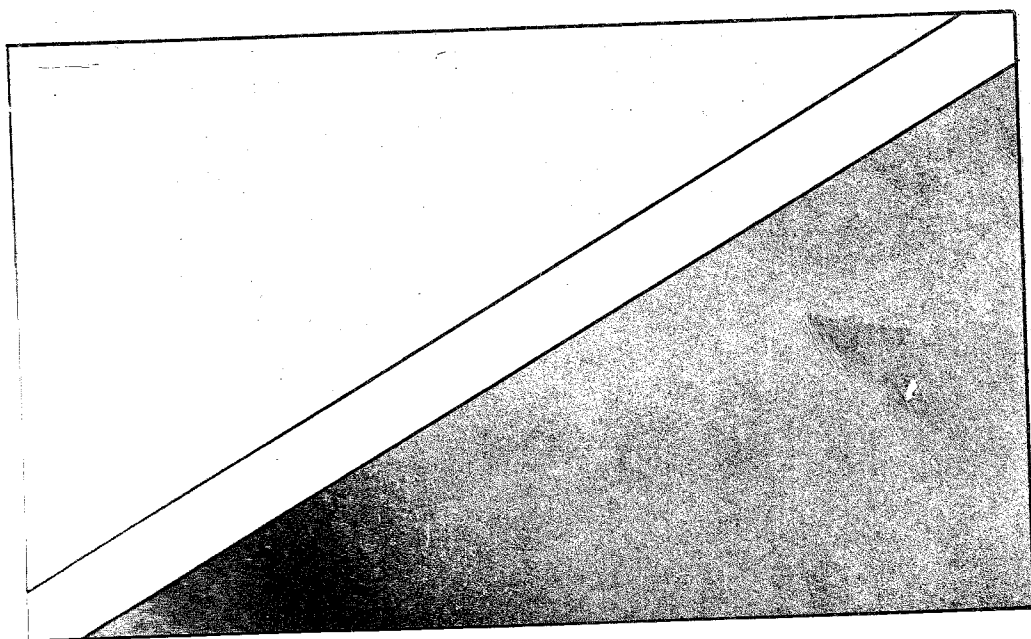




REPORT OF THE
OMBUDSMAN

FOR THE YEAR ENDED

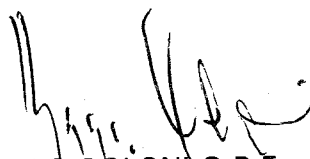
J 86 - 30TH JUNE 1987.



Presented to
THE NATIONAL PARLIAMENT OF SOLOMON ISLANDS
Pursuant to Section 98(3) of The Constitution
on 31st July 1987.

Mr Speaker,

I have the Honour, Sir to present my Report for the year ended 30th June 1987.



ISAAC QOLONI O.B.E.
Ombudsman

REPORT OF THE OMBUDSMAN
for the Year Ended 30th June 1987

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I. INTRODUCTION

The present Ombudsman took over from his predecessor on 1st July 1986. The change went very smoothly, despite both the new Ombudsman and the legal adviser coming into the office at the same time. The successful change of key staff in the office was due to the already well established administrative organisation set up by the former Ombudsman Mr Daniel P Maeke (CMG, OBE) and his staff. Our words of thanks to all of them.

Many complaints against Government bodies were received from those who are now working either in Central or Provincial Government. It is anticipated that in future the general public, and in particular those in rural areas of the islands will make full use of the office, for their benefits.

II. COMMENTS

1. TEACHERS

This year 48 complaints were made about the Ministry of Home Affairs and Provincial Government (MHA&PG) and the Ministry of Education and Training (MET). Most of these were by Teachers from the Provinces about discrepancies in their pay.

A rural teacher may have been on the wrong salary point or even may not have paid at all for several months and the "proper channel" for his complaint was rather a long one:

Teacher/Headteacher — Province — MHA&PG — MET
(and sometimes also the Ministry for the Public Service was involved).

The particular problems arose from MET having to decide what was the correct rate of pay; but MHA&PG being the Ministry to put this into effect; and the Province actually delivering the pay cheque.

As part of the Ombudsman's second Constitutional function: "to assist in the improvement of practices and procedures of public bodies", it was a priority to help teachers who are so much needed in education of Solomon Islands' growing young population.

The end result was -

1. The bringing together of all teachers' administration under the one roof of MET; and
2. Putting the Teaching Service Commission back into operation to deal with all complaints from teachers; and
3. Helping to produce the new teaching service handbook and the Commission's regulations.

The office now receives few complaints involving MHA&PG whose staff are particularly prompt and helpful.

2. EMPLOYMENT BY SOLOMON ISLANDS GOVERNMENT

Two thirds of the complaints handled by the Ombudsman were made by public servants about their employment. Government employees complained about everything from basic pay, allowances, promotion and transfers, to discipline, dismissal, redundancy payments, pensions and other benefits.

Some people criticise the Ombudsman's office for becoming involved in government employment, but clearly there is a need for it.

If the "proper channels" worked properly, then so many people would not need to complain to an independent outside authority. But as every public servant knows, at some stage in his career he has a problem which no-one seems to be able to deal with and takes months to sort out and it wastes a lot of the officer's time and energy meanwhile.

So why do people come to the Ombudsman?

This is hard to analyse objectively with statistics, but here are some suggestions and some comments and examples from this office:

- (a) **"The complaint was unjustified"**
The employee is afraid to face up to his superiors or maybe was just "trying it on" as a "last hope". There are some cases like this, but the investigations are worthwhile and often highlight real problems in the system.
- (b) **The Employee is just hoping for a "quick result"**
Why should he not hope for a quick result? are the "proper channels" too slow? or they blocked somewhere by a lost file, an officer on leave or who is over worked or by someone with a personal grudge?
- (c) **The Employee does not know what are the proper channels**
Often the procedure is lengthy and uncertain and sometimes no one is willing to take a decision and ministries are in conflict.

It is worth looking at some of these reasons from selected case histories:

Examples:

(a) Un Unjustified complaint?

A Level 3 assistant complained his studies had been terminated by the College and his ministry had unfairly kept him on half pay for 6 months. This did seem an unreasonably long time to be kept "hanging on", so an investigation was made.

Inquiries showed that the complainant's academic performance was so poor that the college was justified in terminating his studies on this ground.

He was suspended on half pay by his ministry pending a police investigation into his management of the Campus Canteen. At best his management was negligent and incompetent and at worst may have been criminal. However there was an excessive delay in settling the case.

The cause of the delay appeared to be with the Police, who, through undermanning and passing the file from one junior officer to another did not seem to have co-ordinated the charges against him, nor collected evidence while it was fresh. Eventually a vital witness left the country and the DPP directed that criminal charges be dropped.

The complainant's ministry was concerned that as there had been no successful prosecution, it had to take back this man on full pay, despite his unsuitability as an adviser for small businesses.

(b) **"Just hoping for a quick result"**

This reason for complaining to the Ombudsman is illustrated by two cases from the Ministry of Health and Medical Services (MH&MS), which came to light when Public Service Circular D/86 directed that Acting Allowances must cease.

The Leprosy Field Worker

Solomon Islands had 2 Leprosy Field Workers, based in Guadalcanal. They were employed as trainees in 1975 at L.2.1 and qualified in 1977, continuing with an impressive record of further training and dedicated service. In 1979 they were appointed to L.3B but for some reason this was never put into effect. They were occasionally paid allowances but never given the pay and status they deserved. In 1983 one of them left the service due to poor wages. The New Zealand Leprosy Trust Board then stepped in, offering a supplement to bring the remaining field worker's wages up to L4. Sometimes this was paid, sometimes not. In 1986 he complained to the Ombudsman when this allowance was stopped again. A surprising number of objections were raised by his own ministry for not paying him:

he was not properly registered;

charge allowances should not last longer than 6 months;

there was no L3/4 post on the establishment;

and finally that the Ministry for the Public Service (MPS) had never dealt with submissions to promote him. A representative of MPS very reasonably said that as this was foreign aid money, it was simply up to MH&MS to pay it, and MPS need not take the decision.

Reluctantly, it seems, MH&MS has let him have his allowance from New Zealand, but has still have not paid him his arrears and as far as this office is aware it has **still** not submitted a scheme of service to MPS for his substantive promotion.

Why should registry clerks get better treatment than this valuable, qualified hard working man?

Health Inspectorate in Makira - At the beginning of this case, an officer in the Ministry for the Public Service commented to the Ombudsman:

"It seems to this office that most of the officers who have these types of complaints come to you first for an explanation rather than going to their Ministries to sort out procedures. This case particularly is a good example. It is true it takes time to process things".

In 1984 the complainant received a letter of appointment, posting him to Makira as Health Assistant L4, "Pending his appointment to fill an existing L5 post in the Province".

In 1985 the complainant's superior, the L6 Health Inspector, resigned, leaving the complainant in charge of the Makira Health Inspectorate. In 1984 and again in 1985 the L5 post which the complainant had been promised was advertised. Both times the complainant applied, at the request of the Permanent Secretary, Ministry of Home Affairs and Provincial Government (MHA&PG). Both his applications were lost without trace, and in 1986 the post was abolished and the complainant's acting allowance ceased.

Five authorities were involved:

The Province; the Ministry of Home Affairs & Provincial Government; the Ministry of Public Service; the Ministry of Health & Medical Services and the Public Service Commission each tending to blame the other, and none of them taking responsibility for seeing the matter through.

When invited to comment by the Ombudsman:

The Ministry of Home Affairs & Provincial Government promptly confirmed that it had sent him the application forms but heard nothing more, and pointed out that it was up to the Province to make sure he got his acting allowance.

Makira Province confirmed that he ought to have been promoted but could produce no records of any recommendations, nor of his application; and commented:

"We need lots of improvements on Health Environmental in this Province and to do this the morale of workers in the Provinces should not be spoilt by the so-called bosses in respective division in the Ministries..."

(But note the Ombudsman's comments on Health Services in this Province in Item II (5) of this report.).

Ministry of Public Service - Simply blamed the Ministry of Health & Medical Services and the Public Service Commission for not processing his promotion.

The Public Service Commission - To its credit admitted that it had received the officer's applications for the L5 post, but had not been able to form the interviewing panel due to "staff shuffling and duty changes in MPS" and because "the Health Division of MH&MS failed to co-operate"; MPS admitted the mistake in abolishing the L5 post last year.

Ministry of Health & Medical Services never explained its position over the last two years. This Ministry should have kept a check on its submissions to the Ministry for Public Service.

Finally MH&MS agreed to make a new submission to the Public Service Commission, but as far as this office is aware, it has done nothing more about the case. Fortunately the Assistant Health Inspector is receiving an acting allowance again.

(c) **What are the proper channels? (Who is the proper authority)?**

Local Court Clerks are an interesting relic from colonial days when they came under the District Commissioner. Upon Independence they were "taken in" by Central Government; but the Ministry for the Public Service has always refused to treat them as proper Government Officers and has not given them the appropriate pay, allowances and retirement benefits.

For instance the Secretary to the Public Service advised -
"...members of the Local Court do not come under the 1980 revision of wages and salaries."

Whether or not one agrees with the Local Court System, most Local Court Clerks work hard and are the only representatives of the judiciary in the rural areas. Where the Local Court has been centralised, as in Guadalcanal and Malaita, they have a demanding full time job, handling people and administration and taking decisions which the more senior public officers would find hard to bear. In the long run these men may be the magistrates of the future - "coming up the hard way".

One of these is the Local Court Clerk for Guadalcanal, whom his responsible officers have repeatedly recommended for a L4 establishment post - or at least to be given housing allowance in accordance with General Orders and the Labour Act. At the time of making the complaint to this office he received only slightly more than an office cleaner.

The Ministry of Police & Justice was finally persuaded to make a submission to the Public Service Commission for his promotion but it is said that the Ministry for the Public Service "left it in some corner untouched for 9 weeks because it was not done properly".

The Permanent Secretary (MPJ) himself then made a new submission, but the Ministry for the Public Service appears to have lost it again, **despite** it being received safely and seen by their Permanent Secretary in the mail. Meanwhile the officer has still not been given the housing allowance to which is entitled under the Labour Act.

3. **REDUNDANCY**

There is widespread misunderstanding of this term throughout the public service. It applies only where a post is being abolished.

Disappointed

For instance, one officer complained that he had asked for Early Retirement under P.S. Circ.J/86, thinking he would get a fat redundancy payment. He was very disappointed to get only a frozen gratuity, arising from his employment before converting to NPF. He was himself a personnel officer and should have known better.

Lucky Marine Officers

Unfortunately it seemed there was similar confusion in the Ministry of Transport, Works & Utilities. This came to light when officers who had volunteered under the Marine Division Redundancy Exercise complained that their Redundancy payments were miscalculated. When the payments were calculated properly one particular complainant went away with a redundancy payment of more than \$8,000. He was 49 years old and would have retired this year.

Did this exercise save the government money? Or did it lose the most experienced officers and those men who had the best qualifications and who are now badly needed by the Marine Division?

The law relating to Employment is not straight-forward and it is recommended that the Attorney General's advice be taken by ministries in any future "trimming of the Public Service".

4. PENSIONS AND RETIREMENT BENEFITS

This year, the Ombudsman received 24 complaints about benefits arising from the termination of Employment including pensions, gratuities and redundancy and severance pay. A further 4 were carried forward from last year. Without inquiring into the strict legality of the Scheme of Early Retirement advertised by Public Service Circular J/86, it has brought to light a number of unfortunate cases where officers have been badly advised in the past.

One Month Too Short

For instance, under the Pensions Act, an officer is eligible for a frozen pension if he has completed 10 years pensionable service before converting to the National Provident Fund.

Several police officers decided that after 10 years service they would convert to NPF and asked their finance officer to put this into effect. Perhaps the finance officer back in the late 1970's was too efficient, or just did not know the law because he did these officers' conversion to NPF just too soon. Now, these officers are told by the Ministry of Public Service, that as they have done only 9 years 11 months pensionable service, they get no frozen pension and their service as a police recruit does not count.

These policemen further alleged that this rule has not been applied to everyone. Unfortunately those files were not available at Police Headquarters and this office was unable to check these allegations.

In fact the Minister of Finance (as advising the Governor General) has discretion under the Pensions Rules No. 20(a) to put right this unfairness. He can count up to half of the officers' non-pensionable service as pensionable if this would be just and equitable in the circumstances of any particular case. The Honourable Minister for Finance is respectfully asked to consider this if he has not already done so.

It is sad to note that one of those police officers back in 1982 also missed getting his Long Service Benefit (LSB) by 6 months.

Delays

June 1987 saw the end of our longest running case.

In June 1982 a worker for the Ministry of Transport, Works & Public Utilities (MTW&PU), in Gizo wanted his LSB. He was told by his Ministry -

“You will have to wait patiently until funds are made available by the S.I. National Government...”

In 1985 he still had not received his LSB, so consulted the public solicitor who referred the matter to the Ombudsman.

After 17 letters 32 recorded phone calls and 6 personal visits to the Treasury and MTW&U, his money arrived in Gizo.

There was a remarkable lack of co-operation between MTW&U and the Treasury and long delays on both sides. The particular section of the Treasury may well be overworked, but why do files “go missing” and why wait for ministries to collect and re-type incorrect requisitions instead of the officers concerned telephoning or writing to each other to sort it out?

MTW&U has admitted having several staff changes causing delay on its side and the Ombudsman’s staff often had a very frustrating time even getting through the Ministry’s switchboard, let alone finding anyone available to deal with the case. Both Authorities are now aware of the problems (this is not just an isolated example) and no doubt will do something about them.

Other complaints have been made about delays in getting frozen pensions and gratuities from the Treasury. One retired police officer had to come down from the West at his own expense specially to persuade the authorities to pay him his gratuity - this was more than five months after he had retired and gone home.

To be fair, employing Ministries may not give enough warning to the MOF to arrange for payment, and the Redundancy and Early Retirement schemes have added to the work of this section, but it seems there is room for improvement.

The request that ministries should submit claims for Pensions **six months** in advance does seem excessive, allowing too much time for files to be lost or forgotten. Why does it all take so long?

Pensions Increases

A number of old age pensioners throughout the country asked the Ombudsman “why have we had no pensions increase since 1983?”. Serving Government Officers have enjoyed salary increases of about 24% since then and the Pensions Act makes provisions for pensions to go up in line with salaries.

This office was able to look into the Pensioners’ claims and bring them to the attention of the Government Statistician and the Minister for Finance. We are pleased to note that His Excellency the Governor General, as advised by the Honourable Minister of Finance has now decided to look at officers pensions. The decision whether or not to actually increase pensions now rests with the Minister.

5. THE PROVINCES

As usual, most of the complaints came from Honiara, the administrative centre where most government officers are employed.

After Honiara most complaints were received from the West, followed by Malaita and Temotu Provinces.

For some reason, people from Central Islands and Isabel do not complain much - are they quite happy about Provincial and Central Government or is it a question of communication?

Communication - A steady flow of written complaints comes in from the Provinces whether or not members of the office go on tour - But touring is important. Not everyone can express themselves in writing, and not everyone wants to commit themselves to paper straight away. It is good to talk to people face to face and often their complaints can be explained there and then, or dealt with informally.

Service Messages - The SIBC service message **was** a great way to communicate with people in the rural areas, but how many of them can receive it now? In Gizo and further West, a special radio set is needed, now the Radio Happy Lagoon transmitter has closed down. No doubt reception is even harder in the East.

Seconded Staff - Housing

Everywhere the Ombudsman went in the Provinces, Staff seconded from Central Government complained about their treatment by the Province and sometimes also felt out of touch with their own Ministry in Central Government.

From Munda to Malu'u to Mohawk Bay the main complaint was about substandard housing, and the Province's refusal to repair or provide furniture. Houses are deteriorating, minor defects become major problems and properties lose value and workers and their families are unhappy. Some of the work could be done by the occupants themselves in their spare time if materials were provided, but other defects such as leaking toilets and plumbing need professional attention to keep houses fit for human habitation. This office has succeeded in getting rent reductions in individuals cases of substandard housing, but we are well aware that this is not the real solution to the problem.

The Ministry of Police & Justice has set an example in attempting to maintain their tied properties in the Provinces, but this creates its own problems with supervision, payment and unprofessional work by subcontractors and question of which buildings should be repaired first.

However, contrast with a statement from the Ministry of Health & Medical Services:

"Whilst we are aware of the housing and other problem such as this which is happening not only in Auki, the responsibility for repairs and maintenance of all government buildings falls on the Ministry of Transport, Works & Utilities and the Workforce of the Province concerned. This Ministry has no means (funds) to assist in any way..." This Ministry does not appear to feel responsible for its workers.

Who can use the stationery?

The discrimination between seconded staff and Provincial employees extends into other areas.

It was distressing to see the petty attitude in one provincial hospital where some officers were allowed to use stationery, office furniture, space and secretarial support while others were denied, just because their pay came direct from Central Government rather than out of the provincial vote through the Ministry of Home Affairs & Provincial Government. Were they not all supposed to be working for the health of the Province?

MAKIRA & ULAWA PROVINCE

The Ombudsmans' first tour in office was to Makira Province, to investigate complaints of maladministration and corruption by the Provincial Executive and Directors of the Makira Economic Development Authority, formerly MUDCO.

This was shortly before the Honourable Minister for Home Affairs & Provincial Government himself went to Kira Kira and acquainted himself with the situation.

The long standing question of the Legality of MEDA - remains unanswered. Did the Province have power to set up MUDCO in the first place, or was it *ultra vires*? and how is MEDA accountable for its use of Provincial assets and funds? What was particularly regrettable was the lack of records, documentary evidence and the few people brave enough to come forward and give evidence..

Two problems common throughout the Provinces seemed to be worse in Makira:

Housing - The Provincial Assembly Members had allocated themselves houses on the station that were meant for Government Workers (and had given themselves vast advances on salary) the station itself was filthy, littered and overgrown.

Transport - Government ships had been taken by MEDA to be run on purely a business and economic basis and the medical and educational needs of the people of Makira and Ulawa were unsatisfied and timetables unreliable. The Province's medical division was expected to pay the full commercial charter rate if it wished to visit clinics to replace medicines and assist nurses.

6. STATUTORY AUTHORITIES

Solomon Islands College of Higher Education Disciplinary procedures - no Natural Justice

SICHE has a poor record with this office. Of seven new complaints this year and one case brought forward from last year; five were found to be justified complaints; and only 2 of them have been dealt with satisfactorily; two cases were referred back to the College for appeal and one case is still under investigation. All of these cases seemed to point to problems in the Registrar's division.

All the new complaints arose from maladministration of the college's disciplinary procedures. These procedures were not followed properly and the rules of natural justice were broken.

Students and staff members have been summarily dismissed without a chance to put their side of the story, and in one case a member of the panel had already made up his mind before the hearing.

At the start of the year, the Ombudsman advised the Registrar about Natural Justice but breaches have happened again.

The Ombudsman does not interfere in the professional decision of a disciplinary or appeals body, once it is properly made, he fully realises that students and staff must be dismissed sometimes, but it must be done fairly.

Students Form 3 Selection

This case carried forward from last year, was a complaint by a headmaster on behalf of seven disappointed school children who had been offered places at College and then denied them.

There was maladministration of the F3 examination at the school (students names and marks apparently were "muddled up") but the Registrar's division at the College had to accept the blame for allocating school students places at college when the examination marks were not high enough. In the end, the seven places were given to children from other schools whose marks were much higher. It is hoped the normal selection procedures for F3 children are not as haphazard as they seem.

Livestock Development Authority

The Ombudsman has received complaints from Commercial Butchers that the Livestock Development Authority (LDA) is:

- exceeding its statutory powers in operating its retail butcher's shop;
- and

- unfairly exploiting its monopoly on cattle slaughtering by selling cut-price meat direct to the public; and

- can only sell its meat so cheaply because the butchery is indirectly subsidised by foreign aid through the other sections of LDA.

The butchers argue that to pay their high overheads such as refrigerators, compressors, fuel, staff, shop rents they need a gross mark-up on meat of 30-40% on wholesale prices even to get a small net profit of 9-10%. They cannot compete with the LDA which they say, is actually damaging the meat industry, not promoting it.

These complaints were put to the LDA which explained that their retail butchery was set up to:

- help pay for the abattoir (not the other way round);

- to control the price of local meat;

- to keep the staff occupied;

- and to provide practical butchery training.

The LDA was confident that there was room for another butcher's shop in Honiara, especially if it could help keep the prices down for the consumer by commercial competition.

How successful the shop has been is hard to say. Visitors from this office got the impression that it was not always very businesslike, and wondered how the delivery service could possibly be economical. It is hard for the Ombudsman to judge the situation, without the advice of a business expert to go through the Commercial Butcher's accounts. For instance, what is their mark-up? Some say it has been as much as 100%. Also the accounts of the LDA presented difficulties - Ombudsman's staff were not able to work out much from the Annual Report.

Difficulty in exposing the correct financial situation has hindered the LDA in its discussions with the Commercial Butchers to make a Price Control Agreement as suggested by the Ombudsman earlier this year. It is hoped that agreements for hygiene quality control will have more success.

Perhaps LDA has an impossible job in trying to be a commercial enterprise at the same time as developing the cattle industry.

In Honiara, it is easy to forget that so much of the LDA's activities are concentrated in the rural areas such as: advising and assisting cattle projects; feed distribution; cattle transport; nucleus breeding centres; and other extension services which would have to be performed by the Ministry of Agriculture & Lands, or else left undone.

The Ombudsman notes that the LDA has made considerable progress especially over the past year and that its policies are currently under review.

**III. SUMMARIES OF JUSTIFIED COMPLAINTS MADE TO THE OMBUDSMAN IN
1986 - 1987**

Case Number	Details of Complaint	Satisfactory Result?
5	Teacher's salary wrong - delay (Western) - referred to TSC	Yes
9	Teacher's salary wrong - delay (Malaita) - referred to TSC	Yes
10	Failure by Western Province to grant liquor licence - partly justified	Yes
12	Policeman's allowance for Immigration duties	Yes
14	Teacher's salary wrong - delay (Western) referred to TSC	Yes
18	Delay with 3 teachers on wrong salary (Western) referred to TSC	Yes
22	Unfair charging of Customs duty at General Post Office	Partly
25	Workers in Government owned company-wage increase delayed 3 years	Yes
29	Delay in payment by NPF	Yes
42	Sacking without warning by Guadalcanal Province	Yes
49	Paying back of special duty allowance	Yes
50	Non payment for charter of ship by Guadalcanal Province	Yes
52	Unfair loss of place in secondary school (KGVII)	No
53	Delay with teacher's wrong salary (Malaita) referred to TSC	Yes
54	Suspension from duties - conflict between Provincial Premier & Administration	Partly
55	Refund of money for Tractor head by Malaita Province	Yes
62	Delay in paying teacher's salary	Yes
63	Unfair expulsion of student from SICHE	Yes
68	Pension benefit for Local Court Clerk	No
69	Delay in Pension increase	Yes

*Referred to Teaching Service Commission - but Ombudsman's office continues to monitor progress of complaints.

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69	Delay in Pension increase	Yes

*Referred to Teaching Service Commission - but Ombudsman's office continues to monitor progress of complaints.

Case Number	Details of Complaints	Satisfactory Result
71	Delay in making full payment of teacher's salary	Yes
72	Charge allowance payable to Field Assistant	No
77	Policeman's allowance for immigration duties	Yes
79	Unfair treatment of teacher on retirement	Yes
82	Wrong salary for Mental Health Nurse	Yes
87	Refusal of frozen pension	No
88	Payment of danger & dirty allowances by MAL	Yes
90	Leprosy field worker - no promotion for 9 years	No
99	OTU discrimination over scholarship	Yes
101	Incorrect calculation of Redundancy pay (Marine Division)	Yes
103	Delay in High Court administration of unrepresented estates	Yes
104	Worker missed out for promotion (MTW&U)	Yes
109	Overtime payment by Ministry of Posts and Communications	Yes
110	Delay in payment of teacher's salary	Yes
112	Immigration officer's special dirty allowance	Yes
120	Unfair expulsion of Honiara Town Council school student	Yes
123	Delay in payment of correct LSB	No
133	Unfair dismissal by Guadalcanal Province	Yes
141	Refusal to pay Housing Allowance by MPJ	No
143	Delay in paying Malaria Spraymen's wages	Partly
146	Unfair expulsion of student by SICHE	No
147	Delay in increase pensioner's annual allowance	Yes
160	Unfair dismissal by National Parliament Office (referred to Public Solicitor) (Partly Justified)	Partly
177	Payment of Charge allowance to Provincial Administration Officer (AAO)	Yes
183	Delay in execution of judgement by Courts	Yes

Case Number	Details of Complaints	Satisfactory Result
188	Miscalculation of Redundancy Pay (Marine Division)	Yes
189	Unpaid disturbance allowance by MPC	Partly
193	Unfair treatment & withdrawal of contract by SICHE	No
197	Administration of visitors permit fees	Yes
199	Excessive rent for Government Quarter - delay in rectification	Yes
202	Unfair treatment of staff member by school of Nursing (SICHE) (referred)	No
205	Delay in getting pension from Ministry of Finance	No
213	Underpayment of school teacher (Western)	Yes
216	Payment of Immigration duties allowance	Yes
228	Marine officers redundancy payments	Yes
235	Problems at Munda Airport	Yes
237	Confusion over annual leave entitlement (Guadalcanal Province)	Yes
238	Corruption and wastage in Makira Province and MUDCO.	No

VI. ANNUAL STATISTICS

Statistics Authorities complained about Most

Authority	Complaints 1985-6	Complaints made 1986-7	Number Justified wholly/ Partly	Analysis 1986-7 Not Justified	Referred or unfinished
MPJ	29	42	7	6	29
MOF	27	35	7	8	20
MET	24	32	3	3	26
MTWU	25	21	4	1	17
MH&MS	12	20	2	1	17
MAL	16	15	7	1	12
MHA&PG	33	16	7	1	8
MPC	9	15	5	1	9
Malaita Province	22	14	1	2	111
Western Province	10	12	3	1	8
MPS	23	11	1	5	5
Temotu Province	7	10	1	2	7
NPF	15	9	1	-	8
MNR	8	8	1	-	4
SICHE	4	7	5	-	2
MIL	6	6	2	1	3
MTC	8	4	-	-	4
SI Housing Autho.	2	4	-	-	4
Makira Province	3	3	1	-	2
PM's Office	-	2	1	-	2
Nat. Parl. Office	-	2	1	-	1
Isabel Province	3	2	-	-	2
LDA	1	2	1	-	1
SIPA	-	2	-	2	-
MTC&I	2	1	-	1	-
Central Province	2	1	-	-	1
CBSI	-	1	-	-	1
DBSI	4	1	-	1	-
Other	5	1	-	-	1
No Jurisdiction	10	22	-	-	22
TOTALS:	316	333	59	43	229

*For key to Abbreviations, see page 24.

Notes: **Ministry of Police & Justice**

The figures for this Ministry included fourteen complaints about the Police Force by policemen; about their pay; allowances; pensions and other conditions - and a further five complaints about Prisons Service by Prison Warders of former Warders. Most of these cases were referred back to the Commissioner of Police or to the Police and Prisons Service Commission after initial advice - hence the comparatively low number cases marked as "justified". This office is not normally informed of the decisions of Service Commissions on cases referred to them.

Ministry of Finance

Many of these complaints involved government Pensions and other post-service payments; comments are made in Item No. 4 of II.

Ministry of Education & Training and Ministry of Home Affairs & Provincial Government

35 of these complaints were by teachers about their pay and conditions. It is hoped the situation will improve, now cases can be referred straight to the Teaching Service Commission.

Ministry of Transport, Works & Utilities

This is a large Ministry-employing many men spread throughout the Provinces, but there do seem to be too many problems often arising from maladministration.

Ministry of Agriculture & Lands, Ministry of Natural Resources and Ministry of Posts & Communications

Most of these complaints came from seconded staff isolated in the Provinces.

Number of Justified cases against Authorities

In some ways this is a more telling figure, showing the complaints which could not be referred elsewhere and which appeared to the Ombudsman to be justified in whole or in part:

Ministry of Finance	)	7 complaints
Ministry of Police & Justice	)	justified
Ministry of Home Affairs & Provincial Government	)	1986-7
Ministry of Posts & Communications	)	5 justified
S.I.College of Higher Education	)	complaints
	)	1986-7
Ministry of Transport, Works & Utilities	)	4 justified
Guadalcanal Province	)	complaints
Ministry of Education & Training	)	3 justified
Western Province	)	complaints

Interestingly, MOF and MPJ were also the Authorities against which most unjustified complaints were made.

With MOF, it was usually that an explanation was required for unpopular for administrative actions.

With MPJ, perhaps it was that those employed - were the most articulate and used to fighting arguments in Court, so would not meekly accept their treatment by authorities.

Origin of Complaints

Where in Solomon Islands do the Complaints Arise

Area	1985-1986 No Complaints	1986-1987 New Complaints
Honiara Area	114	125
Western	74	68
Malaita	57	62
Temotu	35	33
Guadalcanal	9	18
Makira	15	12
Santa Isabel	14	11
Central Province	8	4

Cases Handled 1986 - 1987

The total number of cases handled was 413, comprising 333 new complaints and 80 carried from 1985-6.

Year	Number of new complaints
1981-2	89
1982-3	179
1983-4	329
1984-5	325
1985-6	327
1986-7	333

V. LEGAL NOTES

1. **Jurisdiction:** (a) Government Shareholding Agency
 (b) Governor General and the Committee on the Prerogative of Mercy
 (c) Private Logging Companies
2. **Overlap with Leadership Code Commission**
3. **Secrecy:**
Jurisdiction
 (a) **Ombudsman's Jurisdiction - Why should GSA Companies escape?**

Under the Ombudsman's Act the Ombudsman can investigate the administrative functions of the Government Shareholding Agency, but not those companies in which it invests, unless they are also incorporated by Act of Parliament to become a Statutory Authority.

In practice we do receive complaints about GSA companies such as SOLAIR, and Sasape Marine, particularly from workers who sometimes have no other body to help them - for instance the SI Philatelic Bureau workers were promised a pay rise back in 1983 which they finally received in full last year, after assistance from this office, but for a long time, were

without a manager to look after them. Government money is invested in these companies, often they are effectively controlled by Government, so why should they escape the checks and controls to which other arms of government are subject?

Parliament may, by simple resolution, declare these companies to be within the Ombudsman's jurisdiction.

- (b) **Committee on the Prerogative of Mercy** - This office has been asked several times

"Can you investigate delays in the Governor General's office" and the answer is "no".

It is of particular concern when we are asked by relatives of prisoners "what has happened to the Committee on the Prerogative of Mercy"? The answer is - "we do not know, we cannot tell..."

One prisoner had addressed His Excellency several times but had received no reply or acknowledgement.

- (c) **Private Logging Companies** - We have received a number of complaints ranging from injuries not receiving workmen's compensation to non payment for timber and spoiling of land for further agricultural use: In one case from the West it was alleged that the people who actually live and work on the land did not consent to the land being logged. The decision to log being taken by Chiefs or landowners who lived elsewhere and who it was feared would be the ones to get the royalties.

The Ombudsman is not seeking to have private companies within his jurisdiction, but it seems proper that Parliament should know of these complaints and his concern.

2. **Overlap with Leadership Code Commission**

The Ombudsman has been asked several times -

"What has happened about the 1985 Government Housing Sale Committee scandal? What are you going to do about it?" "What happened to the report of the Commission of Inquiry"?

The issue of the Sale of Government has got lost somewhere on its long journey: Ombudsman's Office — Commission of Inquiry — Leadership Code — D.P.P. — Courts. Having read the Special Commissions' Report and seen the long list of names involved, the Ombudsman appreciates the delicacy of the situation, but regrets the lack of progress by the Leadership Code Commission.

The Ombudsman believes that such an investigation is within his jurisdiction and if the Honourable Prime Minister cares to clarify the situation and if necessary give him a direction the Ombudsman and his staff will proceed.

The functions of the Ombudsman and the Leadership Code Commission overlap and it has been suggested that Ombudsman's staff also work for the Commission. - But is it necessary to have the **two** bodies?

In Papua New Guinea there is a 3 man Ombudsman Commission which administers the Leadership Code - and can prosecute under it - It works well in PNG - Perhaps it would work here. A submission to Cabinet was made along this line in August 1986.

3. **Secrecy** - The Ombudsman and his staff are bound by the Oath of secrecy in the Ombudsman's Act "not to disclose **any** information received in the exercise of our duties". Strict adherence to this would make investigations impossible, but we do have to say 'no' to third parties who may ask for copies of letters.

VI. ADMINISTRATIVE NOTES

1. Staff

The authorised staff of the office remain the same -

Ombudsman	-	SS1
Legal Adviser/ Principal Investigation Officer	-	L7/8
Senior Investigation Officer	-	L7
Personal Secretary	-	L6
Cleaner/Gardener	-	L1B

2. Finance

Although our finance allocation for this year under certain subheads e.g. 205-11-300 (Office Expenses and Incidentals) and 205-12-300 (Travelling & Transport) were all exhausted by June, 1987, virement applications have been made successfully from other sub-heads to rescue the overspending, thanks to the approval of the Minister of Finance.

As a result of this overspending those sub-heads have been increased in the 1988 proposed estimate.

3. Accommodation

A decision is still awaited from the Secretary to Prime Minister about Ombudsman's office as promised.

4. Touring & Talks

So far the Ombudsman has covered most Provinces in the course of this year. It is expected to cover the rest of Provinces e.g Isabel & Central Province - before end of 1987, subject to Finance. Talks on the Role of the Ombudsman and the Constitution of Solomon Islands are given on request.

OMBUDSMAN'S TOURING AND TALKS 1986-1987

4th - 5th August '86	Ombudsman's tour to Makira Province
11th Sept. '86	Talk to Managers at Admin. Training Centre
5th - 10th Oct. '86	Ombudsman attend Conference of Australasian and Pacific Ombudsmen - Tasmania
27th Nov. '86	Talk to Managers at Admin. Training Centre
16th - 23rd Dec. '86	Ombudsman's tour of Western Province; Munda, Choiseul and Gizo.
February '87	Talks to School of Nursing Students
22nd-25th April '87	Ombudsman's tour to Temotu Province (Lata, Luesaleba)
7th May '87	Talk to Managers at Admin. Training Centre
14th May '87	Ombudsman's visit to Central Islands Province (Tulagi, Sasape)
18th-28th May '87	Tour of Malaita (Afio, Malu'u, Auki)
17th June	Talk to Honiara Town Council
28th June-3rd July	Tour of Western Province (Munda, Gizo)

KEY to Abbreviations used in this Text

(For the benefit of any overseas reader - and those unfamiliar with acronyms and abbreviations).

CBSI	-	Central Bank of Solomon Islands (Statutory Authority)
DBSI	-	Development Bank of Solomon Islands (Statutory Authority)
HTC	-	Honiara Town Council - (Provincial Governing body of Honiara City)
LDA	-	Livestock Development Authority (formerly Cattle Development Authority) (Statutory Authority)
Marine	-	The Marine Division of MTW&U
MAL	-	Ministry of Agriculture & Lands
MEP	-	Ministry of Economic Planning
MET	-	Ministry of Education & Training
MOF	-	"Finance" - Ministry of Finance
MH&MS	-	Ministry of Health & Medical Services
MHA&PG	-	Ministry of Home Affairs & Provincial Government
MIL	-	Ministry of Immigration & Labour
MNR	-	Ministry of Natural Resources
MPJ	-	Ministry of Police & Justice, (includes Police and Field Forces, Prison Service and Judiciary)
MPC	-	Ministry of Posts & Communications
MTC&I	-	Ministry of Trade, Commerce & Industry
MTW&U	-	Ministry of Transport, Works & Utilities (includes Marine Division and the Water Unit)
MPS	-	Ministry for the Public Service
NPF	-	Solomon Islands National Provident Fund (Statutory Authority)
NPO	-	National Parliament Office
PMO	-	Office of the Prime Minister
Province	-	One of the Provincial Government set up by the Provincial Government Act 1981
public servants	-	any employee of SIG - not just those working for MPS
Treasury	-	Treasury Division of Ministry of Finance

- SIBC - Solomon Islands Broadcasting Corporation (Statutory Authority)
- SICHE - Solomon Islands College of Higher Education (Statutory Authority)
- SIG - Solomon Islands Government - Central Government generally
- SIHA - Solomon Islands Housing Authority - (Statutory Authority)
- SIPA - Solomon Islands Ports Authority (Statutory Authority)
- SIPB - Solomon Islands Philatelic Bureau (100% owned by SIG but not a Statutory Authority)
- SOLAIR - Solomon Islands Airways - (now 100% owned by SIG but not a Statutory Authority)