

BUITENGEWONE
OFFISIËLE KOERANT
VAN SUIDWES-AFRIKA
OFFICIAL GAZETTE
EXTRAORDINARY
OF SOUTH WEST AFRICA

UITGAWE OP GESAG

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1

Goewermentskennisgewing

Government Notice

DEPARTEMENT VAN OWERHEIDSAKE

DEPARTMENT OF
GOVERNMENTAL AFFAIRS

No. 230

1986

No. 230

1986

AFKONDIGING VAN WET VAN
NASIONALE VERGADERING

PROMULGATION OF ACT OF
NATIONAL ASSEMBLY

Die volgende Wet, wat ingevolge die Proklamasie op die Instelling van Wetgewende en Uitvoerende Gesag vir Suidwes-Afrika, 1985 (Proklamasie R.101 van 1985), deur die Nasionale Vergadering aangeneem en deur die Administrateur-generaal onderteken is, word hierby afgekondig ingevolge artikel 18 van daardie Proklamasie: —

The following Act, which has been adopted by the National Assembly and signed by the Administrator-General in terms of the South West Africa Legislative and Executive Authority Establishment Proclamation, 1985 (Proclamation R.101 of 1985), is hereby published in terms of section 18 of that Proclamation: —

No. 26 van 1986: Wet op die Ombudsman vir Suidwes-Afrika, 1986

No. 26 of 1986: Ombudsman for South West Africa Act, 1986.

Wet No. 26, 1986

**WET OP DIE OMBUDSMAN VIR
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**Om 'n amp van Ombudsman vir Suidwes-Afrika in te stel;
om vir die aanstelling van 'n persoon in daardie amp
voorsiening te maak; om sy bevoegdhede en pligte te
omskryf; en om vir bykomstige aangeleenthede voor-
siening te maak.**

*(Afrikaanse teks deur die Administrateur-generaal
onderteken op 6 November 1986)*

DAAR WORD BEPAAL deur die Nasionale Vergadering,
soos volg:—

Woordomskrywing.

1. In hierdie Wet, tensy uit die samehang anders blyk,
beteken —

- (i) “fundamentele reg” enige fundamentele reg soos in artikel 1 van die Proklamasie op die Instelling van Wetgewende en Uitvoerende Gesag vir Suidwes-Afrika 1985 (Proklamasie R.101 van 1985), omskryf; (iii)
- (ii) “Kabinet” die Kabinet ingevolge artikel 23 van die Proklamasie op die Instelling van Wetgewende en Uitvoerende Gesag vir Suidwes-Afrika, 1985 (Proklamasie R.101 van 1985), saamgestel;
(i)
- (iii) “Ombudsman” die persoon wat die amp van Ombudsman vir Suidwes-Afrika wat by artikel 2 ingestel is uit hoofde van 'n aanstelling kragtens artikel 3 beklee; (vi)
- (iv) “owerheidsinstelling” enige kommissie, raad, korporasie, komitee, liggaam of ander instelling wat by of kragtens die een of ander wet ingestel is; (iv)
- (v) “plaaslike bestuur” 'n raad van 'n munisipaliteit of 'n dorpsbestuur of die Raad vir Buitestedelike Ontwikkeling by artikel 2 van die Ordonnansie op die Raad vir Buitestedelike Ontwikkeling, 1970 (Ordonnansie 19 van 1970), ingestel; (v)

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To establish an office of Ombudsman for South West Africa; to provide for the appointment of a person to that office; to define his powers and duties; and to provide for incidental matters.

*(Afrikaans text signed by the Administrator-General on
6 November 1986)*

BE IT ENACTED by the National Assembly, as follows:—

1. In this Act, unless the context indicates otherwise — Definitions.

- (i) “Cabinet” means the Cabinet constituted in terms of section 23 of the South West Africa Legislative and Executive Authority Establishment Proclamation, 1985 (Proclamation R.101 of 1985); (ii)
- (ii) “executive authority” means an executive authority as defined in section 1 of the Representative Authorities Proclamation, 1980 (Proclamation AG. 8 of 1980), and includes the Kaptein’s Council of Rehoboth; (vii)
- (iii) “fundamental right” means any fundamental right as defined in section 1 of the South West Africa Legislative and Executive Authority Establishment Proclamation, 1985 (Proclamation R.101 of 1985); (i)
- (iv) “governmental institution” means any commission, board, corporation, committee, body or other institution established by or under any law; (iv)
- (v) “local authority” means a board of any municipality or any village management board or the Peri-Urban Development Board established by section 2 of the Peri-Urban Development Board Ordinance, 1970 (Ordinance 19 of 1970); (v)

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(vi) "Staat" ook —

(a) die Administrateur-generaal;

(b) die Kabinet;

(c) 'n uitvoerende owerheid;

(d) die Suid-Afrikaanse Vervoerdienste;

(e) die Suidwes-Afrikaanse Gebiedsmag; (viii)

(vii) "uitvoerende owerheid" 'n uitvoerende owerheid soos in artikel 1 van die Proklamasie op Verteenwoordigende Owerhede, 1980 (Proklamasie AG. 8 van 1980), omskryf, en ook die Kapteinsraad van Rehoboth; (ii)

(viii) "verteenwoordigende owerheid" 'n verteenwoordigende owerheid soos in artikel 1 van die Proklamasie op Verteenwoordigende Owerhede, 1980 (Proklamasie AG. 8 van 1980), omskryf, en ook die Regering van Rehoboth. (vii)

Instelling van amp van
Ombudsman vir
Suidwes-Afrika.**2.** Daar word hierby 'n amp met die naam die Ombudsman vir Suidwes-Afrika ingestel.

Aanstelling van Ombudsman.

3. (1) Die amp van Ombudsman vir Suidwes-Afrika word beklee deur 'n persoon wat, behoudens die bepalinge van subartikel (2), sonder debat deur die Nasionale Vergadering op aanbeveling van die Kabinet aangewys en deur die Administrateur-generaal aangestel word op die bedinge en voorwaardes wat die Administrateur-generaal bepaal.

(2) 'n Persoon in subartikel (1) bedoel moet 'n geskikte persoon wees wat —

(a) uit hoofde van sy kwalifikasies geregtig is om ingevolge die bepalinge van artikel 3 van die Wet op die Toelating van Advokate, 1964 (Wet 74 van 1964), toegelaat en gemagtig te word om as advokaat te praktiseer en ingeskryf te word; of

(b) oor 'n graad of diploma in die regte beskik en wat na verwerwing van sodanige graad of diploma vir 'n tydperk van minstens tien jaar by die toepassing van die reg betrokke was, welke tydperk 'n tydperk waartydens hy as assistent vir die Ombudsman gedien het, kan insluit.

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- (vi) "Ombudsman" means the person holding by virtue of an appointment under section 3 the office of Ombudsman for South West Africa established by section 2; (iii)
- (vii) "representative authority" means a representative authority as defined in section 1 of the Representative Authorities Proclamation, 1980 (Proclamation AG. 8 of 1980), and includes the Government of Rehoboth; (viii)
- (viii) "State" includes –
 - (a) the Administrator-General;
 - (b) the Cabinet;
 - (c) an executive authority;
 - (d) the South African Transport Services;
 - (e) the South West African Territory Force. (vi)

2. There is hereby established an office to be known as the Ombudsman for South West Africa.

Establishment of office of Ombudsman for South West Africa.

3. (1) The office of Ombudsman for South West Africa shall be held by a person who shall, subject to the provisions of subsection (2), without debate, be designated by the National Assembly on the recommendation of the Cabinet and appointed by the Administrator-General on such terms and conditions as the Administrator-General may determine.

Appointment of Ombudsman.

(2) A person referred to in subsection (1) shall be a fit and proper person who –

- (a) by virtue of his qualifications is entitled to be admitted and authorized to practise and be enrolled as an advocate in terms of the provisions of section 3 of the Admission of Advocates Act, 1964 (Act 74 of 1964); or
- (b) holds a degree or diploma in law and who, after obtaining such degree or diploma was involved in the application of the law for a period of not less than ten years, which period may include any period during which he served as assistant to the Ombudsman.

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(3) Die Administrateur-generaal kan 'n persoon wat 'n geskikte persoon is en wat —

- (a) uit hoofde van sy kwalifikasies geregtig is om ingevolge die bepalings van artikel 3 van die Wet op die Toelating van Advokate, 1964 (Wet 74 van 1964), toegelaat en gemagtig te word om as advokaat te praktiseer en ingeskryf te word; of
- (b) oor 'n graad of diploma in die regte beskik en wat na verwerwing van sodanige graad of diploma vir 'n tydperk van minstens vyf jaar by die toepassing van die reg betrokke was,

op die bedinge en voorwaardes wat die Administrateur-generaal bepaal, as assistent vir die Ombudsman aanstel om, onderworpe aan die beheer en voorskrifte van die Ombudsman, die bevoegdheid en pligte uit te oefen of te verrig wat by hierdie Wet aan die Ombudsman verleen of hom opgelê word.

(4) Die Ombudsman of sy assistent mag nie sonder die toestemming van die Administrateur-generaal besoldigde werke buite sy ampspligte verrig of hom verbind om dit te verrig nie.

(5) Die Administrateur-generaal kan 'n persoon wat 'n geskikte persoon is en wat —

- (a) uit hoofde van sy kwalifikasies geregtig is om ingevolge die bepalings van artikel 3 van die Wet op die Toelating van Advokate, 1964 (Wet 74 van 1964), toegelaat en gemagtig te word om as advokaat te praktiseer en ingeskryf te word; of
- (b) oor 'n graad of diploma in die regte beskik en wat na verwerwing van sodanige graad of diploma vir 'n tydperk van minstens vyf jaar by die toepassing van die reg betrokke was,

op die bedinge en voorwaardes wat die Administrateur-generaal bepaal, as waarnemende Ombudsman aanstel om die bevoegdhede en pligte van die Ombudsman uit te oefen of te verrig wanneer die Ombudsman om die een of ander rede nie in staat is om sy bevoegdhede en pligte uit te oefen of te verrig nie.

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(3) The Administrator-General may on such terms and conditions as the Administrator-General may determine appoint a person who is a fit and proper person and who —

- (a) by virtue of his qualifications is entitled to be admitted and authorized to practise and be enrolled as an advocate in terms of the provisions of section 3 of the Admission of Advocates Act, 1964 (Act 74 of 1964); or
- (b) holds a degree or diploma in law and who, after obtaining such degree or diploma was involved in the application of the law for a period of not less than five years,

as assistant to the Ombudsman to exercise or perform, subject to the control and directions of the Ombudsman, the powers and duties conferred or imposed upon the Ombudsman by this Act.

(4) The Ombudsman or his assistant shall not perform or commit himself to perform remunerative work outside his official duties without the permission of the Administrator-General.

(5) The Administrator-General may on such terms and conditions as the Administrator-General determine appoint a person who is a fit and proper person and who —

- (a) by virtue of his qualifications is entitled to be admitted and authorized to practise and be enrolled as an advocate in terms of the provisions of section 3 of the Admission of Advocates Act, 1964 (Act 74 of 1964); or
- (b) holds a degree or diploma in law and who, after obtaining such degree or diploma was involved in the application of the law for a period of not less than five years,

as acting Ombudsman to exercise or perform the powers and duties of the Ombudsman whenever the Ombudsman is for any reason unable to exercise or perform his powers and duties.

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(6) 'n Persoon wat kragtens subartikel (1) aangestel word, moet voordat hy sy pligte aanvaar voor die Regterpresident van die Hooggeregshof van Suidwes-Afrika of 'n ander regter deur hom aangewys 'n eed op plegtige verklaring in die volgende vorm aflê en onderteken:

Ek, A.B., sweer/verklaar plegtig en opreg dat ek die bevoegdhede en pligte verbonde aan my amp getrou, sonder vrees, begunstiging of vooroordeel, met nougesetheid en op 'n onpartydige wyse na my beste vermoë sal uitoefen of verrig en dat ek geen sake wat aan my vir geheimhouding toevertrou word regstreeks of onregstreeks sal openbaar nie.

(In die geval van 'n eed)

SO HELP MY GOD.

(7) 'n Persoon wat kragtens subartikel (3) as assistent vir die Ombudsman aangestel word, moet voordat hy sy pligte aanvaar voor die Ombudsman 'n eed of plegtige verklaring in die vorm by subartikel (6) voorgeskryf maar met verwysing na sy amp as so 'n assistent aflê en onderteken.

(8) 'n Persoon wat kragtens subartikel (5) as waarnemende Ombudsman aangestel word, moet voordat hy sy pligte aanvaar voor die Regterpresident van die Hooggeregshof van Suidwes-Afrika of 'n ander regter deur hom aangewys, 'n eed of plegtige verklaring in die vorm by subartikel (6) voorgeskryf maar met verwysing na sy amp as waarnemende Ombudsman aflê en onderteken.

Skorsing en ampsont-
heffing van Om-
budsman.

4. (1) Die Ombudsman word nie van sy amp onthef nie behalwe ooreenkomstig die bepalings van hierdie artikel.

(2) Die Administrateur-generaal kan die Ombudsman weens wangedrag of onbekwaamheid in sy amp skors en moet die skorsing en die rede daarvoor per boodskap aan die Nasionale Vergadering binne 14 dae na die skorsing meedeel, indien die Nasionale Vergadering dan byeen is, of, indien die Nasionale Vergadering nie dan byeen is nie, binne 14 dae na die aanvang van sy eersvolgende byeenkoms.

(3) Indien daar binne 21 dae van die datum waarop bedoelde skorsing en die rede daarvoor aldus aan die Nasionale Vergadering meegedeel is, 'n adres van die Nasionale Vergadering aan die Administrateur-generaal voorgelê word waarin versoek word dat die Ombudsman weens 'n in subartikel (2) bedoelde rede van sy amp ont-

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(6) A person appointed under subsection (1) shall before assuming his duties make and subscribe an oath or solemn affirmation before the Judge President of the Supreme Court of South West Africa or any other judge designated by him in the following form:

I, A.B., do swear/solemnly and sincerely declare that I shall exercise or perform the powers and duties connected with my office faithfully, without fear, favour or prejudice, conscientiously and in an impartial manner to the best of my ability and that I shall not divulge directly or indirectly any matters which are entrusted to me under secrecy.

(In the case of an oath)

SO HELP ME GOD.

(7) A person appointed under subsection (3) as assistant to the Ombudsman shall before assuming his duties make and subscribe an oath or solemn affirmation, in the form prescribed in subsection (6) but with reference to his office as such an assistant, before the Ombudsman.

(8) A person appointed under subsection (5) as acting Ombudsman shall before assuming his duties make and subscribe an oath or solemn affirmation, in the form prescribed in subsection (6) but with reference to his office as acting Ombudsman, before the Judge President of the Supreme Court of South West Africa or any other judge designated by him.

4. (1) The Ombudsman shall not be removed from office except in accordance with the provisions of this section.

Suspension and removal
from office of Om-
budsman.

(2) The Administrator-General may suspend the Ombudsman from office on account of misconduct or inefficiency and shall communicate the suspension and the reason for doing so by message to the National Assembly within 14 days after the suspension, if the National Assembly is then assembled or, if the National Assembly is not then assembled, within 14 days after the commencement of its next ensuing meeting.

(3) If within 21 days from the date on which such suspension and the reason for doing so have been so communicated to the National Assembly, the Administrator-General is presented with an address from the National Assembly praying for the removal of the Ombudsman from office on account of any reason referred to in sub-

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hef word, moet die Administrateur-generaal hom van sy amp onthef met ingang van die datum waarop hy in sy amp geskors is.

(4) Indien geen sodanige adres binne die in subartikel (3) bedoelde tydperk aan die Administrateur-generaal voorgelê word nie, moet die Ombudsman in sy amp herstel word.

(5) Indien die Ombudsman in subartikel (2) bedoel –

(a) ingevolge subartikel (3) van sy amp onthef word, word die besoldiging waarop hy geregtig sou gewees het indien hy nie aldus van sy amp onthef is nie vir 'n tydperk van drie maande vanaf die datum waarop hy aldus in sy amp geskors is aan hom betaal asof hy nie aldus in sy amp geskors en van sy amp onthef is nie;

(b) ingevolge subartikel (4) in sy amp herstel word, word bedoelde besoldiging aan hom betaal asof hy nie aldus geskors was nie.

Pligte van Ombudsman.

5. (1) Behoudens die bepalings van subartikels (4) en (5) moet die Ombudsman ooreenkomstig die bepalings van hierdie Wet ondersoek instel na, en verslag of die ander stappe wat by hierdie Wet voorgeskryf word, doen oor, 'n aangeleentheid wat ooreenkomstig die bepalings van subartikel (2)(a) of (b) by hom aanhangig gemaak is en ten opsigte waarvan hy rede het om te vermoed –

(a) dat 'n besluit of aanbeveling geneem of gedoen of geneem of gedoen staan te word deur of op gesag van die Staat, 'n owerheidsinstelling of 'n plaaslike bestuur, of 'n handeling verrig of verrig staan te word of 'n versuim om te handel op grond van so 'n besluit of aanbeveling, of 'n handeling verrig of verrig staan te word deur, of 'n versuim om te handel van, enige persoon in diens van die Staat, 'n owerheidsinstelling of 'n plaaslike bestuur, of 'n handeling verrig of verrig staan te word, of 'n versuim om te handel, wat 'n handeling of versuim ten behoeve van die Staat, 'n owerheidsinstelling of 'n plaaslike bestuur is of wat heet so 'n handeling of versuim te wees –

(i) 'n fundamentele reg ophef, inkort of aan afbreuk doen of so 'n reg sal ophef, inkort of aan afbreuk doen;

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section (2), the Administrator-General shall remove him from office with effect from the date of his suspension.

(4) If within the period referred to in subsection (3) no such address is presented to the Administrator-General, the Ombudsman shall be restored to office.

(5) If the Ombudsman referred to in subsection (2) –

- (a) is removed from office in terms of subsection (3), the remuneration to which he would have been entitled had he not so been removed from office shall be paid to him for a period of three months as from the date on which he has so been suspended from office as if he were not so suspended and removed from office;
- (b) is restored to office in terms of subsection (4), such remuneration shall be paid to him as if he were not so suspended from office.

5. (1) Subject to the provisions of subsections (4) and (5), the Ombudsman shall enquire in accordance with the provisions of this Act into, and report or take such other steps as may be prescribed by this Act on, any matter laid before him in accordance with the provisions of subsection (2)(a) or (b), and in respect of which he has reason to suspect –

Duties of Ombudsman.

- (a) that any decision or recommendation taken or made or about to be taken or made by or under the authority of the State, a governmental institution or a local authority, or any act performed or about to be performed or any omission to act on account of any such decision or recommendation, or any act performed or about to be performed by, or any omission to act of, any person in the employment of the State, a governmental institution or a local authority, or any act performed or about to be performed, or any omission to act, being an act or omission on behalf of the State, a governmental institution or a local authority or purporting to be any such act or omission –
 - (i) abolishes, diminishes or derogates from any fundamental right or will abolish, diminish or derogate from any such right;

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- (ii) in stryd is of sal wees met 'n bepaling van die een of ander wet of die gemenereg;
 - (iii) onredelik, onregverdig, onbillik, onreëlmstig, ongeldig of diskriminerend is of sal wees of op 'n praktyk gegrond is wat as sodanig beskou kan word;
 - (iv) op 'n verkeerde vertolking van die reg of die tersaaklike feite gegrond is;
- (b) dat die bepalings van die een of ander wet of enige ander aangeleentheid deur of op gesag van die Staat, 'n owerheidsinstelling of 'n plaaslike bestuur of deur 'n persoon in sy diens uitgevoer word, of die een of ander praktyk aldus nagevolg word, op 'n wyse wat nie in die openbare belang is nie;
- (c) dat die bevoegdhede, pligte of werksaamhede wat by die Staat, 'n owerheidsinstelling of 'n plaaslike bestuur of 'n persoon in sy diens berus op 'n onbekwame, oneerlike of onreëlmstige wyse uitgeoefen of verrig word of nie uitgeoefen of verrig word nie;
- (d) dat daar met geld wat deel uitmaak van die fondse van die Staat, 'n owerheidsinstelling of 'n plaaslike bestuur of wat deur of namens die Staat, 'n owerheidsinstelling of 'n plaaslike bestuur ontvang of gehou word of met sy ander eiendom op 'n oneerlike, onreëlmstige of onbehoorlike wyse gehandel word of is;
- (e) dat 'n persoon of onwettige of onbehoorlike wyse, hetsy regstreeks of onregstreeks, deur of as gevolg van 'n handeling of versuim in verband met die administrasie van die sake van die Staat, 'n owerheidsinstelling of 'n plaaslike bestuur of deur 'n persoon in sy diens in die loop van sy diens as sodanig verryk of bevoordeel is of word of ten koste van die Staat, 'n owerheidsinstelling of 'n plaaslike bestuur aldus verryk of bevoordeel is of word.
- (2) (a) 'n Persoon wat 'n aangeleentheid in subartikel (1) bedoel by die Ombudsman aanhangig wil maak, moet dit doen op die wyse deur die Ombudsman bepaal of toegelaat.

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- (ii) is or will be in conflict with any provision of any law or the common law;
 - (iii) is or will be unreasonable, unjust, unfair, irregular, unlawful or discriminatory or is based on any practice which may be deemed to be as such;
 - (iv) is based on a wrong interpretation of the law or the relevant facts;
- (b) that the provisions of any law or any other matter is administered by or under the authority of the State, a governmental institution or a local authority or by any person in its employment, or that any practice is so followed, in a manner which is not in the public interest;
- (c) that the powers, duties or functions which vest in the State, a governmental institution or a local authority or any person in its employment are exercised or performed in an incompetent, dishonest or irregular manner or are not exercised or performed;
- (d) that moneys forming part of the funds of the State, a governmental institution or a local authority or received or held by or on behalf of the State, a governmental institution or a local authority or its other property are being or have been dealt with in a dishonest, irregular or improper manner;
- (e) that any person either directly or indirectly has been or is being enriched, or has received or is receiving any advantage, in an unlawful or improper manner through or as a result of any act or omission in connection with the administration of the affairs of the State, a governmental institution or a local authority or by any person in its employment in the course of his employment as such or has so been or is so being enriched, or has so received or is so receiving any advantage at the expense of the State, a governmental institution or a local authority.
- (2) (a) Any person wishing to lay any matter referred to in subsection (1) before the Ombudsman shall do so in such manner as the Ombudsman may determine or allow.

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(b) 'n Persoon in paragraaf (a) bedoel wat ingevolge 'n bevel van 'n geregshof of regterlike amptenaar of die bepalings van die een of ander wet aangehou word, is geregtig om 'n aldus bedoelde aangeleentheid deur middel van 'n skriftelike mededeling in 'n verseëlde koevert by die Ombudsman aangehangig te maak watter koevert deur die persoon in bevel van die plek waar so 'n persoon aangehou word of 'n persoon deur hom aangewys aan die Ombudsman oorhandig moet word.

(3) Die Staat, 'n owerheidsinstelling of 'n plaaslike bestuur of die Nasionale Vergadering kan te eniger tyd wanneer hy dit in die openbare belang nodig of dienstig ag enige aangeleentheid waarvan die administrasie by die Staat of daardie owerheidsinstelling of plaaslike bestuur, na gelang van die geval, of, in die geval van die Kabinet of die Nasionale Vergadering, by die Staat of enige owerheidsinstelling of plaaslike bestuur berus en ten opsigte waarvan hy rede het om te vermoed of ten opsigte waarvan daar deur enige persoon beweer word dat daardie aangeleentheid van 'n aard is soos in subartikel (1) bedoel, na die Ombudsman vir ondersoek en verslag verwys, en die Ombudsman moet so 'n aangeleentheid ooreenkomstig die bepalings van hierdie Wet maar behoudens die bepalings van subartikel (4) ondersoek en daaroor verslag doen of die ander stappe doen wat by hierdie Wet voorgeskryf word.

(4) Ondanks die bepalings van subartikels (1) en (3) is die Ombudsman nie bevoeg nie om ondersoek of verdere ondersoek in te stel na 'n aangeleentheid in daardie subartikels bedoel indien die Kabinet 'n sertifikaat aan die Ombudsman voorlê waarin verklaar word dat die Kabinet die aangeleentheid oorweeg het en die ondersoek of die verdere ondersoek van daardie aangeleentheid na die oordeel van die Kabinet nie in belang van die veiligheid van die gebied Suidwes-Afrika of in die openbare belang sal wees nie.

(5) Die Ombudsman is nie verplig om ondersoek of verdere ondersoek in te stel nie na 'n aangeleentheid in subartikel (1) bedoel wat kragtens subartikel (2) by hom aangehangig gemaak is —

(a) wanneer dit blyk dat die persoon wat deur die betrokke besluit, aanbeveling, handeling of versuim geraak word nog nie al die vir hom beskikbare regs-middels of erkende regsprosedures betreffende ap-pèl of hersiening of ander by wet ingestelde pro-se-dures uitgeput het nie;

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- (b) Any person referred to in paragraph (a) who is detained in terms of an order of a court of law or judicial officer or the provisions of any law, shall be entitled to lay before the Ombudsman any matter so referred to by way of a communication in writing in a sealed envelope which envelope shall be handed to the Ombudsman by the person in charge of the place where any such person is detained or any person designated by him.

(3) The State, a governmental institution or a local authority or the National Assembly may at any time when it deems it necessary or expedient in the public interest refer any matter of which the administration vests in the State or that governmental institution or local authority, as the case may be, or, in the case of the Cabinet or the National Assembly, in the State or any governmental institution or local authority and in respect of which it has reason to suspect or in respect of which it is alleged by any person that such matter is of a nature referred to in subsection (1), to the Ombudsman for inquiry and report, and the Ombudsman shall enquire into and report on any such matter in accordance with the provisions of this Act but subject to the provisions of subsection (4) or take such other steps as may be prescribed by this Act.

(4) Notwithstanding the provisions of subsections (1) and (3), the Ombudsman shall not be competent to enquire into or make further enquiries into any matter referred to in those subsections if the Cabinet submits a certificate to the Ombudsman stating that it has considered the matter and that in its opinion such inquiry or further inquiry of that matter will not be in the interest of the security of the territory of South West Africa or in the public interest.

(5) The Ombudsman shall not be required to enquire into or make further enquiries into any matter referred to in subsection (1) which has been laid before him under subsection (2) –

- (a) when it appears that the person affected by the decision, recommendation, act or omission in question has not yet exhausted all the legal remedies or recognized legal procedures pertaining to appeal and review or other procedures instituted by law available to him;

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- (b) wanneer die gronde op grond waarvan die betrokke ondersoek verlang word na sy oordeel van 'n kwelsugtige of beuselagtige aard is,

en kan, in die geval van 'n besluit, aanbeveling, handeling of versuim in paragraaf (a) bedoel, die aangeleentheid na die persoon of liggaam wat ingevolge die een of ander wet bevoeg is om die een of ander prosedure in verband met so 'n aangeleentheid te volg, verwys, en so 'n persoon of liggaam kan daarop met daardie aangeleentheid handel asof die aangeleentheid deur die betrokke persoon by hom aanhangig gemaak is.

- (6) Die bepalinge van hierdie artikel is nie van toepassing nie ten opsigte van 'n besluit wat in of in verband met 'n siviele of strafgeding deur 'n geregshof geneem is.

Bevoegdhede van Ombudsman.

6. (1) Wanneer die Ombudsman sy pligte en werksaamhede ingevolge hierdie Wet verrig –

- (a) kan hy na goeë dinge die aard en omvang van enige ondersoek in artikel 5 bedoel, bepaal;

- (b) het hy of 'n persoon op sy personeel skriftelik deur hom daartoe gemagtig –

- (i) die reg om enige gebou of perseel wat deur die Staat, 'n owerheidsinstelling of 'n plaaslike bestuur besit of geokkupeer word, te eniger tyd sonder voorafgaande kennisgewing of met dié kennisgewing wat hy voldoende of geskik ag te betree en daarin of daarop die ondersoek in te stel en aan enige persoon wat daar in diens is of hom in verband met die betrokke aangeleentheid in daardie gebou of op daardie perseel bevind die vroeë te stel wat hy in verband met daardie ondersoek nodig ag;

- (ii) toegang tot alle boeke, bewysstukke, ander stukke, geld, seëls, sekuriteite, vorms wat 'n sig- of potensieële waarde het, uitrusting, voorrade of ander roerende goed waarvan die Staat, 'n owerheidsinstelling of 'n plaaslike bestuur die eienaar is of wat aan die Staat, 'n owerheidsinstelling of 'n plaaslike bestuur verhuur is of wat enige persoon in sy besit of onder sy beheer het en wat die Ombudsman in verband met daardie ondersoek nodig ag om te ondersoek;

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- (b) when the grounds on account of which the inquiry concerned is desired is in his opinion of a vexatious or trivial nature,

and may, in the case of a decision, recommendation, act or omission referred to in paragraph (a), refer such matter to the person or body who or which is in terms of any law competent to follow any procedures in connection with any such matter, and any such person or body may thereupon deal with that matter as if such matter were laid before him or it by the person concerned.

(6) The provisions of this section shall not apply in respect of any decision taken in or in connection with any civil or criminal case by a court of law.

6. (1) When the Ombudsman performs his duties and functions in terms of this Act —

Powers of Ombudsman.

- (a) he may in his discretion determine the nature and extent of any inquiry referred to in section 5;
- (b) he or any person on his staff authorized thereto by him in writing shall have —
 - (i) the right to enter at any time without any prior notice or with such notice as he may deem sufficient or appropriate any building or premises owned or occupied by the State, a governmental institution or a local authority and to make such enquiries therein or thereon, and put such questions to any person employed there or finds himself in or on that building or premises in connection with the matter in question, as he may deem necessary in connection with that inquiry;
 - (ii) access to all books, vouchers, other documents, money, stamps, securities, forms having a face or potential value, equipment, stores and other movable goods owned by, or hired out to, the State, a governmental institution or a local authority, or in the possession or under the control of any person and which the Ombudsman deems necessary to investigate in connection with such inquiry;

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- (iii) die reg om besonderhede en inligting wat hy in verband met daardie ondersoek nodig ag van enige persoon aan te vra;
 - (iv) die reg om, sonder betaling van gelde, ondersoek in te stel na en uittreksels uit of afskrifte van enige boek, bewysstuk of ander stuk te maak wat hy in verband met daardie ondersoek nodig ag;
 - (v) die reg om op enigiets beslag te lê wat hy in verband met daardie ondersoek nodig ag of wat met daardie ondersoek in verband staan, en om so iets in veilige bewaring te hou vir so lank dit vir doeleindes van daardie ondersoek benodig word;
- (c) kan hy by skriftelike kennisgewing enige persoon aansê om met betrekking tot daardie ondersoek op 'n tyd en plek in die kennisgewing vermeld voor hom te verskyn en om alle boeke, bewysstukke of ander stukke of voorwerpe wat so 'n persoon in sy besit of onder sy beheer het en wat die Ombudsman in verband met daardie ondersoek nodig ag aan hom voor te lê;
- (d) kan hy 'n persoon in paragraaf (c) bedoel, of 'n persoon wat aanwesig is by die plek in paragraaf (c) bedoel ongeag of so 'n persoon kragtens genoemde paragraaf (c) aangesê is om voor hom te verskyn, 'n eed oplê of 'n bevestiging van hom afneem en hom onder eed of bevestiging ondervra in verband met enige aangeleentheid wat hy in verband met daardie ondersoek nodig ag;
- (e) kan hy na goeddunke gelas dat die een of ander kategorie persone of alle persone wie se teenwoordigheid na sy oordeel nie nodig of wenslik is nie, nie by enige van die verrigtinge van daardie ondersoek of enige deel daarvan teenwoordig mag wees nie.
- (2) 'n Persoon wat ingevolge paragraaf (c) van subartikel (1) voor die Ombudsman verskyn en wat nie in die regeringsdiens is nie, is geregtig om uit gelde deur die Nasionale Vergadering vir dié doel bewillig as getuiegeld 'n bedrag te ontvang wat gelyk is aan die bedrag wat hy as getuiegeld sou ontvang het indien hy gedagvaar was om strafregtelike verrigtinge in die Hooggeregshof van Suidwes-Afrika, gehou op die plek vermeld in die betrokke skriftelike kennisgewing, by te woon.

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- (iii) the right to request particulars and information from any person which he may deem necessary in connection with that inquiry;
 - (iv) the right, without payment of any fees, to make enquiries into and extracts from, or copies of, any book, voucher or other document which he may deem necessary in connection with that inquiry;
 - (v) the right to seize anything which he deems necessary in connection with that inquiry or which is connected with that inquiry, and to retain any such thing in safe custody for as long as it is necessary for purposes of that inquiry.
- (c) he may by notice in writing require any person to appear before him in relation to that inquiry at a time and place specified in such notice and to produce to him all books, vouchers or other documents or things in the possession or under the control of any such person and which the Ombudsman may deem necessary in connection with that inquiry;
- (d) he may administer an oath or take an affirmation from any person referred to in paragraph (c), or any person present at the place referred to in paragraph (c) notwithstanding whether any such person has been required to appear before him under the said paragraph (c), and to question him under oath or affirmation in connection with any matter which he may deem necessary in connection with that inquiry;
- (e) he may in his discretion direct that any category of persons or all persons whose presence are, in his opinion, not necessary or desirable, shall not be present at any of the proceedings of that inquiry or any part thereof.

(2) Any person appearing before the Ombudsman in terms of paragraph (c) of subsection (1) who is not in the government service, shall be entitled to receive from moneys appropriated by the National Assembly for such purposes as witness fees an amount equal to the amount which he would have received as witness fees had he been summoned to attend criminal proceedings in the Supreme Court of South West Africa held at the place mentioned in the notice in writing concerned.

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(3) Wanneer die Ombudsman in die loop van of na 'n ondersoek ingevolge die bepalings van hierdie Wet van oordeel is dat die feite die pleging van 'n misdryf deur die een of ander persoon openbaar, kan hy die Prokureur-generaal te eniger tyd daarvan verwittig.

(4) 'n Persoon wat kragtens subartikel (1) ondervra word, is, ondanks andersluidende bepalings van die een of ander wet of die gemene reg maar behoudens die bepalings van subartikel (5) –

(a) bevoeg en verplig om alle vrae te beantwoord wat aan hom gestel word aangaande enige feit, aangeleentheid of saak wat met die ondersoek van die Ombudsman in verband staan;

(b) verplig om enige boek, bewysstuk of ander stuk of voorwerp wat die Ombudsman in verband met daardie ondersoek nodig ag aan die Ombudsman voor te lê.

(5) Die bepalings van subartikel (4) word nie so uitgelê nie dat die daarinbedoelde persoon verplig is om in verrigtinge in 'n gereghof of voor 'n kragtens of by wet ingestelde liggaam of instelling of voor 'n kommissie beoog in die Kommissiewet, 1947 (Wet 8 van 1947), die aldus bedoelde vrae te beantwoord of die aldus bedoelde boek, bewysstuk of ander stuk of voorwerp voor te lê, of dat die Ombudsman of sy assistent of enige lid van sy personeel bevoeg en verplig is om by bedoelde verrigtinge vrae te beantwoord in verband met inligting wat uit hoofde van vrae in paragraaf (a) van subartikel (4) bedoel tot sy kennis gekom het of om 'n boek, bewysstuk of ander stuk of voorwerp in paragraaf (b) van genoemde subartikel (4) bedoel, voor te lê.

Kennisgewing deur Ombudsman in verband met uitslag van ondersoek.

7. (1) Die Ombudsman –

(a) moet na afloop van sy ondersoek ooreenkomstig die bepalings van hierdie Wet die persoon wat die aangeleentheid kragtens artikel 5(2) of (3) by hom aanhangig gemaak het, op die wyse en in die vorm wat hy bepaal en in die mate wat hy dit in die openbare belang nodig ag van die uitslag van sy ondersoek verwittig of dat die aangeleentheid ingevolge die bepalings van artikel 5(5) nie ondersoek sal word nie;

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(3) When in the course of or after holding an inquiry in terms of the provisions of this Act the Ombudsman is of the opinion that the facts disclose the commission of an offence by any person, he may at any time bring the matter to the notice of the Attorney-General.

(4) Any person questioned under subsection (1) shall, notwithstanding the provisions of any law or the common law to the contrary but subject to the provisions of subsection (5) –

(a) be competent and compelled to answer all questions put to him regarding any fact, matter or case connected with the inquiry of the Ombudsman;

(b) be compelled to produce any book, voucher or other document or thing to the Ombudsman which the Ombudsman may deem necessary in connection with that inquiry.

(5) The provisions of subsection (4) shall not be construed as compelling the person referred to therein to answer the questions so referred to or to produce the book, voucher or other document or thing so referred to in any proceedings in a court of law or before any body or institution established under or by any law or before a commission contemplated in the Commissions Act, 1947 (Act 8 of 1947), or that the Ombudsman or his assistant or any member of his staff shall be competent and compelled to answer questions at such proceedings in connection with information which came to his knowledge by virtue of questions referred to in paragraph (a) of subsection (4) or to produce any book, voucher or other document or thing referred to in paragraph (b) of the said subsection (4).

7. (1) The Ombudsman –

(a) shall after holding his inquiry in accordance with the provisions of this Act, notify the person who laid the matter before him under section 5(2) or (3) of the outcome of his inquiry in such manner and form as he may determine and to such extent as he may deem necessary in the public interest or that the matter will not be enquired into in terms of the provisions of section 5(5);

Notification by Ombudsman in connection with outcome of inquiry.

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(b) kan, indien hy van oordeel is dat 'n aangeleentheid wat hy kragtens subartikel (1) of (3) van artikel 5 ondersoek het op die een of ander wettige wyse reggestel of herstel kan word, die Staat, owerheidsinstelling of plaaslike bestuur, na gelang van die geval, op die wyse wat hy goeddink, meedeel van sy bevindinge en die wyse waarop die aangeleentheid na sy oordeel reggestel of herstel kan word.

(2) Die Staat, 'n owerheidsinstelling of 'n plaaslike bestuur, na gelang van die geval, of 'n persoon wat op sy gesag handel kan, indien hy op grond van die mededeling van die Ombudsman in paragraaf (b) van subartikel (1) bedoel van oordeel is dat die aangeleentheid op die wyse deur die Ombudsman aanbeveel of op 'n ander wyse reggestel of herstel behoort te word, die aangeleentheid dienoreenkomstig regstel of herstel, en moet die Ombudsman dienoreenkomstig verwittig.

Verslae van Ombudsman.

8. (1) Die Ombudsman stel onverwyld 'n volledige verslag op ten opsigte van elke aangeleentheid wat deur hom ingevolge hierdie Wet ondersoek is en wat nie tot die bevrediging van die Ombudsman reggestel of herstel is soos in subartikel (2) van artikel 7 beoog nie, en lê so gou doenlik so 'n verslag aan die Speaker van die Nasionale Vergadering voor en stuur 'n afskrif van sy verslag deur aan die Kabinet en, in die geval van 'n aangeleentheid waarvan die administrasie by 'n owerheidsinstelling of 'n plaaslike bestuur berus, 'n verdere afskrif aan die betrokke owerheidsinstelling of plaaslike bestuur.

(2) Benewens die verslag in subartikel (1) bedoel, lê die Ombudsman jaarliks nie later nie as 31 Maart 'n verslag in verband met al sy bedrywighede gedurende die tydperk wat op 31 Desember van die voorafgaande jaar geëindig het, aan die Speaker van die Nasionale Vergadering voor.

(3) Die Speaker van die Nasionale Vergadering moet die verslae wat ingevolge subartikels (1) en (2) aan hom voorgelê is in die Nasionale Vergadering ter tafel lê binne 14 dae nadat dit aldus aan hom voorgelê is, indien die Nasionale Vergadering dan byeen is of, indien die Nasionale Vergadering nie dan byeen is nie, binne 14 dae na die aanvang van sy eersvolgende byeenkoms.

(4) Die Ombudsman moet in die verslag in subartikel (1) bedoel –

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(b) may, if he is of the opinion that any matter enquired into by him under subsection (1) or (3) of section 5 can be rectified or remedied in any lawful manner, notify the State, governmental institution or local authority, as the case may be, in such manner as he may deem fit of his findings and the manner in which the matter can, in his opinion, be rectified or remedied.

(2) The State, a governmental institution or a local authority, as the case may be, or any person acting under its authority may, if pursuant to the notification of the Ombudsman referred to in paragraph (b) of subsection (1) the matter ought in its or his opinion be rectified or remedied in the manner recommended by the Ombudsman or in any other manner, rectify or remedy the matter accordingly and shall notify the Ombudsman accordingly.

8. (1) The Ombudsman shall forthwith compile a full report in respect of every matter enquired into by him in terms of this Act and which has not been rectified or remedied as contemplated in subsection (2) of section 7 to the satisfaction of the Ombudsman, and shall submit any such report as soon as possible to the Speaker of the National Assembly and shall transmit a copy of his report to the Cabinet and, in the case of a matter of which the administration vests in a governmental institution or a local authority, a further copy to the governmental institution or local authority concerned.

Reports of Ombudsman.

(2) In addition to the report referred to in subsection (1) the Ombudsman shall submit annually not later than 31 March a report to the Speaker of the National Assembly in connection with all his activities during the period ending on 31 December of the previous year.

(3) The Speaker of the National Assembly shall lay upon the table of the National Assembly the reports submitted to him in terms of subsections (1) and (2) within 14 days after it has so been submitted to him, if the National Assembly is then assembled or, if the National Assembly is not then assembled, within 14 days after the commencement of its next ensuing meeting.

(4) The Ombudsman shall set out in the report referred to in subsection (1) —

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- (a) die aard van die aangeleentheid wat hy ondersoek het en die feite wat in verband met, en die omstandighede waaronder, die aangeleentheid onder sy aandag gekom het, uiteensit;
- (b) waar die feite in verband met die aangeleentheid in geskil was, die feite wat hy in die omstandighede as die waarheid bevind het en die redes vir daardie bevinding uiteensit;
- (c) die aard en omvang van sy ondersoek uiteensit;
- (d) enige gebreke of tekortkominge, indien daar is, wat na sy oordeel in die administrasie van die betrokke aangeleentheid bestaan, uiteensit;
- (e) die ander bevindinge wat hy in sy ondersoek gedoen het en die ander aangeleenthede wat na sy oordeel onder die aandag van die Nasionale Vergadering gebring behoort te word, uiteensit;
- (f) waar hy met betrekking tot die een of ander persoon 'n ongunstige bevinding gedoen het, die geleenthede wat aan so 'n persoon vergun is om bewerings of feite waarop daardie bevinding gegrond is te weerlê of daarop te antwoord en wat hy ter weerlegging daarvan of in antwoord daarop aangevoer het, uiteensit;
- (g) uiteensit of die verslag na sy oordeel ingevolge subartikel (5) as 'n vertroulike dokument in die Nasionale Vergadering ter tafel gelê moet word,

en kan die aanbevelings in daardie verslag doen wat hy nodig of wenslik ag.

(5) Wanneer 'n verslag wat ingevolge hierdie artikel aan die Speaker van die Nasionale Vergadering voorgelê is inligting bevat wat kragtens hierdie Wet deur die Ombudsman verkry is maar wat ingevolge die een of ander wet op die beveiliging van sekere inligting nie deur sekere persone verkry of openbaar gemaak mag word nie of wat aldus deur die Ombudsman verkry is ondanks die een of ander wet op privilegie wat uit oorweginge betreffende die veiligheid van die Staat voortspruit, word daardie verslag in die Nasionale Vergadering as 'n vertroulike dokument ter tafel gelê vir voorlegging aan, en oorweging van die vraag of die verslag sodanige inligting bevat en verslag-

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- (a) the nature of the matter enquired into by him and the facts in connection with, and the circumstances under which, the matter came to his attention;
- (b) where the facts in connection with the matter were in dispute, the facts which he found in the circumstances to be the truth and the reasons for such finding;
- (c) the nature and extent of his inquiry;
- (d) any defects or deficiencies, if any, which in his opinion exist in the administration of the matter concerned;
- (e) the other findings which he made in the course of his inquiry and such other matters which in his opinion should be brought to the attention of the National Assembly;
- (f) where he has made in relation to any person any adverse finding, the opportunities afforded to any such person to contradict allegations or facts on which that finding is based or to reply thereto and what he has adduced in contradicting it or replying thereto;
- (g) whether such report should in his opinion be laid upon the table of the National Assembly as a confidential paper in terms of subsection (5),

and make such recommendations in that report as he may deem necessary or expedient.

(5) When a report submitted in terms of this section to the Speaker of the National Assembly contains information which have been obtained by the Ombudsman under this Act but which may not be obtained or made known by certain persons in terms of any law on the protection of certain information or which have so been obtained by the Ombudsman notwithstanding any law on privilege arising from considerations concerning the security of the State, that report shall be laid upon the table of the National Assembly as a confidential paper for submission to, and consideration of the question whether the report

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doening aan die Nasionale Vergadering deur, 'n gekose komitee van die Nasionale Vergadering, en mag geen persoon wat insae in daardie verslag het enige van bedoelde inligting openbaar maak nie.

Personeel van Ombudsman.

9. (1) By die verrigtinge van sy werksaamhede kragtens hierdie Wet word die Ombudsman bygestaan deur beamptes in die regeringsdiens wat vir dié doel beskikbaar gestel is.

(2) Die Ombudsman kan die dienste van enige persoon wat nie 'n in subartikel (1) bedoelde beampte is nie, vir die doeleindes van sy werksaamhede verkry op die voorwaardes wat by ooreenkoms met daardie persoon bepaal is.

Geheimhouding.

10. (1) Die Ombudsman en elke ander persoon wat by die uitvoering van die bepalings van hierdie Wet diens doen, moet ten opsigte van die sake wat by die uitoefening van sy bevoegdhede of die verrigting van sy pligte en werksaamhede in verband met daardie bepalings tot sy kennis kom, geheimhouding bewaar, en help bewaar, en mag nie so 'n saak aan wie ook al meedeel of 'n persoon toelaat om toegang te verkry tot stukke wat in sy besit of onder sy bewaring is nie, behalwe vir sover so 'n mededeling ingevolge hierdie Wet of 'n ander wet bewerkstellig moet of kan word.

(2) 'n Persoon in artikel 9 bedoel, moet voordat hy sy pligte aanvaar 'n eed of plegtige verklaring in die vorm voorgeskryf by artikel 3(6) maar met verwysing na hom as lid van die personeel van die Ombudsman voor die Ombudsman aflê en onderteken.

Uitgawe in verband met werksaamhede van Ombudsman.

11. Die uitgawe in verband met die amp van die Ombudsman en die uitoefening van sy bevoegdhede en die verrigting van sy pligte en werksaamhede word betaal uit geld wat vir dié doel bewillig word.

Misdrye en strawwe.

12. 'n Persoon wat —

(a) die bepalings van artikel 5(2)(b) oortree of versuim om daaraan te voldoen;

(b) weier of versuim om aan 'n kennisgewing kragtens paragraaf (c) van subartikel (1) van artikel 6 te voldoen, of weier om op versoek van die Ombudsman ingevolge paragraaf (d) van genoemde subartikel (1) die eed af te lê of 'n bevestiging te doen, of weier

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contains such information and the making of a report to the National Assembly by a select committee of the National Assembly, and no person having access to that report shall disclose any such information.

9. (1) The Ombudsman shall in the performance of his functions under this Act be assisted by officers in the government service made available for such purpose.

Staff of Ombudsman.

(2) The Ombudsman may obtain the services of any person, not being an officer referred to in subsection (1), for the purposes of his functions on such conditions as may be determined by agreement with such person.

10. (1) The Ombudsman and every other person employed in carrying out the provisions of this Act shall preserve and aid in preserving secrecy in respect of the matters that may come to his knowledge in the exercise of his powers or the performance of his duties and functions in connection with those provisions, and shall not communicate any such matter to any person whomsoever or permit a person to have access to any documents in his possession or custody, except in so far as any such communication is required to or may be made in terms of this Act or any other law.

Preservation of secrecy.

(2) A person referred to in section 9 shall before assuming his duties make and subscribe an oath or solemn affirmation in the form prescribed in section 3(6) but with reference to him as a member of the staff of the Ombudsman, before the Ombudsman.

11. The expenditure in connection with the office of the Ombudsman and the exercise of his powers and the performance of his duties and functions shall be paid from moneys appropriated for that purpose.

Expenditure in connection with functions of Ombudsman.

12. Any person who —

Offences and penalties.

- (a) contraves or fails to comply with the provisions of section 5(2)(b);
- (b) refuses or fails to comply with any notice under paragraph (c) of subsection (1) of section 6, or refuses to take the oath or to make an affirmation at the request of the Ombudsman in terms of para-

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om op 'n vraag wat aan hom kragtens daardie artikel gestel is, 'n antwoord te verstrek, of op so 'n vraag 'n antwoord verstrek wat na sy wete onjuis is, of weier of versuim om besonderhede of inligting te verstrek wat kragtens daardie artikel van hom vereis is;

- (c) die inhoud van enige boek, bewysstuk of ander stuk in besit van die Ombudsman of van sy assistent of 'n lid van die personeel van die Ombudsman, of die notule van enige verrigtinge by 'n ondersoek van die Ombudsman aan 'n ander persoon openbaar maak;
- (d) die bepalings van artikel 8(5) of 10 oortree of versuim om daaraan te voldoen;
- (e) die Ombudsman of sy assistent beledig, neerhaal of verkleineer, of die verrigtinge by 'n ondersoek of die bevindinge van die Ombudsman vooruitloop op 'n wyse wat bereken is om dit te beïnvloed;
- (f) die Ombudsman of sy assistent of 'n lid van die personeel van die Ombudsman by die uitoefening van sy bevoegdhede of die verrigting van sy pligte of werksaamhede opsetlik verhinder of belemmer;
- (g) opsetlik die verrigtinge by 'n ondersoek van die Ombudsman onderbreek of hom op 'n ander wyse in die plek waar die ondersoek gehou word, misdra;
- (h) in verband met 'n ondersoek van die Ombudsman iets doen wat, indien bedoelde ondersoek verrigtinge in 'n geregshof was, minagting van die hof sou uitmaak het;
- (i) enigiets doen wat daarop bereken is om die Ombudsman of sy assistent onbehoorlik te beïnvloed ten opsigte van enige aangeleentheid wat die Ombudsman of sy assistent met betrekking tot 'n ondersoek oorweeg of gaan oorweeg,

is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens R2 000 of met gevangenisstraf vir 'n tydperk van hoogstens 12 maande of met daardie boete sowel as daardie gevangenisstraf.

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graph (d) of the said subsection (1), or refuses to answer any question put to him under that section, or gives to such question an answer which to his knowledge is false, or refuses or fails to furnish particulars or information required from him under that section;

- (c) discloses to any other person the contents of any book, voucher or other document in the possession of the Ombudsman or of his assistant or a member of the staff of the Ombudsman, or the record of any proceedings at an inquiry of the Ombudsman;
- (d) contravenes or fails to comply with the provisions of section 8(5) or 10;
- (e) insults, disparages or belittles the Ombudsman or his assistant, or anticipates the proceedings at an inquiry or the findings of the Ombudsman in a manner calculated to influence such proceedings or findings;
- (f) wilfully hinders or obstructs the Ombudsman or his assistant or any member of the staff of the Ombudsman in the exercise of his powers or the performance of his duties or functions;
- (g) wilfully interrupts the proceedings at an inquiry of the Ombudsman or misbehaves himself in any other manner in the place where such inquiry is held;
- (h) in connection with any inquiry of the Ombudsman does anything which, if done in connection with the proceedings of a court of law, would have constituted contempt of court;
- (i) does anything calculated improperly to influence the Ombudsman or his assistant in respect of any matter being or to be considered by the Ombudsman or his assistant in relation to any inquiry,

shall be guilty of an offence and liable on conviction to a fine not exceeding R2 000 or to imprisonment for a period not exceeding 12 months or to both such fine and such imprisonment.

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Beperking van aanspreeklikheid ten opsigte van iets kragtens hierdie Wet gedoen.

13. Die Ombudsman, sy assistent of 'n lid van die personeel van die Ombudsman is nie aanspreeklik ten opsigte van iets wat te goeder trou kragtens 'n bepaling van hierdie Wet gedoen is nie.

Kort titel en inwerkingtreding.

14. Hierdie Wet heet die Wet op die Ombudsman vir Suidwes-Afrika, 1986, en tree in werking op 'n datum deur die Administrateur-generaal by proklamasie in die *Offisiële Koerant* bepaal.

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13. The Ombudsman, his assistant or any member of the staff of the Ombudsman shall not be liable in respect of anything done in good faith under any provision of this Act.

Limitation of liability in respect of anything done under this Act.

14. This Act shall be called the Ombudsman for South West Africa Act, 1986, and shall come into operation on a date to fixed by the Administrator-General by proclamation in the *Official Gazette*.

Short title and commencement.