2018.

2 Notification

Notified under the Legislation Act on

2018.

3 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

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