



Australian Capital Territory

Ombudsman Amendment Act 2018

A2018-22

An Act to amend the *Ombudsman Act 1989*

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

1 Name of Act

This Act is the *Ombudsman Amendment Act 2018*.

2 Commencement

This Act commences on 1 July 2018.

Note The naming and commencement provisions automatically commence on the notification day (see [Legislation Act](#), s 75 (1)).

3 Legislation amended

This Act amends the *Ombudsman Act 1989*.

**4 Definitions—div 2.2A
Section 17D, definition of *employee*, new paragraph (aa)**

insert

- (aa) for a designated entity that is a religious body—means—
- (i) a minister of religion, a religious leader or an officer of the religious body; or
 - (ii) a person who is engaged under a contract of employment with the religious body; or
 - (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

5 Section 17D, definition of *head*, paragraph (b) (ii)

substitute

- (ii) in any other case—the individual primarily in charge of the management of the entity.

6 **Meaning of *designated entity*—div 2.2A**
Section 17EA (1) (a), new paragraph (a) (viia)

insert

(viia) a religious body not otherwise included in this paragraph;

7 **Section 17EA (2), new definition of *religious body***

insert

religious body means a body—

- (a) established or operated for a religious purpose, that operates under the auspices of 1 or more religious denominations or faiths; and
- (b) that provides, or has provided, activities, facilities, programs or services that provide a means for people to have contact with children.

Examples—activities, facilities, programs or services

- religious services
- altar serving
- art groups
- bible study groups
- choirs and music groups
- church-run crèches
- dance groups
- faith-based children's and youth groups
- multi-faith networks
- open days
- prayer groups
- religious community engagement and outreach
- religious festivals and celebrations
- sports teams
- Sunday school

- tutoring services
- youth camps

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 it appears (see [Legislation Act](#), s 126 and s 132).

8 **New part 11**

insert

Part 11 **Transitional—Ombudsman Amendment Act 2018**

Note The *Ombudsman Amendment Act 2018* extended the operation of the reportable conduct scheme in div 2.2A to religious bodies.

52 **Religious confession not reportable allegation**

- (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.

- (2) In this section:

religious confession—see the [Evidence Act 2011](#), section 127 (4).

53 **Expiry—pt 11**

This part 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 14 June 2018.

3 Republications of amended laws

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

I certify that the above is a true copy of the Ombudsman Amendment Bill 2018, which was passed by the Legislative Assembly on 7 June 2018.

Clerk of the Legislative Assembly

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