

The Ombudsman Newsletter

Luk lo Waka blo Gavman



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Ombudsman Act 2017 Gazetted



Ombudsman Fred Fakarii (center) and Directors (Nelson Dhita—left & James Maneforu—right) meets Press Media, Thursday 22 February 2018, OOSI Conference Room.

The new Ombudsman Act 2017 commenced on 31 January 2018.

This new Act which was passed by Parliament on 26 July 2017 repeals the old Ombudsman (Further Provisions) Act, Chapter 88.

The coming into effect of this new Act means, among other things, that any person who is unhappy about how any government office or its contractor deals with him or her can complain to the Ombudsman either verbally (in person or through tele-

phone) or in writing (letter or email).

The Act allows the Ombudsman to investigate complaints of administrative conducts only or what is commonly referred to as maladministration – not criminal conduct or complaints about court decisions or other such expert decisions or opinions. Members of the public who think they are unfairly treated by any government agency, ministry or department are therefore encour-

aged to raise complaints of administrative conducts only to the Ombudsman's Office.

However, the new Act provides for a referral mechanism where the Ombudsman can refer to another authority complaints or part of a complaint which is not maladministration. This means that if a person is confused as to whether or not a certain conduct ...cont. page 2

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Special points of interest:

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- *Networking by Director of Governance and Ombudsman.....see page 3*
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Commencement of the Ombudsman Act 2017

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that affects him or her is administrative or which authority to see regarding that conduct, the new Act allows you to come to the Ombudsman to complain about that action or inaction and the Ombudsman can refer you to the office

(despite reminders); gives misleading or inaccurate statements; chronic “*Kam baek tumoro*”.

The new Act also allows a third party to complain to the Ombudsman on behalf of the person affected by a certain administrative conduct.

both. Giving misleading information or document that contains misleading information is also a crime punishable with a similar penalty. The increase of the penalties is an improvement under the new Act from the old one.

The Ombudsman can, after

investigations, prepare a report on its findings. If the agency complained against is wrong, the Ombudsman can make recommendations to that agency on how best the Ombudsman thinks the problem should be solved. Where

Ombudsman Fred Fakarui and team meets press media to announce the commencement of the new Ombudsman Act 2017.



an agency fails to implement the recommendations of the Ombudsman, the Ombudsman can make a report for tabling in Parliament so that the agency can account to Parliament.

The Office of the Ombudsman hopes this new legal tool will assist the office to continue to be effective in its “watch-dog” role, acting as a medium for the public to channel complaints through and in turn, for the government to measure the efficiency and effectiveness of its systems including whether there is a fair, transparent and accountable public administration that benefits the people of Solomon Islands.

or authority he or she thinks appropriate to deal with your matter.

Examples of general administrative conducts are, but not limited to: undue delay; and incorrect or unlawful action (such as reprimanding or disciplining an officer for reporting you to the authorities); failure to make a decision or take any action; failure to give reason for a decision; giving a decision that no reasonable person can make; failure to follow procedures or law (e.g. decisions that are *ultra vires* or ignoring rules of natural justice; inadequate or poor record-keeping; failure to reply

The Ombudsman is empowered by this new Act to not only investigate appropriate complaints that it received but can also initiate investigations on its own from information received from any other source including the media.

The new Act empowers the Ombudsman to request information, document or thing from any person for purposes of his investigations or may also request a person to attend to give information. Failure to comply with such request is an offence attracting a penalty of \$50,000.00 fine or 5 years imprisonment, or

“corruption can thrive in weak administrative system thus the role of the Ombudsman’s office to investigate maladministrati on related issues can encourage systematic improvements”.

Director Governance attend PIN meeting in Brisbane, Australia

The Director of Governance, Fredrick Fa'abasua, was appointed by the Ombudsman with the concurrence of the Chairman of the Leadership Code and Auditor General to represent Solomon Islands in the Pacific Integrity Network (PIN) Working Group (WG).

The PIN working group had its first meeting in Brisbane from 28 February—2 March 2018. This meeting organised by the Ombudsman Commonwealth Office (OCO) was purposely to meet and chart the way forward for the PIN countries as funding under the current arrangement ceases by 30 June 2018.

During the Brisbane meeting the working group have appointed the representative from Papua New Guinea as Chairman whilst the Solomon Islands representative is the deputy chairman.

A number of issues agreed too during this meeting includes the group making use of the remaining funding that is available under the arrangement to the benefit of all PIN members, develop a compelling business case for the post 30 June 2018 and way forward for PIN that will be presented to leaders in their meeting in Wellington, NZ, in May 2018.



Backrow—Director Governance 3rd from left

Further to that, the leading with emotional intelligence and leadership training was facilitated as part of the PIN WG tasks. This was attended by Office CAO and LCC Chairman himself also in Brisbane in March 2018.

Ombudsman and Director Governance attends ANZOA and PIN Leaders Meeting in Wellington, New Zealand



Front row: Ombudsman Fred Fakarii second from left. Standing backrow: Director Governance, Fredrick Fa'abasua, 4th from right.

The Ombudsman Mr. Fred Fakarii and Director Governance Mr. Fredrick Fa'abasua has attended the Australian & New Zealand Ombudsman Alliance (ANZOA) and PIN Leaders meeting in Wellington from 20—25 May 2018.

During this meeting the PIN WG had engaged in a number

of tasks that includes: finalising the business case to be presented to PIN leaders, had a one day training on 'how to design and deliver a presentation with confidence' and presented the business case on the way forward for PIN members and the region.

The PIN leaders after receiving the proposal agreed to it with the current PIN WG given another 12 months to come up with a strategic plan for PIN that is expected to be finalised before the APOA meeting in Auckland in November 2018.

“the working group has appointed the representative from Papua New Guinea as Chairman whilst the Solomon Islands representative is the deputy chairman”.



OOSI commence advocacy on new law

The Office of the Ombudsman (OOSI) has commenced with its series of educational awareness on the new Ombudsman Act 2017.

Immediately after the Act was Gazetted on the 31st of January 2018, awareness programs were drawn to target ministries, provincial governments and the general public at large.

The first of these programs saw OOSI officers visiting Malaita Province and the Honiara City Council in the month of March. Simi-



OOSI Conduct awareness to Honiara City Councilors

the old Act.

He further stressed that corruption can thrive in weak administrative systems thus the role of the Ombudsman's Office to investigate maladministra-

program was initiated by the Office with the Solomon Islands Broadcasting Cooperation (SIBC) to target the larger and most isolated population of the country. This was successfully jointly conducted by the Office Legal and Governance team.

Furthermore, during the coming months, the Office plans to conduct a series of workshop for

"...Mr. Nelson Dhita, the Office Director of Legal Service highlighted that the purpose of the new Act is to address weaknesses identified in the old Act."



PRO Mr. Rex Akomae gives a presentation during awareness tour to Makira Provincial Authorities



lar awareness programs are anticipated for the remaining provinces in the coming months.

During the awareness talk at the Honiara City Council (HCC), Mr. Nelson Dhita, the Office Director of Legal Service highlighted that the purpose of the new Act is to address weaknesses identified in

tion includes identifying of corruption risks and encouraging systematic improvements.

At the Malaita Provincial Government (MPG) the Office Legal Officer, Ms. Talei Jacob Mali and Principal Research Officer, Mr. Rex Akomae represented the Office.

Also, a radio awareness

officials of government ministries.

Finally, representatives from the MPG and HCC who attended the programs thank the Ombudsman's Office for educating them about the new Ombudsman Act 2017 and express their willingness to work with the Office in the future.

OOSI highlights the cost of NO Complaint Handling to PSC

Activating the process to handle complaints in the Ombudsman Office is costly than you think, is what the Ombudsman highlighted to Members of the Public Service Commission, (PSC), when a six person delegation from the Ombudsman's Office meets the PSC on the 12th of July 2018.

The visit to the PSC by the Office of the Ombudsman is part of a series of meetings the Office plans to conduct with various heads of government ministries and agencies in the coming months.

The purpose of the meeting is for the Ombudsman's Office to raise to the PSC a number of importance issues affecting the Public Service. The lack of a

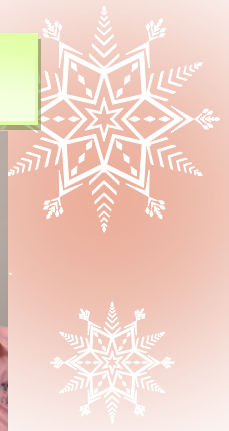
complaint handling system and why government agencies need to incorporate complaint handling in their operation. Second, is the poor record keeping. Third, is the cost of minor or insignificant employment issues not properly dealt with at the ministry level, which finally ends up at the Ombudsman office.

The meeting with the Public Service Commission is significant since the PSC is the employing body of the Public Service, thus furnishing them

with pressing issues affecting the public service will help to address such issues and ease the challenge the Ombudsman would endure when dealing with complaints from both the public service and Citizens.



Ombudsman and team meets PSC



Officers attend Complaint Handling System workshop in PNG

On 30th June 2018, the OOSI received an invitation from the Commonwealth Ombudsman of Australia to attend a workshop on the Complaint Handling System (CHS), to be held in Port Moresby, PNG.

Representing the OOSI were the Director of Legal Service, Mr. Nelson Dhita, Director of Governance, Mr. Fredrick Fa'abasua .



From left to right: Nelson Dhita, Fredrick Fa'abasua from the OOSI, and Suseela Durvasula from the Commonwealth Ombudsman Office, Australia.

"...attending the CHS workshop allows for the two officers to get first-hand information on how the Ombudsman Commission of Papua New Guinea (OCPNG) manages their Complaint Handling exercise, to see for themselves the physical setup of the OCPNG and to engage with OCPNG staff at the operation level

The two officers participation at the workshop on CHS is important for OOSI, as currently, OOSI is working on establishing a standard CHS for all the government ministries and agencies. An initiative which comes out from a survey report the OOSI had conducted in 2016 with all SIG ministries and agencies. Also, attending the CHS workshop allows for the two officers to get first-hand information on how the Ombudsman Commission of Papua New Guinea (OCPNG) manages their Complaint Handling exercise, to see for themselves

the physical setup of the OCPNG and to engage with OCPNG staff at the operation level.

The CHS workshop was conducted for two days. Presentations during the two days include the overview of how OCPNG manages the Complaint Handling system, Best Practice Guide and Benefits of Complaint Handling, OCPNG partnership with Government Bodies for Complaint Handling, Frontline Complaint Handling, Difficult Complain-

ant Behaviour and Supporting Complaint Handling Staff.

Lessons learned during the workshop proves not only beneficial for Office but provides the perfect opportunity for OOSI to plan and implement its own Complaint Handling System model for the SIG Public Service.

The CHS workshop is fully funded under the twinning arrangement between the Commonwealth Ombudsman and the Ombudsman Commission of PNG.

Investigation tour to Kirakira and Santa Ana

A two man investigation team from the Office had just recently completed a thirteen day investigation tour to Makira Province, visiting Kirakira



Makira Education Authority staff listening to Awareness presentation by the two Investigators.

and Santa Ana. The tour commences on the 11th and ends on 23rd June 2018.

Senior Investigation Officers - Fred Topia and John Maelalia were the two involved in the tour. The tour become necessary following the lack of sufficient information provided by Complainants since some of the complainants were based in the most isolate areas of the province, thus the visit to Santa Ana and other surrounding communities.

The main activities conducted during the tour, involves interviewing concern persons from the investigated agencies and complainants, especially in Kirakira. During the tour, the team had been requested by the Makira Education Authority to conduct a

brief presentation on the role of the Ombudsman to some of it's staff as most of them are not familiar with the role of the Ombudsman.

The team then endure a six hours travel by Out Boat Motor engine—boat ride in some of the unpredictable weather to the far East of Makira Province to visit the isolated communities of Santa Ana and Santa Catalina (Aorigi). This was to conduct interviews with persons who could assist with information for our investigation.

During the course of the tour, the team face a lot of challenges, the most obvious ones are the unpredictable nature of the weather when travelling by boat, lack of access to communication due to the isolation

of the communities visited and no electricity.

Despite these challenges, the tour was a successful one for the team. The highlight of the tour as noted by the team was that people are very eager to know more about what the role of the Ombudsman's Office.

As a result, there are requests from the Provincial Education Authority, Medical, Police and government administration for the Office to conduct more awareness to the province, as there is a real need in Makira in this area.

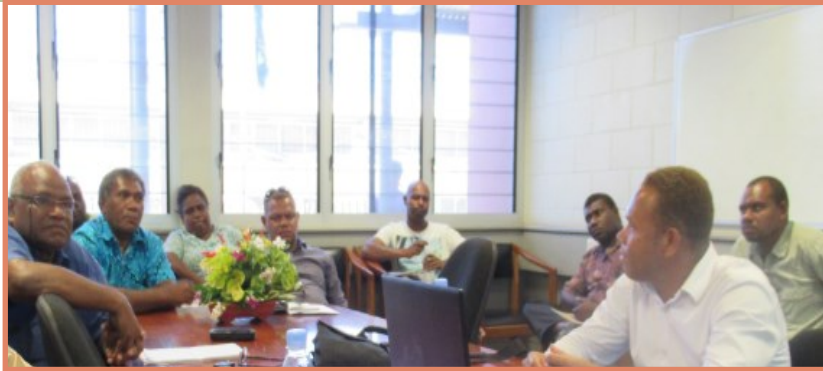
“Communication is also one key challenge face by the team, as the areas visited are very isolated and there is little or poor telecommunication and electricity coverage.”

Legal Unit provide training on Financial Management Act

The Legal Unit of the Ombudsman Office, continues to provide in-house trainings for members of the OOSI on the laws and regulations relevant to the office's functions and relationship in the Public Service

One of such important trainings is on the *Public Financial Management Act 2013* (PFMA). This training focusses on the legal principles, rules, and processes including imprints and procurement procedures.

As highlighted by the Director of Legal Services Mr. Nelson Ofamana Dhi-ta, in his introductory



presentation, “the need for our understanding of the requirements under the PFMA is becoming more significant as OOSI now has a separate budget head to account for it separately, unlike before when we were still under OPMC where accounting and reporting requirements regarding our budget had been managed”.

He adds, the fact that

some of OOSI's investigations from time to time involve matters covered under the PFMA, coupled with OOSI's duty to assist improve the practices and procedures of public bodies; and to report to Parliament and draw attention to any defects in the administration of any law, elevates the need for OOSI staff to be fully equipped and knowledgeable about the PFMA and other such instruments.

“the need for our understanding of the requirements under the PFMA is becoming more significant as OOSI now has a separate budget head to account for it separately , ”.

Assessment of Complaints done by Legal Unit

The Legal Unit of OOSI which consists of two lawyers was temporarily assigned to assess complaints due to the increasing number of complaints (some technical) the Office has received, particularly following the commencement of the new law and as more awareness is being rolled out by the Office. The limited resources issue faced by OOSI had accounts for this internal

arrangement. The assessment responsibility was initially done by one non-legal staff only.

The assessment stage is a crucial area whereby complaints or allegations are being analyzed and recommendations made to



Miss Talei Mali Jacobs, one of the OOSI Lawyer involved in the assessment of complaints.

the Ombudsman on whether to investigate, refer to another relevant office or dismiss such complaint.



MPGIS presents to OOSI staff

The Office of the Ombudsman, (OOSI) is privilege to hear first hand information about the Roles and Functions of the Ministry of Provincial Government and Institutional Strengthening, (MPGIS) and some of the programs they had been involving in 2018. This includes the much talked about—PGSP’s Provincial Capacity Development Fund, (PCDF), and the Traditional Governance program. The team lead by the MPGIS’s Director of



Robert Kaua, present on the role and function of MPGIS to OOSI staff

Governance, Mr. Robert Kaua , Legal Advisor, Mr. Nid Satjipanon and Undersecretary, Mr. Eric George, highlights some of the achievements and as well as challenges MPGIS have been faced with when implementing the programs throughout

the nine provinces in the country. The session helped OOSI staff know about how the MPGIS operates and provides an opportunity for the Ombudsman’s Office to build on the closer working relations by MPGIS and OOSI.

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OOSI Embarks on Radio Awareness

As part of the it’s awareness program, the Office has, since April this year, engaged the service of the Solomon Islands Broadcasting Corporation, (SIBC) to conduct its nation wide awareness program. The program was designed to educate citizens and the public about the roles and functions of the Ombudsman, the



Mr. Akomae during the SIBC recording session

changes that have been introduced in the new Ombudsman Act 2017, and how the people can benefit from the services

provided by the OOSI. The program was scheduled to run for 4 months on both the AM and FM frequency. The program was hosted by the Director of Legal Services, Mr Nelson Dhita, Research officer Rex Akomae and Training and Public Relation officer Mr Pateson Tomu of the Governance Unit.

Ombudsman on the Anti-corruption bill



Ombudsman: Mr. Fred Fakarii

The Ombudsman was invited to provide submission on the Anti-Corruption Bill when the Bills and Legislative Committee meets on the 3rd of May 2018.

The Ombudsman together with other integrity stakeholders attend

this very important committee hearing.

During the hearing, the Ombudsman with other stakeholders raised concern on a number of areas that would likely undermines the effectiveness of the Anti-Corruption Bill. Con-

cerns were raised particularly on the used of Custom as defences against prosecution and the absence of provision in the Bill to cater for Unexplained Wealth.

The Bill is expected to be table in parliament in the July sitting.

The Office of the Ombudsman of Solomon Islands will become an important stakeholder of the Solomon Islands Anti-Corruption Commission, once the commission is established and operational.

Complaint registered for the first six months, 2018

A total of 116 cases of complaints were registered with OOSI for the first six months of 2018.

These cases were registered and recorded from the 1st of January to the 30th of June. This is a small decrease of 3 cases recorded for the same period in 2017.

The assessment of cases recorded for the two years shows 82 cases were close in the assess-

ment stage in 2017, compared to 89 cases in 2018.

During the first six months, there are more cases that were investigated and closed in 2017 compared to 2018.

For instance, in 2017, 13 cases are approved for investigation and closed, from January to June than compare to only 1 case in 2018 that has been closed after investigation.

The increase could be the result of the effective on-

going awareness program that the Office of the Ombudsman has been conducting throughout the country on the operation of the Ombudsman Act 2017 since its commencement, on how it works and how citizens could access the service of the Ombudsman. The Office of the Ombudsman is also currently conducting two major Own Motion investigation. These are expected to be completed before the end of this financial year.



“Concerns were raised particularly on the used of Custom as defences against prosecution and the absence of provision in the Bill to cater for Unexplained Wealth”



Officers attends training in Australia

“The training package was fully funded by the Pacific Integrity Network under the Commonwealth Ombudsman Office in Australia”.

The Chief Administration Officer of the Ombudsman Office, Mrs. Judith Waleania attended a 3-day training in Brisbane, Australia from 2nd to 4th May 2018.

These trainings combined a whole day of sessions on various interesting topics by various staff of the Commonwealth Ombudsman Office as well as a 2 day training at the Australia Institute of Management. The latter con-

sisted of a day’s training on Project Management



Chairman of the Leadership Code Commission, Mr. Solomon Kalu and the Chief Administration Officer, Mrs. Judith Waleania.

and another on Emotional Intelligence. The training package was fully funded by the Pacific Integrity Network under the Commonwealth Ombudsman Office in Australia.

The Chief Administration Officer is also currently undergoing a post-graduate training in Gender Studies being offered by the University of the South Pacific in collaboration with the Ministry of Public Service and the Ministry of Women, Youth and Children Affairs. This is one of the accredited capacity building programs for 2018.

Office meets with MOF Budget Unit

The Ministry of Finance and Treasury’s budget Unit had recently pay a brief visit to the Executive of OOSI.

The visit is part of the MOF budget Unit preliminary consultation with all government ministries for the 2019 budget preparation. The OOSI is privilege to



be part of the consultation for the first time, as the OOSI had recently have

its own budget head, and as a requirement under the new Act. As a result of the brief meeting and in preparation for the budget proper meeting with the budget unit section of MOF, the Ombudsman has issue directives for all OOSI department to identify and prepare programs, and activities for the new 2019 budget.

OOSI attend community forum organized by SIDT

The OOSI is once again invited to attend a community village forum, organized by the Solomon Islands Development Trust. Only this time the forum was held in Mangakiki village, West Guadalcanal, Savulei Ward.

Attending the forum on behalf of the Ombudsman Office were: Director of legal Service, Mr. Nelson Dhita, Training and Public Relation Officer, Mr. Paterson Tomu and Senior Investigation Officer, Mr. John Maelalia.

The forum was intended for two purposes as highlighted by the Director of SIDT, Mr. Lonsden Manedika. The first, was

for the Community of Mangakiki to share with the visiting government and NGOs bodies the community's development plan and some success stories the community has engage with in the past. Secondly, the community believes the forum will provide the opportunity for the Provincial, and National Government and the NGOs to share knowledge which will help to empower its people and at the same time helps to improve the level of understanding about the work each stakeholder is doing for the people of Solomon islands.

Speaking on behalf of the OOSI, Mr. Nelson Dhita



highlighted the role of the Ombudsman, as an administrative “watchdog” of the government, both Provincial and National .

Mr. Dhita emphasizes the need for citizens to come forward to the Ombudsman Office, if they are aggrieved by any administrative conduct of the government. Complaints can be made either verbally or in writing, he adds.

OOSI welcomes new officer

The OOSI welcomes the inclusion of a new officer to its rank, when his appointment was finally made by the Public Service Commission. Mr. John Maelalia, was the newest officer to join the Office of the Ombudsman early this year, 2018.



With his huge experience as an investigation officer within the Royal Solomon Islands Police Force, Mr. Maelalia inclusion into the investigation unit of the

Before taking his responsibility as an investigation officer within the Office, Mr. Maelalia has to take his Oath before the Ombudsman, as was

the requirement under the Ombudsman Act.

Mr. Maelalia was a former Police Officer before joining the investigation team in the Ombudsman Office.

Office will really boost the effort of the investigation team, as they try to manage the huge influx of complaint to the Office.

“the community believes the forum will provide the opportunity for the Provincial and National Government and the NGOs to share knowledge which will help to empower its people”.

Staff Profile



ombudsman

- **Will listen**
- **Won't take side**
- **Service is free**
- **Will give you a fair go**

“Started in the Private Sector Industry SIPL engineering dept. 5 years, served in the Public Service Ministry of Police National Security & correctional Services (RSIPF) for 21 & half years in the Police”.

Name: John Jess Maelalia

Position: Senior Investigation Officer

Province of Origin:
Malaita / West Kwa-
ra'ae

Age: 47 years old

Religion/
Denomination: South
Seas Evangelical
Church (S.S.E.C)

**Education back-
ground:** Certificate,
(LDP Level 3 Leader-
ship Program) Australi-
an Institute of Policing
Management (AIPM)

Work Experience:
Started in the Private
Sector Industry SIPL



engineering depart-
ment for five (5)years,
served in the Ministry
of Police National Se-
curity & correctional
Services (RSIPF) for 21
& half years in the Po-
lice General Duties,
Prosecutions, and

Criminal Investiga-
tions department be-
fore joining the Om-
budsman's Office in
early 2018.

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