



**Ofis blong Ombudsman
Office of the Ombudsman
Bureau du Mediateur**

**Namba fotin (14) Aniuol Ripot
blong Ombudsman blong
Ripablik blong Vanuatu**

i go

long

**Palemen
Januari i kasem Disemba 2011**

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1. Introdaksen

- 1.1 Folem Article 63(5) blong Konstitusen blong Ripablik blong Vanuatu, Ombudsman i mas mekem wan general ripot i go long Palemen long evri yia long wok blong hem mo wanem aksen ol otoriti blong Kavman oli tekem folem wanem we hemi faenemaot taem hem i stap mekem wok blong hem.

Blong mekem wok ya hemi no isi from Ombudsman i depen plante long ol infomesen we ol difren Kavman ejensi oli save givim long hem. Taem infomesen we hemi wantem i no kam kwik hemia i minim se hemi no save finisim wan investikesen long wan short taem olsem we hem i wantem. No mata long ol jalens ya hemi gohed blong mekem wok blong hem blong fulfilim mandate blong hem olsem we i stap long Konstitusen, Loa blong Ombudsman mo Loa blong Leadership Code.

2. Paoa blong Ombudsman

- 2.1 Konstitutsen i givim paoa long Ombudsman, folem Article 62 blong Konstitusen, blong hemi mekem enkwaeri long eni komplek aboot nogud fasin blong wok blong wan man long Kavman o wan bodi blong Kavman. Article ya tu i givim paoa long hem blong hemi save mekem wan investikesen, long tingting blong hemwan nomo, long wan samting we hem i ting se hemi impoten blong hem i mas investiketem.
- 2.2 Seksen 34 long Loa blong Leadership Code i givim paoa tu long Ombudsman sipos hem i kasem wan komplek long wan man se wan lida i brekem Loa blong Leadership Code, hem i mas investiketem. Loa ya i no givim choice long Ombudsman be hemi mas investiketem aksen blong lida ya. Loa ya tu i talem se sipos Ombudsman i fomem wan vii o wan tingting, we i gat strong pruf se wan lida i brekem Loa ya, hem i mas investiketem.
- 2.3 Mo tu, folem Article 64 blong Konstitusen, hem i save investiketem wan komplek aboot yus blong trifala ofisial lanwis, hemia Bislama, Inglis mo Franis. Sipos wan man i no kasem wan servis long lanwis we hem i save gud long wan ejensi blong Kavman, hem i save mekem wan komplek i go long Ombudsman mo hem i mas investiketem komplek ya

3. Investikesen.

- 3.1 Mein wok blong Ombudsman, olsem we Konstitusen i talem, hemi blong investiketem mo stretem wan komplek we wan man i putum i kam long Ofis ya sipos we hem i no glad long wan fasin blong wok blong wan man long department blong Kavman o wan ejensi blong Kavman o wan desisen we wan bodi blong Kavman i tekem we i afektem hem mo i gat injastis long hem. Narafala part blong wok ya hemi blong investiketem aksen blong wan lida we i go akensem mo i brekem Loa blong Leadership Code.

3.2 Samtaem hemi no isi blong mekem investikesen. Hemi no isi from Ombudsman i mas askem ol infomesen long olgeta we, i ting se oli gat ol infomesen ya, be oli stap long ol aelan. From we komiunikesen i no isi i tekem taem blong oli save givim ol infomesen we Ombudsman i wantem. Narafala risen from olgeta we Ombudsman i askem infomesen long olgeta oli slo blong givim ol infomesen o oli no wantem givim ol infomesen we Ombudsman i wantem blong halpem hem blong finisim kwik ol investikesen ya. Ol samting ya i mekem se wok blong Ombudsman blong finisim investikesen long wan komplem i slo.

4. OI Kaen komplem.

4.1 I gat trifala kaen komplem we pablik i stap putum i kam long Ofis blong Ombudsman:

- (a) Komplem blong nogud fasin blong wok blong wan wokman blong Kavman o wan ejensi blong kavman,
- (b) Brekem Loa blong Lidasip Kod, mo
- (c) Yus blong trifala lanwis olsem we Konstitusen i talem.

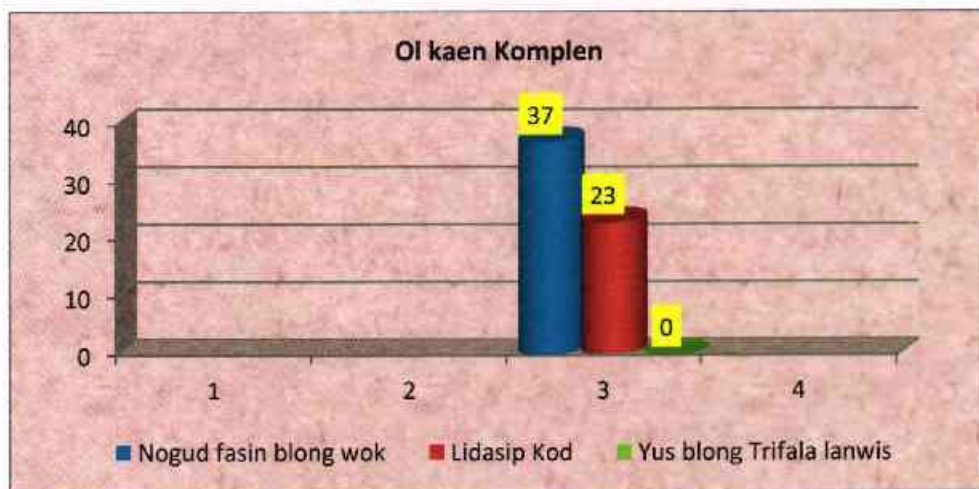


Figure 1: Namba blong ol kaen komplem we Ombudsman istap risivem.

4.2 Komplem blong nogud fasin blong wok insaed long ol Kavman ejensi hemi bigwan from ol ejensi oli no stap wok folem prosija blong wok insaed long Kavman. Fulap long ol komplem ya, we hemi thirty seven(37) evriwan, hemi go akensem ol Kavman ejensi from ol ejensi oli slo blong stretem ol komplem ya mo hemia i mekem se ol man oli kam putum komplem long Ofis blong Ombudsman.

4.3 Long saed blong Leadership Code, we hemi twenty three (23) evriwan, ol man long pablik oli komplem akensem ol lida from ol lida ya oli mekem samsamting i no stret. Fulap taem ol man we oli komplem oli stap kwestenem olsem wanem mo wea nao ol Memba blong Palemen (MP) blong olgeta oli stap yusum MP alokesen blong olgeta. Ol komplem ya i stap

soemaot se ol MP oli no stap talemaot long konstituensi blong olgeta wea nao oli stap yusum konstituensi alokesen blong olgeta long hem. Concern blong ol vota ya i save kam antap bigwan folem desisen blong Palemen long 2011 we i apruvum blong ol MP alokesen oli pem wetem salary blong wanwan MP long evri taem oli kasem pay blong olgeta.

5. Wei blong putum komplek i kam.

5.1 Appart long ol investikese we Ombudsman i karemaot long tingting blong hemwan nomo, ol man long pablik oli stap putum komplek i kam tru long telefon, oli komplek tru long leta we oli raetem i kam, oli kam long ofis mo putum komplek mo taem mifala i mekem visit i go long ples blong olgeta.

Ol wei ya mifala i soem long graph ya ananit.



Figure 2: Fasin blong putum komplek i kam long Ombudsman.

5.2 Seksen 11(2) (b) blong Loa blong Ombudsman hemi givim paoa tu long Ombudsman blong hemi save mekem wan investikese long wan samting long tingting blong hemwan nomo from hemi gud se pablik i mas save long hem. Long 2011` Ombudsman i investiketem twenty one (21) komplek long tingting blong hemwan nomo be sam long olgeta Ofis i klosem be sam investikese i stap gohed yet long olgeta.

6. Hu ya i stap putum komplek.

6.1 Atikol 62(1)(a) blong Konstitusen i givim raet long wanwan man blong i save mekem komplek i kam long Ombudsman sipos hemi no glad long wan wok blong Kavman o wan desisen we Kavman o wan Kavman ejensi i tekem, we i afektem hem. Folem atikol ya, wan Minista o wan memba blong Palemen o wan memba blong Nasional Kaonsel blong ol Jif o wan Kaonsela blong Lokol Kavman, i save mekem komplek i kam tu long Ombudsman.

Everi komplek we i kam weta long wan ordinary man o wan lida, Ombudsman i tekem olgeta mo i konsidarem olgeta semak nomo.



Figure 3. Ol difren man we oli stap putum komplek i kam long Ombudsman blong i investiketem

7. Ol komplek akensem ol Kavman ejensi

- 7.1 Figure 4 antanit i stap soem ol komplek we Ofis i kasem long 2011 we i stap go akensem ol difren Kavman ejensi, ol minista mo ol memba blong Palemen. Bigfala namba blong ol komplek hemi abaot nogud fasin blong wok o mal-administration we ol man oli mekem akensem ol ejensi ya. Ol komplek ya oli abaot;

Brekem Loa

Unfair mo unjust desisen

Descrimination

Delay we inogat rison blong hem

Defective Loa o Administration, mo

Error of Law or fact

- 7.2 Ol komplek we i stap go akensem ol lida i kam antap bigwan i bitim ol yia we i pas. Ol komplek ol man i stap mekem akensem ol lida hemi from ol samting ya;

Integrity blong lida

Violation blong Provision blong Leadership Code Act

Nonpayment blong kaon

Conflict of interest

Use of Office for personal gain, mo

Fair exercise of public or official duties

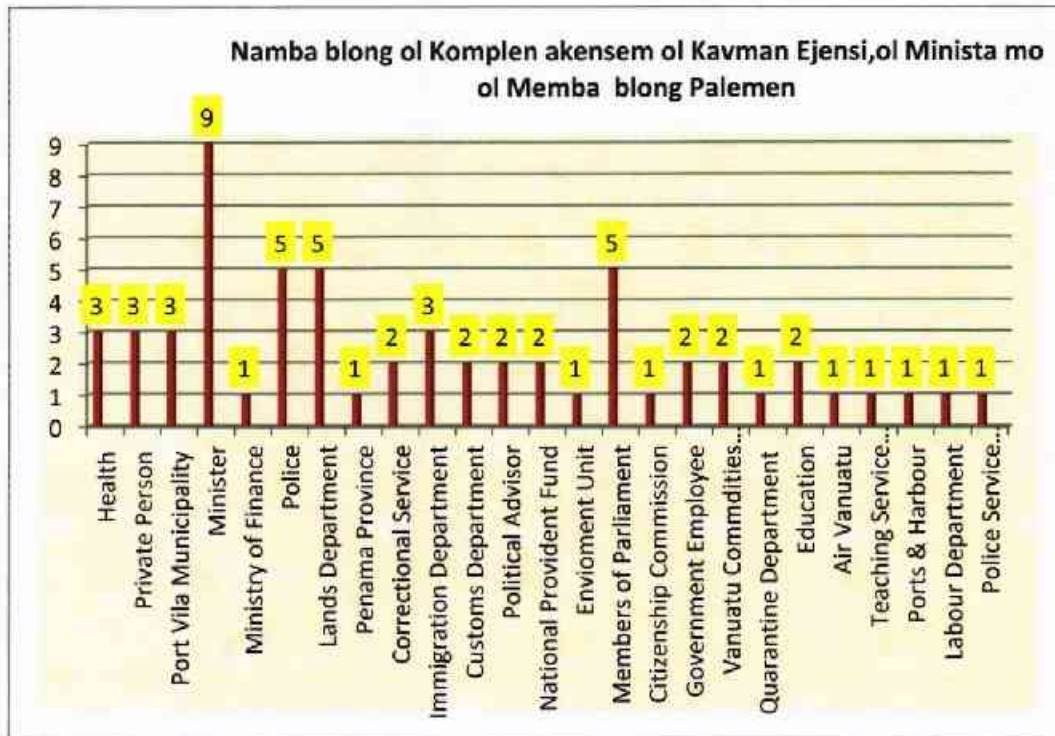


Figure 4: Namba blong komplien agensem kavman mo kavman ejensi.

8. Namba blong Komplien.

8.1 Long 2011 Ofis i bin gat wan total blong two hundred mo seventeen (217) komplien we Ofis i stap gohed blong mekem investikesen long olgeta. Sam long olgeta komplien ya oli blong ol yia we oli pass finis be from se Ofis i stil nidim ol infomesen ol fael ya oli stap open yet. Wetem ol namba blong ol investigator, six(6) evriwan wetem Ombudsman, we Ofis i gat long 2011, wanwan long olgeta i handelem, long average, wan total blong thirty one(31) komplien fael. Namba blong ol komplien ya i no inklutum olgeta we Ofis i klosem olgeta long sem yia ya nomo.

9. Pablik Ripot mo Rekomentesen.

9.1 Long 2011 Ofis ya i bin putumaot tu pablik ripot. i gat;
Impeachment of the Leadership Code Act by Hon Harry Iauko and Jay Ngwele, mo

Unfair and Improper suspension of the Director of Lands Department

Long *Impeachment of the Leadership Code Act by Harry Iauko and Jay Ngwele* ripot, Ombudsman i mekem ol rekomentesen i go long olgeta we oli responsibol blong lukluk long ol samting we oli bin wrong mo stretem o oli tekem aksen long olgeta folem Seksen 32 mo 33 long Loa blong Ombudsman.

Long rekomentesen blong Ombudsman long ripot ya, hem i talem se Public Prosecutor i prosekiutum tufala lida ya. Mo tu blong hemi dil wetem tufala folem Seksen 40(1) mo tu Seksen 41, 42 mo 43 blong Loa blong Lidasip Kod. Afta we Ombudsman i sanem ripot ya i go long Public Prosecutor, wok i stap gohed blong implimentem ol rekomentesen blong Ombudsman. Public Prosecutor i talemaot long Ombudsman se i gat substantial evidence we i warentem wan prosecution long tufala lida ya.

Hemia hemi fas taem we Public Prosecutor i tekem aksen long rekomentesen blong Ombudsman. Olsem we mi save, Polis i tekem toktok blong tufala lida ya finis mo kes i stap naoia long Public Prosecutor blong putum ol jarjes mo tekem mata ya i go long court.

- 9.2 Long ripot blong *Unfair and Improper Suspension of the Director of Lands Department* Ombudsman i rekomendem se Public Service Commission i tekem step blong jenesim Public Service Manual blong mekem se oli no traem blong brekem Konstitusen, International Covenant blong Civil mo Political Rights mo tu blong alaowem wan prapa fasin blong intapretem Public Service Staff Manual. Hemi rekomentem tu se Public Service Commission i putumaot wan instraksen i go long ol daarekta blong ol dipatmen blong oli wok klosap moa wetem Public Service Commission long ol disiplinari mata akensem eni civil servant bifo oli tekem eni aksen. Ombudsman i no awea long eni aksen we Public Service Commission i tekem folem ol rekomentesen blong hem.

10. Pablik Awenes.

- 10.1 Olsem part blong pablik awenes mo tu blong establisim wan working rilesensip wetem ol narafala ejensi, Ombudsman i bin gat meeting wetem

Mayor mo Town Clerk blong Port Vila Municipal Council long manis Eprel 2011. Main pepos blong meeting ya hemi blong establisim wan gud working rilesensip bitwin tufala institusen ya. Meeting ya i important from Ombudsman i tokbaot wanem nao wok blong hem mo Lord Mayor i

talemaot wanem nao wok blong Municipal Council mo wanem Council i stap mekem olsem atoriti we i lukaotem Port Vila. Long miting ya Lord Mayor mo Town Clerk oli talem se sipos i gat eni samting olsem information o document we Ombudsman i nidim blong wan investikesen blong hem, hemi important blong hem i letem Council i save kwik taem blong mekem se bambae i nogat dilei long work blong Ombudsman. Hemi talem se Council i rere oltaem blong halpem Ombudsman long eni infomesen we hemi nidim blong halpem hem long hem.

- 10.2 Long ol difren manis long 2011 Principal Investigator mo Admin. Clerical/Assistant Investigator blong Ofis blong Ombudsman long Luganville oli bin mekem awareness toktok long ol student mo ol tija long ol difren skul

mo kolej klosap long Luganville. Tufala i tokbaot wok blong Ofis blong Ombudsman mo Loa blong Leadership Code mo givimaot ol infomesen booklet mo ol phamphlet we i talemot moa wanem oli bin tokbaot. Ol awareness toktok we Ofis i stap mekem hemi blong givhan long ol student blong oli save se i gat wan bodi we i stap blong i stap lukluk long ol nogud fasin blong wok long Kavman mo ol ejensi blong hem. Mo tu hemi blong mekem se oli save se i gat wan loa we hemi Loa blong Leadership Code we hemi blong ol lida blong kantri ya. Hemia hemi impoten from sipos sam long olgeta oli kam holem ol lidasip posisen sam dei, be oli save finis se i gat wan loa olsem blong ol lida i stap. Ol education institution ya i gat; Bombua Secondary School, Santo East Secondary School Matevulu College, Saint Michelle College, mo College de Santo.



Photo 1: Ol student insaed long hall blong Matevulu College oli stap lesin long awenes toktok long tufala ofisa blong Ombudsman Ofis blong Santo.

- 10.3 Long manis Jun 2011 Director blong Leadership Code, Acting Legal Officer long Vila Ofis mo Principal Investigator blong Luganville Ofis oli givim toktok long ol niu kaonsela blong Luganville Municipal Council. Oli talemot wanem ya Loa blong Leadership Code mo explenem moa wanem nao wok mo rol blong wan lida taem hemi kam holem wan lidasip posisen long Kavman o long wan ejensi blong hem. Ol ofisa oli givimaot ol infomesen booklet abaot Leadership Code blong oli kam save moa role mo diuti blong olgeta olsem ol lida. Long taem ya tu, ol ofisa oli tokbaot wok blong Ombudsman mo wanem hem i stap mekem blong traem stopem rabis fasin

blong wok insaed long ol Kavman ejensi mo tu, blong traem katemaot ol nogud fasin blong korapsen mo olsem wanem Ofis ya i save helpem olgeta.

Oli kaonsela oli talem tangkio long wanem Ofis ya i stap traem blong mekem mo oli talem tu se oli wantem wok tugeta wetem Ofis ya we hemi stap wok blong gud samting blong evriwan. Oli lida ya oli talem tangkio tu from oli kam blong save moa rol mo diuti blong olgeta olsem ol lida, we i stap long Loa blong Leadership Code.

- 10.4 Long Disemba 2011 we hemi International Anti-Corruption Day, tri ofisa blong Ofis blong Ombudsman oli tekem part long awenes toktok abaot korapsen long Port Vila. Ofis blong Ombudsman i talemaot wanem ya korapsen mo wanem Ofis blong Ombudsman i stap mekem blong traem stopem nogud fasin ya we i spolem gudfala fasin blong wok mo ol lida blong kantri ya. Ofis ya i bin givimaot ol infomesen booklet long ol memba blong pablik blong i givhan long olgeta blong kam save moa abaot wok mo rol blong Ombudsman blong stopem fasin blong korapsen.

11. Ofis Spes mo Rental.

- 11.1 Ofis i stap gohed blong rentem ofis spes blong hem long Pilioko Haos long senta blong taon long Port Vila stat long 1996. Kavman i mas rentem ofis spes blong hem from i nogat ofis spes long ol Kavman belding o i nogat inaf kavman belding we i available blong i save akomotetem Ofis blong Ombudsman. Stat long taem ya i kam kasem tedei Ofis i spenem ova long Vt80 million finis long rent.

Long sem fasin Ofis i stap rentem tu wan spes long Millinium Building long senta blong taon long Luganville blong Ofis blong hem.

Rent we Ofis i stap pem long wan yia blong tufala Ofis long Port Vila mo Luganville i kasem Vt5,385,000.

Port Vila @ Vt370,000 long wan manis

Luganville @ Vt78,750 long wan manis.

Annual amaon ya i representem 9.7% blong total annual budget blong Ofis we hemi Vt52,260,931. Amaon ya, ating i luk smol, be afta sam yia amaon ya i kam bigwan we hemi inaf blong Kavman i save beldem wan niu ofis belding blong Ofis ya. Bambaie i gud tumas sipos Ofis ya i stap long wan kavman belding mo saving long rental kos ya kavman i save yusum blong provaedem ol difren servis i go long ol pipol blong hem.

- 11.2 From hae kos blong rent, i gat nid blong Ofis blong Ombudsman i faenem wan Kavman graon blong i sekiurim blong i save beldem wan Ofis belding long hem blong akomotetem Ofis blong hem long Port Vila. Folem tingting ya, Ombudsman i bin raet i go long Minista blong Lands Geology mo Mines

long Novemba 2011 blong i aloketem wan pis graon we Ofis i faenem, we hem i pablik land, blong i kam blong Ofis spes blong Ofis blong Ombudsman. Kasem tedei i nogat wan ansa we i kam long ministry abaot tingting ya.

12. Trening blong ol Ofisa.

12.1 Training blong ol ofisa hem i impoten blong mekem se oli save karemaot wok blong olgeta long wan standard we i hae. From we cost blong training i hae mo Ofis i no save mitim, hemi dipen plante long ol regional body olsem Pacific Ombudsman Alliance (POA) blong givim asistens long training blong ol ofisa.

12.2 Long Mei 2011 wan Principal Investigator mo wan Investigator tufala i atentem wan course blong Advance Investigation Training long Honiara we POA i orkenaesem. Training i kavremap ol samting olsem, blong mekem plan blong karemaot wan investikesen, tekem ol infomesen, aedentifaem ol main issue blong wan komplem mo ol narafala samting moa. Training ya i blong halpem ol investigator long wok we oli stap mekem blong investiketem ol komplem. Training ya i givhan plante long tufala ofisa ya mo i impruvum wok performance blong tufala. Mane blong training blong tufala i kam long POA we Vanuatu Ombudsman Ofis i wan memba.



Photo 2: Principal Investigator, Velma Karabani (front right), Investigator, Dorah Samuel (back second right) wetem ol training colleque blong olgeta blong Solomon mo PNG.

12.3 Long Mei 2011 Principal Corporate Services Ofisa mo wan Administration Ofisa tufala i bin go long Honiara mo atentem wan course long saed blong kompiuta we POA i orkenaesem. Training ya i halpem tufala blong save krietem wan intranet site mo joenem wetem Ofis blong Ombudsman mo tu blong save krietem wan Web site blong Ofis nomo. POA nao i mitim kos blong tufala blong tekem part long training ya.



Photo 3: Principal Corporate Ofisa, Yan Dapang (centre), Administration Ofisa, Vevleo George (second right) wetem ol training colleque blong olgeta blong PNG.

- 12.4 Long Oktoba 2011 Director blong Leadership Code mo Principal Investigator/Acting Legal Officer tufala i atentem wan Leadership Summit we Ombudsman Commission blong Papua New Guinea(PNG) i holem long Port Moresby blong ol lida blong olgeta. From we Vanuatu i gat Leadership Code olsem PNG, hemi wan janis we tufala ofisa i save atentem summit ya blong save moa olsem wanem oli stap dil wetem ol lida blong olgeta mo handelem ol lida taem oli brekem Loa blong Leadership Code. Purpose blong summit ya i blong Ombudsman Commission i explenem ol role mo responsibility blong olgeta lida mo obligation blong olgeta under long Leadership Code. Long taem ya tu tufala i visitim mo toktok wetem Director blong Leadership Code wetem Legal Counsel blong hem. Visit blong tufala long Leadership Code seksen i givhan plante long Ofis ya taem mifala i stap mekem wok blong amentem o mekem sam jenis long Loa blong Ombudsman mo Loa blong Leadership Code. POA nao i mitim everi kos blong visit blong tufala.
- 12.5 Long Novemba 2011 Director blong Leadership Code i atendem miting blong Australian Public Sector Anti Corruption (APSAC) long Perth long Australia wetem ol difren kaen Ombudsman. Miting ya i luluk plante mo aedentifaem ol difren kaen korapsen we oli stap kam antap mo ol wei we ol difren institution blong Kavman oli save joen tugeta blong takelem mo faetem ol korap praktis olsem. Long miting tu oli tokbaot ol difren jalens we oli stap fesem mo traem faenem niu wei fowod. Kos blong hemi atendem conference ya POA nao i mitim.

12.6 From ol financial asistens ya, mi stap tekem janis ya blong talem mo extentem tangkio blong mi i go long Pacific Ombudsman Alliance blong asistens we hemi bin givim i kam long Ofis ya long training blong ol ofisa blong hem. Ol save mo skill we ol ofisa oli kasem long ol sotsot training mo ol miting ya i halpem Ofis ya bigwan mo tu olgeta wanwan ofisa long wok we oli stap mekem.

13. Pacific Ombudsman Alliance Miting.

13.1 Vanuatu i memba blong Pacific Ombudsman Alliance we hemi regional bodi blong ol Ombudsman long region blong Pacific. Main wok blong bodi ya hemi blong halpem ol Ombudsman Ofis long region long saed blong training, technical human resources blong asistim ol smol ofis, provadem ol training long region blong ol ofisa long ol Ombudsman Ofis mo provaedem suport funding blong halpem ol memba blong POA.

13.2 Long Jun 2011 Annual General meeting blong POA i bin stap long Honiara. Ol Ombudsman o representative blong olgeta, oli kam tugeta blong tokbaot wok blong wanwan Ofis blong olgeta, progress we oli stap mekem blong risolvem ol komplek blong ol citizen, mo ol jalens we oli stap fesem blong karemaot wok blong olgeta. Miting ya i halpem ol Ombudsman blong oli lukluk moa long wok we oli stap mekem mo wanem niu direction oli save tekem, blong impruvum wok performance blong olgeta mo provaedem servis i go long olgeta we oli komplek i kam long Ombudsman. Miting ya i toktok moa long wanem wanwan Ombudsman i save mekem blong halpem wanwan Kavman blong olgeta blong promotem Good Governance, accountability mo transparency olem wan wei blong satisfaem wish blong ol citizen blong hem.



Photo 5: Ol memba blong POA long region blong Pacific long miting long Honiara.

14. Riviu blong ol Loa.

14.1 Long March 2011, Ofis blong Ombudsman i bin holem wan Forum blong lukluk bageken long ol jenis we forum i bin mekem long manis Disemba 2010. Forum ya hemi laswan bifo Ombudsman i sanem final draft blong ol jenis ya i go long Minister blong Justice mo Social Services. Ol jenis long tufala loa ya hemi impoten from bambae i givim paoa long Ombudsman long sam eria blong wok blong hem mo semtaem tu bambae i mekem wok blong Ombudsman i kam gud mo i strong moa.

14.2 Long Julae 2011 Ombudsman i givim final draft blong ol jenis ya long Minister blong Jastis mo Social Services blong hemi putum i go long Council blong ol Minista blong i apruvum bifo i go long State Law blong mekem final draft.

Folem hemia, Minister blong Justice mo Social Services i talem long Ombudsman se bambae i gat moa konsaltesen long hem blong bambae i save gat moa tingting blong ol NGOs mo ol difren ejensi. I bin gat sam tingting i kam abaot ol difren seksen blong tufala loa ya mo Office blong Ombudsman i stap putum tugeta ol tingting ya. Afta long hemia bambae Minister i okenaesem wan moa forum blong ol lida blong oli lukluk long ol jenis ya. Wok ya Ofis ya i stap mekem finis be i no finis gud yet blong i putum i go back long Ministry blong Justice mo Social Services.

14.3 Long wei we i stap naoia, i gat need blong mas gat jenis long Loa blong Ombudsman mo Loa blong Leadership Code. Ol jenis ya oli important, blong mekem se i gat aksen oli tekem ples folem ol rekomentesen blong Ombudsman we hemi stap putum long ol pablik ripot blong hem. Ol jenis ya bambae i givim moa paoa long Ombudsman blong mekem se wok blong Ofis ya i kam strong moa mo i gat result long hem. Hemi hope blong mi se bambae Kavman i luk save importance blong ol jenis ya, wetem ol difren lida, mo oli sapotem.

15. Ol komplem we Ofis i klosem olgeta.

15.1 Desisen blong klosem wan komplem i stap long Ombudsman afta we hemi mekem investikesen blong hem long komplem we i kam.

Long 2011 Ofis ya i klosem sixty nine (69) komplem. Namba ya i no blong ol komplem we i kam long 2011 nomo be i inklutum ol komplem we oli bin kam long ol yia we oli pas finis. Namba ya i inklutum tu eighteen(18) komplem we Ofis i risolvem o i strefem olgeta.

Ofis i klosem ol komplem ya from ol risen ya:

- (a) Man we i komplem i nomo soem interest long komplem blong hem taem Ofis i askem infomesen long hem blong i halpem Ofis long hem;
- (b) Komplem we i kam i blong long taem mo bambae i no sevem wan purpose sipos Ofis i gohed blong investiketem;
- (c) I nogat proof o evidence blong talem se Kavman ejensi ya i bin mekem wan samting i no stret;
- (d) I gat difren road i open i stap long man we i komplem blong hemi save folem o yusum blong stretem komplem blong hem.
- (e) Komplem we Ofis i investiketem mo putumaot wan pablik ripot long hem.

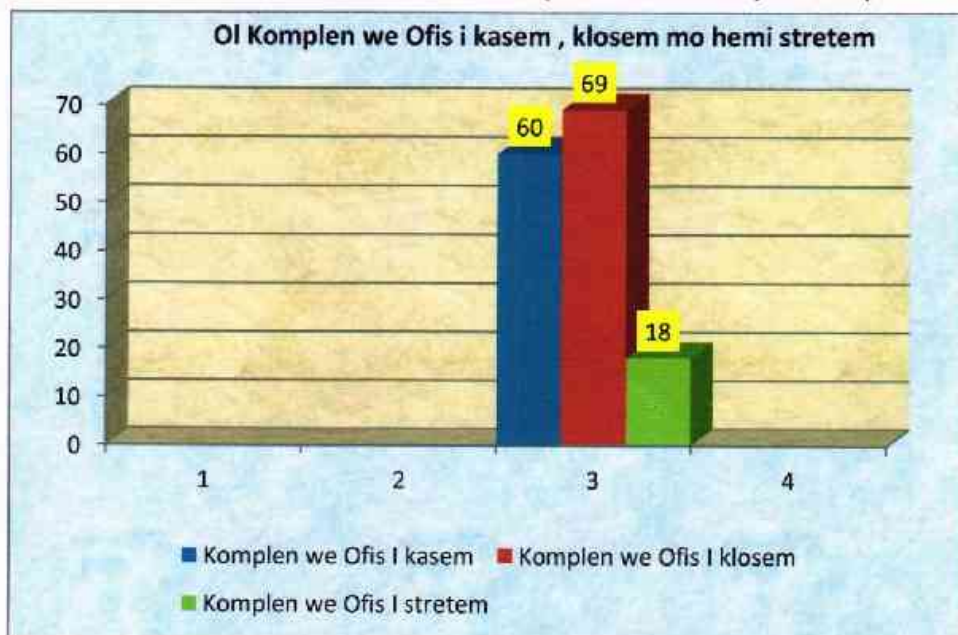


Figure 5: Namba blong komplem we ofis blong Ombudsman i risivim, klosem, mo risolvem.

16 Paoa blong mekem investikesen.

- 16.1 Taem wan komplem i kam blong Ombudsman i investiketem, hemi disaed sipos hemi save mekem wan investikesen long komplem ya o nogat. Desisen ya we hemi mas mekem i folem nomo Seksen 18(1) blong Loa blong Ombudsman we i givim raet ya long hem blong hemi disaed. Aot long sixty(60) komplem we oli bin kam long 2011, Ombudsman i investiketem nomo fifty seven(57). Three(3) long ol komplem ya hemi no investiketem olgeta afta we hemi tingting long olgeta mo yusum discretion blong hem we Loa i givim long hem.

Ol komplem akensem ol lida mo olgeta we i luk olsem se oli brekem Loa blong Leadership Code, Ombudsman i nogat discretion be hemi mas investiketem ol komplem ya. Hemia i folem Seksen 34 blong Loa blong Leadership Code.

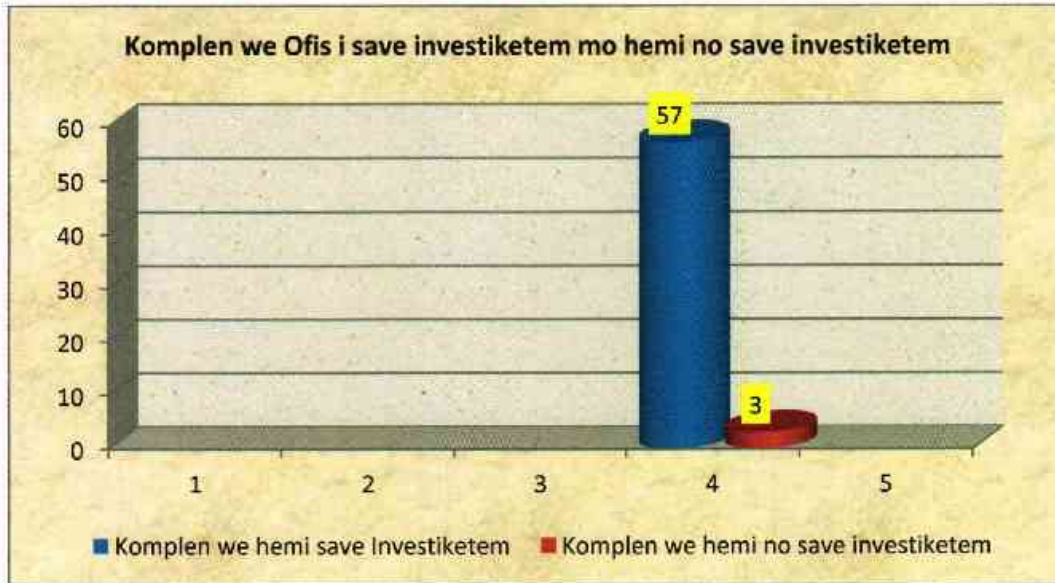


Figure 6: Namba blong ol komplem we Ofis i save investiketem mo i no save investiketem.

16.2 Ol komplem we Ombudsman i no investiketem olgeta, hemi talemaot long olgeta we oli putum ol komplem ya mo i talemaot ol risen blong hem from wanem hemi no save investiketem ologeta. Olgeta we hemi save investiketem olgeta, hemi talemaot long olgeta we oli putum ol komplem ya mo i stap talemaot long olgeta long progress blong investikesen blong hem.

17. Ol komplem we i kam long ol Provins.

17.1 Ol komplem we i kam, Ofis ya i stap putum olgeta long ol provins we oli kam long hem. Ol komplem ya i inklutum ol nogud fasin blong wok blong Kavman mo ol ejensi blong hem mo olgeta we oli brekem Loa blong Leadership Code.



Figure 7: Namba blong komplem we i happen long ol difren Provins.

18. Ol komplem we Ofis i solvem mo i riferem.

18.1 Wan pat blong wok blong Ombudsman hem i blong investiketem mo solvem ol komplem we i kam. Taem hemi solvem komplem hemi klosem mo i letem man we i mekem komplem i save. Sam komplem Ofis i solvem mo fixsim kwik, be sam i tekem long taem. Ol komplem we i tekem longtaem blong investiketem oli ol komplem we oli kompliketed mo i no isi blong kasem infomesen blong halpem Ofis ya blong save finisim kwik taem. Wan risen tu se ol gavman ejensi oli slo blong givim infomesen we Ofis ya i stap askem.

18.2 Samtaem i gat ol komplem we wan Kavman ejensi i save solvem be man we i mekem komplem i no go toktok mo luk olgeta long ejensi fastaem be instead hemi tekem komplem blong hem i kam stret long Ofis blong Ombudsman. Long kes olsem ya Ombudsman i stap riferem komplem ya i go long ejensi we i responsibol blong oli save lukluk long hem mo stretem. Taem Ofis i riferem komplem ya, hem i stap talemaot long man we i mekem komplem blong i go luk olgeta long ejensi blong i toktok wetem olgeta long komplem blong hem. Sipos ejensi i no save stretem komplem blong hem hem i save kambak long Ofis blong Ombudsman. Sam taem ol man we oli putum komplem i kam long Ofis ya oli traem plante taem blong toktok wetem olgeta long ejensi blong oli stretem komplem blong olgeta be oli no mekem wan samting.

19. Wok blong Ombudsman i no beis nomo long namba blong ol Pablik Ripot we hemi mekem.

19.1 Wok blong Ombudsman i no beis nomo long ol namba blong ol pablik ripot we hemi mekem long wan yia, be hemi beis tu long ol namba blong ol komplem we Ofis blong hem i solvem o i stretem. Mi glad blong talem se long yia ya Ofis i stretem wan big namba blong ol komplem we i mekem se man we i komplem i glad. Fulap long olgeta we Ofis i stretem komplem blong olgeta wetem ol kavman ejensi oli stap talem tangkio i kam long Ombudsman from nomo se oli bin traehad longtaem blong kasem wan gud ansa from komplem blong olgeta.

Tebol ya ananit i stap soem sam long ol komplem we Ofis ya i stretem olgeta olsem part blong wok blong hem.

Kes Namba	Date Ofis I kasem komplem	Brief background infomesen abaot komplem	Final outcome	Date Ofis I stretem komplem
8008	Jenuari	Mr K I bin wok long New	Ofis I	Jenuari

7	2009	Zealand anda long RSE skim blong faev manis long 2008. Taem hemi kamback long Vanuatu hemi faenem se hemi gat smol mane nomo long bank account blong hem. Hemi bin go luk Labour Department plante taem blong oli halpem hem blong faenemaot from wanem mane blong hem I smol tumas olsem be I nogat wan gud ansa we oli givim long hem.	kontaktem Labour Department from samting ya. Ofis I karem bank statement blong hem mo explenem ol amaon we I stap long statement blong hem. Mr K I glad long explenesen blong Ofis mo I agri long amaon we I stap.	2011
80207	Disemba 2010	Mr T I bin pem wan olfala masket long Mei 2009 long wan gavman ejensi. Afta we hemi pem masket ya hemi faenemaot se I gat wan samtin I rong long masket ya mo hemi no wok. Mr T I tekem masket ya I go back long ejensi ya mo hemi askem blong oli rifandem mane blong hem. Part blong mane blong hem ejensi I rifandem be part blong hem oli no rifandem hem yet. Hemi bin traem plante taem blong ejensi I rifandem part blong mane blong hem be oli no bin mekem.	Ofis I kontaktem ejensi ya mo ofisa we I responsibol from samting ya. Ejensi I rifandem hem part blong mane ya blong hem.	Jenuari 2011
80213	Februari 2011	Mr O I komplekse Port Vila Municipal Council I no bin stap tekemaot ol toti long Independence Park eria from ol toti ya ol man oli no fulumap olgeta long ol yalo plastic bag. Oli stap tekem ol toti nomo we oli fulumap olget long ol yalo plastic bag folem desisen blong Municipal Council.	Ofis ya I kontaktem Town Clerk blong Municipal Council blong I explenem situesen ya. Folem komplekse ya	Maj 2011

			Municipal Council I statem tekemaot ol toti we ol man oli fulumap long ol difren plastic bag.	
5144	Septemba 2005	Mr M hemi wan nurse, wan anaesthetist. Hemi klem se hemi bin traem plante taem blong askem olgeta long Health Department blong oli pem On Call Allowance blong hem stat long 1999 I kam be oli no mekem.	Ofis I toktok mo I raet long Health Department from outstandin g klem blong hem. Department I konfem se oli pem allowance ya blong hem.	Jun 2011
6137	Septemba 2006	Mr P I pem wan pis graon long Mr S mo woman blong hem long manis Novemba 1998. Minista blong Lands I bin givim consent blong hem blong transferem title blong graon ya long Mr S mo woman blong hem, I go long Mr P long manis Mei 1999 be samting ya I no tekem ples. Mr P I go luk olgeta long Lands Department plante taem from be I nogat samting I tekem ples.	Ofis I raet mo askem olgeta long Lands Department blong explenem delay ya. Oli talemaot long Ofis ya se pepa blong hem I lus. Long Julae 2009 Lands Department I transferem title blong graon ya I go long Mr P.	Jun 2011
8021 7	Maj 2011	Mrs W hemi memba blong wan seleksen panel blong wan institution. Panel ya I mit blong luluk long 1,500 aplikesen. From we I gat big namba ya panel I mit I go kasem naet. From risen ya, Mrs W hemi askem blong borowem sam mane blong	Ofis ya I kontaktem institution ya mo Mrs P. Institution ya I konfem se	Maj 2011

		halpem hem long rod blong hem.	Mrs W I givim back mane ya long namba 18 Maj 2011..	
5061	Mei 2005	Koplein hemi abaot ol memba blong Bod blong Air Vanuatu we oli stap apiusum travel privilej blong olgeta. I gat toktok se olgeta ya oli stap kiaman se olgeta we oli stap travel oli ol stret fameli memba blong olgeta be I no tru. Oli stap putum nem blong ol man we oli no stret memba blong fameli blong olgeta.	Ofis I raet mo kontktem Air Vanuatu. Air Vanuatu I jenisim mo taetenema p fasin blong givim spes blong fameli blong memba blong Bod. Ol fameli blong memba I save travel nomo sipos I gat spes I avelabol.	Okis 2011
3083	Jun 2003	Mr E I komplek se long yia 2000 Director blong ejensi blong hem I raet mo talem se oli transferem salary blong hem we I stap long hem I go long wan hae grade be hemi neva kasem pei blong hem long hae grade ya. Mo tu responsibility aloaens blong hem stat long 2000 I kasem 2003 ejensi ya I never pem. Hemi luk olgeta otori long ejensi ya plante taem be oli no mekem wan samting.	Ofis ya I raet from mo askem ejensi ya from. Human Resource Ofisa blong ejensi ya I talem se I gat restructurin g long ejensi ya mo regrading salari blong Mr E oli tekem into account we oli putum salari blong hem I go antap. Mo tu responsibility	Okis 2011

			allowance blong hem oli pemaot evriwan.	
4018	Februari 2004	Mr S I komplem se hemi kwalifae long eria blong wok blong hem be ejensi blong hem I no pem hem long stret salary we hemi sapos blong kasem. Mo tu hemi no kasem allowance blong wok we hemi stap mekem oatsaed long normal taem blong wok.	Ofis ya I raet mo kontaktem ejensi ya blong I explenem mo givim risen from ol samting ya. Acting Human Resource Ofisa blong ejensi I talem se ejensi I putum pepa blong restructurin g blong ejensi ya I go long Public Service Commission (PSC) finis mo oli stap wait nomo blong PSC I apruvum structure ya. Mo tu oli pem ol allowance blong hem finis.	Okis 2011
5087	Jun 2005	I gat komplem se wan statutory bodi blong Gavman I no bin folem proses blong rikrutum Mrs J blong kam wok long statutory bodi ya. Toktok I stap se seleksen panel i no bin interview olgeta we oli bin aplae from posisen ya be Jeaman blong Board nomo I disaed blong emploem Mrs J.	Gavman ejensi ya I talem se oli gat ol strik recruitment policy we oli developem mo oli stap yusum. Long kes blong Mrs J Chief Executive Officer	Okis 2011

			blong ejensi I talem se ating proses we oli tekem blong rikrutum Mrs J I no stret lelbet, be oli tekem hem from hemi gat kwalifikese n mo hemi kwalifae long wok ya.	
5077	Mei 2005	I gat komplek se wan ejensi blong Gavman I promotem Mr R we hemi wan junia ofisa I go tekem wan hae posisen long sem ejensi ya mo tu oli no bin advetaesem posisen ya.	Taem Ofis I investikete m samting ya ejensi ya I terminetem apoenmen blong Mr R mo olgeta we oli involve long samting ya oli oat tu long ejensi ya.	Okis 2011
0158	Novemba 2007	B Secondary School I employem Mr Z olsem Boarding Master blong hem blong wan period blong tu yia. Afta we hemi wok wan yia Principal blong school I terminetem kontrak blong hem. Mr Z I traem blong school I pem aot ol manis blong hem we I stap yet, folem kontrak blong hem, be school I no mekem wan samting. Principal I bin promes blong pemaot ol remenin manis be hemi no mekem.	Ofis I bin kontaktem school ya fulap taem long samting ya mo tu I kontaktem Principal Education Officer (PEO) long Provins ya. Principal I talemaot se school I wok long hem mo I pemaot ol manis	Septem ber 2011

			blong Mr Z. we oli bin stap yet	
6172	Disemba 2006	Mrs B I tekem wan loan long wan bank long 2001 mo I pem back loan ya long sem yia nomo. Hemi faenemaot afta se afta we hemi finisim loan blong hem be bank ya I gohed blong katemaotVt250 long bank akaon blong hem. Hemi bin talemaot long bank fulap taem se oli mas stopen didaksen ya long bank akaon blong hem be oli no mekem. Long 2006 hemi bin talemaot long bank ya bageken blong nomo didaktem mane ya long akaon blong hem be bank I no mekem.	Ofis ya I kontaktem Director blong Finance Departmen t mo Head of Business blong bank we Mrs B I bin mekem loan long hem. Director blong Finance I talem se fee ya hemi blong processing fee blong bank. Head blong Business blong bank ya I talem se hemi wan oversight long processing blong loan ya mo bambae oli rifanden Mrs B blong 5 yia we oli bin stap katemaot Vt250 long wan pay day. Long manis Eprel 2010 bank I rifandem Mrs B long mane we oli bin stap katemaot long bank akaon	Jun 2011

			blong hem	
8020 4	Disemba 2010	Mr A I bin stap mekem sekiuriti long wan ples mo Mr V I bin faetem hem. Hemi putum wan komplein long Police blong Police I investiketem mo putum mata ya I go long State Prosecution Ofis blong Mr V I mas pas long court. Hemi traem plante taem wetem Police blong save wanem I happen long komplein blong hem be hemi neva kasem wan ansa.	Ofis I folemap kes ya wetem Police mo Public Prosecutor blong samtaem. Public Prosecutor I konfem se kes ya I bin go long court mo Mr V I pem wan faen I go long Mr A	Novem ba 2011

19.2 Sam long ol komplein ya Ofis i tekem long taem blong i stretem olgeta from ol risen ya;

- (a) I gat ol jenis long personel long ol ejensi we i luk man we i gat ol infomesen abaot mata ya i nomo stap,
- (b) I tekem long taem blong olgeta we Ofis i askem infomese long olgeta blong oli givim ol infomesen,
- (c) Ofis i mas raet long olgeta we oli stap long ol aelan blong givim infomesen we i tekem long taem blong oli givim ol infomesen ya,
- (d) Komplein i complicated mekem se Ofis i mas skelem gud mo tekem ol infomesen as much as possible blong disaed sipos i save gohed blong mekem investikesen long hem o nogat.

20. Las Toktok

20.1 Mi wantem konkrajuletem ol ofisa long ol gudfala wok we oli mekem long yia ya mo talem tangkio long olgeta. Samtaem kritisim i kam mo talem nogud wok we Ofis ya i stap mekem be ol ofisa ya oli faithful mo dediketem fulwan taem blong olgeta blong mekem ol gud wok we Public Service Commission i bin apoenem olgeta from.

20.2 Mi wantem talem tangkio tu i go long ol ofisa long ol difren gavman ejensi, ol ministry long ol gud working rilesensip wetem ol ofisa blong Ofis ya mo wetem Ofis. Long ol difren kaen help we oli givim blong mekem se Ofis ya i save karemaot wok blong hem, mi wantem talem tangkio i go long olgeta from. Koporesen mo working rilesensip ya i mekem se Ofis ya i save gohed

blong mekem wok blong hem mo halpem olgeta we oli putum komplem blong olgeta i kam blong Ofis ya i save lukluk mo wok long olgeta.

- 20.3 Koperesen blong olgeta i mekem se everiwan i save wok tugeta blong traem stopem ol nogud fasin blong wok insaed long Kavman mo ol difren ejensi blong hem mo tu blong mekem se ol lida oli folem loa mo mekem gud wok blong olgeta. Ol gudfala wok ya i stap mekem se ol lida oli transparen long ol desisen blong olgeta mo oli akaontabol long ol desisen mo aksen blong olgeta.



Pasa TOSUSU

OMBUDSMAN OF THE REPUBLIC OF VANUATU

15 June 2012



From: Kalkot Mataskelekele

Sent: Friday, July 08, 2016 9:59 AM

To: Alain Molgos; Velma Karabani; Paul Jerry Boe; charleyjohnson7@gmail.com; Dorah Leitap Samuel; Tevanu Beranger; Darval Simon; Charlotte Woleg Kellen; Anna George; Juanita Ravakae; Vevleo George; Kalkot Mataskelekele

Subject: Dates blong Meetings

Good morning Directors / All Staff,

Please note, hemya proposed dates blong meetings blong yumi:

<u>Tuesday 12 July</u> , 08.30am - 4.00pm	SPAF (staff performance appraisal form).
<u>Wednesday 13 July</u> , 09.00am-12.00noon	GSM 3
<u>Friday 15 July</u> , 09.00am-12.00noon	TLM
<u>Wednesday 20 July</u> , 09.00-12.00noon	ARM (annual report meeting blong TLM)
<u>Monday 25 - Friday 29 July</u>	CSR 2 (case status review blong Investigators)

For comments mo suggestions long dates mo subjects.

SPAF meeting ino sidaon tede from yumi stap finalize-em yet costings blong 2017 Budget Narratives. (Hemi opportunity tu blong ridim mo checkem final budget narrative mo talemout long AG. e.g. Mi ting se awareness target i should reduce from 25 to 12 -ie 6 blong Luganville office, mo 6 blong Vila office. Hemya i wan average of 1 awareness evri 2 months)

A/PCSO please informem Rose mo Lokin long SPAF mo GSM dates.

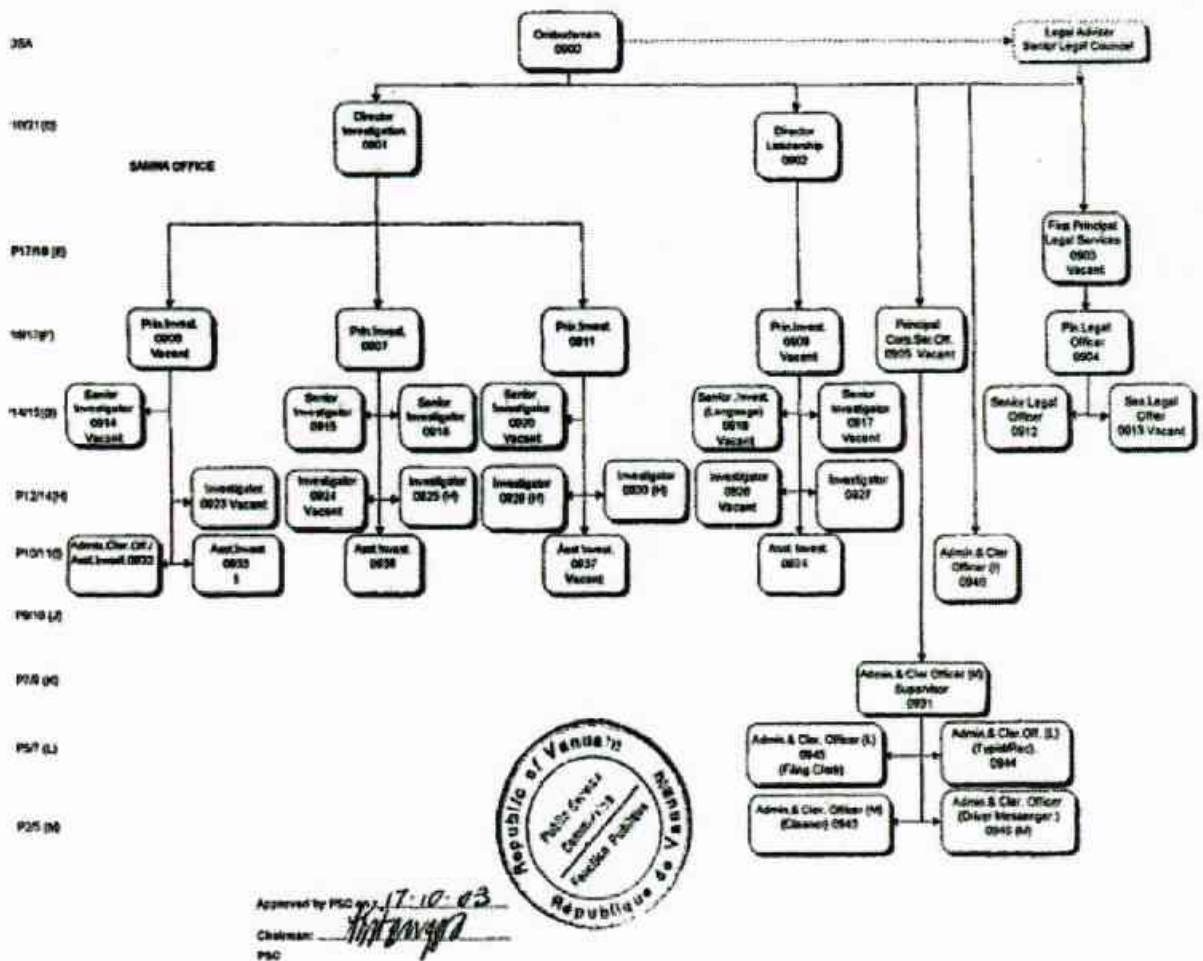
Tangkyu long wokugeta blong yumi,
Ombud KMK.

PMO Agencies Annual Reporting Template

1. Name of Agency:

Ombudsman of the Republic of Vanuatu, Port Vila, Republic of Vanuatu.

2. Corporate structure



2.1 There are currently 14 staff within the Office of the Ombudsman, eight (8) investigative staff including the Ombudsman (post numbers 0900, 0901, 0902, 0903, 0906, 0911, 0929 and 0932) and 6 administrative/support staff (post numbers 0905, 0940, 0944, 0945, 0943 and 0946). Of the investigative staff, two are located in the Santo regional office (post numbers 0906 and 0932).

2.2 Towards the end of 2013, the posts of Principal Investigator (post number 0907) and Investigator (post number 0927) were advertised. The recruitment process is underway for these two positions. In 2014 the post of Senior Investigator Language (post number 0919) will be advertised for recruitment.

2.3 The Office of the Ombudsman is still under-resourced in terms of its human resources and especially in investigative staffing, because even after the above mentioned recruitments, 14 investigative positions will still remain vacant due to budget constraints.

3. Corporate Overview

3.1 Our Vision

To assist and encourage Government agencies and leaders carry out their roles and functions effectively, efficiently and fairly under the laws of the Republic of Vanuatu.

3.2 Our Mission

To promote good administration, efficient governance and responsible leadership in Government and to protect the use of the official languages to the benefit of the people of the Republic of Vanuatu.

3.3 Our Values

- ✓ Professional & Personal Integrity
- ✓ Punctuality & Efficiency
- ✓ Confidentiality
- ✓ Accessibility to all sections of the community
- ✓ Transparency and accountability for our actions and decisions.

3.4 Our Objectives

- Objective 1 : Resolution of complaints effectively and promptly, reducing backlog dating 3 – 5 years, subject to Ombudsman’s review.
- Objective 2 : Increasing the monitoring and enforcement of multilingualism.
- Objective 3 : Develop an effective outreach program to build a good working relationship with Government agencies, NGOs and the general public.
- Objective 4 : Improve management of the human, physical and financial resources of the Ombudsman’s office.

- 3.5 In 2013, very little progress was made in relation to Objectives 2 and 3 as the Office was without a Senior Investigator Language Rights Officer who would normally be responsible for monitoring and enforcing multilingualism. The Director of Leadership Code Investigations was only able to conduct some minor enquiries into the failure of certain government institutions which failed to advertise vacant positions in two of the three official languages in the local newspapers.
- 3.6 At the beginning of 2013, the Office was without a Principal Corporate Services Officer so the administrative duties attached to this position were shared between the two Directors. An effective outreach program could not therefore be achieved for the Port Vila head office however, the Santo Officers were able to conduct awareness sessions with secondary schools around Luganville as well as some government departments. Towards the end of 2013, the Office achieved four (4) new recruitments for the positions of Secretary to the Ombudsman, Cleaner, First Principal Legal Officer (FPLO) and Principal Corporate Services Officer (PCSO). Investigative officers in Port Vila were relieved of the administrative tasks they undertook in the absence of a PCSO and progress was made in relation to Objectives 1 and 4. The FPLO was able to work on finalising the Ombudsman submission to the Vanuatu Law Commission for review of the Ombudsman's governing legislation namely the Constitution, the Ombudsman Act and the Leadership Code Act.
- On December 30th 2013, the Office successfully relocated from Pilioko House at Lini Highway to the former Ministry of Lands building at Rue Pasteur. The relocation process was also a convenient time for the office to replace all its computers which were all more than 5 years old, an exercise which greatly fulfilled Objective 4.

4. Human Resources

4.1 Staff Number working in the Ombudsman's Office :

- 6 males and 8 females;
- 6 Francophones and 8 Anglophones;
- Places of Origin: Ambrym – 1, Emau – 1, Ifira – 1, Lelepa – 1, Maewo – 1, Makira – 1, Malekula – 2, Mele – 1, Pentecost – 3, Tanna – 1 and Tongoa - 1.
- Positions : Ombudsman (post 0900), 2 Directors (0901 & 0902), First Principal Legal Officer (0903), Principal Corporate Services Officer (0905), 2 Principal Investigators (0906 & 0907), 1 Investigator (0929), 1 Assistant Investigator & Admin Clerical Officer (0932), Secretary to the Ombudsman (0940), 1 Filing Clerk (0945), Receptionist/Typist (0944), Driver Messenger (0946) and Cleaner (0943).
- Employment status : All permanent staff.

4.2 In 2011, the Ombudsman's annual budget was VT 52,260,931. In 2012 and 2013, this figure was reduced to VT 40,973,648. This reduction in budget meant that recruitment of staff into the vacant investigative positions especially, could not be made. The Office however, needs to increase its human resource capacity especially with the proposed

amendments to the governing laws, and the Government's wish for the Ombudsman to undertake prosecution of leaders investigated. In 2 to 3 years' time, three (3) officers will retire and extra funds will be required to meet their severance entitlements.

4.3 Due to shortage of staff in 2013, a staff training program could not be initiated therefore no staff training was conducted.

5. Financial Statements

5.1 The budget ceiling for the Ombudsman's Office in 2013 was VT 40,972,648. VT 29,157,949 was allocated for Payroll Cost and VT 11,796,699 was allocated for Operational Cost.

6. Development Projects

6.1 The Ombudsman is a member of the Pacific Ombudsman Alliance (POA) group which comprises all Ombudsmen within the region including Australia and New Zealand. As a member of POA, the Vanuatu Ombudsman may benefit from technical and financial assistance provided by this association including relevant training for staff.

6.2 In 2013, the Ombudsman requested technical assistance through POA for an Ombudsman Advisor to assist in providing strategic advice on how to tackle some of the major challenges faced by the Vanuatu Ombudsman office. Mr Brendan Delahunty, long time employee from the NSW Ombudsman Office with legal expertise was on placement for five weeks at the Ombudsman's head office to conduct work under the following Terms of Reference :

- (i) Re-examining and progressing the proposed amendments to the Ombudsman Act [CAP 252] and Leadership Code Act [CAP 240];
- (ii) Engaging with Public Prosecutor and the Commissioner of Police on ways to improve Leadership Code investigations;
- (iii) Examining the current Case Tracking System used by the Ombudsman's Office;
- (iv) Examining and recommending improvements to the organisation's corporate functions;
- (v) Reviewing the office's media, public relations strategy and outreach program;
- (vi) Considering and recommending useful future assistance; and
- (vii) Drafting a discussion paper outlining options on the organisational arrangements needed to support the Ombudsman's functions to either separate or maintain unity in the carrying out of the maladministration and Leadership Code responsibilities.

6.3 Following Mr Delahunty's placement, the Ombudsman will need to put strategic plans in place for execution following from the placement report based on the terms set out in 6.2 above.

6.4 During the 2014 budget submission preparations, the Ombudsman was advised that the rental budget for the Vila Office in 2014 was cancelled as it was anticipated that the Office would relocate to the then Ministry of Lands (MOL) premises at Rue Pasteur.

From 27 December 2013, the Office of the Ombudsman began relocating from the Office space it occupied at Pilioko House to the Rue Pasteur premises. On 30 December 2013, the Office was properly established at what is now referred to as the Ombudsman House at Rue Pasteur.

7. Portfolio Legislation

7.1 The Ombudsman operates under three governing laws, the Constitution (chapters 9 (ii) & 10), the Ombudsman Act [CAP 252] and the Leadership Code Act [CAP 240]. The two Acts have been reviewed three times by three separate consultants or committee. There were also consultations through three (3) workshops held in December 2009, December 2010 and February, 2011.

These reviews ensured extensive consultations with stakeholders including representatives from the Prime Minister's Office, Police, Public Prosecutor's Office, State Law Office, Vanuatu Christian Council and Malvatumauri Council of Chiefs together with the Director General, Ministry of Finance and the Attorney General.

7.2 In relation to the Code, it is recommended that a distinction be drawn between 'less serious breaches' and 'serious breaches'. It was agreed that the present criminal model for prosecutions should be maintained for prosecuting 'serious breaches'. Under the current legislation, once the Ombudsman has completed his investigations under the leadership Code, a report recommending prosecution is then submitted to the Prosecution who will then exercise its authority to prosecute. This will depend very much on the evidence provided.

For 'less serious breaches', the Review Committee recommended that a disciplinary board tribunal be set up to determine what kind of action to take. The disciplinary Board could act as the tribunal for 'less serious breaches', involving public servant, and all other leaders would appear before a tribunal specifically convened for that purpose. Disciplinary tribunals would have powers to directly impose sanctions, for example, removing a leader from public office or disqualifying a leader from holding public office.

7.3 All the proposed legislative amendments are currently being finalised by the Ombudsman and will be forwarded to the Law Commission in 2014 and subsequently to the State Law Office.

8. Decision of the Courts

1. Public Prosecutor-v-Barak Tame Sope Mautamate, Criminal Case No.10 of 2002

This case is a good example of a leader being prosecuted by the Public Prosecutor for committing an offence (offence of forgery, sections 139 and 140 of the Penal Code). The court found the defendant leader guilty and sentenced him to 3 years imprisonment. This case was initiated by the Ombudsman although the Ombudsman has no powers under the Penal Code Act to prosecute.

Eventually the leader concerned, Mr Sope Mautamate was given a pardon by the Head of State.

2. Supreme Court Civil Case No.04 of 1997 between Jean Paul Viralala & Others-v-Ombudsman.

This was a very important case confirming the jurisdiction of the Ombudsman. The Plaintiffs (Viralala and Others) were all members of the Board of Directors for Air Vanuatu who decided to purchase an ATR42/500 aircraft for the company. The Ombudsman carried out an investigation on the purchase of the ATR42. The plaintiffs challenged the jurisdiction of the Ombudsman to carry out such an enquiry and filed a claim to the Supreme Court to stop the enquiry. The declarations sought, *inter alia*, included:

- A declaration that the summons issued by the defendant (the Ombudsman) was ultra vires.
- An order restraining the defendant from issuing any further summons.
- An order restraining the defendant from taking any proceeding against the Plaintiffs.

The court ruled that:

- (a) The Ombudsman was right and was acting intra vires, ie: within jurisdiction of the Ombudsman Act;
- (b) That the plaintiffs were leaders in terms of Article 62(3) of the Constitution, that is persons likely to assist the Ombudsman in his/her enquiries;
- (c) Further, that under Article 67 of the Constitution the plaintiffs were subject to the Ombudsman's jurisdiction under leadership enquiry.

This decision was a stepping stone for the Ombudsman Office and shed light on the strength and force the Ombudsman has in carrying out his/her functions.

9. Complaints Mechanisms

9.1 The Ombudsman has been the subject of past criticism for allegedly not conducting investigations in a timely manner or producing reports on current issues that hinge on allegations of corruption. The issues discussed above in points 4, 5 and 7 indicate the challenges faced by the Ombudsman in terms of limited human and financial resources and need for reform of the governing laws which in turn affect the Ombudsman's ability to carry out his/her mandate effectively. End of document