Assessment item 2 – Legal Memorandum

I EXECUTIVE SUMMARY

- Summarise your memo succinctly, orientating the reader to the context explored in the memo and may include main recommendartions.

- This sets out the main issues, the main areas under dispute or those that require most analytical depth and discussion, especially if the research indicates this is a contentious area of law.

A Issues

- Identify the legal issues which will be discussed in the memo.

B Recommendations and Conclusion
- Summarise the recommendations to Assistant Commissioner regarding charging the fees for patients who are not transported to the hospital and conclusion.

II DISCUSSION

- In this section, ensure your answers are supported by authorities (legislation, cases, articles etc. with pinpoint footnote references throughout, in accordance with AGLC4)

- Re-write the questions in your own words and use them as headings. These can be rewritten as questions or short statements.

1. Who can bring an action to the Ombudsman?

2. What powers does the ombudsman have to resolve complaints against government departments?

3. If the Ombudsman makes an adverse finding against the Ambulance Service, will they have an opportunity to respond? If so, what is the likely time frame for a response once it is requested by the Ombudsman? Explain your answer in terms of the concept of procedural fairness.

4. The Ambulance Service says they were just ‘following their policy’. Does the Ombudsman have any discretionary power to find that the policy was unfair and thus has resulted in an unfair outcome; or does the Ombudsman have to find there was a misapplication of another law eg common law of informed consent, in order to find against the Ambulance service?
5. Does the Ombudsman have any power to order the Ambulance Service to take any particular action? Are the recommendations the Ombudsman makes legally binding?

6. What would likely happen if the Ambulance Service ignored any recommendations made by the Ombudsman?

7. What would your advice be to the Assistant Commissioner with regards to attempting to resolve this dispute between the ambulance service and George before the Ombudsman makes a finding?

8. Would you provide any advice to the Assistant Commissioner about changing the service policy of charging fees for no-transport?

III CONCLUSION

- The conclusion should sum up your argument without adding any new information.

On a separate page, include your AGLC4 Bibliography, deleting any superfluous headings.