

ANALYSIS

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Ombudsman	Proceedings of	to investigate complaint	Mode of complaint Ombudsman may refuse	ıdsman	for quidance of	of Ombudsm		FUNCTIONS OF OMBUDSMAN	Staff	Ombudsman	Oath to be taken by		\odot	s an	Filling of vacancy	Ω	Removal or suspension	Ompire of office of) h h (1)			Ombindeman	OMBUDSMAN		Interpretation	commencement	Short Title and	TITE
8		30.	29.		28.	26.	1	25.	24			23.)		22.)	21.			20.		19.		18.		17.	16.	
	Schedule	Amendments and savings	O) (O	Parlia	Money to be appropriated	Annual report		Delegation of powers	3	MITOCEPHANEOOD FROVIDIONS		Proceedings privileged			no	of result of investigation	plainant t	í	o doi	Ombudsman may require	ע	Procedure after	maintain secrecy	an and staf	matters not to be required	Disclosure of certain	Evidence	

1984, No. ∞

An Act to provide for the appointment of an Ombudsman to investigate administrative decisions or acts of Departments Government and certain other organisations, and to define the Ombudsman's functions and powers. (26 September 1984) (26 September 1984

BE IT ENACTED assembled, and yd Yd the the Parliament of the Cook Islands in authority of the same as follows: Session

- te Q മട the Short Ombudsman Title Ac and 984. ı (L) This Act may р
- no tified i n (2) the Gazett This Act shall come into H 0 4 O 0 do ρ da rt 0 эd
- therwise К Inte S HH this Act unl ess ťЪ 0 tex

which time duty "Ombudsman" being under the ", in relation to any function, power, this Act, means the Ombudsman for the investigating the complaint in respectunction, power, or duty is being exer exercised 0 H

OMBUDSMAN

- who shall рe Ombudsman - an officer 0 f and There responsible to Parliament Ombud
- on the a the the (2) Subject to the Ombudsman shall be advice of the Prime I s of Parliament. to the to the provisions of section 7 of this e appointed by the Queen's Representati Minister who shall convey the recommen
- A C t 19 70 UI O H Уď Her (3) No person Her Majesty for reason of his a r the purposes appointment a n shall the pu ө Д deemed ses of . S D пp d to to be employed in the Public Service Ombudsman.
- not be ca hold 4. Ombudsman to hold to be capable of being a men uncil, and shall not, without any office of trust or per ombudsman, or engage in a duties of his office. without the approval of t or profit, other than e in any occupation for : member oth Parliament 0 reward his the The 0 H Prime Minister, office as Ombu Ombudsman s an Island side sha
- 5 provide term р В в • ω r. years. Term Act office t, the Ombudsman shall (1) / ₽×c Exc H. D 0 4 മ H is 0 0 ther ω ¥ 1.
- (2) Unless person appointed as an successor is appointed. time be reappointed. ombudsman shall hold office Every such person may from vacant, e until om time his
- 0 in absent from tattaining the writing the (3) Th.

 y addressed to

 brime Minister

 the Cook I Prime Ombudsman the Speaker or if there is Islands, and 72 years. a † О Н no Speaker shall so re any Parliament or esign es resign the his his Speaker office office
- of his office (whether arising from infirmity of body or mind or from any other cause) or misbehaviour by the Queen's Representative on the advice of the Prime Minister who shall convey the recommendation of Parliament. Ombudsman functions
- the Queen's Repre to discharge the f infirmity of body but any such months after Parliament. proved but any Representative in Executive the functions of his office f body or mind or from any one satisfaction of the Queen e satisfaction of suspension shall the commencement In may be suspended from office by Executive Council for inability his office (whether arising from from any other cause) or misbehavious the Queen's Representative notcontinue in force beyond 2 of the next ensuing session of notcontinue of the next

- 4 4 esigns: his office, created shal shal 0 5 99 ი ე s removed filled in i n (1) (1) If the Om from office, accordance Ombudsman with the vacancy this se dies Sec tio 0
- (2) If any vacancy in the of occurs at any time while Parliament is in filled by the appointment of an Ombudsman Representative on the advice of the Princonvey the recommendation of Parliament. Provided that if the vacancy occurs less the close of that session and no such reconstant session, the provisions of subsection shall apply as if the vacancy had not in a session. the vacancy occurs less than 2 months before t session and no such recommendation is made i e provisions of subsection (3) of this section the vacancy had occurred while Parliament Ombudsman by of the Prime in office session, by the Queen's Minister who 0 H the Ombudsmant shall be shall 0
- rpply arliament r. (3) not r T any S ny such session, vaca; following at any provis stons tim ne whil s shall
- (a) the person so a sooner becomes appointment is may the Queen's appoint s Representative in Executive Council t an Ombudsman to fill the vacancy, an so appointed shall, unless his office omes vacant, hold office until his t is confirmed by Parliament; and
- 6 If the appointment is not so c months after the commencement session, the appointment shall shall be deemed to be a furthe office of the Ombudsman. Ιf to be a further confirmed of the next l lapse and vacancy with t ensu. there in the nin μ. B
- be fur t p paid baid the time d to the Ombudsman out of the Government Account, wi c appropriation than this section, a salary at such Queen's Representative, by Order in Council, from to e determines. Sal withou. rate time
- an hi S odde ppo: intment (2) in) The salary Council unde K 0 of the Ø Ombudsman section du n shal th.1 no 0 4 0 рр oe dimin ntinuanc nish D
- provision force or being the whether the date the date of the on a on. 0 of any date (3) any such Order, may te to be specified it e of the making of te or after the date he commencement of the c y be made s in that be the Order ce of the ma louncil und de so as to came into t behalf in the Order, der or any other date, e making of the order 9 thi S sect ne into 0 ρ ρ Aun
- provision specified making of (4) Every Order order, as aforesaid shall the order. in Council under the in respect of which come into force on thi the S section date i Hh 00 and ev ery
- of time sper travelling a List Act 198 accordingly time spuravelling allowance avelling allowance and the last 1984, and the spent in travelling in the ext or allowances and expenses in 1984, and the provisions of the fly as if the Ombudsman were a exercise of his functions, in accordance with the Civil f that Act shall apply re a Ministor р at Act sha Minister
- upon shall namel K the × exercise of the an oath O H before рe taken duties of hi e the Speaker Ombudsm his 9 nan - Be office t or Clerk 0 Befor the k of Ombudsman Parliament
- I will faithfully and impartially perform the duties of my office and that I will not, except where I am required to do so by enactment of the Parliament of the Cook Islands, divulge any information received by me in the performance of my functions.

- and essary i 10. Staff
 Ombudsman may
 essary for the under may the $\frac{f}{y}$ - (1) Subj y appoint su e efficeint this Act. ubject to the part of the part carrying out provisions and of his employees functions, 20 may section powers эď
- duties by the the section, or class Minister (2) 2) The number of persons th whether generally or in resss of duties, shall from timer for Parliamentary Services respect of antime time to time that es. may Бе any appointed underny specified be determined e d und
- and are the approved by terms (3) and The conditions y Cabinet. salaries of ditions of their appointments l under this be such Sec tion
- D W TVic 70 UI 0 ρξ I Her reason (4)Ma No jesty 0 person his for shall be deemed t the purposes of t appointment under to th he Public Serv section. r r 0

FUNCTIONS OF OMBUDSMAN

- O Hi the any 02 0 any a Уď any such D ch officer, 11. Functions Ombudsman to inve person Schedule any act Act, t done or omitted, ct, relating to a n or body of O fi or body of persons in his or its personal capacof the Departments or organisations specified in he partment or by any officer, employee, or be partment or organisation in his capacity as er, employee, or member. Department or r, employee, or s of Ombudsman - (1) estigate any decision 0 shall be a function the passing and affecting and capacity, in 20 i i member tion made
- made, whether be such Department officer, employe (1) that (2) Without limiting the generality this section, it is hereby declared that tat subsection includes the power to investig whether before or after the passing of this Department or organisation or any committee, employee, 0 member thereof ng the generality of s by declared that the p power to investigate ne passing of this Act subcommittee Act, power subsection power conf р a recommendation , by any
- and where a comp recommendation, of this section or either omission. appear (3) The Ombudsman may make any such investigation a complaint made to him or of his own motion; a complaint is made he may investigate any decision, tion, act or omission to which the foregoing provisction relate, notwithstanding that the complaint may to relate to that decision, recommendation, act, cision, provisions
- section, it is hereby declared the any time refer to the Ombudsman frank petition that is before that matter to which the petition relation, subject to any special direction, and make such report to the Nothing in section 15 or section apply in respect of any investigation. apply i (4)Without limiting section 20 or section 22 investigation or report m that relates. In an aldirection of so far as they to the Committee the that for investigat Committee for preceeding any In any sun of the Committee Sestigation they y such case, an Ombudsma the Committee, investi-are within his juridic-as he thinks fit. on 22 of this Act shall a re provisions ion and report by consideration, o made 0 H Parliament under 0 # this Ombudsman 0 him, may

- the foregoing provisions of this a matter concerning a judicial proceeding, which the Prime Minister considers should be investigated by the Ombudsman. We a matter is referred to an Ombudsman pursuant to this subsection shall, notwithstanding anything to the contrary in this Act, for with investigate the matter and report thereon to the Prime With investigate the matter and report to Parliament on the Prime Minks fit. Nothing in section 20 of this Act.

 (6) The point of the prime was a pursuant investigation or report made up.2ted by the Ombudsman. Where irsuant to this subsection, contrary in this Act, forth thereon to the Prime Minist he matter apply in me Minister, matter, Prime respe other 0 K, 0 b Ct
- be exercise effect that shall be fthat no prodecision, reviewed, (6) The powers confermexercised notwithstanding a ect that any such decision, all be final, or that no apport no proceeding or decision proceeding or decision of to, recommendation, act, or contact, or quashed, or erred on the war enacthers any provision in any enacthers n, recommendation, act, or omission ppeal shall lie in respect thereof, or on of the person or organisation whose on of the serion it is shall be challenged. d
- inve stigat (7) 0 Nothing in this Act shall authorise the Ombudsman to
- ued that the Omb
 (not being an investive recommendation, act, or paragraph of this subthe complainant the complainant the complainant to paragraph of the special circular to the complainant to the compla ainant, o or : 0 0 H 0 not any decision, r which there any Act or r which been graph of this sub complainant has o ly Act right that right en exercised go ht to apply fo on the merits constituted re is under the regulation, a apply for a re the Ombudsman investigation recommendation is under the apply for a review, available to merits of the case, to any Courtituted by or under any enactmeght of appeal or objection or a sised in the particular case, and prescribed for the exercise of nas or had such right if by reason naces it would be unreasonable to have resorted to it; ombudsman may conduct an investigat estigation relating to any decision, ct, or omission to which any other subsectionapplies) notwithstanding as or had such right if by reason of nees it would be unreasonable to the terms of tion, act, or omission in the provisions of the Constitution, a right of appeal or objection, a review, available to the complethe case, to any Court, or to any the case, to any court, whether or application, and whether se of that righ tha .ght do O
- (d) Any per of nos the Trustee Act decision, on in his recommendation, act, capacity as a trustee a Act 1956: 20 within t the of any meanin
- (c) person for the Any decision, son acting the Crown recommendation, as legal adviser in relation to a any D D 40 to the Crown or proceedings: S H any Cou sel
- (b) member of inquiry relation the Poli M decision, under thereto superjor Police that the Police Re commendation, has jor in that been een made rank to t may Act: y be the ... 1981 unless ide or conveye to the member act, conveyed e member 1 9 subject omission ρ complaint о Н 0 membe om the an ut 0

- (ユ) compla int has not been investigated 20
- (ii) The complainant result. complaint r. has has been investigated and dissatisfied with the fi final the
- (8) If any question arises whether the Ombud: juridisction to investigate any case or class of cases up Act, he may, if he thinks fit, apply to the High Court for declaratory order determining the question in accordance Declaratory Judgements Act 1908, and the provisions of the Shall extend and apply accordingly. Ombudsman HO K that under with ы Act H. 10
- rules for t 12. Parliament rules for t such Parliament m lament may from times for the guidance s, and rules may at e of any may to make time the e rules for guidance of Omlime, if it thinks fit, make Ombudsman in the exercise in like manner revoke or revoke or vary make e general
- any person relating go Act or to a have been whether 0 time, in the on or department of the any the any particular car not the matters the subject of a Any y such rules may authorise the Ombudsma he public interest or in the interest or the public interest or the public report to the exercise of his functions under icular case or cases investigated by himatters to be dealt with in any such rect of a report to Parliament under thi such Ombudsman under repor ch report this Act him, this from
- shall эd made i: O H complaint (上) Every complaint 40 the Ombudsman
- time shall any XXI custody on person of the being letter 9 any Le Cook Islands Act 1915, is addressed to the Ombudsman terr is detained or of which he imay. addressed to ne Ombudsman b institution ne is a patien y any person i any offence, the meaning of patient to the T'n by the n where any Ombudsman enactment person for the writer in Part 9 0 t'h 0
- Ombudsman complaint The
- (a) Refuse to jurisdicti further if further if it appears to him that under the existing administrative practice there is remedy or right of appeal, other than the to petition Parliament, to which it would been reasonable for the complainant to rer or investigate a complaint n or to investigate any it appears to him that any such to resort; the complaint an have right within law adequa 0 'n
- (d) Refuse to inve in the course it appears to circumstances is unnecessary fuse to investigate any such complaint further if the course of the investigation of the complaint appears to him that, having regard to all the roumstances of the case, any further investigatio ary
- omission or 12 months be if in his of complaint ferred on Ombudsman erred the case may require, no int if it relates to may the opinion, before which in his Ombudsman by this Act, it in his discretion decide Without the the es to any decision, recommenda complainant has had knowledge complaint is received by the O limiting by this 1 the generality of ct, it is hereby not recommendation, d knowledge for to investigate, the power Ombudsman any more owers ct, 07, that 0 ٢ than 0 the
- (a) The qnŝ u. 0 らす matt 64 0 H the complaint r. trivial

- (d) not made omplaint in good s F frivolous faith; or 0 2 vexatious vindictive 9
- (c) The int eres Ω omplainant has not a suffest in the subject-matter suffici O Hi lent the Ы complaint 四片
- gate or make fu the complainant therefore. (3)) In any case where further investigation int of that decision, an n of and n Ombudsman dec of a complaint nd shall state decides he his es not shall reasons inform inves
- the Department affected, administrative officer o intention to make the in atter Proceedings under this Act, ted, or, as the case may requiser of the organisation affects investigation. ore investigating orm the Head of require the princificated, of his principa his any
- Act shall эd (2) 2) Every conducted investigation by in private. the Dudmo sman un .de K th
- be heard Provided hold affect any Department that Department or or heard. thinks appears to the (any rsons as he by the that is hear (3) as he thinks fit, and may ma It shall not be necessary ing, and no person shall be he Ombudsman: if a **4** at any time Ombudsman t ny report or t any time during the course of Ombudsman that there may be sufreport or recommendation that ent or organisation or person, organisation or person an opport or obtain information make such inquiries a ary for the Ombudsman oe entitled as of righ ion that may adversely person, he shall give n an opportunity to be sufficient investigati right l give 20 40 from さっ no
- concerned shall cons dation whi after has f subse during sec formed section rtment or organisation named or this Act, the Ombudsman may in hing or after the investigation, called a final opinion on any of the investing the investing the investing the on the investion (1) or subsection (2) of his tment (4) cas named or specified in the Schedu may in his discretion at any tim gation, consult a Minister who i the investigation and the Ombuds who so requests or to whom a recount the investigation has been multiple the investigation and before he investigation and before he any of the matters referred to 0 of s the matters section 19 of has been made, the Ombudsman this Act time y to a nedule recommen-さっ he
- (5) In the case of an ______ (5) In the case of an ______ (5) the organisation named or specified in Part II of the organisation named or specified in Part II of the Act, an Ombudsman may in his discretion at any after the investigation consult the Chairman of concerned, and the Ombudsman shall consult the organisation who so requests or to whom a record is the subject of the investigation has been I Ombudsman has made the investigation and before a final opinion on any of the matters referred a final opinion (2) of section 19 of this Active the investigation of the investigation of the consult the matters referred a final opinion on any of the matters referred a final opinion on any of the matters referred the consult the consu investigation Part II of the has been made, aft and before he has referred to in su of this Act. nan of the organi t the Chairman of recommendation w an of the (of the he Sche relat after during ing dule s formed t o which isation the 0 5 the an thi
- Ombudsman is of the cany significant bread officer or employee refer the matter to is of (6) If, during or the opinion the breach of duty to the appropriate duty Department that after 0 there misconduct ent or organisation, he e authority. any investigat substantia ial evidence O Hn of any shall 0
- S CT K cules time such being manner in: (7) ω force, the s he thinks the Subject guidance the to Ombudsman fit. the o H provisions the may Ombudsman regulate o fi ÁЯ this Parliament his procedu Act procedure and О Н of any and for 0 5

- and of secti require any relating to to furnish t papers matter the con are organisation. 16. Evidence - (1) Subject to the provisions of this section id of section 17 of this Act, an Ombudsman may from time to time equire any person who in his opinion is able to give any informational furnish to any matter that is being investigated by the Ombudsman person things which in the Ombudsman's opinion relate to any subjects or things which in the Ombudsman's opinion relate to any subjects as aforesaid and which may be in the possession or under the person is an officer, employee, or member of any Department of that person is an officer, employee, or member of any Department or in the custody or under the control of any Department or to any such 0 20
- Any Ombudsm lan may summon before him and examine on
- (a) opinion is aforesaid; Any person w Department o Schedule to able who who is an officer or 1 or organisation named this Act and who in is an officer or member of any rganisation named or specified is Act and who in the Ombudsman's to give any such information as ı,
- (b) Any complainant; or
- (c) With each case, any opinion is able the prior approval of the Minister of Je, any other person who in the Ombudis able to give any such information Minister of Justice o in the Ombudsman's

perjury). for that purpose may administer an oath. Every such examination the Ombudsman shall be deemed to be a judicial proceeding within meaning of section 120 of the Crimes Act 1969)which relates to

- question pu produce to it, if comp obligation other tion, no person who is bound by the provisions of any enactment than the Public Service Act 1975 and the Official Secrets 1951, to maintain secrecy in relation to, or not to disclose ter shall be required to supply any information to or answer stion put by an Ombudsman in relation to that matter, or to duce to an Ombudsman any document or paper or thing relating if compliance with that requirementwould be in breach of the igation of secrecy or non-disclosure. je provision by the provisions of any enactme ct 1975 and the Official Secrets a relation to, or not to disclose, οĦ subsection (4)(4) of this menactment any any
- any person to whom siby the Ombudsman to produce any document and it shall be the igation of the previous conset (4) With the previous conset person to whom subsection (3) of the the Ombudsman to supply information bduce any document or paper or thing the the duty of the person s consent in writing of of this section applimation or answer any que thing relating only to person to comply with ng of any capplies may question to the co the he complainant requirement. compla ly be r 0 required
- to the giving ction of docu documents and papers (5) О Њ Every person shall have the information, the answering its and papers and things as same privileges in of questions and twitnesses have in and the produrelation
- meaning of the Crimes Act 1969 in respect of his sworn testimon no statement made or answer given by that or any other person is course of any inquiry by or any proceedings before an Ombudsman shall be admissible in evidence against any person in any Court at any inquiry or in any other proceedings and no evidence in r of proceedings before an Ombudsman shall be given against any p ny inquiry roceedings on in any Court o evidence in re n against any pe other person in the perjury within n testimony, e in respec 0 8
- against th this Act, Ombudsman (7) No person shall be liable to prosecution for an the Official Secrets Act 1951 or any enactments, other tt, by reason of his compliance with any requirement of than under this section. offence than

- apply accordingly.
 the Ombudsman shall l
 regulations to fix of
 the amounts payable attend before shall be end if he were a regulations be entitled before efore him for the purposes of this section, the person entitled to the same fees, allowances, and expenses as re a witness in a Court, and the provisions of any Act cons in that behalf for the time being in force shall cordingly.

 For the purposes of this subsection is sman shall have the powers of the Court under any such ons to fix or disallow, in whole or in part, or increasents payable thereunder. ρ Person is record to the purposes of a witness in a Court, and in that behalf for ingly.

 The shall this subsection t under any such part, or increase any Act son. 0
- Where the Minds information or of any document the document Disclosur Mindster the 0 of certain matters not to be of Justice certifies that the answering of any question or paper or thing-H 0 e required e giving of the produc odwat: any tion
- (a) relations
 Islands re
 country or
 the invest lations of the Cook lands relations wit untry or with any i e investigation or ejudice th the security, defence, or int Cook Islands (including the s with the Government of any any international organisation or detection of offences; JI. Cook other Ħ 0
- (d) Might of Ca Tht involve Cabinet; 20 the disclosure of the deliberations
- 0 Might involve the disclosure of proceedings or of any committee of Cabinet, relating to of a secret or confidential nature, and wou injurious to the public interestg to m would 0 D Ф Д tter Cab W 0

4 6 4 he give be p produce budsman 2 2 shall is the • 00 not case require the e may be, th the information document 0 0 paper or ans We 0 K to thing

- on the ground that the disclosure answering of the questionwould be shall not apply in respect of any before the Ombudsman. 0 H 0 (2) the rule or off off ct to o th he provisions o ich authorises r the refusal t d h of the document injurious to the investigation by t 0 K 0 r requi: sdus 00 0 or paper or public int res († ion the interest ceedings ¥ ⊢. 0 f this noi D
- man the Sec and. Ombud: rets A 0 dsman very person shall 1 951 to 1 sm and р е е holding deemed 1 staf any 10 H or the pur holding of maintain y office o 0 5 fice 1 secrecy - (1) r appointment s of the Of offi er Ma under 000 Ombud ω tУ
- sha the K H (2) maintain knowledge O ni Sec The ombudsman ar recy in respe the exercise and se of every such tof all mat such person as matters that functions. afor to
- the Ombudsm
 duty under
 Ombudsman,
 him under t
 this Act. Ombudsman (3) (3) Every person holding any man shall, before he begins to this Act, take an oath, to be that he will not divulge any this Act except for the purpos office or appo perform any o administered y information r se of giving ef 0 n received effect to pointment official Āф nn Q 0
- of this section the his opinion ought to gation or in order to recommendations. The not extend to any major international reli recommendations. The power conferred by thin not extend to any matter that might prejudic or international relations of the Cook Islam Cook Islands relations with the Government or with any international organisation) or the detection of offences, or that might involve the deliberations of Cabinet. No r to . withstanding anyte Ombudsman may de to be disclosed for to establish gro μ. conferre ng anything in the foregoing provis n may disclose such matters as in losed for the purposes of an invest ish grounds for his conclusions and conferred by this subsection shall t might prejudice the security, def the Cook Islands (including the /th the the investigation he disclosure of ons and shall country 10 of 2 defenc 1

- 19. Procedure this section shall investigation under the decision, recommunity subject-matter of t on shall appry -- con under this Act, an Ombon, recommendation, act, onter of the investigationafter investigation y case where, after making Ombudsman is of opinion t, or omission which was t provisions o the any that H
- (a) Appears to have been contrary to law; or
- (d) Was unreasonable, unjust, oppressive, or improper discriminatory, or was in accordance with a rule of law or a provision of any Act, regulation, or bylaw or a practice that is or may be unreasonab unjust, oppressive, or improperly discriminatory; sive, or improperly ance with a rule, regulation, or may be unreasonable, 0 4
- 0 Was fact based 9 wholly 02 partly no ω mistake 0
- (d) Was wrong.
- in any cas of the dec of the act improper E of the decision or recommendation, or in the doing or of the act, a discretionary power has been exercised improper purpose or on irrelevant grounds or on the taccount of irrelevant considerations, or that, in the a decision made in the exercise of any discretionary reasons should have been given for the decision. case where the decision or react, a discret The the Ombudsman is recommendation, retionary power h is of this section the ion shall als opinion that taking also power H) O case omission r T O H into the mak pur
- Ombudsm an (3) ່ເດ 0 H If in in opi any ca opinio case ion -0 which this section applies the
- (a) authority That the Ħ atter OK er should further of consideration; Ьe to the 0 ρ ppropriat 0
- 6 the omission should be rectified; 0
- 0 That the decision should be cancelled 0 4 varied; 0
- Q ation, 0 any 1, a y practice act, or omi ice on which omission was the decision, s based should recommend-be altered
- (e act, T'L an nУ y law on w omission whi was .ch based the decisio should 'n, ь́е recommendation reconsidered; ommendation,
- (f) That reasons should have been given for the decision; 0
- (g) That any other steps should be taken-

the Ombudsman shall report his opinion, and his reasons therefore to the appropriate Department or organisation, and may make such recommendations as he thinks fit. In any such case he may request the Department or organisation to notify him, within a specified time, of the steps (if any) that it proposes to take to give effect to his recommendations. The Ombudsman shall also in the case of an investigation relating to a Department or organisation named or specified in Part I of the Schedule to this Act, send a copy of his report or recommendations to the relating to an organisation named or specified in Part II of the Schedule to this Act, send a copy of his report or recommendation to the Chairman of the organisation concerned, and to the Minist recommendations to the Minister therefore take 40 also the \mathbf{P}^{*}

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- made no action is taken which seen and appropriate, the Ombudsman, ir ing the comments (if any) made by or organisation affected, may send recommendations to the Prime Minis such report to Parliament on the m S H within ρ reasonable y send a con Minister, a the matter seems to an Ombudsman to n, in his discretion, aff e by or on behalf of any send a copy of the repo copy of time and 8 may he after the report y thereafte thinks fit the after report to be a Departmen and e adequate
- comments affected under s made The Ombudsman subsection (4) by or on behalf shall of th 0 Hi this the . attach to eve lis section a c the Department а сору every 0 organisatio repor any sent

- Ombudsman shall no any comment that : has been given an Notwithstanding not, in any report t is adverse to any nopportunity to be anything in port made und person e heard. under thi this this section the the Act per mak rson
- Where an C section 19 specified and send t tion a wri that offic charge. business officer written summary of the conficer to make copies of the ss hours for inspection by reason. Any member of the public part 19 of Ombudsman may require publication of summary of report Ombudsman has prepared a report under subsection (3) of 19 of this Act relating to any organisation named or 19 in Part II of the Schedule to this Act, he may prepare to the principal administrative officer of that organisativen summary of the contents of his peport and require cer to make copies of that summary available during ordination hours for inspection by members of the public without Any member of the public may make a copy of the whole 0 H the summary
- and dra appropriate of th comments made lft form to l shall, as H this (2) e principal administrative chis section, the Ombudsman s to the organisation to which as far as practicable, incomplete to him by the organisation. brwarding any such written summary lministrative officer under subsect the Ombudsman shall send a copy of sation to which it relates for percticable, incorporate in the summethe organisation. subsection summary perusal ۲. i n (1)
- organisation, ation shall, a in such form a of the availal places n and in lability а t where the Within the thin one we principal principal administrative of the expense of the organisat n such newspapers as the Cy of the report for inspectionary be inspected. ۲· after the report is ninistrative officer the organisation, g inspec Ombudsman ection and give 0 H 0 C ceived of that or ve public a shall roof + d by the organis-ic notice require
- period public of 4 w notice weeks Eve Erom such om the report e date (t shall of the нь F. O made avail lable 0 H H C K the
- Where, makes a and appropriate is taken thereon Ombudsman shall inform the composay make such comments on the magnetic contracts of the contract contracts of the c 21. Complainant to be informed of result of e, on any investigation following a complair s a recommendation under subsection (3) of and no action which seems to the Ombudsman the matter a within a reasonable time, the lainant of his recommendation, atter as he thinks fit. of result of inverse of section (3) of section and to be a investigation t, the Ombudsma adequate 0 this and
- e F F lant sul + + insuch (2) The Ombudsman manner and at s investigation. un shall t such to time in any he case thinks inform proper per of tl
- proceeding challenged, Court. of for form, and Proceedings no proceeding and except on the g or decision of t not the ground of lac of the Ombudsman quashed, or called О Н the Ombudsman shall cound of lack of jo ck of jurisdiction, no shall be liable to be d in question in any е р held bad for want
- ceedings For r an offenc privileged nce against - (1) the 0 Except
 Official Secr in t the s Act 0 f UI L B ro
- (a) against any holding any Ombudsman, in the cour of his functhat he act proceedings nan, for anything he may do course of the exercise or functions under this Act, e acted in bad faith; any any office or Ombudsman, civil 0 5 , or against appointment criminal or report intended ex under any person shall the 1 i e exercise shown

- (d) called to give evidence to any Court, proceedings of a judicial nature, in anything coming to his knowledge in this functions. No Ombudsman, and no such person foresaid respect 0 exercise in any ΟĦ shal ьe
- paper, or thing p inquiry by or pro be privileged in were proceedings (2) thing proceedings in the same Anything produced the in b thing said or any in duced by any person edings before the Omes same manner as if Court. y information supplied son in the course of a combudsman under this if the inquiry or pro of a: proceedings any 0 Act any shal document

MISCELLANEOUS PROVISIONS

- Act, but subject to the provisions of this section, the may at any time enter upon any premises occupied by a Departments or organisations named or specified in the to this Act and inspect the premises and, subject to ions of sections 16 and 17 of this Act carry out ther tion that is within his juridiction. in the Schedule it to the provis-therein any inve the Ombudsman any О Н inves tiga
- may : require, ton by which notify the Permanent equire, the principal by which the premises (2) Before entering are Head of the Department or, as the case administrative officer of the organisa occupied npon any such premises an Ombudsm
- relations with the Gorganisati notice of this he is (3) The Minister of Justice may from this section to any specified premises or class is satisfied that the exercise of the defence, that the Government of any other country or with reganisation. defence, or international the Cook Islands relation or with any international class time of su οĦ subsection f premises, if international 0 Уď
- approval of the Prim by writing under his office under him any power of delegation Delegation the Prime gation of powers by Ombu Prime Minister, the Ombor his hand, delegate to many of his powers under tion and the power to ma under Ombudsman . make any person holding any er this Act, except this ake any report under this may from With time to time
- 0 0 fic fic O H red (2) Any delegation under this section may be person or to the holder for the time being of to the holder of offices of a specified class. may be b made made to е О д
- D D et will, and no such d the Ombudsman (3)Every y delegation under delegation shall | r this section prevent the e on shall | exercise эq О Н any evo cable
- OBK made either g (4)(4) Any such delegation may s and conditions as the Ombu generally or in relation to Ombudsman be made made subject n thinks fit, particular o a and such d may O O
- 8 t t 2 was if 1 cce according t made ceasing made by his su made Unt successor けっ 40 any its tenor. In hold office, such delegation the event of the Ombudsman shall continue to have l continue n by whom effect

- Ombudsman required to power. (6) 40 АЯ do Any per so, person tue of a e of a de 0 purporting to exercise delegation under this autione of his autions. case any power this section shauthority to ver of the shall, whe conservations when the
- l report - Without limiting the sy other time, but subject to to so 19 of this Act and to any real nade by Parliament and for the shall in each year make a rehis functions under this Act Act. the provisions the gthe time being the report right ime being in f to Parliament 0 H the guidance being in force the Ombudsman force subsec 0 ion
- and 27. 1 is Offences liable of on Every person commits conviction to an n offence fine not against tl this . ng \$20 Ac)0 Who
- (a) person in the obstructs, Without lawful hinders, or re justification resists the Ombudsm of his powers under 9 the Ombudsman wilfully this 000 Ac any ther
- (d) wilfully Withoutlawful Ombudsman or fails justification or t o o comply with any any other person person under excuse, lawful refuses l requirement: this Act; 0 0
- (c) attempts Wilfully ts to mislead the Ombudsman exercise of his powers under makes any false Ombudsman or statement to or misleads this any Act; other pers 0 H
- (b) Represents directly authority under this authority. 9 Act indirectly when hе does that he not holds that
- 28. Money to be appropriated by Parliament for purpose Act Except as otherwise provided in this Act, all salari allowances and other expenditure payable or incurred under the administration of this Act shall be payable out of mon appropriated by Parliament for the purpose. money i es 0 this to in
- any Department Schedule to th where any new D may, by Order i as may be neces includ Power artment or organisation named or specifed in Part I of the to this Act is abolished, or its name is altered, or ny new Department of State is created, the Queen's Representative Order in Council, make such amendments to the said Schedule be necessary to give effect to the abolition or alteration, nclude the name of the new Department therein. to amend Schedule Ьy Order r specifed : 0 fi
- der j n (2) Council, Queen's amend 2 P G Representative Part II of the Schedule may from 0 time to 40 Act time ÁЯ
- (a) local Including ling therein the organisation or organisations o 9 the name ame of any local organe description of any other organisations; local organisation any class 0
- (d) 0 organisations organisations Omitting yanisations or the description of any class of localisations or other organisation, whether that nadescription appeared therein as initially enacte was included therein by any other Act or any Order Council.

- 30. Amendments and savings (1) The provisions of this are in addition to the provisions of any other enactment or any rule of law under which any remedy or right of appeal or objection is provided for any person or any procedure is provious inquiry into or investigation of any matter, and noth in this Act shall limit or affect any such remedy or right of appeal or objection or procedure as aforesaid. l or provided nothing Act
- (2) The by inserting after "the Ombudsman". Crown Law Office Act in 1980 is he in Section hereby on 10, t y amended the words

This Act is administered T'n the Office О Н the Ombudsman

SCHEDULE

PART I

DEPARTMENTS

PUBLIC SERVICE

Ministry of Agriculture

Islands Liquor Supplies

Office of Audit & Inquiries

Education Department

Department of Corrective Services

Customs Department

Department of Development Planning

Prime Minister's Department

Statistics Office

Ministry of Foreign Affairs

Treasury

Inland Revenue Department

Survey Department

Ministry of Works & Development

Department of Electric Power Supply

Immigration Department

Department O Trade Labour & Transport

Government Printing Office

Ministry of Marine Resources

Ministry of Health

Department of Internal Affairs

Department of Justice & Lands

Resident Engineer's Office

Office of the Public Service Commissioner

Ministry of Outer Island Affairs 82 Local Government

Office

Parliament Services

Crown Law Office

Police Department

PART II

Transport Licencing Authority

Cook Islands Marine Board

Price Tribunal

Waterfront Commission

Cook Islands Development Bank

Cook Islands Broadcasting & Newspaper Corporation

Cook Islands Tourist Authority

Land Zoning Board

Leases Approval Committee

Totalizator Board

National Arts Council

Apprenticeship Council

Cook Islands Government Property Corporation

Liquor Licensing Authority

Island Councils

Airport Authority

Parole Board

Building Standards Committee