

Federal Law on the Austrian Ombudsman Board

(Volksanwaltschaftsgesetz/Ombudsman Board Act 1982)

Chapter I.

Organisation of the Ombudsman Board

Section 1

(1) Collective decisions by the Ombudsman Board require the presence of all members of the Board. Provisions in the Rules of Procedure regarding the representation of members of the Ombudsman Board in matters requiring a collective decision are admissible. Unless provided otherwise by the Constitution, decisions are taken by majority vote; abstentions are not admissible.

(2) Collective decisions by the Ombudsman Board are required for all matters reserved for collective decision-making in accordance with the Rules of Procedure or Rules of Business Allocation, including the Rules of Procedure and the Rules of Business Allocation as well as decisions on Reports to the Nationalrat (lower chamber of parliament) and appeals to the Constitutional Court pursuant to Art. 148e and 148f of the Federal Constitution (B-VG).

(3) Mutual representation of members of the Ombudsman Board in the fulfillment of matters to be handled by them independently in cases of temporary absence or on a permanent basis is regulated by the Rules of Procedure of the Ombudsman Board.

Section 2

If a member of the Ombudsman Board resigns from office before the end of his or her term, the chairperson shall immediately inform the President of the Nationalrat.

Section 3

Members of the Ombudsman Board whose opinion on the content of a Report to the Nationalrat is not shared by the majority may submit a Minority Report along with that Report.

Section 4

(1) The Rules of Procedure may provide for regularly recurring tasks designed to facilitate the preparation of forthcoming measures to be fulfilled by the Secretariat on behalf of the Board.

(2) The Rules of Procedure and the Rules of Business Allocation of the Ombudsman Board shall be published in the Federal Gazette.

Chapter II.

Proceedings before the Ombudsman Board

Section 5

Proceedings before the Ombudsman Board are governed, mutatis mutandis, by sections 6, 7, 10, 13, 14, 16, 18 paras. 1 and 4, 21 through 31, 45 paras. 1 and 2 as well

as sections 46 through 55 of the General Administrative Procedures Act (Allgemeines Verwaltungsverfahrensgesetz) of 1950, Federal Gazette No. 172.

Section 6

Organs performing supreme administrative tasks of the Federal Government are obliged to follow the recommendations given to them by the Ombudsman Board within a time-limit of eight weeks and to inform the Ombudsman Board accordingly or to submit a statement in writing as to why the recommendation was not followed. Upon justified request, extensions of the above time-limit may be granted by the Ombudsman Board. Appellants shall be informed of such communications.

Section 7

To the extent that applications to public authorities or agencies may be submitted in a language other than German, complaints to the Ombudsman Board are also admissible in that language.

Section 8

If investigations are deemed necessary by the Ombudsman Board for the establishment of facts underlying a complaint, any costs associated with them shall be borne by the Federal Government.

Section 9

Submissions to the Ombudsman Board and all other documents issued for use in proceedings before the Ombudsman Board shall be exempt from stamp duty.

Chapter III.

Final provision

Section 10

The execution of this Federal law is incumbent on the Federal Chancellor and, in matters relating to section 9, the Federal Minister of Finance.