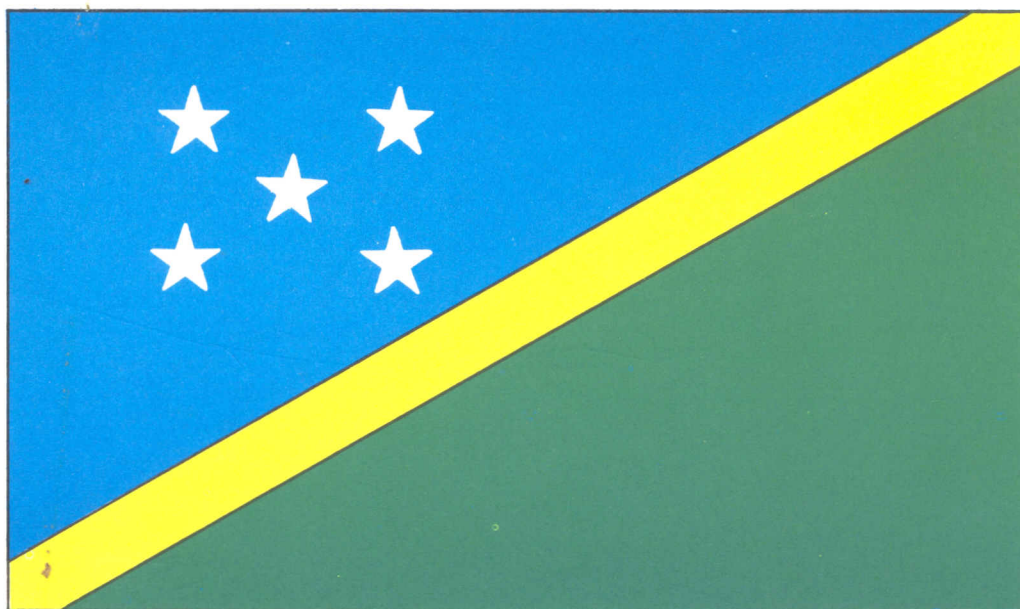


REPORT OF THE

OMBUDSMAN

FOR THE PERIOD

1ST JULY - 31ST OCTOBER, 1996



Presented to

THE NATIONAL PARLIAMENT OF SOLOMON ISLANDS

Pursuant to Section 98(3) of The Constitution

Ombudsman



Honiara

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Date: 22/11/96

Our Reference: OMB: 3/1/3

Your Reference:

Mr Paul Tovua, OBE
Speaker of National Parliament
P O Box G.19
HONIARA

Dear Mr Speaker,

1st July - October 1996 Quarterly Report by the Ombudsman

Pursuant to section 98(3) of the Constitution and in view of the absence of any annual report for the past five years, it is my pleasant duty and honour to present to the National Parliament this brief Report.

To respect the spirit of this Report, it would be highly appreciated if you kindly facilitate its presentation to Parliament this budget meeting.

Thank you and may God bless.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'P. Kenilorea', written over a horizontal line.

Rt. Hon. Sir Peter Kenilorea, KBE, PC.
OMBUDSMAN

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1. INTRODUCTION

In recent years the Ombudsman Office has proliferated around the world in an astonishing rate. This Office grew in great popularity in the 1960s, 1970 and early 1980s in the free democracies of Western Europe, North America and Australasia, and according to 'Public Administration' International, in the late 1980s and the 1990s the 'Ombudsman subsequently spread to many of the new or emerging democracies of Latin America, Central and Eastern Europe, Africa and East Asia, where responsibility for policing violations of human rights has often been added to the functions originally vested in the Office.

It should also be noted that, world wide, the Ombudsman has also taken on a variety of new forms, ranging from special governmental Ombudsman to Ombudsman Offices operating at the international or what is referred to as 'supra-national' levels to inhouse private sector offices, functioning sometimes at the level of individual corporations and sometimes covering entire industries or professions. It is reported that by 1995, that is to say, last year, an Ombudsman is at work in sixty-five countries of the world while some twenty-five others were reported to be planning to set up the Office at one level of government or another. In fact the growing popularity of this Offices is such that it is said that "For States seeking economic assistance or admission to international organisations, the establishment of an Ombudsman Office is frequently judged to offer convincing evidence of commitment to the principles of good governance" (Public Administration International).

Accordingly it is expected that both citizens and government of Solomon Islands will continue to accord the acceptance and respect that is due to this Office.

Specifically on this Report, it is accepted that the only mandate is for the Ombudsman to "make an annual report to Parliament" as is stated in

section 98(3) of the Constitution. In that same section it is also provided that Ombudsman “may make additional reports to Parliament as he deems appropriate”. Accordingly and in view of the absence of any reporting to Parliament during the past five years, I deem it appropriate to produce a report; albeit only quarterly report, which is intended to cover the period 1st July - 31st October 1996 to keep Parliament and Government abreast of the function of the Ombudsman.

At the same time however, it is decided to take advantage of this opportunity to provide some statistics on cases handled by the Office over the past unreported period.

2. **My First Report**

This is my first Report under section 98(3) of the Constitution. As the period covered by this report amounts essentially to the last quarter of this year, it is not intended to be a comprehensive report for the year’s work. That I hope to do in my next Annual Report.

Accordingly, I have decided to use this Report to amongst other things, simply remind both the Government and the public at large of the importance and useful functions and duties of the Ombudsman.

3. **The Constitutional & Legal Authority**

To refresh our memory, the legal authority for the Ombudsman’s work in Solomon Islands is chapter IX, sections 96 to 98 of the Constitution and the Ombudsman (Further Provision) Act 1980 - No 1 of 1980.

4. **Independence of the Ombudsman**

The significance of the Ombudsman's independence in the discharge of his function is entrenched in the National Constitution. I quote,

“98(1) In the discharge of his functions the Ombudsman shall not be subject to the direction or control of any other person or authority and no proceedings of the Ombudsman shall be called in question in any court of law”.

It is also apolitical post. That is to say the holder of the post of the Ombudsman should be free of all political participation or associations.

Section 3(2) of the Ombudsman (Further Provision) Act 1980 states,

“3(2) The person appointed as Ombudsman shall if he holds any Office in, or membership of any political party, resign such Office or membership” end of quote.

5. **Appointment**

I was officially appointed to this important Office on 2nd September 1996, and took full cognisance of the Constitutional mandate to report annually to Parliament. Accordingly I have decided to make this short Report which will cover the period since my appointment. However as earlier stated I thought it proper and fitting that statistics and other useful information for the past unreported period be presented for contextual reading as well as bridging the information gap for that period.

6. **What is an Ombudsman?**

An Ombudsman is someone who protects and defends the rights of every citizen. So that if any citizen is aggrieved by any administrative action by the government, statutory authority or corporation, provincial government, in terms of now the Provincial Council or Area Assembly or any Officers of these bodies, he has the recourse of directing such a grievance to the Ombudsman's Office by way of a written complaint for investigation and rectification where appropriate.

7. **What kind of Complaints can the Ombudsman deal with?**

My Office deals with any and all administrative actions of government ministries, departments involving such matters as land dealings, government housing, schools, salaries, appointments, promotions, public sector employment generally, labour matters, industrial disputes, medical, police etc. As a matter of fact the Constitutional jurisdiction of the Ombudsman is such that he can investigate any Complaint against any and all public officers and public bodies, except H.E The Governor General and his personal staff, the Director of Public Prosecution or any person acting in accordance with his instruction, Court decisions of Judges and Magistrates.

8. **Where or at what stage should you complain to the Ombudsman**

In my considered view the best time to direct your Complaint to the Ombudsman is after you have exhausted all other relevant and legal avenue at your disposal. This advice is given on the basis that -

- i) the current pertinent manpower capacity of the Ombudsman's Office is effectively the Ombudsman and one other investigating officer. It would be helpful to expedite the solution to a Complaint if all relevant facts on the Complaint are obtained by the Complainant by way of exhausting all relevant avenues prior to directing his Complaint to us.
- ii) it is best to think of the Ombudsman as the appeal of the last resort than a labour office, union body or a debt collector on all matters requiring administrative review.

9. **How do you Complain to the Ombudsman?**

Although the Office of the Ombudsman wishes not to interpret the Law so as to deny people who cannot read or write their right to complain, the 1980 Ombudsman's Act does state that all Complaints must be in writing. You may, however, request an appointment or telephone for a preliminary discussions.

Your written Complaint should include -

- i) Your address, name, phone/fax, if any.
- ii) Correspondence reference if you had previously contacted the Office.
- iii) The action which caused the Complaint.

- iv) Description of the circumstances of the Complaint - when, why and by whom the situation of unfairness that led to your Complaint had been committed.
- v) What steps you had so far taken to resolve/rectify the situation and relevant documents - eg. correspondences.
- vi) What do you really expect the Ombudsman to come up with in relation to your Complaint.

10. **How does the Ombudsman deal with your Complaint?**

Firstly the Ombudsman may approach the relevant authority or Public Officer and see whether the issue of Complaint could be settled informally.

Otherwise in the more complex cases, relevant files are opened and the process of formal investigation are pursued. In this case on-site inspection does occasionally as part of defacto investigations.

In this process the Ombudsman under law has the power to enter or order the presence of the Officer investigated or all relevant documents. And failure to comply with such orders is an offence, punishable upon conviction of up to \$200.00 fine or 1 year imprisonment.

11. **Can the Ombudsman refuse to Investigate some Complaints?**

Although the extend of the Ombudsman's jurisdiction is discussed earlier, it should be stated here that he shall not investigate any matter -

- a) where the Prime Minister has given a written notice that such investigation would not be in the national security.
- b) where the Prime Minister in a written notice advises that the action which is the subject of Complaint was taken by the Minister in his deliberate judgement.
- c) where the Complainant has other legal recourse for remedy are available.
- d) where the subject of Complaint is a matter between private individuals or business etc.

12. **What about prisoners or mental patients**

These people too have their rights protected by the Ombudsman. They may submit their written Complaints in sealed envelopes under their relevant procedures and authorities.

All such letters must be replied in writing and appropriate investigatory actions taken where necessary.

13. **Who can complain?**

Under the Ombudsman Act 1980 any individual or body of person not being a department of Government etc can complain to the Ombudsman. Also the law specifically provided that any Minister of the Government or MP may invite the Ombudsman to investigate. It should be noted here that it is only invitation in this case. As noted earlier, the Ombudsman cannot be instructed or directed by

any person or authority to investigate. He is independent in terms of his functions and operations.

Finally the Ombudsman may investigate of his own motion.

14. The past 15 years

The Office of the Ombudsman commenced operation in June 1981. Despite the continuing financial and staff constraints, it had served our democratic nation well over the years.

For this I wish to express my profound appreciation for the work of my predecessors Mr Daniel Maeke OBE, Mr Isaac Qoloni OBE and Mr Frank Pororara. Much has changed in the intervening years as procedures had been streamlined to enable enhanced performance and productivity. And yet there is obviously plenty of rooms for improvements. It would be useful and ideal if the Ombudsman's Office is computerised, for instance.

The Office is not discouraged overly by lack of necessary resources. In fact the staff morale is high. And the motivating factor for such a positive outlook among the staff inspite of the demanding work load with limited available recognised resources, appears to be the healthy challenge to assure common citizens of this nation of their protection against administrative injustices. This is no a mean impetus to a highly understaffed and provisioned Office.

In this context it is indeed gratifying that of the total cases of 1695 handled by the Office during the five year period from 1991 to October 1996, 1,047 cases

have had their investigations fully completed. The balance of **648** uncompleted cases is not indicative of the efficiency with which the Office despatches its honourable and important duty but rather the degree of timely cooperation of the ministries, bodies and persons against whom Complaints are made.

15. **Co-operation of authorities/ministries complained against**

The fact that of total **1695** cases handled by the Ombudsman for the five year period between 1991 and October 1996, 62% of which were properly completed generally indicates the degree of cooperation by the authorities or ministries complained against.

Yet it must also be said that if all the bodies or persons involve in any complain were equally keen during the Ombudsman's investigation to dispense with appropriate solutions, 100% completion is not impossible.

In this context I should perhaps say that the Ministry of Lands and Housing were particularly slow to respond to the Ombudsman's requested information on investigated cases directed at it or its Officers. Record also show that the Trade Dispute Panel Office is no different in this perspective.

To confirm this view, of the total **76** cases handled against the Ministry of Lands and Housing for this period, **47** cases have had their investigations unfinished. This represented 62% unfinished cases.

On the other hand, **245** cases of complaints were directed against the Ministry of Police and National Security for the same period (1991 - October 1996) and only **79** cases were recorded as unfinished - representing a mere 32%

unfinished cases. Even this, in the Ombudsman's view, has plenty of room for improvement. As indicated earlier a 100% of all recorded or received complaints can be fully and satisfactorily investigated and appropriately dispensed with if all concerned co-operate and aim to stamp out administrative injustices in our nation in a timely manner.

16. **No jurisdiction/declined cases**

During the period of this Report, it should be noted that a total of 137 cases of complaints to the Office fell outside the jurisdiction of the Ombudsman.

You will recall that the jurisdiction of the Solomon Islands' Ombudsman was clearly stated earlier Essentially the Ombudsman is an administrative reviewer of Government department or Statutory bodies and Corporation's actions or actions of Officers of such bodies which may be considered unfair by the person or persons who are affected by those actions. Therefore the Ombudsman's jurisdiction does not extend to private companies, bodies or churches.

Nevertheless due essentially to lack of proper knowledge, some citizens direct complaints against private individuals, companies, churches and such like to the Ombudsman for arbitrations as well.

When this occurs, the Ombudsman enters these under "no jurisdiction" cases for his record purposes and advises the complainant accordingly. Such complaints are then directed to the best possible body to deal with.

They may be directed to the Labour Division, the Trade Dispute Panel Office, the Office of the Public Solicitor or their relevant Trade Union representatives.

17. **The Office**

The Ombudsman's Office is located in the western ground floor of Kalala house. As such it is easily accessible to the public. With the current understaffed situation, the office presents quite a spacious outlook.

18. **STAFFING**

There are currently only three(3) staff in the Office of the Ombudsman besides the Ombudsman. Mrs Jessie Bale is the Executive Secretary. Mr Jay Waura is the Office Clerk and Mr Joe Poraiwai is the Principal Investigation Officer. My predecessor recommended to the Public Service Office to confirm the appointment of Mrs Bale and Mr Poraiwai to their respective posts but up to now I have not received any feed back. In this situation the Ombudsman is a full time Investigation Officer as well.

19. **STAFF TRAINING**

The Office believes in staff development for desired productivity. Mrs Bale is therefore doing a part time course at SICHE. She attends formal classes two(2) afternoons a week. Mr Poraiwai is similarly doing a Law Course through USP Centre in Honiara on part time basis as well.

20. **UNDERSTAFFING**

The Office of the Ombudsman according to record had suffered from under staffing since it was established in 1981. It is difficult to retain Officers, especially those with appropriate tertiary qualifications, because of limited career structure it appears.

Since 1992 the Office have budgeted for additional staff at the investigator level but according to records, these had always been struck off the Establishment by the Public Service Office without consultation, presumably for reason of financial constraints.

The Ministry Headquarters has made a submission to increase the staffing for 1997. This included a proposal for two other Principal Investigation Officers. I endorsed the submission but advised later that due to financial constraints, these will only appear in the Establishment without any financial provisions. When financial situation improves, I am advised, they could be brought on stream on a merit. This I must say is an improvement and a step in the right direction from the practice of cancellation from Establishments altogether.

21. **ALLOCATION OF COMPLAINTS**

Due to the staff shortage, Mr Poraiwai my only Principal Investigation Officer, and I have to share the Ministries and Statutory Corporations for purposes of pursuing Complaints raised against them. This arrangement as stated earlier makes the Ombudsman a full time investigator. This situation will only change if additional staff is employed. In this situation any effective touring

programme is curtailed and impeded to the obvious disadvantage of our rural dwellers.

22. **OFFICE EQUIPMENT/FURNITURE**

The inventory is annexed.

23. **PROPOSED AMENDMENTS TO OMBUDSMAN LEGISLATION**

My predecessor had sent out a brief discussion paper on some proposed amendments in mid 1996. The responses we have received up to date are being closely examined. The Ombudsman Act may therefore have to be streamlined in due course subject to the government's concurrence. But it is obvious that after 15 years of operation the Ombudsman (Further Provision) Act 1980 should be improve in the interest of effective and efficient administration of administrative justice and fair play.

24. **OUTSTANDING COMPLAINTS**

At the time of my assumption of Office in early September 1996 a number of cases have not been completed because the authorities complained against have not responded to our letters over an extended period of time. According to record the problem ministries/authorities in this regard are:

- (i) MEHRD - Teaching Service Office
- (ii) MP&NS - Police
- (iii) ML&H - Lands Division

- (iv) MFE&C - Forestry Division
- (v) MPG&RD
- (vii) Public Service Office
- (viii) Trades Disputes Panel

As you will note such ministries as the Ministry of Lands and Housing and Ministry of Police & National Security or for that matter the Trade Dispute Panel Office have plenty of rooms for improvements.

25. **OMBUDSMAN'S RESIDENCE**

My predecessor had to vacate the Ombudsman residence at Lengakiki in June 1996 to allow for renovation. The house is seriously infested by white ants. The MTWU allowed about \$70,000.00 for the work but nothing had been done due to the on-going cashflow problems. According to my predecessor that work could cost more than \$100,000.00. Having personally reviewed the damage I would like to err on the side of my predecessor.

In the mean time I am currently occupying my own family residence.

26. **AUSTRALASIAN AND PACIFIC OMBUDSMAN CONFERENCE**
(APOC)

This meets annually except when the International Ombudsman Institute (IOI) Conference is held.

This year the IOI Conference was held in Argentina without Solomon Islands presence due to financial constraints. APOC will be held at Darwin,

Australia in 1997. Subject to funding availability it is anticipated that Solomon Islands will attend the 1997 APOC.

27. **MEMBERSHIP SUBSCRIPTIONS**

The Office of the Ombudsman pays an annual subscription to the IOI Office in Canada. The other Organisation which is of interest to the Ombudsman is the International Association For Civilian Oversight of Law Enforcement. The record shows that my predecessor had been intending to join this body but have not done so for financial reasons. This will continue to be pursued and subject to affordability, it would be useful to be a member.

28. **The top ten**

A look at the analysis of Complaints raised according to authorities/ministries revealed that most Complaints were received against the Ministry of Police and National Security. For the period 1991 - October 1996 the total Complaints dealt with against this Ministry were **245**. This was closely followed by the Ministry of education and Human Resources Development, which had **221** cases.

On this basis the top ten authorities which received most Complaints against them in the period under reporting, in a descending order, were:-

1. Ministry of Police and National Security **(245 cases)**
2. Ministry of Education and Human Resources Development **(221 cases)**

3.	Prime Minister's Office	(161 cases)
4.	Ministry of Provincial Government	(136 cases)
5.	Ministry of Finance	(97 cases)
6.	Ministry of Justice	(87 cases)
7.	Ministry of Lands and Housing	(76 cases)
8.	Ministry of Health & Medical Services	(75 cases)
9.	Ministry of Transport, Works and Utilities	(68 cases)
10.	Ministry of Agriculture and Fisheries	(58 cases)

These top ten account for **1,224** cases of the total cases of **1,340** handled against Government Ministries or 91%.

The Ministry which received the least complaint against it for the period of this Report is the Ministry of Youth, Women and Sports. Only **1** Complaint was registered to have been handled against this Ministry. It was a lone case of a subordinate Officer complaining against purported unfair treatment by his head of Division. However, within a month of his complaint, he requested that any further action by the Ombudsman be stayed as his complaint was resolved departmentally to his satisfaction.

In contrast, of the various statutory authorities, the National Provident Fund (NPF) received **24** Complaints against it with the Commodities Export Marketing Authority (CEMA) receiving **2** cases against it for the period.

29. Volume of Complaint Factors

Indications are that the following factors account for the volume of Complaints:-

- a) Size of the Ministry
- b) Locations of employees
- c) Awareness of the Ombudsman's functions
- d) Efficiency and effectiveness of various Ministries, Authorities and Officers serving these bodies.
- e) Capacity of the Ombudsman's Office and staff touring.

The larger the Ministry, the greater the chances of Complaints against it. In the same way those Ministries whose concentration of their employees are in close proximity to Honiara and therefore are easily accessible to the Ombudsman's Office appear to take advantage of such opportunity than those who are disadvantaged by distance from Honiara.

It is also clear that as citizens become aware of their rights and the useful functions of the Ombudsman, they are taking every opportunity to resort to his services. As such, the obvious need for the Ombudsman to ensure public's correct awareness of his services cannot be over emphasised.

It would appear, however, that a lot of the complaints reaching the Office of the Ombudsman could be avoided if relevant government departments, bodies and officers exercise care to properly respect and correctly administer existing

government systems with the rule of Law. In some cases, complaints are inadvertently encouraged through simple ignorance or erroneous interpretation of important government guidelines and checks and balances - General Orders, Financial Instructions, administrative Regulations etc etc.

On the main, the efficiency and speed with which the Ombudsman's Office deals effectively with its business very much depends on the responsiveness and cooperation of the bodies or officers thereof, the subject of the Complaints. Examples of poor responsiveness are a case against the Prison Service of the Ministry of Police and National Security, Complaint lodged in 1991 but is yet to be disposed of and some land administration cases which had their roots of complaints in late 1980s and are yet to be properly resolved.

30. **FINANCE**

In 1996 the Ombudsman's Office was allocated a total vote of \$213562. This is an increase of \$7502.00 over the 1995 Budget Provision of \$206060.00.

Of the \$213562.00, \$158350.00 which represents 74.15% of the Budget was for Payroll. Only 25.85% was allocated for other charges.

Following is the Summary of expenditure as at 30th June, 1996:-

<u>EXPENDITURE</u>	<u>1996 PROVISION</u>	<u>COMMITMENT TO DATE</u>	<u>FUND AVAILABLE</u>
Pay Roll (Statutory, Salaries and Wages)	\$158350.00	\$ 86367.00	\$ 71983.00
Other Charges	\$ <u>55212.00</u>	\$ <u>39987.00</u>	\$ <u>15225.00</u>
Total	<u>\$213562.00</u>	<u>\$126354.00</u>	<u>\$ 87208.00</u>

Apart from the Payroll Vote which is beyond the Management Control, care have to be taken to control expenditure under the other charges to keep the vote going up to the end of the Financial Year which is 31st December, 1996, with a balance at this stage of only \$15225.00.

In the Other Charges Vote, the items which are traditionally quite difficult to monitor and control are Electricity, Water and Telephone Charges. Sometime relevant authorities increase their charges during the year and past government Budgets allocations were out of balance as a result. At times, increase of costs are due simply to increase uses.

31. **Looking ahead**

Subject to a more positive change in the nation's continuing financial difficulties, the Ombudsman is looking forward for improved staffing situation in terms of more staff for the Office.

It is also desirable to enhance the efficiency and effectiveness of the Office by computerising it in future. Such a computerised system I believe would also improve the security and storage of our work and create confidence in our clients.

Staff development through hands-on training and relevant formal training opportunities and exposures will continue to be respected and taken advantage of.

For the general publics' benefit, programmes of awareness will be arranged with both the written and broadcasting media. For, I firmly believe that proper understanding by the public of the functions and responsibilities of the Ombudsman would greatly assist in directing complaints of substance and to our office rather than going to the media directly with no real consequence.

32. Tables and Statistics

The Ombudsman Office has received One thousand and ninety-nine cases during this period. This is different from the total cases of 1695 handled for the period because some of the cases handled were carried forward from the previous reported period. The Reporting years in which Provincial Tours were made registered with higher number of cases which reflects that such Tours availed complainants with access to the services of the Office.

Public Talks by the Ombudsman on the Roles of the Ombudsman at workshops, etc have helped the Public in knowing his functions. The Office expects to continue with this.

The declining number of complaints received from the Public by the Ombudsman indicated that there are awareness of his roles to hear complain only where appropriate.

Efforts have been made each year to complete cases from the previous years to reduce the number of carried forward cases to the following year as far as possible. This is an inevitable trend and practice brought about by the nature of this work.

The Tables of Statistics produced are at Pages 20 to 29.

TABLE I

LIST OF CASES REGISTERED WITH THE OMBUDSMAN SINCE 1ST JULY 1991 UNTIL 31ST OCTOBER, 1996 AND MANNER OF DISPOSAL

<u>REPORTING YEAR</u>	<u>CASES B/FWD FROM PREVIOUS YEARS</u>	<u>NEW CASES RECEIVED</u>	<u>TOTAL CASES HANDLED</u>	<u>CASES INVESTIGATED</u>	
				(1) <u>INVESTIGATIONS COMPLETED</u>	(2) <u>INVESTIGATIONS UNCOMPLETED [C/FWD]</u>
				July 1991 - June 1992	67
July 1992 - June 1993	121	176	297	194	103
July 1993 - June 1994	103	200	303	154	149
July 1994 - June 1995	149	125	274	195	79
July 1995 - June 1996	79	266	345	268	77
July 1996 - October 1996	77	50	127	8	119

NOTE

- (1) The Report is up to end of 1995/96 Report period and up to 31st October, 1996, being part of the 1996/97 Report period which will lapse on 30/6/97.
- (2) In column E(2) :-
 - (i) The cases uncompleted was due to non responses from Authorities being investigated and other related matters by 30th June, of the Reporting Year, the cases have to be recorded as being carried forward for continued investigations.
 - (ii) The 119 cases recorded as uncompleted during the period 1/7/96 - 03/10/96 are part of the 127 cases handled which should be accounted for after 30/06/97.

TABLE II

SUMMARY OUTLINING THE MANNER OF DISPOSAL OF CASES HANDLED BY THE OMBUDSMAN BETWEEN 1ST JULY 1991 AND 31ST OCTOBER, 1996

YEARS	JUSTIFIED	NOT JUSTIFIED	NO JURISDICTION DECLINED	REFERRED	UNFINISHED	OTHERS	TOTAL HANDLED
1991-92	49	92	45	35	121	7	349
1992-93	70	67	27	20	103	10	297
1993-94	61	54	17	17	149	5	303
1994--95	88	53	15	34	79	5	274
1995-96	79	72	27	60	86	21	345
1996-97*	-	1	6	1	119	-	127

[*Cases received between 1st July and 31st October, 1996 only]

This Table shows the Ombudsman and his staff are still trying to concentrate on thorough treatment of fewer, more important complaints. The larger number of “referred” and “No Jurisdiction/Declined” cases again reflects the Ombudsman’s decision to avoid being involved prematurely in matters where the Complainant should have taken his grievance to the authority concerned or used other existing avenues rather than going direct to the Ombudsman. The Ombudsman is prepared to assist in the improvement of existing procedures rather than supplant or undermine them, so he advises Complainants of the right procedures and the right person or authority to help. He may follow up this advice in a letter of refferal to make sure that their grievance is considered and dealt with. Making the public aware of how they can legally help themselves is seen as an important work of the Office.

TABLE III

ANALYSIS OF NEW COMPLAINTS MADE TO THE OMBUDSMAN FROM 1ST JULY 1991 TO 31ST OCTOBER, 1996.

(1) <u>MINISTRIES</u>	1991/92	1992/93	1993/94	1994/95	1995/96	1996/97
MPNS	49	24	31	20	41	11
MEHRD	41	21	27	14	31	11
PMO	15	14	16	24	18	6
MPG	30	14	18	3	14	-
MOF	14	13	11	6	6	4
MTWU	6	7	14	7	2	-
MLH	6	1	11	7	9	-
MHMS	11	11	3	7	12	1
MAF	7	5	15	1	7	1
MOJ	20	9	3	9	16	3
MFEC	11	2	3	2	20	2
MCIE	1	2	2	-	1	1
MCTA	-	5	2	1	-	-
MPC	4	-	3	2	1	1
MHA	1	1	2	1	-	-
MNDP	-	-	-	-	-	-
MFA	-	1	-	-	1	-
MSYWD	1	-	-	-	-	-

(2) PROVINCES

MALAITA	12	15	2	2	6	2
WESTERN	12	1	3	-	3	-
GUADALCANAL	3	2	5	3	5	-
CHOISEUL	-	-	1	-	36	1
CENTRAL	1	2	1	1	-	-
HTC	-	1	6	1	4	-
MAKIRA	-	1	1	1	5	-
ISABEL	9	1	-	1	-	-
TEMOTU	2	4	2	2	10	1

(3) STUTATORY AUTHORITIES

NPF	4	2	2	1	2	1
DBSI	-	1	3	-	-	-
HFC	2	1	1	-	-	-
CEMA	-	-	-	-	-	-
CBSI	-	-	1	-	-	1
SIBC	-	-	1	-	1	-
SIPA	1	-	-	-	-	-
SIEA	1	-	-	-	-	-
SICHE	2	-	-	-	2	-
SIWA	-	-	-	-	1	-

(4) BODIES OUTSIDE JURISDICTION

UNIONS	7	3	2	4	5	1
PRIVATE BODIES	8	12	4	5	7	2

(5) UNIDENTIFIED

COMPLAINTS	-	-	3	-	-	-
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(6) OTHERS	<u>2</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>
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TOTAL	<u>282</u>	<u>176</u>	<u>200</u>	<u>125</u>	<u>266</u>	<u>50</u>
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TABLE IV

ANALYSIS OF COMPLAINTS HANDLED BETWEEN 1991 AND OCTOBER, 1996.

AUTHORITY COMPLAINED AGAINST	TOTAL HANDLED	NO JURISDICTION AND DECLINED	CASES REFERRED	CASES INVESTIGATED NOT JUSTIFIED	JUSTIFIED	OTHERS	UNFINISHED
<u>(1) MINISTRIES</u>							
1. MPNS	245	11	20	70	58	7	79
2. MEHRD	221	9	26	45	52	2	87
3. PMO	161	10	10	33	30	5	73
4. MPG	136	6	15	16	38	3	58
5. MOF	97	1	3	21	12	11	49
6. MOJ	87	16	9	12	13	1	25
7. MLH	76	-	7	9	12	1	47
8. MHMS	75	2	7	17	23	1	25
9. MTWU	68	2	5	17	14	2	28
10. MAF	58	-	6	10	19	1	22
11. MFEC	55	6	3	7	20	1	16
12. MCIE	16	-	1	2	3	2	8
13. MPC	16	1	1	2	3	1	8
14. MCTA	13	-	1	1	2	2	7
15. MHA	8	1	-	3	2	-	2
16. MFA	3	-	-	-	-	-	3
17. MNDP	2	-	1	1	-	-	-
18. MYWSR	1	-	-	-	-	1	-
<u>(2) PROVINCES</u>							
1. MALAITA	64	5	5	12	15	1	26
2. CHOISEUL	38	3	28	3	1	1	2
3. WESTERN	34	1	5	5	7	1	15
4. GUADALCANAL	29	-	1	9	7	1	1
5. TEMOTU	28	1	6	5	6	2	8
6. HTC	15	2	2	2	3	-	6
7. ISABEL	13	1	1	7	1	-	3
8. CENTRAL	11	-	2	1	1	-	7
9. MAKIRA	8	-	1	6	1	-	-

AUTHORITY COMPLAINED AGAINST	TOTAL HANDLED	NO JURISDICTION AND DECLINED	CASES REFERRED	CASES INVESTIGATED NOT JUSTIFIED	JUSTIFIED	OTHERS	UNFINISHED
(3) <u>STATUTORY AUTHORITIES</u>							
1. NPF	24	-	1	8	3	1	11
2. HFC	6	-	1	1	1	1	2
3. DBSI	5	-	1	2	1	-	1
4. SICHE	3	-	-	1	2	-	-
5. CEMA	2	-	-	-	-	2	-
6. SIBC	2	1	-	1	-	-	-
7. CBSI	1	-	-	1	-	-	-
8. SIPA	1	-	-	1	-	-	-
9. SIWA	1	-	-	1	-	-	-
(4) <u>BODIES OUTSIDE JURISDICTION</u>							
UNIONS	23	23	-	-	-	-	-
PRIVATE BODIES	35	35	-	-	-	-	-
(5) UNIDENTIFIED COMPLAINTS	3	3	-	-	-	-	3
(6) OTHERS	2	-	-	1	-	1	-

TABLE V

WHERE IN THE SOLOMON DO NEW COMPLAINTS ORIGINATE IN THE YEARS BETWEEN JULY 1991 AND
OCTOBER, 1996.

<u>PROVINCE</u>	<u>1991/92</u>	<u>1992/3</u>	<u>1993/94</u>	<u>1994/95</u>	<u>1995/96</u>	<u>1996/97</u> <u>(July - October)</u>	<u>TOTAL</u>
Honiara	95	69	113	71	87	19	454
Malaita	26	58	23	11	19	14	151
Temotu	12	13	11	9	24	7	76
Guadalcanal	26	6	9	7	5	-	53
Makira	9	6	8	7	22	1	53
Western	63	14	19	6	21	3	126
Central	5	4	6	5	1	-	21
Isabel	46	4	7	4	8	3	72
Choiseul	-	2	3	4	76	3	88
Rennel/Bellona	-	-	-	-	2	-	2
Others	-	-	1	1	1	-	3
Total	<u>282</u>	<u>176</u>	<u>200</u>	<u>125</u>	<u>266</u>	<u>50</u>	<u>1099</u>

33. Explanatory Notes**Manner of disposal of cases - Table II Notes on Categories used in Tables II to VII.****“NO JURISDICTION - “bodies outside Ombudsman’s jurisdiction”.**

A number of complaints made to the Ombudsman are outside his jurisdiction under section 97 of the Constitution and the Ombudsman (Further Provisions) Act 1980. For instance, he cannot investigate non-government bodies of companies in which the Government has even a 100% shareholding unless they are incorporated by Statute. He cannot investigate public or private registered companies, associations or individuals. These are the “bodies outside jurisdiction” in the last line of Table II and IV.

“NO JURISDICTION UNDER THE ACT”. The Ombudsman Act purports to restrict the Ombudsman’s Constitutional jurisdiction to enquire into certain types of action by Government officials, such as decisions made by Ministries in their own deliberate if certified as such by the Prime Minister, and non administrative functions, such as Doctors professional decisions on referral of patients.

In other cases the Ombudsman Act gives him specific discretion whether or not to take up cases which are otherwise outside his jurisdiction according to the Act, for instance, where the complainant has a right of appeal to a tribunal or a legal remedy through the courts and in the circumstances, it is reasonable to expect him to use this right; or where complaints are, in the Ombudsman’s opinion frivolous or vexatious, or if there has been an unreasonable delay in bringing them to him.

Figures in Column 3 of Table IV represent these cases which the Ombudsman has not taken up, Column 4 of Table II, includes both “Bodies outside jurisdiction” and “No jurisdiction” or “Declined under the Act”.

“REFERRED” Cases in Column 5 of Table II and Column 4 may be theoretically inside the Ombudsman’s jurisdiction, but can be better handled elsewhere. The complainant is heard, advised and referred by letter, telephone call or personal visit to the appropriate authority. Most of such referrals are of fairly minor personnel matters, which perhaps through communication

breakdown, have come to this office prematurely. The complainant is advised to refer back to the Ombudsman if, after a reasonable time, his complaint is not considered.

“NOT JUSTIFIED” Figures in column 3 of Table II and column 5 of Table IV represent cases which, after legal research or investigation, the Ombudsman considers are not real cases of unfair treatment or maladministration.

“JUSTIFIED” In Table II and IV, figures represent cases where the Ombudsman, after investigation, considers that the person who complained has been unfairly treated or there has been maladministration. “Justified” complaints range from delays in promised allowances for workers, to very serious matters worthy of criminal investigation. For an analysis of whether justified cases are rectified, refer to Table V.

Table II shows that the Ombudsman and his staff are still trying to concentrate on thorough treatment of fewer, more important complaints. The larger number of **“referred”** and **“No Jurisdiction/Declined”** cases again reflects the Ombudsman’s decision to avoid being involved prematurely in matters where the complainant should have taken his grievance to the authority concerned or used other existing avenues rather than going direct to the Ombudsman. The Ombudsman is prepared to assist in the improvement of existing procedures rather than supplant or undermine them, so he advises complaints of what are the right procedures and who is the right person or authority to help. He may follow up this advice in a letter of referral to make sure that their grievance is considered and dealt with. Making the public aware of how they can legally help themselves is seen an important aspect of the day to day work of the office.

Table III compares complaints made since July, 1991 to 31st October, 1996.

34. **KEY TO ABBREVIATIONS AND ACRONYMS**

For the benefit of those who are unfamiliar with Abbreviations and Acronyms used in this Text, the information is provided here below.

MPNS - The Ministry of Police and National Security. The Royal Solomon Islands Police and the Prison Service are under the same roof as Bomb Disposal and Surveillance.

MEHRD - Ministry of Education and Human Resources Development - responsible for Government teachers and schools and coordination of Overseas training.

PMO - Prime Minister's Office which houses Secretary to Prime Minister and Cabinet responsible for Cabinet and the Permanent Secretary of Public Service Division responsible for administration of Government Officers and workers' contracts.

Allocation of houses to government officers is also vested in the Permanent Secretary to Public Service Division.

MPG - Ministry of Provincial Government - A Coordinating Ministry for Central Government Officers seconded to the Provinces.

MOF - Ministry of Finance - this includes Treasury, Customs, Inland Revenue and Insurance Divisions.

- MOJLA** - Ministry of Justice and Legal Affairs - This is the Ministry responsible for the Judiciary, including the Customary Appeal Courts, and other Courts. The Registrar General responsible for Land, Companies and other registers. The Public Solicitor, Attorney General, Trade Dispute Panel, Ombudsman, Leadership Code Commission, Law Reform and Revision Commissions are also part of the Ministry
- MLH** - Ministry of Lands and Housing - Ministry responsible for Land Matters and all government Quarters, including processing Office and House Rentals from the Open Market for Public Officers.
- MHMS** - Ministry of Health and Medical Services - responsible for doctors, nurses and Health Workers in Government hospitals and clinics and their accommodation. Responsibility for many of the functions have been centralised.
- MTWU** - Ministry of Transport, Works & Utilities - responsible for Roads, Bridges, repairs to government quarters, government vehicles and the Marine Division which is responsible for policy, licensing, Marine Safety and Search and Rescue Operations only.
- MAF** - Ministry of Agriculture and Fisheries which is responsible for Agriculture and Fisheries Development.

- MFEC** - Ministry of Forests, Environment and Conservation.
The old Ministry of Natural Resources (MNR) has been split. One part forming own Ministry called Ministry of Energy, Mines and Minerals responsible of Energy, Mineral and Mining whilst this Ministry is responsible for Forestry, Environment and Conservation.
- MCIE** - Ministry of Commerce, Industry and Employment which houses the Commissioner and Labour who is responsible for administering the various Employment Acts and the Health and Safety at Work Act. The Commerce and Industries Division is also under this Ministry.
- MCTA** - Ministry of Culture, Tourism and Aviation - The Ministry responsible for Culture, Tourism and Aviation matters.
- MPC** - Ministry of Post and Communications - responsible for the Post Office which includes Postal and Philatelic Services. Since the formation of the Telecom. joint venture, the Ministry is responsible only for the administrative and Policy side of Telecommunications including Spectrum.
- MHA** - Ministry of Home Affairs - responsible for various Commissions such as Electoral, Boundary and Citizenship and Ecclesiastical matters. The Honiara Town Council is also under this Ministry.

- MNDP** - Ministry of National Development and Planning - responsible for Government Development Plans and Aide matters. This also houses the Provincial Development Unit.
- MFA** - Ministry of Foreign Affairs - Deals with Foreign Relations and Protocal.
- PROVINCES** - One of the nine Provincial Governments set up by the Provincial Government Act, 1981.
HTC or Honiara Town Council is not one of the Provinces as it perates under the Local Government Act.
- NPF** - The Solomon Islands National Provident Fund - a Statutory Authority set up to provide retirement gratuities from contributions made by employers and employees.
- DBSI** - Development Bank of Solomon Islands, the Bank responsible for assisting Farmers and people in Commerce by providing loans for developments.
- HFC** - Home Finance Corporation - a Statutory Authority responsible for housing. Its aim is to provide fundings for people to purchase or build houses.

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- HFC** - Home Finance Corporation - a Statutory Authority responsible for housing. Its aim is to provide fundings for people to purchase or build houses.

- CEMA** - Commodities Export Marketing Authority - responsible for produce and commodities marketing.
- CBSI** - Central Bank of Solomon Islands - a body responsible for the Control and Policy on the money market.
- SIBC** - Solomon Islands Broadcasting Corporation - a body responsible for broadcasting.
- Unions** - These include the Trade Unions operating in the country, the two major ones which the Ombudsman received Complaints against are the SINTA, Solomon Islands National Teachers Association and SIPEU, the Solomon Islands Public Employees Union and their Credit Unions.
- Private Bodies-** Bodies which are outside the Ombudsman's jurisdiction to deal with.

ANNEXUREOMBUDSMAN'S OFFICEINVENTORY OF OFFICE FURNITURE & EQUIPMENT

(List of items in stock as at 31st August, 1996)

<u>ITEM</u>	<u>NO. IN STOCK</u>	<u>NOTE</u>
1. Wooden Executive Tables with 8 drawers	2 only	1 with drawers all broken.
2. Metal Executive Tables with 5 drawers	2 only	Too old. Need replacement.
3. Metal Executive chairs with arms	1 only	
4. Wooden Arm chair with cushion top	1 only	
5. Wooden stand (Bench)	1 only	For Duplicating machine.
6. Wooden/Desk with 3 drawers Formica Top.	1 only	On Loan from Marine Division.
7. Office Desk with Metal Frames & Legs with 3 drawer	2 only	
8. Office Desk with Metal Frame and Legs - Drawers removed.	1 only	Obtained from National Parliament Office.
9. Chest type Table with Metal Frame & legs - 3 drawers	1 only	
10. Wooden Office chairs with cushion seats	6 only	

11. Wooden office chairs without cushion seats	3 only	
12. Typist Chairs	2 only	
13. Metal Filing Cabinets	5 only	4 with keys and 1 without key recently obtained from National Parliament Office.
14. Wooden cupboard	1 only	Given by Foreign Affairs.
15. Wooden Bookcases (6 Partitions)	2 only	
16. Strong Safe	1 only	From Prime Minister's Office
17. Electric Typewriter (KOVAC.E.1700)	1 only	Not functioning properly. Need replacement.
18. Manual Typewriter Olympia 7-434 9144.	1 only	No longer functioning.
19. Photocopy machine CANON NP.1215 (S/No.DN. S11138)	1 only	
20. 1 X A3 cassette and 1 x A4 Cassettee	2 only	For the canon photo copy machine.
21. Battery Wall Clock (FUJI TIME)	1 only	
22. Brief Case	1 only	
23. Racksack with Frames	1 only	
24. Coastal Life Jacket (Hutch wilco)	2 only	

25.	1 only Desk Top calculator (12 Digit-Power) AVRORA DC.555 N METAL	1 only	
26.	Vacuum Cleaner	1 only	For Office Car Cleaning.
27.	Metal Mop Bucket	1 only	
28.	Plastic bucket-20 litres (Green)	1 only	
29.	Electric Kettle	1 only	
30.	One Door 40 litres Refrigerator - WESTINGHOUSE 141	1 only	
31.	Metal Paper Dispenser	1 only	For Roll of Brown wrapping paper.
32.	Tape Recorder National RQ.2102 S/NO.DU 2LE 45185	1 only	
33.	Microphone	1 only	For Tape recorder.
34.	Computer Set . Screen . IPC Value Magic . Printer - Epson EPL.5200 . Key Board	1 Set	
35.	Guillotine	1 only	
36.	Sellotape Dispenser	1 only	
37.	Heavy Duty Stapling Machine (ELM ES.324)	1 only	
38.	High Wooden Stool (Formica top)	1 only	
39.	Dictionaries (2 only) . Collins English . Oxford Advanced Learners	1 copy 1 copy	

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|---|----------|------------------------------------|
| 40. Stores Instructions | 1 copy | Items 40 and 41
bound together. |
| 41. Financial Instructions
(1 x 1976 Version + 1 x 1994 Version) | 2 copies | |
| 42. General Orders (1986 Version) | 2 copies | |
| 43. <u>LAW BOOKS</u> (Refer list below) | | |
| 1. Law of Solomon Islands 1961 - 2 Volumes: Volume II and III | | |
| 2. Law of Solomon Islands 1969 - 6 Volumes: Volume I to VI | | |
| 3. S.I. Laws - Ordinances, Subsidiary and Legislation
- One for each year bound together 1970 - 1979 and 1982. | | |
| 4. S.I. Laws - Ordinances, Subsidiary and Legislation
- Filed in File covers, Folder each for the years 1983 - 1991. | | |
| These are filed in the following Files in each year:- | | |
| (i) Acts - Red File Cover | | |
| (ii) Supplements - Blue File Cover | | |
| (iii) Gazettes - Brown File Cover | | |
| 5. Employment Laws - Filed separately in one Red File Cover | | |
| 6. Penal Code - Cap. 5: Filed separately in Orange File Cover | | |
| 44. Rain Coat (Yellow) | 2 only | |
| 45. Rain Short (Long Yellow) | 2 only | |
| 46. Hose Pipe (30 metres) | 1 only | |
| 47. Wheel Barrow | 1 only | |

NOTE

- (1) The list produced here consist only of the NON EXPENDABLE STORES items and Books, etc for references.