

**Ombudsman Act 1989**  
**Children and Young People Act 2008**

**INSTRUMENT OF DELEGATION and AUTHORISATION**

I, Penny McKay, Acting ACT Ombudsman,

1. **revoke** all previous delegations issued under the *Ombudsman Act 1989* (the Act),  
and
2. **delegate**, under subsection 32 of the Act, to any persons:

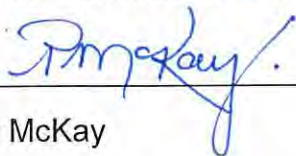
- a. from time to time holding, occupying or performing the duties of positions of the Office of the Commonwealth Ombudsman that are specified in Column 1 of **Schedule A** to this instrument

the ability to exercise powers, or functions, conferred on me by the provisions of the Act, as noted in the corresponding parts of Column 2 of **Schedule A** to this Instrument;  
and

3. Under the *Children and Young People Act 2008* (CYP Act) **authorise** any persons:
  - a. from time to time holding, occupying or performing the duties of positions in the Office of the Commonwealth Ombudsman that are specified in Column 1 of **Schedule B** to this instrument

the ability to exercise powers or functions conferred on me by the provisions of the CYP Act that are specified in the corresponding parts of Column 2 of **Schedule B**.

Issued in Canberra on <sup>22</sup> June 2022



Penny McKay

Acting ACT Ombudsman

## SCHEDULE A

### DELEGATION

Powers and functions under the Ombudsman Act 1989

<b>Column 1 Ombudsman staff</b>	<b>Column 2 Decisions</b>
1. APS level 2 to APS level 6	<b>Section 4C</b> <b>Paragraph 5(1)(b)</b> <b>Section 6, other than</b> sub-paragraph (1)(b)(i), and subsection (5) <b>Section 6A</b> <b>Section 6B</b> <b>Subsection 7(2)</b> <b>Subsection 7(5)</b> <b>Section 8</b> <b>Subsection 9(1)</b> <b>Subsection 9(3)</b> <b>Subsection 9(4)</b> <b>Subsection 15(1)</b> <b>Subsection 15(3)</b> <b>Section 17F</b> <b>Subsection 17I(1)</b> <b>Subsection 17J(2)</b> <b>Subsection 17K(1)</b> , in relation to investigations in response to a complaint <b>Section 17M</b>
2. Executive level 2, Executive level 1, APS level 6, APS level 5 and APS level 4 staff engaged to perform inspection duties as part of, or on behalf of, the National Assurance and Audit Team	<b>Section 17C</b>
3. Executive level 1 staff	<b>Section 4C</b> <b>Paragraph 5(1)(b)</b> <b>Section 6, other than</b> sub-paragraph (1)(b)(i) <b>Section 6A</b> <b>Section 6B</b> <b>Subsection 7(2)</b> <b>Subsection 7(5)</b> <b>Section 8</b> <b>Subsection 9(1)</b> <b>Subsection 9(3)</b> <b>Subsection 9(4)</b> <b>Subsection 15(1)</b> <b>Subsection 15(3)</b> <b>Section 16</b> <b>Section 17F</b> <b>Subsection 17I(1)</b>

	<p><b>Subsection 17J(2)</b>  <b>Subsection 17K(1)</b>, in relation to investigations in response to a complaint  <b>Section 17M</b>  <b>Section 34</b>, in relation to the disclosure to a complainant or representative of a complainant of:</p> <ul style="list-style-type: none"> <li>• correspondence between the office and the complainant</li> <li>• records of telephone and personal discussions involving the complainant</li> <li>• complaint management system records and other documents that the complainant would previously and lawfully have seen.</li> </ul> <p><b>Section 34A</b></p>
<p>4. Executive level 2 staff</p>	<p><b>Section 4C</b>  <b>Paragraph 5(1)(b)</b>  <b>Section 6</b>  <b>Section 6A</b>  <b>Section 6B</b>  <b>Subsection 7(2)</b>  <b>Subsection 7(5)</b>  <b>Subsection 8(1)</b>  <b>Subsection 9(1)</b>  <b>Subsection 9(3)</b>  <b>Subsection 9(4)</b>  <b>Subsection 9(8)</b>  <b>Section 11</b>  <b>Subsection 15(1)</b>  <b>Subsection 15(3)</b>  <b>Subsection 15(4)</b>  <b>Section 16</b>  <b>Section 17</b>  <b>Section 17F</b>  <b>Subsection 17I(1)</b>  <b>Subsection 17J(2)</b>  <b>Subsection 17K(1)</b>, in relation to investigations in response to a complaint  <b>Section 17L</b>  <b>Section 17M</b>  <b>Section 34</b>, in relation to the disclosure to a complainant or representative of a complainant of:</p> <ul style="list-style-type: none"> <li>• correspondence between the office and the complainant</li> <li>• records of telephone and personal discussions involving the complainant</li> <li>• complaint management system records and other documents that the complainant would previously and lawfully have seen.</li> </ul>

	<p>And in relation to the disclosure of reportable conduct information or information to respond to an imminent threat to the life or safety of any person.</p> <p><b>Section 34A</b></p>
5. Senior Assistant Ombudsman	<p><b>Dictionary, power to appoint an authorised person</b></p> <p><b>Section 4C</b></p> <p><b>Paragraph 5(1)(b)</b></p> <p><b>Section 6</b></p> <p><b>Section 6A</b></p> <p><b>Section 6B</b></p> <p><b>Subsection 7(2)</b></p> <p><b>Subsection 7(5)</b></p> <p><b>Subsection 8</b></p> <p><b>Subsection 9(1)</b></p> <p><b>Subsection 9(2)</b></p> <p><b>Subsection 9(3)</b></p> <p><b>Subsection 9(4)</b></p> <p><b>Subsection 9(8)</b></p> <p><b>Sub-paragraph 9(12)(b)(ii)</b></p> <p><b>Sub-paragraph 9(12)(c)(ii)</b></p> <p><b>Section 11</b></p> <p><b>Subsection 15(1)</b></p> <p><b>Subsection 15(2)</b></p> <p><b>Subsection 15(3)</b></p> <p><b>Subsection 15(4)</b></p> <p><b>Paragraph 15(5)(a)</b></p> <p><b>Paragraph 15(5)(b)</b></p> <p><b>Section 16</b></p> <p><b>Section 17</b></p> <p><b>Section 17C</b></p> <p><b>Section 17F</b></p> <p><b>Subsection 17G(3)</b></p> <p><b>Subsection 17I(1)</b></p> <p><b>Subsection 17J(2)</b></p> <p><b>Subsection 17K(1), in relation to investigations in response to a complaint</b></p> <p><b>Section 17L</b></p> <p><b>Section 17M</b></p> <p><b>Section 34</b></p> <p><b>Section 34A</b></p>
6. Deputy Ombudsman	<p><b>All powers and functions capable of being delegated under the Act - that is, all powers and functions other than those contained in sections 18, 19, 20 20A and 21, and the power to delegate contained in subsection 32(1).</b></p>

## **SCHEDULE B**

### **AUTHORISATION**

Powers and functions under Division 25.3.3 of the *Children and Young People Act 2008*

<b>Column 1</b>	<b>Column 2 Decisions</b>
1. Executive level 1	Section 863B
2. Executive level 2	Section 863B Subsection 863C(1) Section 863CA
3. Senior Assistant Ombudsman and Deputy Ombudsman	Section 863B Section 863C Section 863CA