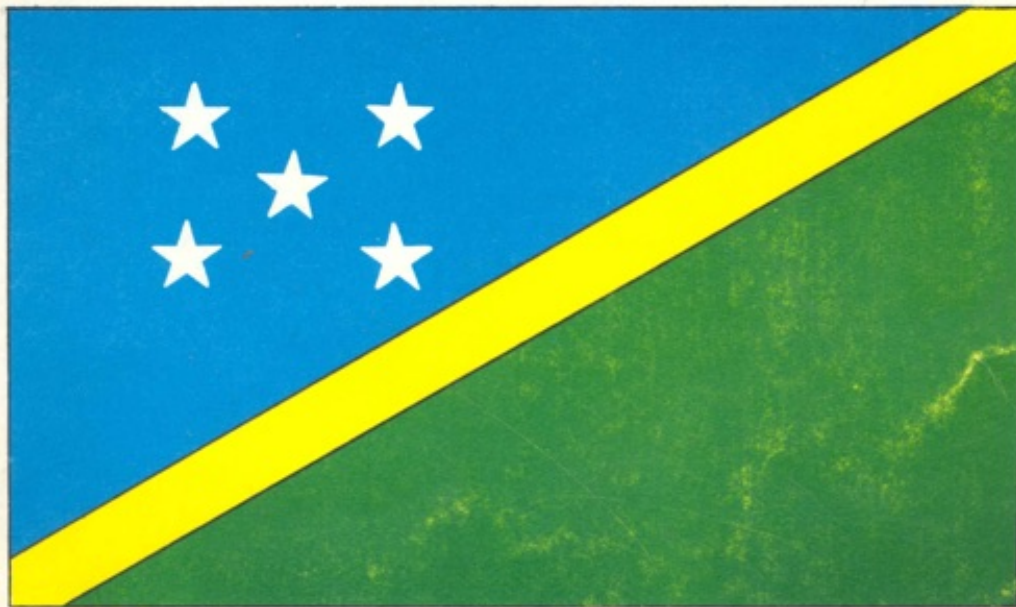




REPORT OF THE
OMBUDSMAN

FOR THE YEAR ENDED

30TH JUNE 1991



Presented to
THE NATIONAL PARLIAMENT OF SOLOMON ISLANDS
Pursuant to Section 98(3) of The Constitution



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ANNUAL REPORT OF THE OMBUDSMAN

Mr Speaker,

Pursuant to Section 98(3) of the Constitution, it is an honour and pleasure, Sir, to present my Report for the year ended June, 1991 to the National Parliament of Solomon Islands.

A handwritten signature in black ink, appearing to read 'Isaac Qoloni', with a large, stylized flourish at the end.

ISAAC QOLONI, OBE
OMBUDSMAN

ANNUAL REPORT OF THE OMBUDSMAN

FOR THE YEAR ENDED 30TH JUNE 1990

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II OMBUDSMAN'S INTRODUCTION AND FAREWELL

I took up office as the 2nd Ombudsman for the Solomon Islands Government on 1st July, 1986, from my predecessor, D Maeke Esq., C.M.G., O.B.E. Mr D Maeke is the first Ombudsman for this country. All the initial works for setting up this very important office was possible through his efforts. I am most grateful to him, since when I come to take over, everything has already been set in motion.

The term of office for the Solomon Islands Ombudsman is set out in section 96 of the National Constitution. It is for 5 years. Thus my term of office ends on 30th June, this year, 1991. I have been honoured for the appointment as the 2nd Ombudsman for the Solomon Islands Government, and also I would like to thank the few staff who work with me, the Legal Adviser, the Senior Investigation Officer, the Personal Secretary/Typist and the Office Messenger who also carries out a lot of registry duties. We have a very small team, our total number is only five. We have shared office accommodation first with the Ministry of Foreign Affairs and Trade Relations and when they moved out to occupy their new office premises at the Anthony Saru Building, the National Parliament Supportive Staff moved in, and rename the premises as National Parliament Office, and we continue to share the premises with them and Members of National Parliament. The arrangement works quite well as it reduced cost since the administration of our office finance are undertaken by the staff of National Parliament.

As my term of office ends on 30th June this year (1991). This is my last Annual Report and I would like to mention one or two things:

(1) Sale of Government Houses

Government introduced policy to sell Government Houses. It would appear that the policy was introduced to ease the burden from Government in maintaining a great number of houses, as well as to enable many Solomon Islanders who are members of the Civil Servants to become property owners in the Capital City of Honiara. This is a very noble aim, and visions by those in authority to enable Solomon Islanders take root in Honiara. Well and good, but the way the Sales was handled caused certain problems.

The Ombudsman's office attempted to withdraw from Sales certain Class of houses, in particular high class houses to be retained for the most Senior Civil Servants, Constitutional post holders, and Government Ministers, since these high level manpower officers, require such type of accommodation to go with the Government position that they are holding. Another point is that Individual Civil Servants come and go but the Governance of the country will continue, and it is important to provide good accommodations for those who will eventually take over from the present most Senior Government Officers, Constitutional Post holders, and Government Ministers. But I am afraid that the suggestion falls on stony ground and rather difficult to grow. What may happen, and is beginning to happen now is that when the present most Senior Government Officer leaves Government, he also took the house with him or rent out to private sectors, and the incoming officer that takes over from him or her will struggle to find accommodation for himself and his family. Sometimes the Government may so generous to rent private accommodations for them, but this depends on the availability of such accommodation in the private sector and finance to rent. I am not saying here that there should not be any Sale of Government Houses, but what I am saying is that certain category of House, in particular the Senior houses at certain location in the

city should be retained by Government for its most Senior Civil Servants, Government Ministers, and Constitutional post holders. Such houses in terms of number are not that many and could be less than one hundred. For I do believe, that individual Civil Servants and politicians come and go, but the Government Administration will continue; and the stableness of Government will depend to a certain degree on how the very Senior Managers of the Government Administration and their families are properly looked after and housed.

(2) Resources of the nation

My previous reports dwelt a lot on the Natural Resources of the country, in particular logging and its related activities. It is still felt that small timber operation is more suitable to the island nation. It takes care of the environment can easily be organised and handle by the local people themselves, and on the positive side of things, more money are earned by the resource owners.

People, their Government and Community leaders have to decide for themselves whether to go for big logging or small mill operation.

I would advise and recommend that our people to go for small portable mill and extract timbers for both domestic and overseas markets. This if organised properly, will bring more income to resource owners as well as to a certain degree take care of the natural environment of the Solomons.

(3) Teaching Service

The Teaching Service administration is now under one roof. This is quite different to what it was in 1986, when it was fragmented between the various provincial ministries. One of the task the present Ombudsman and members of his staff undertook when came into office mid 1986, was to get all the administrations for Teaching Service under one roof. This has been achieved and Teachers are no longer travelling from Ministry to Ministry, and to various authorities to solve their problems, but go straight into one office building to sort out their many problems. This is good for the morale of the teachers and those children they have taught, and the country will benefit in the long term.

We thank those who have the understanding and have co-operated in bringing together the various aspects of teaching administration under one roof at the Ministry of Education and Human Resources Development. From this office the Secretary to the Teaching Service Commission, serves the Commission, that looks after the affairs and well beings of teachers throughout the country.

(4) 11th Conference of Australasian and Pacific Ombudsman

The 11th Conference of the Australasian and Pacific Ombudsman was held in Honiara from 8th - 12th October, 1990. This is an historical occasion for Solomon Islands, as it was the first of its kind of such a Conference to take place in the country. The Nation and its people are being honoured by the presence of Ombudsmen and Spouses from the Commonwealth and States of Australia, New Zealand, Fiji, Papua New Guinea and Cook Islands. All in all a total of 16 Ombudsmen gathered together in the humble town of Honiara to share and exchange views and ideas on matters that related to their various offices in the Pacific Region.

We thank the Ombudsmen colleagues in accepting the invitation to come to Honiara, and share the experience of this Western Pacific island nation. The presence of the Ombudsmen from the region confirms the idealism of Democracy, that the Government and its administration is for the people, of the people, and by the people. To safeguard and fulfil such idealism, the interests and well being of the ordinary people, men, and women and children are to be looked after from an unusually behaviours of Government Administration. Thus Ombudsmen's offices are established in the various countries and States in the Pacific Region and other parts of the world - to make sure that maladministration is eliminated if not minimised, and citizens do have an office and people to turn to if they considered being unfairly treated by those in Government Administration. The good thing of such Conference as this, is that it helps individual Ombudsmen from the region that he or she is not alone, there are others that share the same views and tasks to carry out. The office of the Ombudsman in Solomon Islands greatly benefit from the Conference, and thanked the Ombudsmen from the region to make time available in travelling to Honiara to attend the one week Conference.

(5) End of term in office

At the end of June this year my term of office as Ombudsman for Solomon Islands Government ends, since under the Constitution the term of office is for 5 years. I have been honoured to occupy such position, and would like to thank those in Authorities for their understanding and help. As Ombudsman, I have tried to be a man standing in the middle between Government administration and the ordinary citizens of the country. It is not my duty to be on the attacking side but more so to help both parties to understand the problems and see what can be done to overcome.

To the Members of the Civil Service of Solomon Islands, I wish you all the best in your endeavours to serve your country. Do not forget that you are the Servants of the ordinary citizens, men, women and children of Solomon Islands. They are your masters and try your best to serve them with courteous and to the best of your abilities. For indeed, in my humble view, only when we care about the well being of ordinary men, women and children of this country, that we will be able to bring about a happy and prosperous nation - Solomon Islands.

My very best wishes to my Successor.

Isaac Qoloni
OMBUDSMAN

II. REPORT OF THE 11TH CONFERENCE OF AUSTRALASIAN AND PACIFIC OMBUDSMEN

It was an honour and a pleasure for the Ombudsman of Solomon Islands to be the host for the Eleventh Conference of Australasian and Pacific Ombudsmen from 8th to 12th October 1990.

The Conference was attended by Ombudsmen from the region:

Australian Commonwealth and Defence Force	-	Professor Dennis Pearce
New South Wales	-	Mr David Landa
Northern Territory	-	Mr Robert Eadie
Queensland	-	Mr Fred Albeitz
South Australia	-	Mr Eugene Biganovsky
Tasmania	-	Mr Neil Batt
Victoria	-	Mr Norman Geschke
Western Australia	-	Mr Eric Freeman
Cook Islands	-	Hon. Tangata Simiona, OBE
Fiji	-	Senator Ratu Jone Cure Mataitini
New Zealand	-	Mr John Robertson CBE (Chief Ombudsman)
	-	Mrs Nadja Tollemache
Papua New Guinea	-	Mr Charles Maino Aoa (Chief Ombudsman)
	-	Mr Ango Wangatau
	-	Mr Jim Ridges
Solomon Islands	-	Mr Isaac Qoloni, OBE

Mr Jesus Ma'anao, the Acting Suruhanu from Guam was unable to attend and the Conference was just too late for Professor Jack Richardson the first Ombudsman of Western Samoa - who was appointed only with effect from 16th October 1990. Vanuatu still has not appointed an Ombudsman, nor are there Ombudsmen in the French Pacific Territories.

The purpose of the Conference was for Ombudsmen from the region to exchange ideas and information about their laws, practices, procedures and problems, informally and in confidence and for that reason there could be no observers and the Minutes of the Conference are not available to the public. However to give some idea of what the Conference was about, topics for discussion included:

- "Networking" how to reach people in the rural areas upon which Solomon Islands Ombudsman presented a paper;
- Independence and Accountability of Ombudsmen, in particular with respect to finance and financial restrictions imposed by government departments;
- Complaints handling and Jurisdiction over State Owned Enterprises and private companies performing public functions - and in particular prisons operated by private Contractors;
- The Ombudsman's discretion where alternative remedies are available (but do not seem to be adequate) and his jurisdiction to investigate where authorities claim "it is their policy?" to do certain things;

- Operation of the Freedom of Official Information Laws in New Zealand and certain Australian Jurisdiction (what a welcome introduction into Solomon Islands that concept would be);
- Ombudsman's relationship with Parliament - inattention and delays in introducing Ombudsmen's Reports in Parliament; operation of Parliamentary Select Committees to look at Ombudsmen's Reports and keep a general watch over the performance of the Office;

and various other matters including news from the International Ombudsman Institute and the Ombudsman movement in Africa and the Carribean.

As noted by the Ombudsman for South Australia, the Conference was particularly valuable for the smaller jurisdictions where there is a danger of feeling isolated, instead of being part of an international movement with common practices and principles. At such Conferences, we discover that problems are neither unique nor unsurmountable, which is most encouraging. All in all, great benefit was received from the wealth of experience and knowledge of colleagues in the region and was much appreciated.

On behalf of the Ombudsman and all his staff, delegates are warmly thanked for coming and contributing so much to the Conference and to the Office of the Ombudsman in Solomon Islands.

Having brought the delegates here at their own, considerable expense it would have been unfairly not to show them some of more of Solomon Islands, Honiara being so different from the rest of the country.

Delegates were taken by privately hired transport to the ICLARM Clam farm at Aruligo; Vilu Village and War Museum; the new Selwyn College under construction at Maravovo; and Tambea Village Resort for lunch.

Social events were mainly of a private, informal nature, again paid for by the delegates themselves but there was a small opening 'breakfast' at the SIBC opening ceremony; H.E. the Governor-General and Lady Lepping kindly played host to a reception in the gardens of Government House and the Police Club was hired for a traditional island feast and dancing. These functions were paid for from the Ombudsman (SI) budget, but it was felt essential for delegates to meet officials and other people in friendly, relaxed circumstances, and in this, they were very successful.

Those delegates who did not fly home immediately after the Conference were able to see a bit more of the town and the country, including Vulelua Island Resort, a trip to the Lungga river and church on Sunday.

A financial Report to Parliament follows this note, but briefly the Conference was paid for at this end from the Ombudsman's Vote head 250-23-311 which contained \$10,000 assigned for payment of International Ombudsman Institute Membership and for the expenses of attending such Conferences on this.

The Ombudsman had originally asked for \$13,000 to cover this Conference, which despite approval for the Conference in principle by the Hon. Prime Minister, he was told would not be forthcoming, so every effort was made to keep expenditure down to \$10,000. However it was with relief and some surprise that the \$13,000 originally requested was authorised by Parliament in the Supplementary Appropriation Act No. 3 of 1990 on 20th November in addition to the \$10,000 already allocated. This covered our small

shortfall but of course it was too late to use the rest of it. We believe the balance of \$12,520 was returned to the Consolidated Fund, through the National Parliament Head General Fund, together with other unspent allocations.

Special thanks for helping make the conference a success must be due to the following - in order of appearance:

Johnson Honimae and other members of SIBC for the hire of their Conference room and recording of opening and closing ceremonies;

Piti Maeke of the YWCA for a delicious breakfast at the Opening Ceremony;

David Kausimae, Chairman of Honiara Municipal Authority for his welcome to delegates;

Hon Danny Philip then Deputy Prime Minister, and Hon Chief Justice Gordon Ward for their opening speeches;

Governor and staff of the Central Bank of Solomon Islands for the hire of the Central Bank Board room for Conference sessions;

His Excellency, Sir George Lepping the Governor-General and Lady Margaret Lepping, for being hosts to the Reception at Government House;

John Munro and staff of the ICLARM Clam farm at Aruligo;

Fred Kona and family at Vilu Village War Museum;

Father David Bindon and Dongsan Construction Company Ltd for showing delegates round the new Selwyn College at Maravovo;

Dallice and Ollie Torling and staff at Tambea Village Resort;

Zankos Express Bus Service and their driver and conductors for a punctual and reliable service;

Pitson Pentani, the MTWU Transport Pool driver for his service with the Ministry Hi-Lux;

Wilson Maelaua and his group for doing catering for the Island Night;

St. Martin Training Centre students for entertaining delegates with dances;

Gilbertese groups for their polynesian dances;

The Singer, Jessie Afu

Dominic Otuana, Master of Ceremonies;

Secretary of the Police Club, hire of the Club for the Island Night;

SIPL ladies for providing lunch to the delegates spouses on their tour of SIPL;

Mrs Alice Qoloni, Mrs Kuria Hughes and Mrs Elizabeth Otuana for accompanying the Ombudsmen's wives tour of SIPL and other interested places;

Stephen Danitofea and Semaema - for kindly allowing us the use of the MTWU "Apple 11c" Computer, without which, the Minutes could not have been produced.

Breakdown and Summary of Expenses:

	Subtotal	Total
Stationery and Photocopying		202.68
Hire of Premises		
SIBC Conference Room (Opening)	90.00	
CBSI Board Room	125.00	
Police Club and staff (for Island Night)	300.00	
Hire of Chairs (Note: no suitable government rooms available)	72.00	587.00
Transport		
Hire Private Buses (Note: MTWU Hilux and Driver provided free as a government service).		1,515.00
Food, Drink, Entertainment		
Dinner for 23, Ombudsman's residence (no charge for labour etc.)	402.20	
YWCA breakfast for 60 - Opening Ceremony	500.00	
Tea at La Perouse	37.20	
Lunch for helpers and junior staff at Tambea	290.30	
Biscuits, Cakes and Coffee at Conference and Closing Ceremony	174.48	
Food and Drink at Govt. House for 80 and Drink for Island Night	1,692.15	
Island Feast for 150 at Police Club + Labour and decorations	4,698.00	
Entertainers at Police Club etc.	340.00	
Soft Drinks VIP Lounge	40.00	
		----- 8,175.13
CONFERENCE TOTAL		----- 10,479.81

III. OMBUDSMAN'S COMMENTS AND CASE HISTORIES

1. CONTROL AND MONITORING OF THE TIMEBER INDUSTRY - WHAT HAS HAPPENED OVER THE LAST 5 YEARS.

Over the last 5 years, some of the most important investigations and reports made by the Ombudsman's Office have concerned unfair acquisition of timber rights for logging on Customary Land, most of which were conducted contrary to law. In particular, Forestry Division of the Ministry of Natural Resources has not been effective in controlling or monitoring the exploitation of the country's natural timber resources, its environment or its people.

In 1987, the Ombudsman tried out his Constitutional function to "ensure" the elimination of arbitrary and unfair decisions, by using the High Court, on the argument that without other specific powers, how else could this be done? In this case the government was turning a 'blind eye' to a new Singaporean Company, Monarch Leasing Pty Ltd which was moving into the shell of defunct and insolvent logging company, Rural Industries Ltd as a means of obtaining its non-transferable Logging Licence in Makira and incidentally avoiding the terms and conditions of the "Standard Logging Agreement" introduced among other reasons, to protect the future industry, Landowners and the environment.

We were grateful in allowing to appear as Friend of the Court to draw attention to aspects of the Forest and Timber Laws which would otherwise have not been raised but have since decided that the Office of the Ombudsman should not rely on the Courts, and should operate independently.

In 1988, the Ombudsman investigated and reported on Kayuken Pacific Ltd., another Asian Company (it has filed no Annual Returns since it started and no-one seems to mind) which operated in West Guadalcanal as a sub-contractor under the Logging Licence granted to Cape Esperance Company Ltd, a 'local' Company in which the former Minister responsible for Forestry had an interest. Kayuken then pulled out to operate in the West Kwaio Area of Malaita where its Licence was obtained by maladministration, the improper involvement of an area councillor and much political pressure.

No real action was taken on this report, nor on supplementary Reports recommending the revision of the out of date Logging Licence used by Forestry Division and drawing attention to the practical impossibility of Landowners using the Courts to enforce their logging agreements with overseas companies.

In 1989, investigations included Companies such as Dalsol (known as Red-China Dalsol at the time, and another Company which is reluctant about filing Annual Returns), think it has strong Japanese interests which was also operating in West Guadalcanal where a group of determined Landowners and an Area Councillor managed to reverse an unfair and incorrect decision by part of the Area Council to allow Dalsol to extend its operations into their area. Complainants from Vella La Vella, unhappy about the prospect of an Australian Company obtaining timber rights over their land, and the means employed to do so were successfully referred to the Customary Land Appeal Court. These and evidence from other complaints formed the basis of the Ombudsman's Special Report tabled in Parliament in August 1989. "Can Rural People say "No" to Foreign Logging Companies".

The fate of Sollumber Ltd, a joint venture operation trying to operate in Star Harbour without having completed Legal Procedures and trying to avoid the Forest and Timber Act by invoking the "right" not known under Solomon Islands Constitution that a Customary Landowner does not have to follow the Law if he is on his own Land. (But who is the Landowner and what is "his" land?) and the dubious legal argument that provided this Company does not physically handle the Chainsaws, it is not conducting logging operations.

However the main thrust of the 1989 investigations into the Control and Monitoring of the Timber Industry involved the lack of government control over Hyundai Timber Company Ltd a subsidiary of the multinational Korean Industrial Empire which had come into Aola and North East Guadalcanal again through a 'local' company. The vague promises of development and so on, which it was allowed to make to Landowners back in 1983 have mostly never been fulfilled - as the Honourable MP for the Area will be well aware, judging by her questions in Parliament about the need for roads, water-supplies and other services in the area. People may now have learned that "Development of Rural Areas" is not the business of commercial logging companies. Court cases for breach of Contract started by Landowners were compromised by comparatively small settlements made to key figures and indeed, which frustrated Landowners set up token road blocks, (against the Company and only two of them on public roads), in protest against these breaches, the Company's "Commercial rights" were upheld by the High Court which granted an *ex parte* injunction with (penal sanctions) to the Company.

A second report was made on how the Commissioner of Forest Resources, no doubt under considerable pressure, allowed Hyundai to evade legal procedures entirely by granting it the whole of Ward 12 in Guadalcanal as an "extension" to its existing Licence for Wards 13 and 14, with the identities of Custom Lands and Landowners not even considered. Hyundai is now set to move into Vella La Vella in Western Province where it will be well among from the vigilance of government officials such as those from Marine and Labour Division, who have done what they can to enforce the law.

Some Honourable members should now be aware that "this Company has no respect or concern for the law and will go to almost any lengths to operate exactly as it sees fit with a view to profit" as the Court recently observed.

However, in some ways 1989 was an optimistic year, when the new Peoples' Alliance Party government had promised in its manifesto to stop round log exports and concentrate on development of sawmilling and processing. The Ombudsman's Office also took part in discussions with Forestry Division and others on New Forestry Legislation which involved Protected Areas and a complete re-think of the control of the timber industry. Sadly this policy and this important piece of new legislation were completely abandoned and merely distracted people from what was really going on.

One investigation which was not fully reported until early 1990, involved Taisol Forestry and Agricultural Development Corporation Ltd., which through the efforts of the Assistant Administrative Officer, a member of the Area Council and - a very Senior Government Law Officer was trying to get into ward of East Guadalcanal. This case was particularly unhappy because, despite Reporting on the abuse of legal procedures and the failure to advise people on their legal rights and so on, the Ombudsman's Report was ignored by the authorities concerned which went on to try and promote the Legal Officer concerned.

In 1990 the Ombudsman Reported twice to Parliament on the Timber rights acquisition procedures on Choiseul Island where the Provincial Government, Area Council and Local people had for several years resisted the efforts of another Korean Company, Eagon Ltd., to break into the Logging business.

The government, badly needing the revenue, gave this Company the Licence to log the whole of Choiseul until the year 2007 and a quite unrealistic quota, despite the fact that statutory procedures were carried out for less than 10% of the island. Again this came close to unconstitutional compulsory acquisition of property and is against all principles of fairness and, it is suggested, is against the principles of economic good sense.

Needless to say, this Report too was ignored. What is particularly disheartening is that the only changes that have been made in the Forest and Timber Law have had the effect of making it easier for overseas Companies to come in, without even the pretence of Local participation. Nothing has been done to protect people, the environment nor to make the best use of our dwindling natural resources. It will give the Ombudsman no pleasure to say "I told you so" in a few years time when the country is deeper in debt and more dependent than ever on overseas aid.

However, the work of the Ombudsman and his staff has been taken seriously by at least some members of the business community as recent (police investigations/Criminal prosecutions/Criminal Convictions) have made clear!

2. ENVIRONMENT WEEK AT GIZO/WESTERN PROVINCE
5TH - 9TH NOVEMBER, 1990

A ONE WEEK Workshop known as "ENVIRONMENT WEEK" was held at Gizo from 5th to 9th November 1990. The Ombudsman was invited to attend and gratefully accepted the invitation and went.

The workshop was rather unique in that it brought the international well known people to share views and ideas with grass root leaders from the villages.

The message from the various Speakers, those from overseas and within Solomon Islands is clear. "Look after our environment". Be careful how you introduce developments since some development will cause more harm than good.

Not only the senior members of the Community were involved, in the workshop. School children also participated, with concerts and dramas, as well as organising shows and visual displays. It is really good to see both young and old are concerned about the destruction of forest resources and over harvesting of sea resources. Many have learned from such gathering, and it is very much hoped that when return to their villages to be more appreciative of the natural world around them. It is to their benefits and for those generation still to come not to ruthlessly damage this natural world but to look after it for the benefit of all.

The Western Province is to be congratulated for its courage and ability in organising such a workshop, the first of its kind in Solomon Islands.

3. URBAN LAND AND HOUSING

(a) **More problems from Infill Building**

A Honiara houseowner felt he had been unfairly treated by Commissioner of Lands' Division which had granted neighbouring government land to a building firm, instead of allowing him the extension to his plot, which he felt had been promised to him to prevent erosion and damage to his own house.

The Ombudsman's investigation showed that the complainant never had been promised an extension, but in mid 1989 an officer in the Physical Planning Division had made an internal written recommendations to the Commissioner of Lands suggesting an extension would be a good idea to prevent erosion. This however appeared to be a personal decision and was superceded within a short time by a contrary recommendation endorsed by the new Chief Physical Planning Officer himself, which took account of other facts and government policies to encourage house building by releasing all buildable land and making allocations direct to businesses for staff housing without going through a public tender. The grant had in this case been made by the Commissioner of Lands on the advice of the Lands Tender Board and there was no indication of favouritism or impropriety.

It also became clear that the Complainant's problems with soil erosion, drainage and road access were mainly the result of the way he developed his own land - in particular - the rather drastic bulldozing he had carried out right on the boundary of his land, which presented more of a danger to his new neighbour than himself.

The investigation had two general messages: firstly that private house builders must follow Building Regulations and should employ an engineer or architect to plan and advise right at the start, particularly for earthworks. (The MTWU bulldozer operator is not the man to do this, nor is Honiara Town Building Inspector and it is probably too late by then); Landowners also have a duty not to cause damage to neighbouring land, for instance by extensive earthworks which may lead to the collapse of neighbouring property.

Secondly, Principal Officers should beware of letting their staff get on with matters on their own, without supervision. They should ensure that individual officers are not taking decisions and making recommendations without all the facts, without consultation and without reference to departmental policy. Individual Officers, too, must accept this. Physical Planning Division has, since this incident, adopted practices such as holding departmental meetings before a recommendation is made and checking of draft letters by the Principal Officer, which other Departments would do well to adopt.

(b) Registry Photocopier - public inconvenience - risk of losing documents - Lost government revenue.

Government Office and members of the public and the business community will have been pleased to note that since January 1991 the Registrar General's Office has a new photocopier to replace the one which broke down in August 1990 after several years of heavy use. The public is again able to obtain certified copies of the Land Register and Company documents and government offices and business organisations no longer need to go through the tedious procedure of "producing copies from outside" on their own machines, with attendant risk of losing important documents. The Ombudsman's Office is grateful to a member of the business community, who finally complained about this in December and to Senior Acting staff at the Ministry of Police and Justice, who put this right, after informal approaches by this Office.

The Registrar's Office had been continuously asking for a replacement of machine since August but the Ministry of Police and Justice and the Ministry of Housing and Government Services had relied on the "no money" excuse and MHGS did not even trouble to reply to MPJ's requests.

The following facts made this commonplace currence worthy of the Ombudsman's Annual Report:

- (1) Other offices were supplied with equipment during the time in question; yet
- (2) The Registrar General has a legal duty to provide certified copies - (for instance under the Registration of Business Names Act); and
- (3) He has power to charge up to \$5 for one copy; - in other words this machine earns government revenue;
- (4) When the Revenue lost to the Government through people **not** getting copies was calculated, it was more than the cost of buying a new machine;

In other words this 'cost saving exercise' of not replacing the machine actually lost the government money, as well as inconveniencing the public and business community and risking the loss of important documents.

(c) **Iron Bottom Sound - Hotel Development**

The Central Tender Board of the Ministry of Finance and Economic Planning tendered out the land between Mendana Kitano Hotel and the Office buildings of the Ministry of Home Affairs. This area is known in the tender as Site No. 1. (See attached sketched plan). Within this Site there are some buildings, and items of historical significance - such as the Governor-General's (Head of State) residence, quarters for supportive staff, and the Cenotaph (War Memorial).

The publication and announcement of the tender brought reaction from many prominent members of the Community in Honiara. It is felt that such Hotel Development will completely change the character of Honiara town and also it ignored the historical significant of such a place for Solomon Islands. Since the Site consist of the most important building in town - the Residence and Office for the Queen's Representative and Head of State in Solomon Islands.

So how such a decision to turn the Site into Hotel Development come about?

(a) **Background**

On November 1990, a document was produced in the Prime Minister's Office known as:

**(Ministerial Implementation Guideline)
The Public Service Structural and Internal Adjustments**

It would appear that the tendering out of Site No. 1 is the implementation of proposals outlined in this document. Outlined below is Section II of the document which among other things the Sale of Land and properties between Mendana Hotel and St. John School Rove is mentioned:-

“SECTION II

**PROGRAMME OF PHYSICAL AND STRUCTURAL
ADJUSTMENTS**

- 2.11 This programme culminates the enforcement of the Public Service Act 1988 and the implementation of government's policies for the redevelopment of the Public Service. A consolidated analysis of the various aspects of the Public Service has been done by the Prime Minister's Office resulting in the production of this Implementation Programme.
- 2.12 The main structural adjustments being envisaged by the Public Service Division are:-
- (a) the physical resiting and reconstruction of all government Ministries outside the Honiara city centre;
 - (b) the establishment of Provincial Governments Public Services; and
 - (c) the enforcement of sections 3 and 4 of the Public Service Act, 1988.

- 2.13 Because of the continuing and rapid growth of Honiara Township the security of the national government's office premises and the State House (official resident of Her Majesty's Representative) can no longer be guaranteed or adequately maintained. It is therefore necessary to relocate these premises on new sites. The Lands Division of MAL will undertake a survey of alternative sites within the Honiara Town boundary for the relocation of these premises.
- 2.14 Honiara residents are experiencing acute shortage of available land areas especially for new industrial, residential and commercial sites. Unless the government purchases additional lands from the Guadalcanal customary landowners the problem will persist and may become chronic in the foreseeable future.
- 2.15 Government-owned residences and public offices are very spread out and occupy more than 50% of land area within the central township. Most of these land are prime sites that are ideal for commercial and business activities as well as public civic amenities. It is the intention of the government to move most of its public offices from the central township area leaving only the Departments which are charged with essential services and which for public conveniences, have to remain where they are presently situated.
- 2.16 The Government's emphasis on increased private capital investment, especially in the export and Tourism sectors, calls for a review of all government-owned premises and occupied lands within the central township. If tourism is to grow as anticipated then suitable areas for Hotels and Motels need to be identified and set aside. Similarly, adequate lands need to be provided for export-oriented industries in addition to the Ranadi area.

Physical movement and the financial implications
The State House

- 2.17 Since the country attained independence real financial constraints have been experienced in maintaining the present State House and its surroundings. Furthermore, the location of the premises is no longer secure due to increased activities and passers-by frequently intruding the compound at nights. A firm decision has now been made, agreed to by the Head of State to relocate the present building elsewhere to ensure adequate security is maintained for the State House and the occupants thereof.

Government Ministries

- 2.19 A rectangular, or, semi-circular, or, oval multiple storey high-rise block is being proposed to house all government Departments, save a few, which, due to their functions and/or services may have to be retained in the city central area.

3.00 The new complex will accommodate:

- (a) all the main government Departments,
- (b) recreational facilities,
- (c) Cafeteria and bar,
- (d) banking agency,
- (e) security guards and maintenance staff quarters.

Financial Implications

- 3.1 The funds to construct the new State House and the government offices complex will be raised through the sale of government properties currently situated in the centre of Honiara. The government is selling the strip of land along the water frontage from Mendana Hotel as far as St. John's School including all the government-owned properties thereon. The same will be done to the land and all the properties between SIBC and the Town Ground.

Implementation Programme

- 3.2 This segment of the programme is projected over a long-term period and may overlap the life of the present government. Phase One of this programme will begin in September 1990 and involves, in the main, the valuation of the said lands, properties as well as negotiations with Levers Solomons Ltd for the land areas within the vicinity of Henderson Airport.
- 3.3 Phase Two will involve the designing of the new State House, the new government office block and the public tendering of the said lands and properties for sale. The target date to begin Phase Two, let alone, its completion depends on the completion of Phase One. On rough estimation Phase One and Two should be completed by May or June 1991. Phase Three will begin immediately after the completion of Phase One and Two.
- 3.4 The joint-responsibility for this programme is vested in MAL, MTWU, PMO and the Honiara Municipal Authority".

(b) Authority to tender Site No. 1

The authority to tender out this prime site then would appear to be from Section II from the document produced at the Prime Minister's Office.

The question now to be asked, is there any further authority - such as Cabinet decision etc. to tender out such historical significant Site for Hotel Development?

Our investigation reveals that the matter has not been discussed in Cabinet. What about the general public and the residence of Honiara, have they been adequately informed? - Since such development will change the nature and character of the town. Here again, it would appear that the general public have not been informed and neither requested to present their views and comments.

(c) Honiara Township Development Plan

Honiara Town has a development plan. To our understanding the area covered by this plan approximately run from KGVI School to White River. The area tendered

as Site No. 1 falls within this Township planning and is subject to the Town and Country Planning Act 1979, with its amendment of 1982.

Under such development plan the various locations within this town boundary have been zoned out - such as Commercial and Tourism, residence, industrial, civics etc. The area between Kitano Mendana Hotel and St. John School Rove is therefore zoned as for civic purposes. Recently application was put to the Town and Country Planning Board to rezone the area, seaside of the main road, from Guadalcanal Club to Rove Creek St. John School to Commercial and Tourism. This application was approved. But the area between Guadalcanal Club, and Mendana Kitano Hotel, on seaside of the main road is still for civic purposes.

In view of this, the tendering out of Site No. 1 between Mendana Kitano and Buildings of Home Affairs, Ministry for Tourism and Commercial purposes, does not therefore agree with the Honiara Town Development Planning. But it is understood there is nothing wrong with the tendering out of such Site of different zoning purpose, though the winner of the tender has to put to the Town and Country Planning Board his development plan for the area, and the Board before approving such plan, take into deep consideration the present land use zone of the area, and any significant features of the land mark, in this case, The State House, Cenotaph and other office buildings etc. Should members of the Board decide not to change the zoning then there could arise some difficulties, and frustration for the winner of the tender. It would be far better, therefore, should Government decide to introduce the area into commercial and Tourism it should first apply to the Town and Country Planning Board to re-zone the plot of land from civic to commercial and Tourism. But as far as records we have inspected, it would reveal there is no such application to the Town and Country Planning Board.

(d) **On what authority to tender out "Iron Bottom Sound Development Site No. 1" then?**

This is rather puzzling. There is no Cabinet decision, on this very important development proposal on this very historical significant piece of land.

It would appear that the only authority is Section II of the "Ministerial Implementation Guideline on the Public Service Structure and Internal Adjustment" - a document produced in the Prime Minister's Office, September, 1990, followed by a high level meeting on February, 1991.

(e) **High level meeting**

On 23rd February 1991, there is a very high level meeting attended by Government House, the Hon. Prime Minister, the Minister of Agriculture and Lands, and two Senior Officials of MAI., the Permanent Secretary, and the Commissioner of Lands. The meeting took place at the Prime Minister's Office. Amongst other matters discussed in this meeting is the Sale of Land and Government House at Site No. 1 to make way for the Iron Bottom Sound Hotel Development. The minute of this meeting would indicate that the Company which interested on the site has already approached the Minister of MAL and proposed an upfront payment of S1\$1m. This clearly mean that the Minister of Agriculture has already been approached by interested party or parties on the particular piece of land prior to its being put out on tender.

(f) Relocation for Governor-General's residence

One of the idea to sell the Site together with the Government House, is that the money obtain by Government from the sale will be used to build a new State House next to Forum Fisheries Agency's residence above Lawson Tama. This is a very noble plan, but would the money obtain from sale be sufficient to finance a new State House? What about the dwellings for the supportive staff, and Chancery? Another point raised in Section II of Public Service Structure and Internal Adjustment is that the up keep/maintenance of the present Governor-General's House is very expensive - and if this is so, how is the new State House to be maintained in future. These are very valid questions and should be considered seriously. But it would appear that these questions have not yet adequately been addressed.

(g) Temporary relocation of Governor-General and Government House staff

When tender for the Site was advertised, active discussions took place amongst responsible officers to find temporary accommodation for the Governor-General and his staff as well as the Chancery. This would indicate bad planning. The Head of State and members of his staff should not be pushed around. If it is the Government's agreed plan to relocate the State House in another location, then it make sense to find money and build the new State House and only after it is completed that the Governor-General and members of his staff do move over; then the present building can be disposed of or converted into some relevant use, more appropriately - what need considering at this stage is the allocation of a Senior Government House to Governor-General and his family, so that they do not have to live in the Official State House all the time. This arrangement is not new, the previous Governor-General was allocated with one of the most Senior Government House up Lengakiki Ridge, and the same arrangement can apply to the current Head of State. This will not cause much disturbance to the smooth running of Governor-General's Office, since members of the Government House staff will still live in the compound, and the Chancery (Office) will still be functioning normally, until a new State House is constructed and completed for occupation.

The Ombudsman considers that the plan to sell Site No. 1 which include Government House, its facilities, and the relocation of the Cenotaph etc. was not properly planned, and recommends:-

- (1) Government to reconsider its plan to introduce Iron Bottom Sound Hotel Development on Site No. 1, and withdraw its tender,
- (2) Should Government (Cabinet) wish to rezone the site from civic to commercial/tourism it must apply to the Town and Country Planning Board. At the same time publicise widely its intention to give a chance to the long residents of Honiara and taxpayers to air their views.
- (3) Consider alternative use of the Government House Building and the surrounding land, should it be finally decided to build the State House in another site.
- (4) Invite the General Public to suggest ideas on what development they may wish to take place on Site No. 1, take into consideration the character of the place and its historical significant.
- (5) Involve Cabinet, by way of submitting papers for approval prior to implementing such proposal development of such nature.

The situation was a concern of the Officer in Charge of the Prison as to have a Prison in complete darkness was not secure for both the Prison Officers and the inmates. According to the Officer in Charge this was not a new problem and authorities concerned were fully aware of the situations.

What was required was a complete re-wiring of the buildings, in the compound.

The following recommendations have been made for the consideration of the Prisons Authority.

- (i) Rewiring of the Prison Buildings for quick restoration of lights;
- (ii) When item (i) is done, a standby generator to be installed as to be used during power blackouts.

(2) Water tanks

Auki has a water shortage problem which is due to the town expansion and the aging of the water pumps and pipes. For the past ten years the town has been on a water rationing rota system. Each day the prison has water for only about 3 hours in the morning, 2 hours midday and 4 hours at night.

Whenever daily water rationing takes place, the Prison Authorities have to transport the Prisoners in vehicle underguard (3 prisoners to 5 officers) to Kwaibala River to wash. The Officer in Charge has raised that this practice is insecure for the Prisoners and Officers as the inmates might escape or even attack the officers.

As Auki rains at least every day, rain water could be collected in water storage tanks for the use of Prisoners.

It is recommended that about 3 or 4 water tanks be put up in the Prison Compound for use when water supplies are cut. Roof of existing buildings can be used for rain catchment.

Since Auki water problem cannot be solved immediately water tanks can be used as a supplement. This could also solve the unsecure practice of transporting the Prisoners to wash in the river.

Findings

The Controller of Prisons has confirmed that he was aware of the electricity and water problems and he had already brought them to the attention of the Ministry of Police and Justice and the Ministry of Transport, Works and Utilities. However, from various inquiries made, it seems unlikely that those problems will be put right in the foreseeable future. The Ombudsman wish to remind the Prison Authority to take appropriate action as soon as it possibly can to put right the defects on the water and electricity supplies to Auki Prison.

(c) **Local Courts Clerk and Justices received no pay increases**

The Ombudsman has received complaints from a Local Court Member and Court Clerks about the rate of allowances and salaries which have not been raised for sometimes.

In the case of the Local Court Members, there are two groups - the members of Local Court, and members of the Customary Land Appeal Court, who normally claim \$20.00 per sitting while the Local Court members claim only \$8.50 per sitting.

It seems that the duties of the two groups are the same and there should be no differences in the rate of allowances. In most cases, the Local Court Judges hear land cases in the first place. But when there is any appeal it goes to the Customary Appeal Court.

From investigations on another case, it appeared that Local Court Clerks did not even received the 1988 and 1989 pay increase which were supposed to be paid "across the board" to all government employees.

It is understood that the very low level of allowances and non receipt of pay increases by the Local Court Officers and Local Court members are the causes of general complaints which is well known to the Magistrates, Registrar of the High Court, top Judicial and Legal Officers.

The Ministry responsible should improve the pay and conditions of service for these "grass roots" members of the indigenous Local Judiciary who cannot now financially cope to support themselves from the increase rate of inflation and cost of living.

5. ELECTIONS

MALADMINISTRATION AFTER THE 1989 ELECTION IN ALL PROVINCES SAFE KEEPING AND DESTRUCTION OF GENERAL ELECTION PAPERS

On 30th November 1990, the Ombudsman reported to the Electoral Commission and other officers and Ministers concerned, on the results of his investigation into the failure to keep safe and then destroy the 1989 General Election Papers. He found there had been maladministration by the Province and the Returning Officer concerned, who had acted contrary to the National Electoral Provision Act 1980.

In particular, he found that the papers had not been destroyed 6 months after the election as required by Law and some of them, found by accident in a disused packing case has not been kept safe.

Voter's Secrecy in that Province had almost certainly been violated and Election kits could have been interfered with at any stage after counting and any number of people could have had access to them including: Election Officer, candidates, candidates' agents, members of Marine Division or members of the public. The fact that only crucial envelopes were opened or missing, did however, suggest that the interference was more likely to have been from someone familiar with the election process rather than curious sailors or members of the public.

It was clear that the Returning Officer had not kept these papers safe nor was any real effort made to get them back when it was realised they were missing. Had they been needed for a High Court case, they may not have been traced. Neither the Returning Officer nor the Election Manager did anything about destroying these papers once the 6 months time limit had passed.

For the avoidance of doubt, neither of the Returning Officer nor the Election Manager had been posted out of his electoral duty stations until after the 6 months time for retaining the papers had expired. Premature posting was not the cause of the problem in this case.

The Ombudsman then extended the scope of the investigation to include the fate of election papers in other Provinces and found that **none** of the Provinces (except perhaps Isabel) had destroyed the papers, even by late 1990. The main cause of this was a simple failure by the Returning Officers and Election Managers to finish their duties.

Part of the problem however, came from the practice of sending the papers to Provincial Headquarters, where no-one has legal responsibility for them, whilst the Returning Officers went back to their duty stations and no longer had physical control of them.

Evidently this is not a new problem, since the Ombudsman's Senior Investigator, who visited Malaita from 26th November to 7th December, 1990 discovered that in some outstations, General Election papers had been carefully retained even from the early Eighties.

After reminders from both the Secretary to the Electoral Commission and the Ombudsman's Office, most Provinces had destroyed the papers and provided Certificates of Destructions by late 1990:

Central Islands Province - date destroyed - 15 December 1990
Guadalcanal Province - date destroyed - 20 February 1991
Honiara Municipal Authority - date destroyed - March 1991
Isabel Province - date destroyed - destroyed, but no date given
Makira/Ulawa Province - date destroyed - 10 October 1990
Malaita Province - date destroyed - some destroyed June 1990
Temotu Province - date destroyed - 17 October 1990
Western Province - date destroyed - 30 June 1990

However, Malaita Province still had not destroyed all the papers in substations or had not given Certificates of Destruction to the Secretary to the Electoral Commission at the date of writing this Report. This is a matter for criticism.

In his Report to the Ministers and Officers concerned, the Ombudsman has recommend that Electoral Commission and Provincial Governments should give further consideration to making sure Election Papers are kept safe and destroyed 6 months after an election.

One way would be to amend the Electoral Provisions Act and recognise the practical realities of the situation by creating "Election Manager" as a statutory position and giving the Election Manager the statutory duty of safekeeping and destroying documents.

An additional or alternative way would be to simply hold back all or part of the "Allowance" given to Returning Officers until their statutory duties are completed.

The Ombudsman also recommend that the Electoral Commission and the Commissioner of Police should clarify exactly what is expected of police officers on election duties and when these duties end, since there was possibly some confusion about this.

6. EMPLOYMENT AND PUBLIC SERVANTS

(a) PUBLIC SERVICE COMMISSION DECISION NOT CARRIED OUT BY MINISTRY

A very good example of how reports and promotion of officers in ministries can be found in a Nursing Officer's case in the Ministry of Health and Medical Services. A Vacancy at Level 9 matron's post exist in the Ministry of Health & Medical Services.

First an officer was put into the job without advertising it so that other members of the nursing profession may apply. But eventually it was realised to be fair to every body the Vacant post was advertised. Several officers applied, and these application were forwarded to the Public Service Commission for its consideration and decision.

As in the case of application for promotion, a covering letter or report from the Head of the Division, and the Permanent Secretary of the Ministry should accompany the applicant's application, recommending the suitability of each candidate. It is presumed this was done. The Public Service Commission after receiving all the applications sat and appointed one of them to the post. Let us call this successful candidate "B". After this what remains to be done is a formal letter of posting from the Ministry informing "B" to take up duties as matron. The appointment was for a twelve months period of trial promotion. But for some reason some of the divisional heads in the Ministry were starting to question the suitability and capabilities of "B", and instead of posting "B" as matron for Central Hospital, a different post that "B" never applied for was given. This upset "B" who complained to the Ombudsman Office and the Public Service Commission.

The Ministry was advised by the Ombudsman's Office, since the promotion is only on trial basis for 12 months, "B" should get the job as approved by Public Service Commission, and should the Ministry find "B" incapable of doing the job, then the appointment can be terminated. But instead the responsible officers in the Ministry are still arguing, and at the time this report is produced, the matter is still yet to be settled.

(b) COMMUNICATIONS BREAKDOWN DEPARTMENT-MINISTRY-PUBLIC SERVICE OFFICE-SERVICE COMMISSION

Each year the Ombudsman receives a number of complaints from Public Officers that there are failures and delays and sometimes of years - in dealing with minor personnel matters such as confirmation in office, allowances, acting appointments and promotion. It is believed there are similar delays and failures in procedures for disciplinary action, but few complaints are received, for obvious reasons!

The following are the results of an investigation into what is probably a typical case:

The Complainant was due to be confirmed in office in February 1989 but this was overlooked by all concerned until the question of his promotion finally reached Public Service Office (PSO) in July 1990, his Ministry having failed

to put forward the recommendations for his promotion which were made by his Department from September 1989 onwards, until July 1990. It then took PSO until the end of December 1990 to have him confirmed in office by the PSC and at the date of writing this report he had still not been promoted.

Staff in both the Ministry and PSO were responsible for the delays. Administrative problems noted in the government departments concerned included:

- (i) information from the complainant's Department was withheld completely from PSO by staff at his Ministry,
- (ii) in turn, PSO mislaid the submission and forms sent by his Ministry for several months so that they did not reach the PSC;
- (iii) staff at the Ministry and PSO failed to acknowledge correspondence and failed to initiate or deal with matters or to follow them up once started;
- (iv) there was no effective supervision of middle ranking officers' handling of personnel matters either within or from outside the Ministry or PSO;
- (v) there was an underlying confusion as to whether the Department's staff should be administered by the Ministry (rather than the Departmental Heads themselves) and if so, who was responsible within that Ministry.
- (vi) PSO had no overall supervision of either the Complainant himself - for instance it did not check his personal file to see when he would be due for confirmation - nor did it supervise Personnel Officers in the Ministry to ensure that **they** were doing this job. It initiated no actions of its own, but waited passively for "submissions" and then added nothing to the submissions made by the Ministry unless there came in the form of oral instructions or undisclosed directives.
- (vii) some officers interviewed seemed to understand the idea of a bring-up but none in PSO or the Ministry kept a personal office Diary for their own reminders.
- (viii) the procedures for promotion have also appear unnecessarily complicated.

(c) NO REPLY TO LETTERS

Members of the public, the business community and even public officers accept that if they want a government department to make a decision; to provide information or advice; or to check up on the progress of an application; they must make a personal visit and talk to the Officer dealing with the matter.

If one is too busy or far away to do this, so there is no alternative but to write a letter, then the letter must be copied to as many people and Officers as possible in the hope that someone might deal with it and that when a personal visit is made, officers cannot claim total ignorance of the matter in question.

In a typical letter of complaint to the Ombudsman from the Provinces about a public service personnel matter where the original would be sent to say parent Ministry - perhaps MHMS - copies would be sent to:

cc: SPS (PMO)
cc: PS (MPG)
cc: PS (Province)
cc: Ombudsman

and, if the letter comes from a member of the public, rather than a public officer:

cc: Commissioner of Police
cc: Leader of Opposition
Leadership Code Commission, and so on.

The same problems of Officers not replying to letters also affect the Ombudsman's Office - which is the reason why we have particular difficulties in dealing with Complaints about Provincial Governments, who are among the worst at replying to letters.

Why do Public Servants fail to answer or acknowledge letters? This can be traced historically through the following causes or stages:

1. Old Colonial Practice

From inspections of files which date from before Independence, we see a practice of some Senior British Officers to mark a tiresome letter of complaint, or applications/or a job from "native" with "No reply needed, file away" or similar. This bad habit has been strongly discouraged by the Public Service in Britain and other metropolitan countries but, regrettably was adopted and retained by a few senior administrators here and has set an example to other officers.

2. Lack of Individual Responsibility within the Public Service

In a private business, the Clerk who files a letter away without bringing it up, is fired. The executive who does not answer letters (and loses business) does not get a payrise and he too would be fired if it becomes habit.

The Public Servant may not even know who is supposed to be responsible and had endless opportunities to pass responsibility and blame up or down the long hierarchy of administrations in his department. Few Senior Officers are in a position to 'cast the first stone' and criticise or discipline staff who are idle, incompetent or dis-organised with outstanding matters lying unattended on their own desks or quietly filed away and forgotten.

3. Bring up procedures not followed, no diary kept

A few public officers do still keep their own office diaries where they mark themselves reminders for to attend to this matter or bring up that file or follow up a letter with a reminder. One or two of the better established Ministries, which have retained trained Registry Clerks still operate a kind of Bring up system where files are marked with a date to "BU" to an Officer, are recorded by the Registry Clerk who "actions"

the file when that date arrives. These depend not only on the training, motivation and discipline of Registry staff and non-established helpers, (which is often sadly lacking) but also on the willingness of senior staff to insist that it is done properly and not to themselves by-pass the system.

4. **No proper filing system kept at all** - where individual officers were hidden on or in their desks. The incoming mail could be intercepted and may never have reached senior officers. This is a final stage of administrative decay, where even as a willing officer cannot operate properly owing to the total collapse of the filing system.

Over the past 4 years 1986-1990 Ombudsman' staff have learned that writing letters to **certain** Government bodies is, apart from being matter of record a waste of time - as a reply is hardly ever received. Other Departments promptly and helpfully. Much depends on the PS or Officer in Charge. The following observations were made before the changes of Permanent Secretaries re late 1990.

(d) **PENSION INCREASE - NO INCREASE SINCE 1986**

The Ombudsman has received a number of Complaints and inquiries from Pensioners that they have not had any Pension increase for sometimes.

The Complaints were brought up to the Ministry of Finance and Economic Planning and it was revealed and confirmed that the last Pension Increase was in 1986.

Since then, the Civil Servants' Salaries Increase Index from 1st April, 1986 to 31st March, 1990 was 35% (34.65% average) increased. In view of this, Pensioners are due for increases to be in line with Government salaries. As the rate of inflation increase and cost of living rise drastically, Pensioners, most of whom rely on their Pension money to support themselves cannot now cope.

In 1990 the Pensions (Amendment) Rules 1990 was gazetted which allow those who drew pensions up to \$6,000.00 per annum, if so wish can convert into lump sum and withdraw.

Many Pensioners have taken advantage of the amendment but those who have been drawing Pensions for quite sometimes, would not benefit much, as what they have so far received would be deducted from the lump sum. Hence, if a Pensioner has been drawing his Pension for sometime, the amount due to him would be quite small, and if he is a fit and healthy person and expect to live for several more years, he may be better off **not** commuting to a lump sum, but to carry on receiving monthly pension.

The Ombudsman has made a representation to the Minister of Finance and Economic Planning through the Permanent Secretary to make the necessary arrangements for the Pensioners to be given the increase similar to that have been awarded to civil servants since 1986. A response is still awaited!

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7. MINISTRY OF EDUCATION & HUMAN RESOURCES DEVELOPMENT

(a) TEACHING SERVICE COMMISSION - NOT JUST A "RUBBER STAMP"

A Provincial Secondary School teacher complained to the Ombudsman in 1990 about his demotion in late 1989 from the post of Headmaster of that school to Deputy Headmaster which, he said, was done unfairly and unprocedurally. He said he had complained to the Teaching Service Section of the Ministry of Education and Human Resources Development but no inquiry had ever been made.

A preliminary inquiry was made of the Industrial Relations Officer of the Teaching Services Section who said that the Complaint's original appointment as Headmaster, Level 9 had been only temporary while the substantive post holder was out on an Overseas Course.

The Complainant insisted this was not the case and produced a mass of supporting papers - rather a Pandora's Box - including a petition by teachers at his school alleging acts of mismanagement, and misappropriation of school building materials, which through lack of attention from the Provincial and Central Government teaching authorities led to a teachers' strike at the school.

He was warned that the Ombudsman's Office was **not his personal advocate**, but would perform an independent investigation to see if he had been unfairly treated and if there was maladministration. He accepted this and it was decided to investigate whether his original appointment as headmaster was valid; his proper substantive Level on the Teachers' pay scale and what action if any had been taken to investigate the allegations of misappropriation of school property (and clear his name, or otherwise).

FINDINGS

1. (a) **Validity of the Teacher's Appointment as Teacher and Headmaster in 1986**

These appointments were contrary to s.116A of the Constitution and valid on a "de facto" basis only. The Teacher was re-instated by the Teaching Service Commission (without consulting the College) as a College Lecturer after suspension on suspicion of fraudulent conversion on 12 May 1986.

By Circular on 17 October 1984 the Teaching Service Commission had delegated to Provincial Education Authorities power to make appointments of teachers but the circular also said that these appointments "will be confirmed by the Teaching Service Commission."

The Teaching Service Commission never ratified or confirmed his appointment as classteacher at the Provincial Secondary School, made by the Education Board on 23 or 25 May 1986. This appears to be a failure on the part of Teaching Service Section to bring up the matter to Teaching Service Commission.

Similarly the Teaching Service Commission had nothing to do with his appointment by the Provincial Executive Committee as Headmaster at L9.

Executive Committee itself had no delegated power to make this appointment, it was subsequently ratified by the Acting Senior Education Officer on 18th December 1986, but was never confirmed by the Teaching Service Commission.

(b) Demotion

If one accepts his "de facto" appointment and Promotion then it is logical to assume they were subject to the terms in his letters of appointment. According to the letter of 18 December 1986, his appointment as Headmaster was terminable by one month's notice, which was fully given him by his Principal Education Officer on 6 December 1989 upon the decision of the Education Committee. The Committee was aware of the unrest at the school, took this into account and all in all, his "demotion" was not unreasonable.

(2) What was his Substantive Level?

This is now of academic interest. Since February 1991 when the Teaching Service Commission confirmed his appointment to another Provincial Secondary School he has, undoubtedly been on L9. Before that, it is hard to say, but if one considers his Metropolitan Diploma and his 9 month course at Armidale College of Advanced Education as giving him a "degree", (Notwithstanding that the Teaching Service Commission in its Minute 23/87 of 17 December 1987 expressed concern about whether "one year degree courses especially tailored for Solomon Islands teachers were internationally recognised qualifications of standard high enough etc...") then according to the Teaching Service Handbook he should have been on a minimum L6 and L6 was his substantive level. Beyond that, one can only say that higher levels of pay attached to the particular posts and responsibilities actually carried out by the officer concerned.

3. Failure to Investigate Allegations of Misconduct

Chief Education Officer (Teaching Service) Acting denied having seen the report by General Secretary of Solomon Islands National Teachers Association (the nearest there is in this case to an investigation of any kind) in which the Complainant and his Principal Education Officer appear to admit to some of the allegations of misuse of school building materials. This report was sent to Permanent Secretary/Ministry of Education and Human Resources Development on 29 June 1989 and it indicates a serious administrative failing, if it is true that Chief Education Officer (Teaching Service) has never seen this Report.

Ministry of Education and Human Resources Development never sent an independent officer to conduct an investigation and indeed failed to do anything at all. Chief Education Officer (Teaching Service) Acting said he telephoned Principal Education responsible to do this, in late 1989 or early 1990. He admitted he cannot prove this. He was aware of allegations that the Principal Education Officer was himself involved and was not therefore independent.

The Province did appoint a Committee, including its Legal Adviser to investigate the whole issue but this does not appear to have made a report and the Province was probably too closely involved to be the best authority to conduct such an investigation.

4. Matters arising from the Investigation
Failure to Brief Teaching Service Commission adequately, or at all

Teaching Service Commission Chairman, Dennis Lulei regards the Teaching Service Commission one of the worst administered of all his Commissions. This investigation supports his view and underlines the seriousness of maladministration:

- (a) Solomon Islands College of Higher Education's point of view about the fraudulent impost was never put to Teaching Service Commission in 1986;
- (b) There is no evidence of Police being asked about the allegation of fraudulent conversion and without a statement by the Police, Teaching Service Commission did not have adequate information to consider re-instatement; and
- (c) Total failure to put up the Teacher's appointment as Teacher and then as Headmaster for confirmation by Teaching Service Commission; and
- (d) No mention, at anytime whatsoever given to Teaching Service Commission about staff problems at the school;
- (e) No mention whatsoever about uninvestigated financial irregularities in 1986 or the allegations about school property in 1989, in submitting the recommendation to Teaching Service Commission to appoint the Teacher as Headmaster of another Provincial Secondary School. These might not have changed the Teaching Service Commission's decision, but the Teaching Service Commission should have been aware of them. The only paper before the Teaching Service Commission when it made the appointment was the letter of 8 January 1991 from Education Division of the Province he was appointed to teach in.
- (f) Note that Education Division of the receiving Province says it was, unaware of the problems at the old school when making the appointment to the new school. The former Principal Education Officer apparently was posted there after the decision was made.

5. Teaching Service Section Filing System - badly kept and seriously inadequate

Up till late 1990 Teaching Service Section of Ministry of Education and Human Resources Development kept its own system of Teachers Personal Files under Charge of the then Principal Education (Teaching Service Section). There is nothing wrong with this in itself, but from this investigation (and others) it is clear the system was very badly kept.

- (a) The Complainant's personal file is seriously incomplete;
 - (i) most correspondence before 1986 is missing;
 - (ii) there are no copies of his qualifications or notes as to what they are;
 - (iii) there are no copies of any Teaching Service Commission decisions or submissions;
 - (iv) there are no entries of any kind from 1988 to December 1989 and since then, several important items still missing, including all submissions by the Officer himself to Ministry of Education and Human Resources Development as originals or copies; and
 - (v) there is no mention of the Teachers' unrest at the school. Chief Education Officer (Teaching Service Section) Acting admits seeing some of the large amount of correspondence about this but has no suggestion where it is now, other than blaming other junior officers and the Registry system. He had been asked repeatedly for full disclosure. Registry staff believe that senior officers keep such correspondence on their desks and do not file it.
- (b) Similarly contains no reference whatsoever to the problems of 1988 and 1989.
- (c) The Registry Clerk who had taken over the Teaching Service Section files and was trying to sort out the Teaching Service Section files suspected there may be an unnumbered file containing miscellaneous items which Teaching Service Section Officers have failed to put on individual PF's. We believe him when he says he has never seen a General file but also suggest that one may exist. Chief Education Officer (Teaching Service Section) Acting would not commit himself one way or another about this file and has not been co-operative about producing Teaching Service Commission files to this office. In particular he blamed the absence of the Teaching Service Commission Minute file for 1982-7 on the Registry Clerk, when it was in his own bookshelves.
- (d) Owing to the poor state of the other files in Teaching Service it is unlikely that these files contain a true record of Teaching Service Commission decisions. In particular, Teaching Service Section staff were unable to find a copy or even a draft of the written Delegation of Power to the Provinces made by the Teaching Service Commission in December 1987. Other important papers are probably missing too.

Summary and Final Conclusions:

1. (a) It is hard to say that the Complainant has been unfairly treated, either in his "demotion" or in not being given his correct "Level" or in the failure to investigate allegations of selling school materials, since he has survived and been promoted where other Officers might have been subject to suspension and a vigorous investigation.
 - (b) Chief Education Officer (Teaching Service Section) Acting as head of the Teaching Service Section and Secretary to the Teaching Service Commission failed to ensure that adverse petitions, Reports, correspondence were kept on officer's PF or other Teaching Service Section files (or else we believe him that "the Province" or Principal Education Officer have somehow withheld them.
 - (c) Chief Education Officer (Teaching Service Section) Acting failed to initiate or follow up an independent investigation by Ministry of Education and Human Resources Development; and
 - (d) As Secretary to Teaching Service Commission he failed to brief Teaching Service Commission at all on the problems at the school and also failed to brief Teaching Service Commission properly when it appointed the Complainant as Headmaster of another school recently.
2. The Finding in this investigation reflect a general problem of withholding information, which, although it has not adversely affected this Complaint, could adversely affect other teachers and the Education System as a whole.

Unless the Teaching Service Commission is to remain a "rubber stamp" for Ministry of Education and Human Resources Development officers' administrative decisions, it must have immediate access to officers' personal files and ALL relevant correspondence or reports. However, in view of the poor state of Teaching Service Section files, even the Officers' personal files would not have been much use to the Teaching Service Commission.

Unfortunately part of this problem stems from the previous Teaching Service Commission itself, which according to observations by this office in 1987 was quite happy to accept the briefest submissions and do whatever was recommended without question or inquiry. Had Teaching Service Section taken the trouble to present matters properly, the Commission would probably not have bothered to read them.

Recommendations:

1. Teaching Service Section files are in disorder and are inadequate record for any purposes and missing documents from the Teacher's PF at Ministry of Education and Human Resources Development should be inserted. Ministry of Education and Human Resources Development filing Clerk should be given full support in putting Teaching Service Section files in order.
2. If Teaching Service Commission wishes to be more than a "rubber stamp" for administrative decisions then Teaching Service Section must be thoroughly reviewed, starting from the top.

(b) UNPROCEDURAL TRANSFER OF A TEACHER TO EDUCATION ADMINISTRATION

Staff shortage in the Public Service has been blamed for not carrying out of the required services.

A lot of Divisions, especially in the Provinces are understaff. To solve the problem in some Provinces agreements were made between the Provincial Authority and the Central Government (the parent ministries) for Direct Employees to fill vacant Public Service Posts. Then wages to be reimbursed.

Reported here is a typical case which arose in one Province, an arrangement was made to utilise two Primary School Teachers in Education administration without going through the proper procedures.

At the beginning of 1990, the Principal Education Officer of the Province transferred two Primary School Teachers to fill the vacant Education Officer and Assistant Education Officer posts. Assurance was given that the Province would ensure that the two Teachers fill the posts substantively as soon as the posts are advertised and they would make sure that the posts weren't given to anybody else.

Thus working as an Assistant Education Officer and Education Officer respectively they are still paid by the Teaching Service as Primary School Teachers.

This transfer and the consequences has alerted one of the Concerned Teachers to register a complaint with the Ombudsman.

Since the case was reported in late 1990, the Ombudsman has done investigations with various Authorities and officers by correspondence, telephones and personal contacts.

The Principal Education Officer of the Province confirmed that he made the arrangement following a political directive from his Provincial Minister of Education to have the vacant posts filled by any capable qualified Primary School Teachers. This was on the advice of Chief Education Officer (Primary), to man all vacant posts.

He further confirmed conducting interviews of possible Senior Teachers and the two Teachers were selected to fill the Education Officer and Assistant Education Officer posts respectively.

Both the Provincial Secretary and his Deputy of the Province were contacted to give their side of the story.

The Deputy Secretary admitted that in the first place, it was the Ministry of Education and Human Resources which caused the problem. Administration only involved in the case when the two Teachers have complained of the salary payments. The Deputy Provincial Secretary take the following measures for the convenience of the arrangement and to keep the Teachers happy while awaiting formal appointments:

- (i) Request was made for the vacant Senior Accountant post in the Technical Services Division to be deployed to a Level 6 post in the Education Division. This would be to have two Level 6 posts in Education in order to fit one of the Teachers who has no post.
- (ii) Arrange for Charge Allowances, 75% the difference of the Teachers' salary scales in the Teaching Service and the 1st Points of Levels 5 and 6, Public Service Scale respectively.

The above are requested to the Public Service Office and the Ministry of Provincial Government.

He explained that the Province would push for the two Teachers to fill in the posts substantively as soon as they were advertised.

The Provincial Secretary confirmed the story of his Deputy. He expressed that the situation was not good and that he had to intervene only as a compromise. Whatever would happen when the posts were advertised was another story.

Personal contact was made with the officer responsible at the Public Service Office.

The approved Establishment of the Province at 1990 indicated that only one Level 6 post was available in the Education Division which was already filled by the Education Officer responsible for Community Education.

The Public Service Commission discussed this particular case and strongly reputed the unofficial appointment involved, insisting that the posts must be advertised for interested people to compete for them. In the meantime the two Teachers should not sit on those posts as the Public Service would not pay them for the unprocedural recruitment. As it was then, Teaching Service and Isabel Province must sort out the payment of their salaries.

The Senior Administrative Officer responsible for that Province in the Ministry of Provincial Government revealed that the posting of the two Teachers was done by the Ministry of Education and Human Resources Development without consulting the Permanent Secretary/Ministry of Provincial Government. He was only aware when the Provincial administration began to involve in it. The Under Secretary and officer responsible in the Ministry of Provincial Government had worked on formalities to put things right.

Ministry of Provincial Government refused to pay the charge allowance submitted by Provincial Secretary and directed it to Permanent Secretary/Ministry of Education and Human Resources Development to pay, then claim reimbursement.

Principal and Education Officer of the Teaching Service were contacted. It was reported that in early 1990 the Chief Education Officer (Primary) requested that the two Teachers be deployed to Education Office. In the meantime Teaching Service to continue paying them until such time they would fill the posts substantively.

Principal Education Officer (Teaching Service) agreed to the request, only for a short time. It was a pity this arrangement was made verbally.

However, PEO Teaching Service refused to pay the Charge Allowance submitted to him as mentioned. This was because Teaching Service already paying for the salaries for no class work and such should be met by somebody else.

CEO (Primary) who was the "Key Player" in this case did not co-operate. He was requested to give his side of the story but did not bother.

When the posts were advertised in late 1990 the complainant applied for it. However, at the same time PSO suspended all recruitments, and cancelled any interviews, etc for Public Service posts so he was not interviewed.

The PEO (Teaching Service) was concerned because one year has lapsed and Teaching Service continued to pay the two Teachers for one classroom work so he ceased their pay on 31/1/91.

The two Teachers as from 1/2/91, were affected as they just did not know their future. The Complainant again pressed on with his complaint to the Ombudsman.

When the Teachers' salaries ceased from the Teaching Service, the Province had to step in again.

Arrangement was made between Permanent Secretary/Ministry of Provincial Government and the Provincial Secretary, for the Province to pay their salaries at Public Service Level 5 scale then Ministry of Provincial Government to reimburse. This would be effective on 1/2/91 and the two Teachers to continue performing Education Administrative duties.

This arrangement was to continue until the Public Service Structure Review is completed and the two Teachers applied for the posts. If they get the post, their pay would be taken over by the Public Service, if not then they can go back to the classroom.

For the whole of 1990 from 15/1/90 - 31/1/91, the Two Teachers have been paid by the Teaching Service while doing Education Administrative duties.

The PEO (Teaching Service) gave assurance that the two Teachers were most welcome to return to the Teaching Service if they wish, if their applications for the Public Service Posts were not considered.

Salary-wise the Complainant and his colleague did not lose anything. What worth mentioning here was how the case was handled. The CEO (Primary) without consultation with the relevant Authorities proceeded with the transfer.

In such cases, it is the Public Service Office which should administer it and handle it according to laid procedures.

When Ministries tend to do recruitments unprocedurally like in this particular case, it only causes administrative problems and even frustrations to the officers affected. It was fortunate in this incident that this particular Province and Ministry of Provincial Government stepped in and made compromises.

However, the future of the concerned Teachers' Employment is not yet certain whether they will get the posts or not.

(c) **APPLICANTS FOR OVERSEAS SCHOLARSHIPS FRUSTRATED**

Numerous Complaints received from students and those who are no longer students but wish to pursue further study overseas and are applied for Government Scholarships. The problem here is that of the delay by the Committee and its Secretary of informing the applicants the result of their applications. The applicants wait for a great length of time knocking at everybody's door including Government Ministers enquiring on what has happen to their applications. It would be far better for everybody for an answer to be given quickly, even if it is on the negative side. This will enable the applicants to make plans for their future careers.

The Ombudsman's Office informed those responsible for offering scholarships at the Ministry of Education and Human Resources Development to be more professional and deal with applications as soon as they are received and informed the applicants of their decision on whether he or she is successful or not, rather than letting the matter to linger on.

8. PROVINCIAL GOVERNMENT

(a) SHORTAGE OF EDUCATION OFFICERS IN PROVINCES

Under the Government's Policy of redirection and decentralisation, it has always been the policy to second Senior Experienced Public Officers to Provinces.

Despite this policy, a lot of Divisions in Provinces are understaffed and without the required Public Officers.

Malaita Province would be quoted as an example. This Province has 126 Primary Schools plus 13 Extension schools with a total of about 1600 Primary School children and 490 Primary School Teachers. There are also three secondary schools in the Province.

The Education Division as at 31/12/90 has only three officers as follows:

One only Principal Education Officer
Two only Senior Education Officer

In the whole Province there are three Substations plus HQ, two of which were completely without Education Personnel.

The Division had no canoe for Sea Transport and as the Land Transport, like other Divisions, is serviced from the Province Vehicle Transport Pool on a "First come first serve" basis.

The Administrative decisions on the internal posting of the two Senior Education Officers has made the problem of staff shortage worse, as they were deployed to North and Central which were easily accessible by Road and teachers had easy access to Headquarters. While the Principal Education Officer is at Headquarters, the Senior Education Officer responsible for Central is also with him.

The two difficult areas of East and South Malaita which are not accessible by road were not given priority. The arrangement was for those two areas to be served from Headquarters was not practicable. Hence Eastern and Southern schools were not fully attended to.

In the Provinces there was also the Teaching Inspectorate Unit but since the Division was not devolved, it was directed from Ministry of Education and Human Resources Development Headquarters for these officers to concentrate in their specialised area of work and no longer to do Education Administrative duties any more.

This Report demonstrates an example of how a staff shortage is made worse by ill considered administrative decisions on the deployment of officers which adversely affect the public.

To conclude, as far as this office is aware, Makira and Western Provinces also face the same staff shortage problem. This could also be the case in other Province.

(b) A TOUR OF MALAITA PROVINCE

In November/December, 1990, the Senior Investigation Officer made a tour of South, East and Central Malaita. Summarised below were the findings made from the Tour:

Transport

(i) Land Transport

The Province is well served by the 230km Road North and East. However, the Province operates its vehicle pool fleet from which Divisions book on a "first come first serve" basis. With this arrangement, the Eastern and Northern Regions were not allocated vehicles permanently but served from the Provincial Headquarters. This has caused considerable inconvenience in the day to day running of services in those regions.

(ii) Sea Transport

One Government ship, the Lanalau serves the Province. Under the present arrangement with the Marine National Shipping Program, the service of that one ship is supplemented by monthly direct shipping from Honiara, which is adequate, considering the availability of shipping generally within Solomon Islands. The only problem caused by the Province is the programming of the ship, which is not fairly done. For example, the most difficult areas, such as Ata'a on the East coast which is not accessible by road is not well served by the ship either. This area produces a lot of copra, hence, on many occasions, copra and other produces from this area is not collected. The Province should consider the needs of such areas and also, on the so called "Commercial" trips, the crew should be patient to collect copra even along the Southern Region and the Are'Are coast to Auki.

Provincial canoes and outboard motors were sold by tender few years ago when the Province was in extreme financial difficulties. Since 1985 substations have been without canoes and engines for the running of services, apart from the Medical Division. This has caused a lot of problems to the Southern and Eastern Regions which rely mostly on sea transport.

Radio Communication

Every clinic around the island has a Radio. All the Radios are Solar powered and maintenance are provided by Telekom Ltd. This has helped the people for Radio contact purposes so at least most people are accessible to a Radio.

Area Constables

The Province did away with Area Constables few years ago. This has affected law and order control in the rural areas and especially enforcing Provincial Legislation and Area Council Bye Laws and the Local Courts.

The chiefs should be commended for their effort in doing their part, except for the cases which required action of the Area Constables and even the Police. In the absence of the Area Constables, the Police should be relied on to keep

Law and order. However, it was alleged that the Police on many incidents did not attend to reported cases, a situation made things difficult, especially for the village chiefs.

Services to Rural Areas

The Medical Services in the Province generally is good. Each clinic is well staffed and Doctors do monthly visits to clinics around the island. Despite shortage of drugs at times, the health services provided throughout the island reasonably good.

Complaints were received against Agriculture, Fisheries, Education and the Administration Division that staff of these Divisions have failed to even make visits to cover their areas of control and the rural people have found it very discouraging not to have services provided to them. It seems that when the Government decentralised its services to rural areas, the people have not been well served.

Two reasons usually given by the Field staff in defence of such complaints were staff shortage and the unavailability of petrol, canoes and outboard motor Engines in substations.

Numerous complaints too have been raised about lack of political Education in rural areas and that the political Representatives of the three levels of Governments have not been visiting their constituents to inform them of the political developments.

Logging Company

In East Malaita, Complaints were received that a Logging Company which had been granted its logging licence, but no work had started due to Land disputes and the unreliability of the machines.

Another allegation from the workers was that the Company failed to pay overtime Allowances to them and no National Provident Fund deductions made from their salaries. These Complaints were outside the Ombudsman's jurisdiction and were referred to Labour Division and the National Provident Fund.

(c) MALAITA PROVINCE - TAX CERTIFICATES

This is a typical case of administrative oversight on matters of Legal requirements.

The Malaita Province since early 1980's had failed to produce Tax Deduction Certificates for its Direct Employees.

Despite PAYE Taxes taken off wages of Employees every month, no one dared to raise a Complaint about it to the responsible Authority which in this case, the Malaita Province. This may be because a lot of workers did not understand their rights to claim at the end of the year especially when they spend a lot in school fees and other expenses, etc which attract Tax Refunds. Others just did not bother.

In 1990, a Level 3 Typist who was a Direct Employee raised a complaint with the Ombudsman of not having been issued with Tax Deduction Certificates for the two years she had been with the Province.

She claimed having seen Public Officers been issued with Individual Return of Income (IR20) Forms and Tax Certificates every year but none were issued to the Direct Employees. She, having been an employee of a Private Company prior to taking up employment with the Province, knew that those were legal requirements of Employers.

Investigation into the Complaint revealed that the Province had for sometime not been providing Tax Deduction Certificates to its Employees, as required by the relevant Income Tax Rules.

The Provincial Treasurer was contacted about the matter. He confirmed that it was a genuine failure of the Province in its part for overlooking the matters. Staff shortages was the main contributing factor to this failure.

Assurance was given that one officer would be assigned on this task to prepare the certificates to be issued to the direct Employees and Provincial Assembly Members.

The Ombudsman has followed up the discussions with a letter. Then it was assumed that things were in order.

However, in late 1990 another Complaint was raised with the Ombudsman through his Senior Investigation Officer during a Tour of the Province. The Complainant raised a Complaint on the same issue. This was revealed that still the Province has not honoured what it originally said. During the whole year of 1990, nothing was done about it.

Despite staff shortages, etc some one should be assigned on full time to complete the task.

Again the Provincial Treasurer was informed and he said someone was assigned on the task. The officer concerned was also spoken too. Both said they would do as requested.

The Ombudsman wrote a letter to confirm the verbal assurances. Up to the time of this Report nothing was forthcoming from the Province on the case.

It seemed that the Province was not co-operating in this case. The failure to sort this out was an action contrary to Rule 25 of the Tax Deduction Rules 1981 of the Income Tax Act (Cap. 61).

9. STATUTORY AUTHORITIES

(a) NATIONAL PROVIDENT FUND HOME LOANS TOO EASY TO BORROW - TOO HARD TO PAY BACK?

The Ombudsman had received Complaints from people living in the Provinces and Rural Areas that the National Provident Fund's policy of lending money to buy government houses still being granted after the 1985 "Sale" unfairly favoured public servants in Honiara.

The Ombudsman is not able to investigate this kind of 'policy' decision but, sharing the concern, decided to consider of his own motion whether the practices and procedures involved of lending 100% of the purchase price and all the fees for a substantial Government house costing up to \$60,000 were adequate. The investigation is not complete, but the Ombudsman has already expressed concern to the National Provident Fund management that the house buyer's ability to repay the loan is not thoroughly considered, and had suggested introducing procedures such as:

- (i) always interviewing applicants for loans and their wives (especially if the wife is contributing to the family income);
- (ii) considering the number of children and other family commitments which the applicant has to support;
- (iii) taking much greater detail of expenses and commitments such as taxation, other savings schemes, life insurance, travel and transport, electricity, water (and outstanding bills), food and so on. People may not always remember to include all of their commitments and expenses in these calculations.
- (iv) taking account of whether the applicant has previously held property in Honiara, but disposed of it, say to his wife, child or near relation.

Whether lending Contributors Fund for people to buy these houses is probably a very safe and profitable investment, especially as the houses were sold well under their true value but of course it all depends on whether the Fund is able and willing to take over the house if the house owner cannot repay his loan.

IV. LEGAL NOTES

1. Excerpt from the Constitution of Solomon Islands.

CHAPTER IX THE OMBUDSMAN

Office of Ombudsman.

96. (1) There shall be an Ombudsman, whose office shall be public office.

(2) The Ombudsman shall be appointed by the Governor-General, acting in accordance with the advice of a committee consisting of the Speaker, the Chairman of the Public Service Commission and the Chairman of the Judicial and Legal Service Commission.

(3) If the person appointed as Ombudsman is a member of Parliament or a Provincial Assembly, he shall forthwith cease to be such a member.

(4) The Ombudsman shall not perform the function of any other public or provincial government office; and shall not, without the approval of the Governor General in each particular case, hold any other office of emolument than the office of the Ombudsman or engage in any occupation for reward outside the duties of his office.

(5) Subject to the provisions of the next following subsection, the Ombudsman shall vacate his office at the expiration of five years from the date of his appointment.

(6) The Ombudsman may be removed from office only for inability to discharge the functions of his office (whether arising from infirmity of body or mind of any cause) or for misbehaviour and shall not be so removed except in accordance with the procedure for the removal of a judge of the High Court as set out in subsections (4) to (7) of section 80 of this Constitution.

Functions of Ombudsmans.

97. (1) The functions of the Ombudsman shall be to:-

- (a) enquire into the conduct of any person to whom this section applies in the exercise of his office or authority, or abuse thereof;
- (b) assist in the improvement of the practices and procedures of public bodies; and
- (c) ensure the elimination of arbitrary and unfair decisions.

(2) Parliament may confer additional functions on the Ombudsman.

(3) This section applies to the public service, the Police Force, Government of Honiara City, the Prison Service, provincial governments, and such other offices, commission, corporate bodies or public agencies as may be prescribed by Parliament:

Provided that it shall not apply to the Governor-General or his personal staff or to the Director of Public Prosecutions or any person acting in accordance with his instructions.

(4) Nothing in this section or in any Act of Parliament enacted for the purposes of this Chapter shall confer on the Ombudsman any power to question or review any decision of any judge, magistrate or registrar in the exercise of his judicial functions.

Discharge of
functions of
Ombudsman.

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.

(2) The Ombudsman shall not conduct an investigation in respect of any matter if he has been given notice by the Prime Minister that the investigation of that matter would not be in the interests of the security of Solomon Islands.

(3) The Ombudsman shall make an annual report and may make such additional reports to Parliament as he deems appropriate concerning the discharge of his functions, and may draw attention to any defects which appear to him to exist in the administration or any law.

Further
provisions.

99. Parliament may make provision for such supplementary and ancillary matters as may appear necessary or expedient to give effect to the provisions of this Chapter.

116(5) Before making any appointment to any office on the staff of the Ombudsman, the Public Service Commission shall consult the Ombudsman.

2. OMBUDSMAN (FURTHER PROVISION) ACT 1980 - NO. 1
OF 1980

THE OMBUDSMAN ACT 1980

ARRANGEMENTS OF SECTIONS

SECTIONS PART I - PRELIMINARY

1. Short title.
2. Interpretation.
3. Ombudsman to vacate other offices.
4. Oaths of office.
5. Investigations by Ombudsman.
6. Persons by whom complaints may be made.
7. Circumstances in which Ombudsman shall not investigate complaints.
8. Procedure for making complaint.
9. Recording and notifying intended investigation.
10. Conduct of investigations.
11. Disclosure of information.
12. Attendance of witnesses.
13. Privilege of witnesses.
14. Powers of entry.
15. Investigation not to affect departmental action.
16. Proceedings after investigation.
17. Privilege of communication.
18. Expenses and allowances.
19. Administrative expenses.
20. Offences.
21. Ombudsman may determine not to investigate complaint where undue publicity given.
22. Regulations.

PART I - PRELIMINARY

- Short title. 1. This Act may be cited as the Ombudsman (Further Provisions) Act 1980 and shall come into operation on such date as the Prime Minister may, by order, appoint.
- Inter-tation. 2. In this Act, unless the context otherwise requires -
- “Ombudsman” means the Ombudsman appointed in accordance with section 96(2) of the Constitution;
- “political party” means an association or group of persons, whether corporate or unincorporated whose objectives include the nomination and election of members of Parliament or of a Provincial Assembly;
- “resident of Solomon Islands” means a person entitled to reside in Solomon Islands in accordance with the provisions of section 7 or section 8 of the Immigration Act;
- “undue publicity”, in relation to a complaint made to the Ombudsman or an investigation carried out by the Ombudsman, means statements made or broadcast in the news media or by broadsheet or pamphlet which include matter other than factual details of the complaint or investigation as the case may be, which matter is of a nature calculated to arouse controversy over the complaint or investigation.
- No. 27 of 1978
- Ombudsman to vacate other offices. 3. (1) In addition to vacating his seat as a member of Parliament or of any Provincial Assembly in accordance with section 96(3) of the Constitution, the person appointed as Ombudsman shall forthwith vacate any -
- (a) public office;
 - (b) membership of any Commission established by the Constitution;
 - (c) office in a statutory authority or Government agency.
- Resignation as member of a political party. (2) The person appointed as Ombudsman shall, if he holds any office in, or membership of, any political party, resign such office or membership.
- Oaths of office. No. 2 of 1978. 4. (1) Before entering upon the exercise of the duties of this office, the Ombudsman shall take and subscribe the oaths prescribed in the Official Oaths Act and shall take before the Chief Justice an oath in the form set out in the First Part of the Schedule to this Act.

(2) The members of the staff of the Ombudsman shall maintain secrecy in respect of all matters which come to their knowledge in the exercise of their duties and shall, before entering upon the exercise of their duties take an oath to be administered by the Ombudsman in the form set out in the Second Part of the Schedule to this Act.

Investigations by Ombudsman

5. (1) Subject to the provisions of subsection (3) and section 7, the Ombudsman may for the purposes of section 97(1) of the Constitution investigate any action taken by any officer by authority to which this section applies in the exercise of the administrative functions of that officer or authority in any case in which -

- (a) complaint under this section is made alleging that a person or body of persons has suffered injustice in consequence of that action;
- (b) he is invited to do so by any Minister or any member of Parliament; or
- (c) he considers it desirable to do so of his own motion.

(2) This section applies to the following officers and authorities -

- (a) any department of the Government or officer of such a department;
- (b) the police force or any member thereof;
- (c) the Prisons Service or any other service maintained and controlled by the Government or any officer or authority of any such service;
- (d) any Provincial Assembly;
- (e) any authority empowered to determine the person with whom any contract or class of contract is to be entered into by or on behalf of the Government or any such officer or authority;
- (f) any body incorporated by Act of Parliament;
- (g) such other officers or authorities as may be prescribed by resolution of Parliament.

(3) This section shall **not** apply in relation to -

- (a) any of the persons referred to in section 97(4) of the Constitution when acting in the exercise of his judicial functions.

Persons by whom complaints may be made.

6. (1) A complaint under section 5 may be made by any individual, or by any body of persons whether incorporated or not, not being -

- (a) a department or authority of the Government or any authority or body constituted for purposes of the public service or local government; or
- (b) any other authority or body whose members are appointed by the Governor-General or by a Minister or whose revenues consist wholly or mainly or moneys provided from public funds.

(2) Where any person by whom a complaint might have been made has died or is for any reason unable to act for himself, the complaint may be made by his personal representatives or by a member of his family or other individual suitable to represent him; but except as aforesaid a complaint shall not be entertained unless made by the person aggrieved himself.

Circumstances in which Ombudsman shall not investigate complaints.

7. (1) The Ombudsman shall not conduct an investigation in respect of any complaint unless the person aggrieved is a resident of Solomon Islands (or, if he is dead, was a resident at the time of his death) or the complaint relates to action taken in relation to him while he was present in Solomon Islands or in relation to rights or obligations that accrued or arose in Solomon Islands.

(2) The Ombudsman shall not conduct an investigation in respect of any complaint in so far as it relates to any of the following matters, that is to say -

- (a) any action in respect of which the person aggrieved has a right of appeal reference or review to or before a tribunal constituted by or under any law in force in Solomon Islands; or
- (b) any action in respect of which the person aggrieved has or had a remedy by way of proceedings in any court of law:

Provided that -

- (i) the Ombudsman may conduct such an investigation notwithstanding that the person aggrieved has or had such a right or remedy if satisfied that in the particular circumstances it is not reasonable to expect him to avail himself or to have availed himself of the right or remedy; and

- (ii) nothing in this subsection shall preclude the Ombudsman from conducting any investigation as to whether any of the provisions of Chapter II of the Constitution has been contravened.

(3) The Ombudsman shall not conduct an investigation in respect of any complaint in respect of any action if he is given notice in writing by the Prime Minister that the action was taken by a Minister in person in the exercise of his own deliberate judgement.

(4) The Ombudsman shall not conduct an investigation in respect of any complaint where it appears to him -

- (a) that the complaint is merely frivolous or vexatious;
- (b) that the subject matter of the complaint is trivial;
- (c) that the person aggrieved has no sufficient interest in the subject matter of the complaint; or
- (d) that the making of the complaint has, without reasonable cause, been delayed for more than twelve months.

(5) The Ombudsman shall not conduct an investigation in respect of any matter if he is given notice by the Prime Minister that the investigation of that matter would not be in the interests of the security of Solomon Island.

(6) In this section "action" includes failure to act.

Procedure
for making
complaint

8. (1) Any complaint or invitation made to the Ombudsman shall be in writing and shall be submitted direct to the Ombudsman.

(2) Notwithstanding the provisions of any written law, any complaint made to the Ombudsman by any person who is legal custody or who is an inmate of any mental hospital or similar institution shall be forwarded unopened to the Ombudsman by the person in charge of the place where the complainant is detained or is an inmate.

Recording and
notifying
intended
investigation.

9. (1) Subject to the provisions of this section, the Ombudsman shall before entering upon an investigation -

- (a) record the nature and scope of the investigation he proposes to make; and
- (b) inform the officer or authority concerned of his intention to make such investigation and to furnish him with a copy of such record; or

if he considers that the complaint is of a trivial or vexatious nature, or he determines to apply the provisions of section 21, he shall record that he does not intend to make an investigation and so notify the person making the complaint.

(2) If in the course of an investigation the Ombudsman considers that the nature or scope of an investigation should be enlarged he shall cause a further record to be made to that effect and shall furnish to the officer or authority a copy thereof.

(3) The record and any further record made in accordance with this section shall form part of the proceedings of an investigation.

(4) Nothing in this section shall be construed as precluding the Ombudsman, before complying with subsection (1) or subsection (2), from conducting an examination of any person who has made a complaint or from consulting the officer or authority concerned in order that he may determine whether or not an investigation should be made or whether or not the nature or scope of an investigation should be enlarged.

Conduct of investigations.

10. (1) Subject to the provisions of this Act, the Ombudsman may obtain information from such persons and in such manner and make such inquiries as he thinks fit and may determine whether any person may be represented by a legal representative or otherwise in an investigation.

(2) Every investigation shall be conducted in private and subject to the provisions of section 8 and this section, the procedure for conducting an investigation shall be such as the Ombudsman considers appropriate in the circumstances of the case.

(3) It shall not be necessary for the Ombudsman to hold a hearing during the course of an investigation nor shall any person be entitled as of right to be heard by him:

Provided that if at any time during the course of an investigation it appears to the Ombudsman that there may be sufficient grounds for his making any report or recommendation that may adversely affect any person, officer or authority, he shall afford such person, officer or authority an opportunity to be heard; and no comment that is adverse to any person, officer or authority shall be contained in a report to Parliament, to a Minister or to a department or authority unless such person, officer or authority has been given an opportunity to be heard.

Disclosure of information.

11. (1) For the purposes of an investigation under this Act, the Ombudsman may require any Minister, officer or member of any department or authority concerned or any other person who in his opinion is able to furnish information or produce documents or things relevant to the investigation to furnish any such information or produce any such document or thing.

(2) No obligation to maintain secrecy or other restriction upon the disclosure of information obtained by or furnished to persons in the public service imposed by any law in force in Solomon Islands or any rule or law shall apply to the disclosure of information for the purposes of any such investigation; and the Crown shall not be entitled in relation to any such investigation to any such privilege in respect of the production of documents or the giving of evidence as is allowed by law in legal proceedings.

(3) No person shall be required or authorised by virtue of this section to furnish any information or answer any question or produce any document relating to proceedings of the Cabinet or any committee thereof; and for the purposes of this subsection a certificate issued by the Secretary to the Cabinet with the approval of the Prime Minister and certifying that any information, question or document so relates shall be conclusive.

(4) The Attorney-General may give notice to the Ombudsman with respect to any document or information specified in the notice, or any class of documents or information so specified, that in his opinion the disclosure of that document or information or documents or information of that class, would be contrary to the public interest in relation to defence, external relations or internal security; and where such notice is given nothing in this section shall be construed as authorising or requiring the Ombudsman or any member of his staff to communicate to any person for any purpose any document or information specified in the notice or any document or information of a class so specified.

Attendance
of witnesses.

12. (1) Subject to the provisions of this Act, the Ombudsman may by order require any person who in his opinion is able to furnish information or produce any document, paper or thing relevant to an investigation to attend before him at a time and place specified in such order and be examined on oath or produce such document, paper or thing.

(2) Where the Ombudsman orders any person to be examined on oath, he may administer such oath.

(3) An order made under this section shall be served on the person to whom it is directed by a member of the staff of the Ombudsman or by a police officer in the manner prescribed for the service of a summons on a witness in civil proceedings before a court of law.

(4) If a person to whom an order under this section is directed does not attend at the time and place mentioned therein, the Ombudsman may, upon being satisfied that the order was duly served or that the person to whom the order was directed wilfully avoided service, issue a warrant to apprehend such person and to bring such person before him

at a time and place specified therein. Every warrant issued this section shall be executed by a police officer.

(5) Where a person is arrested in pursuance of a warrant issued under this section and is not brought before the Ombudsman within twenty-four hours of his arrest or is earlier released by order of the Ombudsman on his undertaking to attend at a time and place specified therein, such person shall forthwith be taken before a Magistrate who shall -

- (a) if such person enters into a suitable recognizance for his appearance before the Ombudsman, release him from custody; or
- (b) order such person to be detained in custody until such time as he can be brought before the Ombudsman.

(6) When any person is required by the Ombudsman to attend before him for the purposes of this section, such person shall be entitled to the same fees, allowances and expenses as if he were a witness before a court of law and for the purposes of this subsection, the Ombudsman shall have the powers of a court to fix or disallow the amount of any such fee, allowance or expenses.

(7) For the avoidance of doubt it is hereby declared that this section shall apply whether or not the person or witness concerned is a person in respect of whose conduct the Ombudsman has jurisdiction to inquire.

Privilege of witnesses.

13. (1) Subject to section 11(2) every person required to give any information or ordered to attend to give evidence or to produce any document, paper or thing before the Ombudsman shall be entitled in respect of such information, evidence, document, paper or thing to the same rights and privileges as a witness in any court of law.

(2) An answer given by a person to a question put by the Ombudsman or a statement made by a person to the Ombudsman shall not be admissible in evidence against him in any civil or criminal proceedings except in the case of criminal proceedings for an offence against this Act or for perjury, subornation of perjury or defeating or obstructing the course of justice, and no evidence in respect of proceedings at a hearing before the Ombudsman shall be given against any person other than in further proceedings before the Ombudsman.

(3) When a person gives evidence or produces any document, paper or thing at a hearing before the Ombudsman in pursuance of this Act the proceedings shall be deemed to be judicial proceedings for the purposes of a prosecution for perjury, subornation of perjury or defeating or obstructing the course of justice.

(4) The Ombudsman may hear and obtain information whether or not the same be evidence within the meaning of the law for the time being regulating the admissibility of evidence in courts of law.

Powers of entry.

14. (1) For the purposes of this Act the Ombudsman or any person specifically authorised by him may at any time enter upon any premises occupied by any person, department or authority in respect of which he may carry out an investigation and inspect the premises and thereon make such inquiries as he shall think fit.

(2) Before entering upon any premises pursuant to the above subsection, the Ombudsman shall give at least 24 hours notice to the appropriate person, department or authority.

Investigation not to affect departmental action.

15. The conduct of an investigation by the Ombudsman shall not affect any action taken by the department or authority concerned or any power or duty of that department or authority to take further action in respect of any matter which is the subject of investigation.

Proceedings after investigation.

16. (1) The provisions of this section shall apply in every case where, after making an investigation, the Ombudsman is of opinion that the action that was the subject matter of investigation was -

- (a) contrary to laws;
- (b) based wholly or partly on a mistake of law or fact;
- (c) unreasonably delayed; or
- (d) otherwise unjust or manifestly unreasonable.

(2) If in any case to which this section applies the Ombudsman is of the opinion that -

- (a) the matter should be given further consideration;
- (b) the omission should be rectified;
- (c) the decision should be cancelled, reversed or varied;
- (d) any practice on which the act, omission, decision or recommendation was based should be altered;
- (e) any law on which the act, omission, decision or recommendation was based should be reconsidered.
- (f) reasons should have been given for the decision;
- (g) any other steps should be taken,

the Ombudsman shall report this opinion and his reasons therefor to the officer, of the department or authority concerned and may make such recommendations as he thinks fit and shall also send a copy of his report and recommendations to the Prime Minister and to any Minister concerned.

(3) When reporting his opinion to the officer of the department or authority concerned, the Ombudsman may request such officer to notify him within a specified time of the steps (if any) that it is proposed to take to give effect to the recommendations of the Ombudsman.

Notification
to complainant.

(4) The Ombudsman shall inform the person who has made a complaint of the result of his investigations -

(a) where the officer of the department or authority concerned is not required to take any steps in the matter - at the time that he sends a copy of his report to the Prime Minister; or

(b) where the officer of the department or authority concerned is requested in accordance with subsection (3) to notify the Ombudsman of the steps that it is proposed to take - upon receipt of such notification or at the expiry of 28 days from the date of the request, whichever shall be the earlier.

(5) If within a reasonable time after the report is made no action is taken which seems to the Ombudsman to be adequate and appropriate, the Ombudsman if he thinks fit after considering the comments, if any, made by or behalf of any department, authority, body or person affected, may thereafter make such further report on the matter as he thinks fit to Parliament.

Privilege of
of communi-
cation.

17. For the purposes of any law relating to defamation, the publication, by the Ombudsman or by any member of his staff, of any report or communication and the publication to the Ombudsman or to any member of his staff, or to any member of Parliament in accordance with the provisions of section 5(1) of this Act, of any complaint or other matter, shall, if made in accordance with the provisions of section 98(3) of the Constitution or of this Act, be absolutely privileged.

Expenses
and allow-
ances.

18. The Ombudsman may, in his discretion, pay to any person by whom a complaint has been made or to any person who attends or furnishes information for the purposes of an investigation, sums in respect of expenses properly incurred or by way of allowance or compensation for loss of time, in accordance with such scales and subject to such conditions as may be prescribed.

Administrative expenses.

19. The administrative expenses of the office of the Ombudsman including such expenses and allowances as are authorised by the provisions of this Act shall to such amount as may be sanctioned by Parliament be paid out of the Consolidated Fund.

Offences.

20. (1) Any person who, otherwise than in the course of his duty, directly or indirectly, by himself or by any other person, in any manner whatsoever including giving undue publicity to his complaint wilfully influences or attempts to influence the decision of the Ombudsman with regard to any complaint made to him or to any investigation made by him, shall be guilty of an offence.

(2) Subject to the provisions of this Act, any person who is requested by the Ombudsman or by any member of the staff of the Ombudsman acting in the exercise of his duties, to furnish any information or to produce any document, paper or thing and who wilfully fails to furnish such information or to produce such document, paper or thing, shall be guilty of an offence

(3) Any person who, in connection with any matter which lies within the jurisdiction of Ombudsman, wilfully gives him any information which is false or misleading by reason of the falsity of, or the omission of, a material particular, shall be guilty of an offence.

(4) Any person guilty of an offence under the provisions of this section shall be liable to a fine not exceeding two hundred dollars or to imprisonment for a term not exceeding one year or to both such fine and imprisonment.

(5) No prosecution for an offence against this section shall be instituted except with the consent of the Director of Public Prosecutions.

Ombudsman may determine not to investigate complaint where undue publicity given.

21. The Ombudsman may determined not to make an investigation in the case of any complaint where the complainant or any person acting in his behalf (whether or not the complainant has authorised or consented to his doing so) has given undue publicity to the complaint, on the ground that such undue publicity may prejudice the impartial investigation of the complaint.

Regulations.

22. The Prime Minister may make regulations in order to carry this Act into effect and for prescribing anything which is required to be prescribed hereunder.

SCHEDULE

FIRST PART

OATH OF OMBUDSMAN

I, _____ swear that I will well, faithfully and impartially serve Her Majesty, Queen Elizabeth the Second, Her heirs and successors according to law, in the office of Ombudsman and that I will not, except in accordance with the provisions of Chapter IX of the Constitution and the Ombudsman (Further Provisions) Act divulge any information received by me in the exercise of my duties as Ombudsman to any person. So help me God.

SECOND PART

OATH OF MEMBER OF STAFF OF
OMBUDSMAN'S OFFICE

I, _____ swear that I will regard all information, documents and other matters which may come into my possession or to my knowledge in the course of my official duties, as secret and that I will not, except in accordance with the provisions of Chapter IX of the Constitution and the Ombudsman (Further Provisions) Act, divulge any information received by me in the exercise of my official duties to any person. So help me God.

Passed by the National Parliament of Solomon Islands this eleventh day of March one thousand nine hundred and eighty.

This printed impression has been carefully compared by me with the Bill passed by Parliament and found by me to be a true and correct copy of the said Bill.

L.O. POZNANSKI
Clerk of the National Parliament

VI. ADMINISTRATIVE NOTES

(a) STAFF

Apart from welcoming a new Assistant Secretary, and a Gardener, the Ombudsman's staff remain the same as last year, at least to date of writing this report.

Ombudsman	Constitutional Salary
Principal/Legal Officer (Locally Supplemented Contract)	L7/8
Senior Investigation Officer	L7
Assistant Personal Secretary	L5
Cleaner/Messenger/Orderly	L1B
Gardener	L1A

However, fairly radical changes are taking place. The Constitutional Officers (Terms and Conditions of Service) (Ombudsman) Regulations were passed on 12th October 1990 as Legal Notice LN 146/90, giving the Ombudsman terms and conditions similar to those of the Public Solicitor, Director of Public Prosecutions, Auditor General, Commissioner of Police and those 'new' 2 year Contracted Permanent Secretaries. This vastly improved salary package is undoubtedly attractive for the Ombudsman's successor but it is feared that the difference it creates between Constitutional Officers and their staff has adverse consequences, especially in this time of declining economic rising prices and threatened redundancies when there was no pay increase for normal public officers and non-established workers this year.

Possible Redundancies

No consultations have yet been made with the Ombudsman under s.116(5) of the Constitution about his staff, but it was understood that the office could be subject to a reduction in Non Established posts (the Cleaner/Messenger/Orderly) and in the Establishment with a replacement for Legal Officer, whose fixed term contract expired in March after 5 years services in the Office not being sought. None the less the Legal Officer post was submitted to Public Service Division in early February 1991. If the Ombudsman's Office were reduced to just the Ombudsman, Investigator and a Secretary its work output and effectiveness would be seriously curtailed and there would be no question of giving proper coverage to the Provinces and rural areas.

b) STAFF TRAINING

The Ombudsman's Legal Officer has been attempting to pass on some of the skills and experience acquired during the past 4½ years in addition the new Assistant Secretary has attended an Oral English Course of 4 weeks' part time duration at the University of the South Pacific Centre.

(c) STUDENT ATTACHMENT

For the 5th Year we had the pleasure of the company of a Solomon Islands Law Student on attachment from the University of Papua New Guinea. He has threatened to write "Critique of the Solomon Islands Ombudsman's Office" for his final year project, which is awaited with great interest!

(d) **OFFICE EQUIPMENT**

We hope to repair the Roneo stencil machine if the JUNTA will let us spend the \$184 on a new "blanket", after a kind Japanese Volunteer so efficiently cleaned and serviced it. This and our old 1950s manual typewriter kept the office operational throughout the powercuts of November when 'High Tech' equipment was not working.

Office Equipment and Supplies and the JUNTA

Provision for Office supplies and equipment formed a small percentage of the Ombudsman's total Budget and actual spending for 1990 and 1991:

Total Ombudsman's Budget for 1990 (Final)	\$121,520.00
Office Equipment (Internal & External)	4,000.00
Percentage of Budget for Office Supplies	3.29%
Actual Total Spending for 1990	\$102,097.82
Actual Spending on Office Supplies	3,408.27
Percentage/Total Spending on supplies	3.34%

This money was spent on routine office equipment and supplies: paper, file covers, typewriter ribbons, biros and so on; without which the office cannot perform its functions, its officers cannot do their work and all the money spent on their salaries, fares and housing is wasted.

The new spending restrictions, imposed by the so-called "JUNTA" or "Financial Screening Committee" of the Ministry of Housing & Government Services mean that even with modest requirements, and careful use it is a battle to maintain these supplies and impossible to replace any item at short notice, no matter how urgent. Even Requisitions for items such as electric typewriter ribbons must be nursed through a complicated procedure, which is no-where fully laid out in writing. (The helpful "Accounting Manual for Ministries" prepared by MOF in 1987 follows the Conventional procedures under Government Stores Instructions and Financial Instructions but has been superceded by the activities and control of the JUNTA).

We are not management experts but we do feel that this futile process is inefficient, frustrating, bad for moral and performance of Government Offices and is not cost effective.

(We wonder then why it exists).

(e) **PRINTING**

Staff would like to apologise for the typographical errors and so on in the 1989-1990 Annual Report and hope that this year's is better. Owing to problems faced by the Government Printer, which is not fully understood, the Annual Report could not be released for proof reading until just a few days before the delayed November Session of Parliament was due to start. The saga of the photocopier is interrelated, but a quick decision had to be taken: perfect the proof and miss the whole point of the Report - by missing the chance of tabling it in Parliament or get it to Parliament in an imperfect form. We chose the second alternative, so Printer made a magnificent effort in rectifying few major matters in the proof, and in printing and binding the Report in time for Parliament, many small errors remained.

(f) **OFFICE ACCOMMODATION**

The Ombudsman and staff survived another round of office moves in 1990 - indeed, the mountain move to Mahommed - as the National Parliament Office decided to move into Kalala House with us, to replace the Ministry of Foreign Affairs. We hope for a closer relationship with Honourable Members of Parliament as a result.

(g) **TOURS AND TALK**

The touring programme has been affected this year by a number of factors, including shortage of money on our Travel and Transport votes, these being enough for staff leave passages, but little more and certainly not enough to hire canoes or travel by air for touring.

Commitments in Honiara, such as preparation for the Ombudsman's Conference in September and October, staff holidays in July, December and January, bad weather for the first 3 months of 1991 and staff sickness have also reduced the programme.

It is sad to note, that apart from one lecture given by the Ombudsman's Legal Officer to a Public Administrator's Course at the College of Higher Education (SICHE) in August, the Office has not been invited to talk about the Role of the Ombudsman or other relevant matters, as was the case before. More active promotion of the Ombudsman's role and more public awareness is clearly something to be taken seriously next year.

The following visits were made or planned:

- | | | |
|------------------------|---|---|
| 16 August 1990 | - | Lecture to Public Administration Course participants at SICHE |
| | | "Non Judicial Control Administrative Action" |
| 26 - 30 September 1990 | - | Visits to Gizo and Vella La Vella |
| 24 November 1990 | - | Sea Tour of South and East Malaita including |
| to 8 December 1990 | | Afio, Atori and Auki |
| 7 December | - | Inspection of Auki Prison |
| late December 1990 | - | Proposed tour of Choiseul (Moli region) |
| 12 - 18 February 1991 | - | Proposed Sea Tour of Rennell & Bellona cancelled due to sickness and bad weather. |

VI. FINANCIAL NOTES

1. SPENDING IN 1990

The Ombudsman's Budget for the Financial year which ended on 31st December, 1990 was \$121,520.00 an increase of \$31,780 on the 1989 Estimate. This included the November Supplementary Appropriation of item of \$13,000.00 for the Ombudsman Conference (appeared under Ombudsman Membership Fees Vote), most of which was unspent.

Of the 1990 Estimate, \$85,590.00 was allocated for Payroll allocation, that is statutory salary; other salaries, wages, allowances and Employer's National Provident Fund contributions. The total actually spent by 31st December, 1990 was \$102,098 of which \$81,033.00 (79.4%) was attributed to the Payroll.

The Ombudsman drew his salaries under the constitutional offices (Terms and Conditions of Service) Ombudsman Regulation 1990 as from November, 1990. As there was no provision made for this, it caused the statutory salaries vote to be overspent by \$365.00. However, this did not overspent the overall Payroll expenses, as at 31st December, 1990 only \$81,033.00 was spent.

There was no overspent on the other Votes over which the office exerts careful control. The overall expenditure of \$102,098 reflected 84% of the Budget which was underspend of \$19,422.00. It was predicted that the Travelling and Transport; Ombudsman's Fees and Printing Votes would be overspent but in November, 1990 Supplementary Provision was approved by National Parliament in a Supplementary Appropriation Bill.

2. PRINTING BUDGET CUT NOT RESTORED

In 1990 the approved Ombudsman's Printing Vote stood at \$1,000.00, the same level as in 1989. An additional \$1,400.00 was requested and approved by National Parliament in the November, 1990 Supplementary provision so as at 31st December the provision was \$2400.00. Despite the supplementary provision, it was still not enough. The Ombudsman's Reports alone cost \$2,635.29 which was \$235.00 more than the approved provision. In addition, letterheads and other official papers and items for the office had to be met from this vote so that in all, the Printing Budget expenditure to 31st December, 1990 was \$3,015.47.

3. TRANSPORT BUDGET

This year 1991, the Ombudsman's travel and transport budget was increased to \$6,000.00 which was an increase of \$3,700.00 over that of \$2,300.00 in 1990 though this would look attractive as far as touring of Provinces and the Office staff Annual Leaves would be concerned, the increases in both air and seafares would hinder any progress. As for example, at the beginning of 1991, seafares in both Government and some commercial shipping operators had increased.

4. SALARIES BUDGET

The Ombudsman's Establishment remained at three, the same since 1983. For this, provision of \$37,800.00 was made in the 1991 Budget. This fell short of the required \$42,000.00 but was better than \$24,000.00 allocated in the 1990 Budget. The possibility of requesting supplementary provision during the year should not be ruled out if the present number of staff are retained in 1991.

1. The Photocopier toner

For several years the Ombudsman's Office has been trying to get a photo copying machine, or the restricted use of shared machine. Applications to make budgetary provision to buy one from the Ombudsman's vote were rejected, but in late October 1990 the Ministry of Housing & Government Services provided us with a new photocopier. We were pleased but a little surprised, as the Registrar General's Office had been refused their request for a machine, despite the Registrar's legal requirement to provide copies of documents and his power to charge the public for these copies and raise money. However, we were very grateful, as it arrived at a vital moment for the production of the Ombudsman's Annual Report to Parliament for 1990-1991. This Report had been at the Government Printers for 10 weeks and printing was delayed from 14 September '90 to 21 November '90 ostensibly because the Printery's photocopier was out of order so they could not provide us with a copy of the proof for checking. With our new machine, we thought we were able to overcome this problem.

Unfortunately we discovered our photocopier was supplied with only just enough toner (ink) for demonstration purposes and it ran out half way through copying the printer's proof. Our usual friends who let us use their machines were also without toner, and Government Stores had none. However when one of our officers complained to the firm that supplied the machine (and also supplied the toner to Government Stores) the firm's representative very helpfully offered to provide the toner immediately and let the paper work follow - he knew as well as everyone else how "going through the Junta" would take several days, even though we still had money in our budget to pay for it, and during that time the Ombudsman's Report would miss its chance of being printed in time for Parliament.

Our officer was unwise, not only in his dedication to duty and in wishing to see a job finished, but also in his frankness in informing the Junta what he had done (a technical breach of Stores & Financial Instructions) and why he thought it necessary to do this. This frankness and deduction brought serious consequences on his head - The Junta rejected the requisition and despite the officer's written explanation and apology, the Chief Supply Officer ordered that our officer pay for the whole cost of the toner himself - approximately (3 weeks) net salary - and/or face disciplinary action. (We are not quite sure if the Chief Supply Officer has power under the Public Finance and Audit Act to impose what amounts to a hefty fine, more appropriate for a crime of violence or dishonesty, we thought this Act was administered by the Auditor General and discipline by the Public Service

Commission). It took great deal of explanation on the Ombudsman's part to persuade these powers that there was no loss to government, no dishonesty, no concealment, no personal benefit and that a smaller surcharge for not following Stores Instructions was appropriate. Despite this settlement the Junta rejected another Requisition to pay for the toner. However, the message was clear. The Junta and other Officers have *de facto* control over important aspects of even a constitutionally independent office's work.

For his sins in trying to help the government, the supplier of photocopy toner remained unpaid from October to late January 1991, that is 4 months.

2. Electric Typewriter Ribbons

The Photocopy Toner purchased started in November, 1990, but at the end of that year the Bill of \$475.00 was not paid. On 21 January 1991, after a number of telephone conversation, the officer responsible personally contacted the Accountant General who said that a fresh requisition had to be raised and pass through the normal process. The next day two Requisitions, one to cover the cost of Toner and one for twelve typewriter Ribbons were signed. This would involve \$763.72. Before even going to the JUNTA, the order was rejected by NPO Accounts Clerks, saying that the two orders would use up more than the 30% Allocation for the first quarter of 1991, which for this particular subhead is only \$600.00. This has obliged the officer to reduce the number of Ribbons to only four, hence the cost involved would be about \$571.24. After this alteration, with additional information, the Requisitions were approved by NPO Accounts then passed to JUNTA for approval.

JUNTA rejected it, saying that it would overspend the first Quarter's Allocation. The officer, again through the National Parliament Office Accounts Clerk, informed JUNTA in a note that there would be no more orders made out of this vote.

As a result of the failure to pass an Appropriation Act for 1991 in the November Session of Parliament, a new rule was introduced for 1991, that "all Accounting Officers are to spend their allocations on the recurrent budget on an equal sum per month". The Ombudsman's Budgets are so small that it is impossible for him to comply with this order and purchase any item over \$166.66, such as the carton of photocopy toner.

Thus, the Requisition again was rejected a second time by JUNTA. This time it was mentioned that out of the \$600.00 quarterly allocation, only \$200.00 could be used each month from January to March, 1991. Hence this order would not be processed as it was for more than the monthly allocation. (By this time the supplier too was pressing for his bill to be paid).

For the third time the officer submitted the Requisition to the JUNTA, this time with copies of all correspondence about the Toner in 1990 between the JUNTA, the Chief Stores Officer, the Ombudsman and the Accountant General with the previous Requisitions raised at the time. There was also a letter written by the officer, accompanying the Requisition saying that these orders (and especially the Toner) had to be paid as the toner was a commitment made and the Ribbons were also urgently needed.

Finally, the JUNTA was convinced and approved the Requisition which was then delivered by our Office Messenger to the Government Supply Organisation for Local Purchase Order (LPO) processing. This would not be done immediately so the Messenger return to collect the LPO and deliver it to the Supplier 3 days later. The process took one full week of hard work to complete.

Both our Orderly and the driver and his vehicle could have been better employed on other duties and after all that our modest request for 12 Ribbons was cut down to just 4. After 5 weeks we had to go through the whole process again.

We have calculated the cost to the Ombudsman's Office the Government in terms of man hours (including waiting round at the Junta Office morning and afternoon for the decision), vehicle hire and so on:

8 hours work: Orderly LIB (wages, allowances, NPF)	13.90
8 hours work SIO	55.36
wages, NPF, SIO rent paid by SIG (1 day)	50.00
4 hours vehicle @ \$10 per hour	40.00

Total cost of effort in getting 4 typewriter ribbons	\$159.26

(Actual Price of 4 typewriter ribbons	96.24)

VII. OMBUDSMAN'S OFFICE STATISTICS

FOR YEAR 1ST JULY 1990 - 30TH JUNE, 1991

The Ombudsman and his staff have received only two hundred and ninety-one cases this year, one hundred and sixty-three cases less than the previous year.

One contributing factor this effort was the 11th Australasian and Pacific Ombudsmen's Conference hosted by the Ombudsman in October, 1990. The ground work and organisation of the Conference has involved the office staff since the second half of 1990 which was the first part of this Reporting period. Hence, no intensive tours was made, except for three short tours made to Gizo and Vella La Vella, parts of Malaita and Choiseul. In the first part of 1991, the Legal Adviser left with no replacement, leaving only the Ombudsman and his Senior Investigation Officer. Besides, the Ombudsman had to tidy up office and prepared for his successor after 30th June, 1991.

Had it not been for these interruptions, more touring could have been done, especially to the rural areas and many more cases would have been received and handled.

Efforts have been made to finish cases from the previous years. Out of the cases carried forward from 1989/90, only two case files have been deliberately open (unfinished) for continued investigation. On the whole, out of the three hundred and sixty-six cases handled in this Reporting period only sixty-six were unfinished to be carried forward, most of these having been received in the last month of the Reporting period.

TABLE 1

OMBUDSMAN'S CASES IN 1989-90 COMPARED WITH THE PREVIOUS YEARS

JULY-JUNE	NEW CASES RECEIVED	TOTAL CASES HANDLED	CASES COMPLETED	UNFINISHED CASES CARRIED FORWARD
1981 - 82	89	89	62	17
1982 - 83	179	196	144	52
1983 - 84	329	381	313	68
1984 - 85	323	391	314	77
1985 - 86	327	404	317	87
1986 - 87	325	412	267	145
1987 - 88	433	578	478	100
1988 - 89	423	523	457	66
1989 - 90	454	520	445	75
1990 - 91	291	366	300	66

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 or 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 Tables 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
MANNER OF DISPOSAL OF CASES HANDLED BY
THE OMBUDSMAN

JULY-JUNE	JUSTIFIED	NOT JUSTIFIED	NO JURISDICTION/ DECLINED	REFERRED	UNFINISHED	OTHERS	TOTAL HANDLED
1981 - 82	14	30	1	7	17	20	89
1982 - 83	60	37	17	28	52	2	196
1983 - 84	117	69	10	37	68	80	381
1984 - 85	164	106	16	22	77	6	391
1985 - 86	136	56	11	37	87	77	404
1986 - 87	112	66	22	67	145	-	412
1987 - 88	162	140	71	105	100	-	578
1988 - 89	124	147	64	122	66	-	523
1989 - 90	93	110	95	147	75	-	520
1990 - 91	81	91	66	62	66	-	366

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

ANALYSIS OF NEW COMPLAINTS MADE TO THE
OMBUDSMAN IN 1990/91

AUTHORITY	1986-87	1987-88	1988-89	1989-90	1990-91
MPJ	42	47	67	72	56
MEHRD	32	63	44	68	49
PSO (PMO)	13	30	24	30	24
MAL	15	24	21	20	17
MPG*	16	11	12	59	13
MHMS	20	24	31	17	13
MALAITA	14	9	2	6	11
MTWU	21	29	22	35	11
WESTERN	12	17	12	3	9
MF&EP	35	32	24	11	8
MNR	8	13	27	15	7
MH&GS	-	-	-	12	7
GUADALCANAL	-	23	17	7	4
SICHE	7	9	2	2	3
HMA	-	1	4	1	3
MTA	-	-	-	2	3
NPF	9	13	19	15	3
MHA*	-	-	-	-	2
CENTRAL	1	7	5	2	2
ISABEL	2	2	6	6	2
MC&PI	11	6	3	5	1
MAKIRA	3	-	-	5	1
TEMOTU	10	4	25	3	1
HFC	4	4	5	1	-
LDA	2	2	2	-	-
MPC	15	13	11	8	-
OTHERS	7	19	8	18	13
BODIES OUTSIDE JURISDICTION	22	31	30	31	28
TOTAL	321	433	423	454	291

* Recorded together in previous years. For this statistics, the two Ministries have been separated.

Table III compares complaints made in the last twelve months with those made in 1989/90.

[This Table shows the number of Complaints made to the present Ombudsman during his five year term of office. In all he received and handled one thousand nine hundred and twenty-two cases between 1/7/86 and 30/6/91]

MAL - Ministry of Agriculture and Lands. Most complaints made about the Ministry are about the dealing with land matters, especially by the previous Commissioner of Lands. There are some complaints on land matters in which the Ombudsman does not want to interfere so the Complainants are advised to see the Public Solicitor or Private Lawyers to handle them.

MEHRD - Ministry of Education and Human Resources Development. In addition to the usual complaints about wrong pay levels, the Ombudsman receives a lot of Complaints during the year from individual teachers, group of teachers and headteachers on behalf of all staff and so on. Most Complaints from Primary school teachers to the Ombudsman arise because when they complain to the Teaching Service Section, they receive no response so these Complaints have to resort to the Ombudsman. There was one complaint received from one Primary School Teacher who was appointed to fill a vacant Assistant Education Officer post in his Province, unprocedurally. A couple of complaints were made by parents whose children were expelled from a Secondary School and certain expelled students themselves, which is very hard for the Ombudsman to investigate. Students who are doing overseas courses whose scholarships were terminated or where salaries were stopped while on course lodged complaints with the Ombudsman.

MF&EP - Ministry of Finance and Economic Planning. A couple of Complaints were received from Pensioners about non increase of Pension since 1986. Despite the 34.65% in the Salaries Increase Index for Civil Servants, Pensioners had not received any increase. However, these Pensioners raised complaints requesting Pension increases to be in line with Government Salaries.

MPG - Ministry of Provincial Government has produced more complaints especially from the Ministry of Provincial Government officers seconded to Provinces. Most of the Complaints are about Acting, Charge Allowances and delay in awarding pay increments. A lot of such complaints were referred to the Ministry concern to investigate and put right. Complaints made from seconded officers implied that in most cases most of the officers out in the Provinces have been overlooked. Hence, unless they complain, their grievances cannot be looked into by the parent Ministry.

MPJ - Ministry of Police and Justice has produced more complaints this year. This Ministry comprises of several authorities: Police, Prisons, Public Solicitor, Courts and Local Courts plus functions of the Ministry itself. Most complaints about the Police are those brought by Police Officers, about their employment, but there are also a few complaints made from the General Public about the way Policemen have handled, failed to handle complaints or delay court hearings. The Prison Warders of the Prison Services which is another arm of the MPJ, have complained about their employment, dismissal cases and treatment by the Controller in general. Local Court Judges and Special Constables complained about low rates of allowances. The Ombudsman also received a number of complaints about people who do not like or do not understand a Court's decision. These are outside the Ombudsman's jurisdiction and people are referred to the Public Solicitors or Private Lawyers.

MTWU - Ministry of Transport, Works and Utilities which represent Works and Marine Divisions. Most of the complaints are from workers' employment and treatment by the Ministry and people wanting more shipping services. These grievances are about how the Technical Divisional Heads administratively dealing with the Subordinates which in some cases are contradictory to the relevant regulations.

PMO - Prime Minister's Office. While the Ombudsman has received a number of Complaints from Public Officers about housing and other conditions of employment, one Complaint which was of concern to the General Public was the Government's Tender of the Prime Land which sits the Government House, some Government offices and the Cenotaph for hotel development, under the "Iron Bottom Sound Hotel Development" Project.

KEY TO ABBREVIATIONS AND AUTHORITIES

Courts	Administrative functions of the High Court, Magistrates and Local Courts administered by MPJ.
Customs	Customs and Excise Division housed under MHGS.
Insurance	Controller of Insurance housed under MHGS.
HFC	Home Finance Corporation - a new Statutory Authority, following on from SIHA.
HTC	Honiara Municipal Authority , appointed by the Minister for Home Affairs. Formerly the Elected Honiara Town Council.
LCC	Leadership Code Commission - a Commission under the PMO.
Lands	Lands and Survey Division of MAL , under the Commissioner of Lands and the Surveyor General.
LDA	Livestock Development Authority - a Statutory Authority responsible for promotion of livestock and meat industry.
MAL	Ministry of Agriculture and Lands - includes Lands and Survey Division recorded separately in the statistics.
MCPI	Ministry of Commerce and Primary Industries: responsible for Business and Commerce Advisory Services, Residence Permits, Work Permits, the Commissioner of Labour, responsible for administering the various employment Acts and the Health Safety at Work Act. The Trade Disputes Panel, although effectively part of the courts system is also under this Ministry.
MEHRD	Ministry of Education and Human Resources Development includes Teaching Service Section, responsible for Government teachers and other sections responsible for other schools and co-ordination and selection of students for overseas and local inservice and preservice training, Research permits; National Manpower Planning and Human Resources Development.
MF&EP	Ministry of Finance and Economic Planning - houses Treasury Division (responsible for paying pensions etc), Budget Unit and Economic Planning.
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 these functions has been devolved to Provincial Authorities.
MHA	Ministry of Home Affairs responsible and providing staff for a number of miscellaneous functions such as the National Disaster Council, National Youth Congress, National Council of Women, the Electoral Commission and HTC/HMA.

- MHGS** **Ministry of Housing and Government Services** - this Ministry now houses Customs and Excise, Inland Revenue, Government Printing and Publications, the Controller of Insurance, Housing Planning and Development and Government Supply Organisation.
- MNR** **The Ministry of Natural Resources** includes Geology, Fisheries and Forestry Division and paradoxically, small section for Environment Conservation.
- MPC** **Ministry of Post and Communications** - responsible for the Post Office and since the formation of the Telekom Joint Venture, is now responsible only for the administrative and policy side of Telecommunications, such as licensing.
- MPG** **Ministry of Provincial Government** responsible for co-ordinating of Central Government officers seconded to the Provinces and Home Affairs.
- MPJ** **Ministry of Police and Justice** - which houses the Royal Solomon Islands Police, Prison Service. The Public Solicitor, the Judiciary, including the Customary Land Appeal Courts and the Registrar General.
- MTA** **Ministry of Tourism and Aviation** - responsible for Tourism Promotion and development, Civil Aviation.
- MTWU** **The Ministry of Transport, Works and Utilities** remains responsible for road, bridges, repairs to government buildings and quarters, government vehicles and stores, the Water Supply and includes Marine Division responsible for government ships, marine safety and licensing, Search and Rescue.
- NPF** **The Solomon Islands National Provident Fund**, a Statutory Authority set up to provide retirement gratuities from contributions made by employers and employees.
- NPO** **National Parliament Office** responsible for administration of the National Parliament, Hansard and the Ombudsman's Office, coming under the umbrella of the PMO.
- PMO** **Office of the Prime Minister** which has taken on a number of functions including Public Service, Cabinet Office, Leadership Code and National Parliament which are recorded separately. In these statistics, PMO refers only to Prime Minister's Office.
- PDC** **Provincial Government Corporation** - a limited liability company or Statutory Authority set up by a Provincial Government for purposes of business and development.
- Police** **The Royal Solomon Islands Police Force** - a few administrative functions are carried out by MPJ.
- PPSC** **The Police and Prison Service Commission**, an independent Commission under Section 119 of the National Constitution to control appointments, discipline, dismissal and pensions of members of the Police Force and Prison Services.

Prisons	The Prisons Service , some functions are administered by MPJ.
Province	One of the Provincial Governments set up by the Provincial Government Act 1981 , including Central Islands, Guadalcanal, Honiara Municipal Authority, Isabel, Makira/Ulawa, Temotu and Western Provinces. Area Council (involved in timber acquisition procedures) are under Provincial Government authority. This category will include complaints about Provincial Statutory Development Authorities.
PSC	The Public Service Commission - an independent tribunal under Section 115 of the National Constitution which considers Public Officers' appointments, dismissal, pensions and discipline - it is now administered by PMO.
PSO	Public Service Office - This is the Public Service Division of the Office of the Prime Minister which is responsible for administration of Government Officers and workers contracts and for housing of Government Officers.
Public Solicitor	Another Constitutional Office under MPJ responsible for providing legal aid to those in need.
Registrar	Registrar General's Office including Land and Companies Registries, administered by MPJ.
SICHE	Solomon Islands College of Higher Education - a Statutory Authority formed from the two government colleges of tertiary education, and largely funded by the Government.
SIEA	Solomon Islands Electricity Authority - Statutory body responsible for electricity supply and power generation.
Tax	Inland Revenue Division , formerly part of the Ministry of Finance now under MHGS.

TABLE IV
ANALYSIS OF CASES IN 1990/91

AUTHORITY COMPLAINED OF	TOTAL HANDLED	NO JURISDICTION AND CASES DECLINED UNDER OMBUDSMAN'S ACT	CASES REFERRED	CASES INVESTIGATED		UNFINISHED
				NOT JUSTIFIED	JUSTIFIED	
MEHRD	74	5	21	12	23	13
MPJ	63	13	8	15	15	12
PSO (PMO)	30	6	-	10	3	11
MPG	24	1	9	5	5	4
MAL	22	1	5	4	4	8
MTWU	15	2	1	5	4	3
MHMS	14	1	1	2	3	7
MNR	11	2	-	5	4	-
MALAITA	11	1	1	2	4	3
WESTERN	10	-	3	3	4	
MF&EP	9	2	-	4	3	-
MH&GS	7	-	3	3	-	1
NPF	5	-	-	1	3	1
HMA	4	-	-	3	-	1
MTA	4	1	2	-	1	-
GUADALCANAL	4	-	1	2	-	1
MAKIRA	4	-	3	-	1	-
MHA	3	1	-	2	-	-
SICHE	3	-	-	3	-	-
CENTRAL	2	-	1	1	-	-
ISABEL	2	-	-	1	1	-
MC&PI	1	-	-	1	-	-
MPC	1	-	1	-	-	-
HFC	1	-	-	1	-	-
TEMOTU	1	-	-	1	-	-
OTHERS	13	3	2	4	3	1
BODIES OUTSIDE JURISDICTION	28	28				
TOTAL	366	67	62	90	81	66

TABLE V

**ANALYSIS OF JUSTIFIED COMPLAINTS HANDLED
IN 1990/91. HAVE THEY BEEN SATISFACTORY SETTLED?**

AUTHORITY	JUSTIFIED	RESULTS	
		SATISFACTORY OR PARTLY SO	UNSATISFACTORY
MEHRD	23	18	5
MPJ	16	7	9
MPG	5	2	3
MAL	4	3	1
MALAITA	4	1	3
MTWU	4	2	2
MNR	4	1	3
WESTERN	4	1	3
PSO(PMO)	3	2	1
MHMS	3	3	-
MF&EP	3	1	2
NPF	3	2	1
ISABEL	1	-	1
MTA	1	1	-
MAKIRA	1	1	-
OTHERS	3	1	2
TOTAL	82	46	36

TABLE VI

WHERE IN SOLOMON ISLANDS DO COMPLAINTS ARISE

AREA	NEW COMPLAINTS				
	1986-87	1987-88	1988-89	1989-90	1990-91
HONIARA	123	143	119	158	112
MALAITA	58	50	32	63	77
WESTERN	68	90	109	62	53
TEMOTU	31	30	76	44	13
GUADALCANAL	18	57	46	20	13
CENTRAL	4	37	15	10	9
ISABEL	11	14	16	23	8
MAKIRA	12	12	10	74	6
OTHERS	-	-	-	-	-
TOTAL	325	433	423	454	291

A Reflection of the Office's Touring Programme

In 1990-91 the Ombudsman and his staff had been limited to tours to Auki, Afio and Atori on Malaita, part of Choiseul and Gizo and Vella La Vella.

As a result, more complaints have been received from these places. No doubt if proposed tour of Rennell and Bellona had been possible, as planned, the figure would have been even higher.

Note on the Provinces for Overseas readers

The Provincial Government Act 1981 and the Second Constitutional Amendment, set a system of Provincial Governments, each with its own administration, headed by the Provincial Secretary and governed by locally Provincial Assemblies, headed by the Premier.

Certain functions were "devoted" to the provinces to control and administer, other functions, were retained by the Ministries of Central Government which seconded their own officers to the provinces and paid them. Provinces receive most of their income in the forms of a grant from Central Government, from which they paid their own direct employees. Difficulties have arisen in deciding how far this grant should pay their own direct employees. Difficulties have arisen in deciding how far this grant should pay for incidental requirements of seconded staff - such as housing repairs - and for non-devolved functions. These seconded staff working in the provinces may be caught between the Provincial and Central Government in such disputes. Honiara is a particular problem.

The present 8 Provinces of Solomon Islands are shown on the adjacent map and a new Province have been proposed for Luru (Choiseul Island) at present part of Western Province and Mungava/Munggiki (Rennell & Bellona) islands, at present part of Central Islands Province.

However, other proposals arising out of the Provincial Government Review and the Constitutional Review include the abolition of Provincial Governments and replacing them with Congress or else a "federation" of independent microstates.

For further information on Solomon Islands, consult the Solomon Islands Statistical Year Book SI\$7.00 or "Provinces of Solomon Islands" SI\$2.50 available from "Government Information Services" Box 718 - Honiara, Solomon Islands.

PROVINCES OF SOLOMON ISLANDS

100 miles

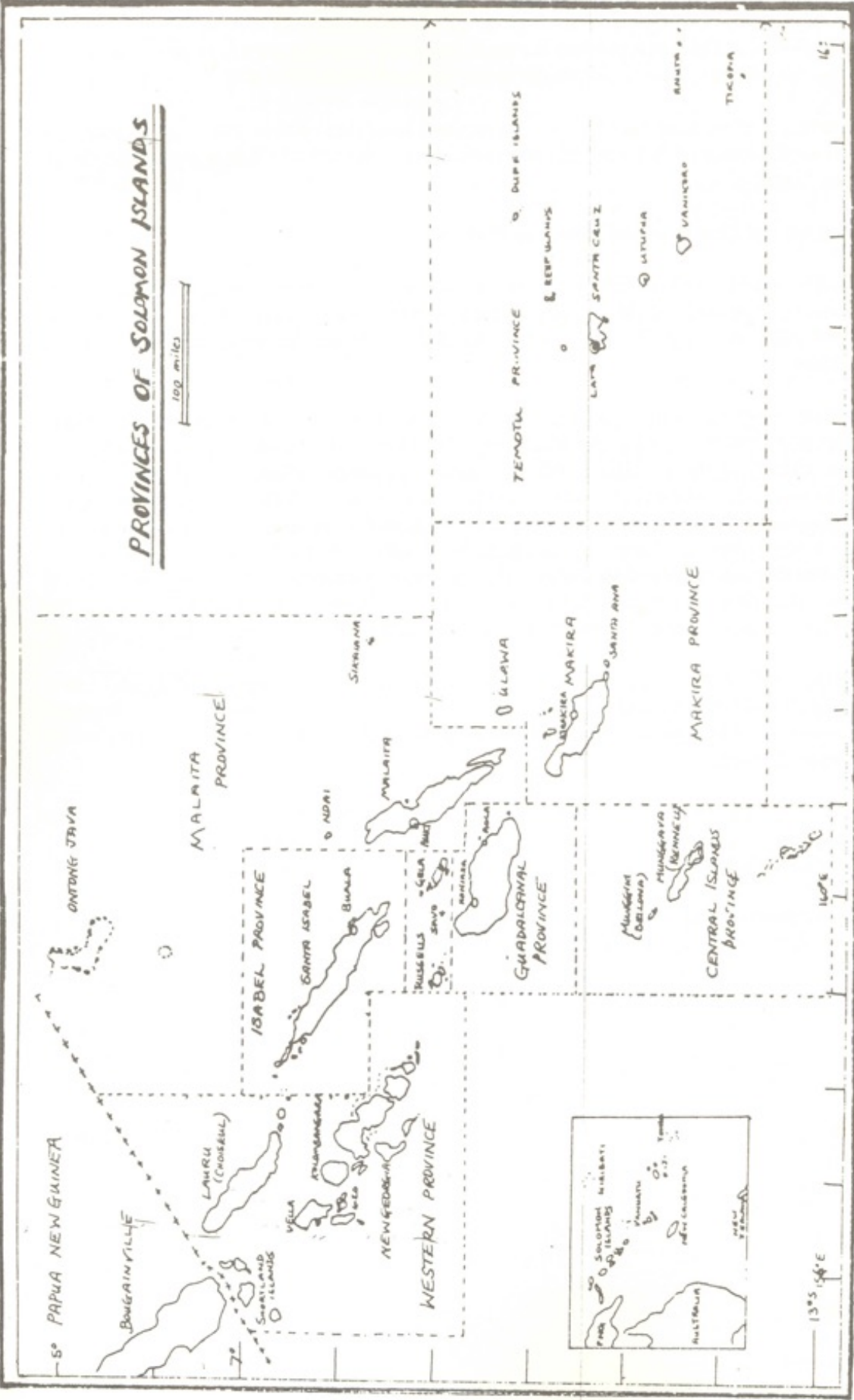


TABLE VII

**COMPLAINTS HANDLED IN 1990/91 WHICH AFTER INVESTIGATION
APPEARED TO BE JUSTIFIED OR PARTLY JUSTIFIED
(FOR ABBREVIATIONS PLEASE REFER TO KEY BY TABLE III, AND FOR
OUR DEFINITION OF "SATISFACTION" REFER TO TABLE V)**

COMPLAINT NO.	AUTHORITY COMPLAINED OF	DETAILS OF COMPLAINT	SATISFACTORY RESULT
58/9/88	PSO (PMO)	Government Rental of Private Houses	No
83/10/88	MNR	Logging Licence - Eagon	No
120/12/88	NPF	Complaint against NPF Board	No
363/5/89	MNR	Issueing of Licence	No
368/5/89	Western	Appointment of Directors of North New Georgia Timber Corporation	No
34/8/89	NPF	No Reply	Yes
54/8/89	MEHRD	NPF Registration for Temotu Province Teachers	Yes
55/8/89	"	" " "	Yes
56/8/89	"	" " "	Yes
57/8/89	"	" " "	Yes
58/8/89	"	" " "	Yes
59/8/89	"	" " "	Yes
60/8/89	"	" " "	Yes
61/8/89	"	" " "	Yes
62/8/89	"	" " "	Yes
63/8/89	"	" " "	Yes
64/8/89	"	" " "	Yes
65/8/89	"	" " "	Yes
66/8/89	"	" " "	Yes
67/8/89	"	" " "	Yes
68/8/89	"	" " "	Yes
69/8/89	"	" " "	Yes
101/10/89	PSO (PMO)	Delay in payment of Pension	Yes
170/11/89	MPJ	Payment of NPF Contributions	No
202/1/90	MEHRD	Demotion of Headteacher	No (Partly)
218/1/90	MPJ	Dismissal from Prison Service	No

256/2/90	MHMS	Danger Allowances for Mental Health Unit Nurse Aides	Yes
266/2/90	MF&EP	Unpaid Bills	Yes
315/5/90	MAL	Unpaid salaries and Charge Allowances	Yes
340/5/90	MEHRD	Non Payment of NPF Contributions	No (Partly)
355/5/90	MPJ	Salary Deductions	Yes (Partly)
384/5/90	MPF	Non Recommendation for Confirmation	No
395/5/90	MTWU	Overtime Payment for Drivers	No
453/6/90	Makira	Retirement Benefit	Yes
2/7/90	MEHRD	Demotion of Headteacher	No (Partly)
3/7/90	MPJ	Lost Company File	Yes
18/7/90	MTWU	Delay in Appointment to Established Post	Yes
19/7/90	MAL	Refund of House Rent	Yes
20/7/90	Western	High Rent Deduction for Poorly maintained Quarter	No
21/7/90	Western	" " "	Yes
29/8/90	MAL	House Rents	Yes
32/8/90	MEHRD	Promotion on Posting	No
39/8/90	Isabel	Unsecured Post	No
43/8/90	MEHRD	Rent Deductions	No
50/9/90	MPG	Acting Appointment	Yes
51/9/90	MPJ	Salary Increase	Yes
67/9/90	MNR	NPF Deductions	No
69/9/90	MPG	Acting Allowance	Yes
86/10/90	MPJ	Judicial Appointment	No
90/10/90	MEHRD	Under payment	Yes
94/10/90	MAL	Acting Allowance	No
113/11/90	NPF	National Provident Fund Act	Yes
116/11/90	MPJ	Day Off	Yes
120/11/90	MPJ	Failure of Submission to the Public Service Commission	No
125/11/90	MPJ	No Action on Trade Dispute Panel Case	No
131/12/90	MPJ	No Certified copies	Yes
150/12/90	Malaita	Lack of Supervision by Divisional Heads	No

151/12/90	Malaita	Clinic for Kiu Area	No
152/12/90	Malaita	Lack of Provincial Services to Rural Areas	No
155/12/90	RSP	No Annual Report on workers	No
162/12/90	MDA	Payment of Dirty Allowance	Yes
175/12/90	Malaita	Confirmation of Appointment	Yes
182/12/90	Malaita	Reduced Wages Rate	Yes
185/12/90	MPJ	Compensation for broken fist	No
189/12/90	MPG	Touring Allowance	No
190/1/91	MTWU	Road Accident Commission	No (Partly)
197/1/91	MTA	Special Duty Allowance	Yes
198/1/91	Australian Govt	Compensation for damage caused by Reef Blasting	No (Partly)
199/1/91	PSO (PMO)	Eviction from Government Quarter	Yes
202/1/91	MPG	Delay in processing PDU Loan Applications	No
203/1/91	MEHRD	Refusal of Scholarship	Yes
204/1/91	MF&EP	Pension Increase	No
208/1/91	MPJ	No Action by Police to Reported Cases	No
209/1/91	MHMS	Long Service Benefit	Yes
212/1/91	MF&EP	Pensions Increase	No
222/2/91	MHMS	Recovery of Housing Allowance	Yes
224/2/91	MPJ	Delay in Charge of Allowance payments	Yes
226/2/91	MPJ	Failure to represent at the Trade Dispute Panel	No
230/2/91	MPJ	Refusal to sign Acting Allowance	No
239/3/91	Western	Termination of Employment by Provincial Premier	Yes
259/5/91	MTWU	Redundancy Payment	Yes
274/5/91	MPJ	Release of Property	Yes

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30/11/90	OMB 11/90	Maladministration after the 1989 General Election.
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22/11/90	AR/90	9th Annual Report for the year 89-90
15/3/91	OMB 1/91	Delay in Promotion
10/4/91	OMB 2/91	Local Court Clerks No Pay Increases for 1988 or 1989.
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