

**ANZOA CONFERENCE 2010
NATURAL JUSTICE IN
OMBUDSMAN INVESTIGATIONS**

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**Ombudsman and
Health Complaints Commissioner**

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- **What is natural justice?**
 - **How do Ombudsman schemes/offices ensure natural justice is present in every case?**
 - **How does an Ombudsman demonstrate to parties that an investigation is fair?**

***"Natural justice is but fairness writ
large ..."***



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- **Natural justice - a set of procedural standards that need to be met if the right of the citizen to a fair hearing can be accepted as having been satisfied**



2 main threads –

- **The hearing rule**
- **The bias rule**

The hearing rule - a fair opportunity to be heard in reply

- **hearing appropriate to circumstances**
- **open mind**
- **submissions taken into account**
- **contextual setting explained**
- **reasonable time to respond**

The bias rule

- no actual bias
- no reasonable ground for apprehending or suspecting bias

Other threads

- **adequate evidentiary basis**
- **adequate reasons**
- **timely decision**

How often does occasion to apply natural justice arise in the Ombudsman setting?

- Investigations are rare
- Many tools in the toolkit

***"Natural justice is but fairness writ
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How do Ombudsmen pursue fairness?



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"Treating people decently"



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