

# LAWS OF FIJI

Ed. 1978

## CHAPTER 3

### OMBUDSMAN

(Act No. 4 of 1970)

AN ACT TO MAKE SUPPLEMENTARY AND ANCILLARY PROVISION IN  
RELATION TO THE FUNCTIONING OF THE OFFICE OF OMBUDSMAN

[23rd December, 1970]

#### *Short title*

1. This Act may be cited as the Ombudsman Act.

#### *Oaths of office*

2.- (1) Before entering upon the exercise of the duties of his office, the Ombudsman shall take an oath before a judge of the Supreme Court in the form set out in the First Part of the Schedule.

(2) The members of the staff of the Ombudsman shall maintain secrecy in respect of all matters which come to their knowledge in the exercise of their duties and shall, before entering upon the exercise of their duties, take an oath to be administered by the Ombudsman in the form set out in the Second Part of the Schedule.

#### *Procedure*

3.- (1) Any complaint or invitation made to the Ombudsman shall be in writing and shall be submitted direct to the Ombudsman.

(2) Notwithstanding the provisions of any other written law, any complaint made to the Ombudsman by and person who is in legal custody or who is an inmate of any mental hospital or similar institution shall be forwarded unopened to the Ombudsman by the person in charge of the place where the complainant is detained or is an inmate.

#### *Investigation not to affect departmental action*

4. The conduct of an investigation by the Ombudsman shall not affect any action taken by the department or authority concerned, or any power or duty of that department or authority to make further action in respect of any matter which is the subject of the investigation.

#### *Privilege of communication*

5. For the purposes of any law relating to defamation, the publication, by the Ombudsman or by any members of his staff, of any report or communication and the publication to the Ombudsman or to any member of his staff, or to any member of the House of Representatives) or the Senate in accordance with the provisions of subsection (1) of section

3, of If any complaint or other matter shall, if made in accordance with the provisions of Chapter IX of the Constitution or of this Act, be absolutely privileged.

*Expenses and allowances*

6. The Ombudsman may, in his discretion, pay to any person by whom a complaint has been made or to any person who attends or furnishes information for the purposes of an investigation, sums in respect of expenses properly incurred or by way of allowance or compensation for loss of time, in accordance with such scales and subject to such conditions as may be prescribed.

*Administrative expenses*

7. The administrative expenses of the office of the Ombudsman including such expenses and allowances as are authorised by the provisions of this Act shall, to such amount as may be sanctioned by Parliament, be paid out of the Consolidated Fund.

*Offences*

8. -(1) Any person who, otherwise than in the course of his duty, directly or indirectly, by himself or by any other person, in any manner whatsoever wilfully influences or attempts to influence the decision of the Ombudsman with regard to any complaint made to him or to any investigation made by him, shall be guilty of an offence.

(2) Subject to the provisions of Chapter IX of the Constitution, any person who is requested by the Ombudsman, or by any member of the staff of the Ombudsman, acting in the exercise of his duties, to furnish any information or to produce any document and who wilfully fails to furnish such document or to produce such document, shall be guilty of an offence.

(3) Any person who, in connexion with any matter which lies within the jurisdiction of the Ombudsman, wilfully gives him any information which is false or misleading by reason of the falsity of, or the omission of, a material particular, shall be guilty of an offence.

(4) Any person guilty of an offence under the provisions of this section shall be liable on conviction to a fine not exceeding two hundred dollars or to imprisonment for a term not exceeding one year or to both such fine and imprisonment.

*Regulations*

9. The Minister may make regulations on order to carry this Act into effect and for prescribing anything which is required, to be prescribed thereunder.

**SCHEDULE**

**FIRST PART  
OATH OF OMBUDSMAN**

I, \_\_\_\_\_ swear that I will well, faithfully and impartially serve Her Majesty, Queen Elizabeth the Second, Her heirs and successors according to law, in the office of Ombudsman and that I will not, except in accordance with the provisions of Chapter IX of the Constitution, divulge any information received by me in the exercise of my duties as Ombudsman to any person.  
So help me God!

**SECOND PART**  
**OATH OF MEMBER OF STAFF OF OMBUDSMAN'S OFFICE**

I, \_\_\_\_\_ swear that I will regard all information, documents and other matters which may come into my possession or to my knowledge in the course of my official duties, is secret and that I will not, except in accordance with the provisions of Chapter IX of the Constitution, divulge any information received by me in the exercise of my official duties, to any person. So help me God!

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**SUBSIDIARY LEGISLATION**

**SECTION 6-OMBUDSMAN (EXPENSES AND ALLOWANCES) REGULATIONS**

*(Made by the Prime Minister)*

*(Regulations 29th January, 1976)*

*Short title*

1. These Regulations may be cited as the Ombudsman (Expenses and Allowances) Regulations.

*Expenses and allowances*

2. Any person by who a complaint has been made or any person who attends or furnishes information for the purposes of an investigation may be paid the same sums in respect of expenses properly incurred or by way of allowance or compensation for loss of time as are payable under the Criminal Procedure Code to a witness attending at a trial or an inquiry before the Supreme Court.

Controlled by Office of the Prime Minister

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