



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

**Namba fiftin (15) Anuol Ripot  
blong Ombudsman blong  
Ripablik blong Vanuatu**

**i go**

**long Palemen**

**Januari - Disemba 2012**

## TEBOL BLONG OL TOPIK

<b>1.</b>	<b>Ombudsman toktok .....</b>	<b>4</b>
<b>2.</b>	<b>Introdaksen.....</b>	<b>5</b>
<b>3.</b>	<b>Administration.....</b>	<b>6</b>
3.1	Corporate Plan "Vision mo Missen Statement"	
3.2	Organization Structure.....	7
3.3	2012 Budget .....	8
3.3.1	Office Space.....	9
	<b>OBJECTIVES .....</b>	<b>9</b>
3.4	Planning & Management	
3.5	Investigation	
3.6	Public Awareness .....	10
<b>4.</b>	<b>OL KOMPLEN WE OMBUDSMAN I STAP RISIVIM .....</b>	<b>10</b>
4.1	Trifala kaen komplem	
4.2	Wei blong putum wan komplem i kam .....	11
4.3	Hu nao i save putum wan komplem .....	12
4.4	Ol Prosidja mo fasin blong investigeisen .....	13
4.4.1	Namba blong ol komplem we Ofis i risivim.....	14
4.4.2	Ol komplem we Ofis i klosem .....	15
4.4.3	Sam eksampols blong ol komplem we Ombudsman i stap investigeitem mo klosem .....	16
4.4.4	Ol komplem we Ofis i solvem mo i referem	
<b>5.</b>	<b>PAWA BLONG MEKEM INVESTIGESEN .....</b>	<b>17</b>
5.1.1	Ombudsman Pawa	
5.1.2	Pablik Ripot mo Rekomendesen.....	18
5.1.3	Ol dificienci we i mekem ripoting emi difkol long Ofis.....	19
<b>6.</b>	<b>LIDASIP BLONG OMBUDSMAN.....</b>	<b>19</b>
6.1	Vanuatu i lusum wan bigman Pasa Tosusu	
6.2	Appointment blong Alain Molgos osem Acting Ombudsman.....	23
6.3	Appoentmen blong Ombudsman Kalkolt Mataskelekele.....	25

<b>7.</b>	<b>OL PAWA MO JAELENS BLONG OFIS.....</b>	<b>26</b>
7.1	Organaesesenol Asesement tul (OATH)	
7.2	Financial Situation.....	27
7.3.0	Trening ovasi blong blong ol ofisa mo konferens.....	28
7.3.3	National Investigesen Symposium (NIS).....	29
7.3.4	Profesionol Diploma long Ligol Practice	
7.4.0	Appoenmen blong Darekta blong Maladministration Investigesen Mrs Velma Karabani.....	30
7.5.0	Ligol System blong Diklerem ol Properti mo interest blong ol Lidas	
<b>8.</b>	<b>RIVIU BLONG OL LOA BLONG OMBUDSMAN MO LIDASIP KOD .....</b>	<b>31</b>
<b>9.</b>	<b>RIVIU BLONG OL DESCRIPTION BLONG OL WOK BLONG OL OFISA MO STRAKJA BLONG OFIS.....</b>	<b>32</b>
<b>10.</b>	<b>PABLIK AWANESS.....</b>	<b>34</b>
<b>11.</b>	<b>LAST TOKTOK</b>	

## 1. OMBUDSMAN TOKTOK

Yia 2012 i givim 3 bigfala jalens long Ofis blong Ombudsman olsem:

Jalens 1: Namba 4 Ombudsman blong Ripablik, 'late' Mr. Pasa Tosusu, i bin 'pass away' long 15 Jun 2012 afta 2 yia nomo we hem i holem Ofis stat long 23 Eprel 2010. Lus blong Ombudsman Tosusu i givim bigfala sek long Ombudsman Ofis, Vanuatu Pablik Sevis mo Gavman from hem i bin wan longtaem hae sivil serven, mo tu hem i wan long taem ofisa insaid Ofis blong Ombudsman. Ombudsman Tosusu i bin gat 'vision' blong

- Mekem Ombudsman Ofis i kam moa strong mo i wok moa gud;
- Finisim wok blong 'refom' blong Ombudsman Lo mo Lidasip Kod Lo; mo
- Kasem wan Gavman propeti blong Ombudsman Ofis i save stap long hem.

Mr Alain Wai Molgos, Darekta blong 'Lidasip Kod Investigations', we Presiden blong Ripablik i apoentem hem Acting Ombudsman long 16 Ogis 2012, i bin gohed blong wok folem 'visen' blong namba 4 Ombudsman wetem strong hat nomata long difren jalens.

Jalens 2: Tufala hae responsibol posisen, Principol Corporate Services Ofisa mo Fes Principal Ligol Ofisa, mo sam nara post i bin empti, mekem se narafala 'sinia staff' i mas 'act' long ol post ya. Hemia i minim se ol 'sinia staff' konsen i mekem tu wok: oli mekem wok blong olgeta, mo semtaem oli wokem wok blong ol empti posisen, mo fasin blong 'acting' olsem i mekem wok blong ofis i slo daon bigwan.

Jalens 3: Namba blong staf long Ofis i bin foldaon kasem 9 pipol nomo long medel yia. Long Disemba 2012 Ofis i gat 10 staf (kauntem nyu Ombudsman), 8 i wok long bigfala ofis long Vila mo tu i wok long Luganville ofis. Total namba ya i daon tumas from Organizatioinal strakja' i soem se Ofis i sud gat 37 ofisa long hem (we i kauntem wan Ombudsman tu insaid).  
Nomata long olgeta difren jalens ya, Ofis wetem evri staff i bin gohed blong wok had oltaem long 2012 blong mekem sua se sevis we Ombudsman i provaedem i stap long gud standat olsem we ripot ya i soemaut.

  
  
**Velma W. Karabani**  
**Ofisa in Charge & Director blong General Kompleks mo Investigesens**  
**For: KALKOT MATASKELEKELE**  
**OMBUDSMAN**  
**Ofis Blong Ombudsman Blong Ripablik Blong Vanuatu**

## 2. INTRODAKSEN

Atikol 63(5) blong Konstitusen blong Ripablik blong Vanuatu, i talem se Ombudsman i mas mekem wan jenerol ripot i go long Palemen long evri yia long saed blong wok blong hem mo wanem aksen ol otoriti oli tekem long ol samting we hem i fainemaot taem hemi stap mekem investikesen.

Ombudsman hem i gohed blong fulfilim mandate blong hem olsem we i stap long Konstitusen mo long Loa blong Ombudsman mo long Loa blong Lidasip Kod.

Atikol 62 blong Konstitusen i givim paoa long Ombudsman blong i save mekem investikesen folem wan komplem or folem tingting blong hemwan nomo long wan samting we hem i ting se hem i impoten blong i mas investiketem.

Seksen 34 long Loa blong Lidasip Kod tu i givim paoa long Ombudsman blong i investiketem aksen blong wan lida taem lida ya i no folem Loa blong Lidasip Kod.

Mo tu hem i save investiketem wan komplem abaot yus blong trifala ofisial lanwis, hemia Bislama, Franis mo Inglis olsem we i stap long Konstitusen.

Mein wok blong Ombudsman hemi blong tekem ol komplem mo mekem investikesen long ol komplem ya olsem we Atikol 62 blong Konstitusen i talem.

Ofis ya i traem blong mekem wan investikesen mo stretem wan komplem mo finisim long wan sot taem nomo blong mekem se man we i komplem i glad long sevis we Ofis ia i provaedem. Tingting ya i no stap wokaot gud olsem we Ofis ya i wandem. Hemia i hapen from nomo se ol infomesen we Ofis i nidim blong halpem mifala long ol investikesen ya mifala i mas askem long sam man we oli stap long ol aelan we komiunikesen i no isi. Namba tu risen blong hem from we olgeta we mifala i askem infomesen long olgeta oli tekem long taem tumas blong oli givim ol infomesen long wanem we Ofis ia i askem. Olgeta we Ofis i askem infomesen long olgeta oli no stap tingting hevi long wanem Ofis i askem. From we oli no halpem Ofis long ol infomesen ya, hemia i minim se Ofis ya i no provaedem wan kwik sevis i go long olgeta we oli komplem.

### 3. ADMINISTRATION

#### 3.1 Corporate Plan

Ofis blong Ombudsman long 2012 hemi developem wan 2012/2014 Corporate Plan mo Human Resource Development Plan.

Purpose blong develop ol plans olsem i blong gaedem ofis ia blong achievim ol goals blong hem.

Corporate Plan hemi setem Visen mo Misen statement blong Ombudsman's Ofis mo kliali statem role, strakja, objektives mo key results measures.

#### ***"VISEN blong Mifala"***

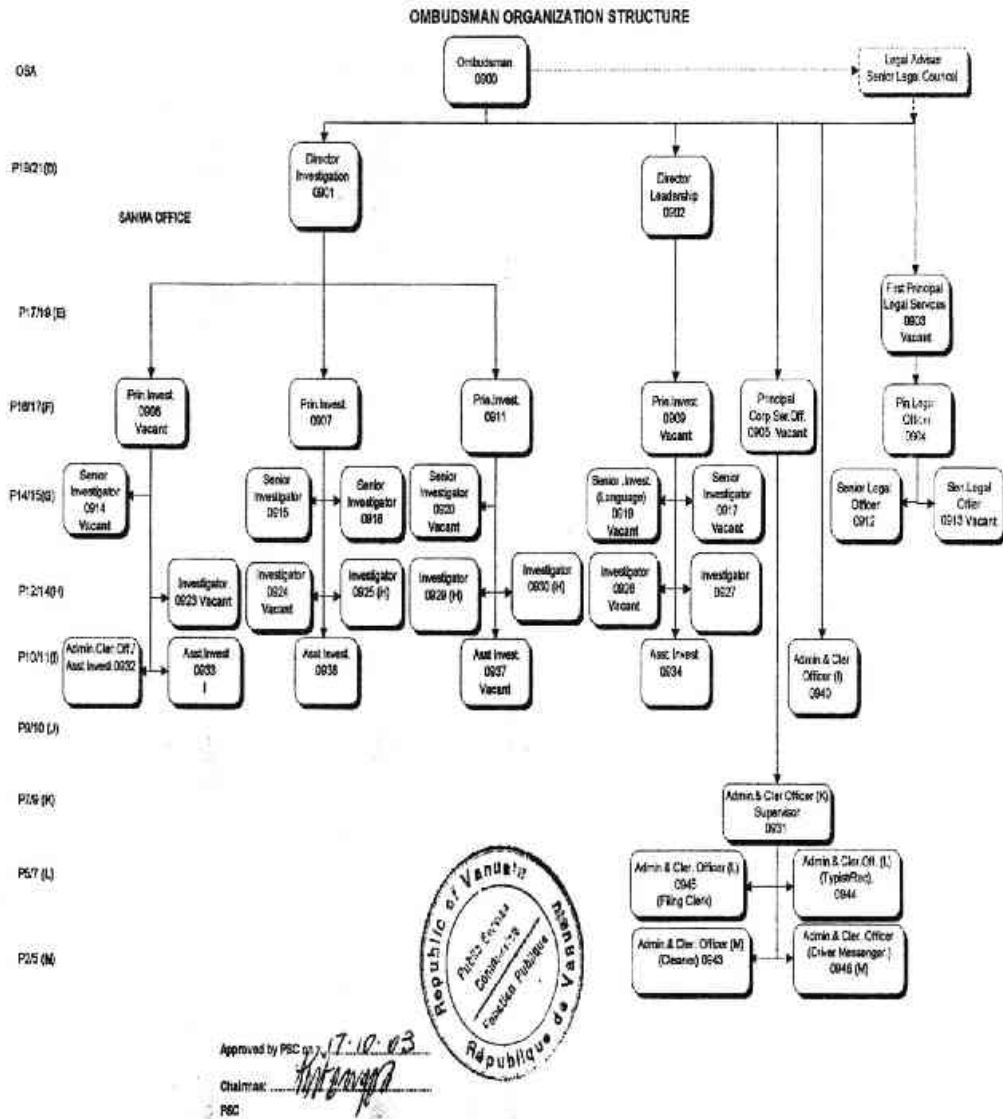
***"Blong assistim Gavman ejencis mo lidas blong oli carry aot ol roles effectively mo fairly anda long laws blong Vanuatu"***

#### ***"MISEN STATEMENT"***

***"Blong promotem gud administration mo responsibol lidasip long Gavman mo tu protectem use blong ofisial langwis blong benefitim pipol blong Republic blong Vanuatu"***

Ofis blong Ombudsman hemi remain wan key element blong Vanuatu's system blong constitutional democracy. Ofis bai kipim ae long central constitutional body mo ejency wetem promotion long concepts mo practice blong gud gavanens mo transparency mo strengthenem independency blong hem.

3.2 Organization Strakja



- Ofis hemi stap work nawia blong revium Organization Strakja blong 2003 ia mo ol Job Descriptions blong ol staff.

### 3.3 2012 Badjet

- Ofis blong Ombudsman hemi risivim wan budget blong 40,972,648 Vatu long 2012.

<b>2012 Budget</b>	<b>Allocated</b>	<b>Spend</b>	<b>Unspend</b>	<b>overspend</b>
<b>Payroll</b>	34,307,129	17,784,990	16,522,139	0
<b>Operation</b>	14,671,786	23,187,658	0	8,515,869

Long yia ia, ol posisen we i bin gat staff long olgeta i gat:

Darekta blong Lidasip kod Investigeitions, Post No.0902

Principol Investigeta, Post No.0907

Investigeta, Post No. 0927<sup>1</sup>

Investigeita, Post No.0938

Principol Investigeta, Post No.0906

Admin&Cler.Ofisa/Assist. Investigeita. Post No.0932

Admin&Cler.Ofisa (Filing Clerk), Post No.0945

Admin&Cler.Off. /Typist/Rec., Post No.9044

Admin&Cler. Ofisa (Draeva/Messenja), Post No.0946

- Yia ia hemi very challengefull afta we i lukim Principol Corporate Sevices Ofisa (Post No.905), Secretari blong Ombudsman (Post No.940) mo Principol Investigeita (Post No.911) oli risaen, Klina (Post No.943) we kontrak blong hem i end mo ofis i lussum Ombudsman Late Pasa Tosusu we hemi 'pass away' long servis mo ofis wetem sapot blong ofis blong Praem Ministers Ofis oli flyem hem igo rest long home vilij blong hem lo Saot Santo.
- From samfala staff oli finis long work mo sudden lus blong late Ombudsman Pasa Tosusu, ofis hemi mas pem VT6, 175,674 Vatu blong settlem ol ligol entitlements blong olgeta wetem rikarent badjet

---

<sup>1</sup> Ms Olive Taurakoto i bin go attendem kas blong Profesional Diploma long Ligol Praktis long Suva, start long Januari 2012 i go kasem June 2012.



### 3.3.1 Ofis space

- Ofis blong Ombudsman i stil located long top floor blong Pilioko Haos long central business district since i move out from previous location long No.2 long 1997. Olsem i stap previous Annual Ripot, mifala i bin requestem Gavman blong provaedem wan permanent building blong accommodate Ofis blong Ombudsman. Current premise i smol from ofis i stap grow mo recruitim staff due long moa namba blong complaints lodge each yia. Ofis space hemi 269 square meters divaeded long 10 different ofis we i olsem: Conference room, Tea room, Archive room, Tim 1 ofis, Team 3 ofis, interview room, Reception area, Administration area, Team 2 ofis, Ligol ofis, Principol Corporate Services Ofisa ofis mo blong Ombudsman's ofis. Samfala ofisa i mas serem ofis.
- Ofis blong Ombudsman i stap rent long wan amount of 370,000 vatu per month. Mifala i faindem bai i moa gud sapos Gavman i save provaedem wan permanent ofis blong Ombudsman mo ol staff oli relocate i go long hem.

## Objectives

### 3.4 Planning and Management

- Blong maintainem prapa management blong finances, personnel, organizational pifomens mo ol sapot sevis;
- Blong carry aot statutory functions mo responsibilities blong Ofis ia.

### 3.5 Investigation

- Blong encouragem ministry mo department ofisial blong traem blong resolvem ol complaints blong jenerol defects long any law o administrative practice we oli stap enquire long hem;
- Blong mediate over issues mo yusum method ia olsem wan alternative resolution tool;
- Blong referem complaints we hemi aotside long Ombudsman's jurisdiction igo long appropriate otorities blong handlem mo resolvem;
- Blong investigateim complaints we i lodge from members blong pablik long use blong ofisial langwis long ol pablik institutions;
- Blong encouragem Gavman ejensi blong mas pablim ol notices, labels, traffic saens mo narafala dokuments long Bislama, English mo Franis;
- Blong establishim mo recommendem ol ways blong promotem use blong national langwis mo ofisial langwis;
- Blong investigateim breaches blong Lidasip kode long wan timely manner;
- Blong providem information mo evidence we Ofis hemi karem tru long investigateim mo ripotem long Police mo Pablik Prosekuta;
- Blong distributim Lidasip Kode Manuals long ol lidas blong oli gat save long wanem ol Lida oli save mekem mo wanem we oli no save mekem;
- Blong trainem lidas long ol role anda long Lidasip Kode, Ombudsman's Act mo Constitution;
- Blong investigateim individual complaints long ol isius blong national importance we ol lida oli implicated.

### 3.6 Pablik Aweaness

- Blong disseminatem information tru niuslettas, Pablik mo Special Ripots long Pablik mo communities long urban mo rural areas;
- Blong ensurem se Pablik i aware long role mo functions blong Ombudsman;
- Blong ensurem se pablik i aware long individual raets anda long Constitution.

## 4. OL KOMPLEN WE OMBUDSMAN I STAP RISIVIM

### 4.1 Trifala Kaen Komplen

4.1.1 Olsem oltaem folem mandate blong hem, Ombudsman i stap investigeitem tri kaen komplen:

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

4.1.2 Fig. 1 bilo i shoem namba blong ol komplen we Ofis ia i risivim long 2012 we i gat wan slight decrease long total komplen we ofis i investigeitem, we hemi 60 evriwan. Be long narasaed, i gat wan inkris long ol nogud fasin blong wok long 2012. Ol kaen komplen ia we ofis i stap kasem abaot nogud fasin blong wok, hemi includim ol dilay blong ol Gavman egensi blong act kwik taem long ol action mo decision we ino folem loa, ol prosidja or fasin blong wok i no stret mo ol action or decision we i wrong mo i no fea.

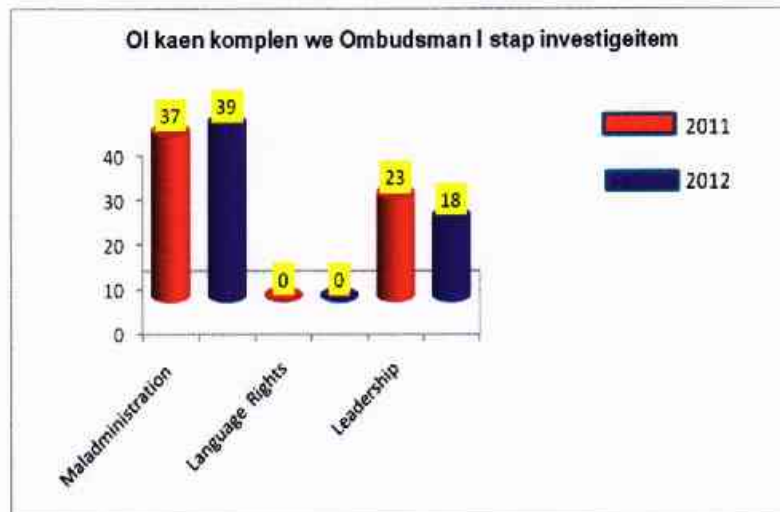


Figure 1: Ol trifala kaen komplen we ofis i stap risivim mo investigeitem.

4.1.3 Long saed blong Lidasip komplen, i gat wan dikris long ol komplen we ofis i risivim komperem wetem 2011. I gud blong talem long ples ia se, insaed long sam long ol mal-administration or nogud fasin blong wok komplen, i gat tu ol lidasip isius we i relate long condak blong ol lida. Wan

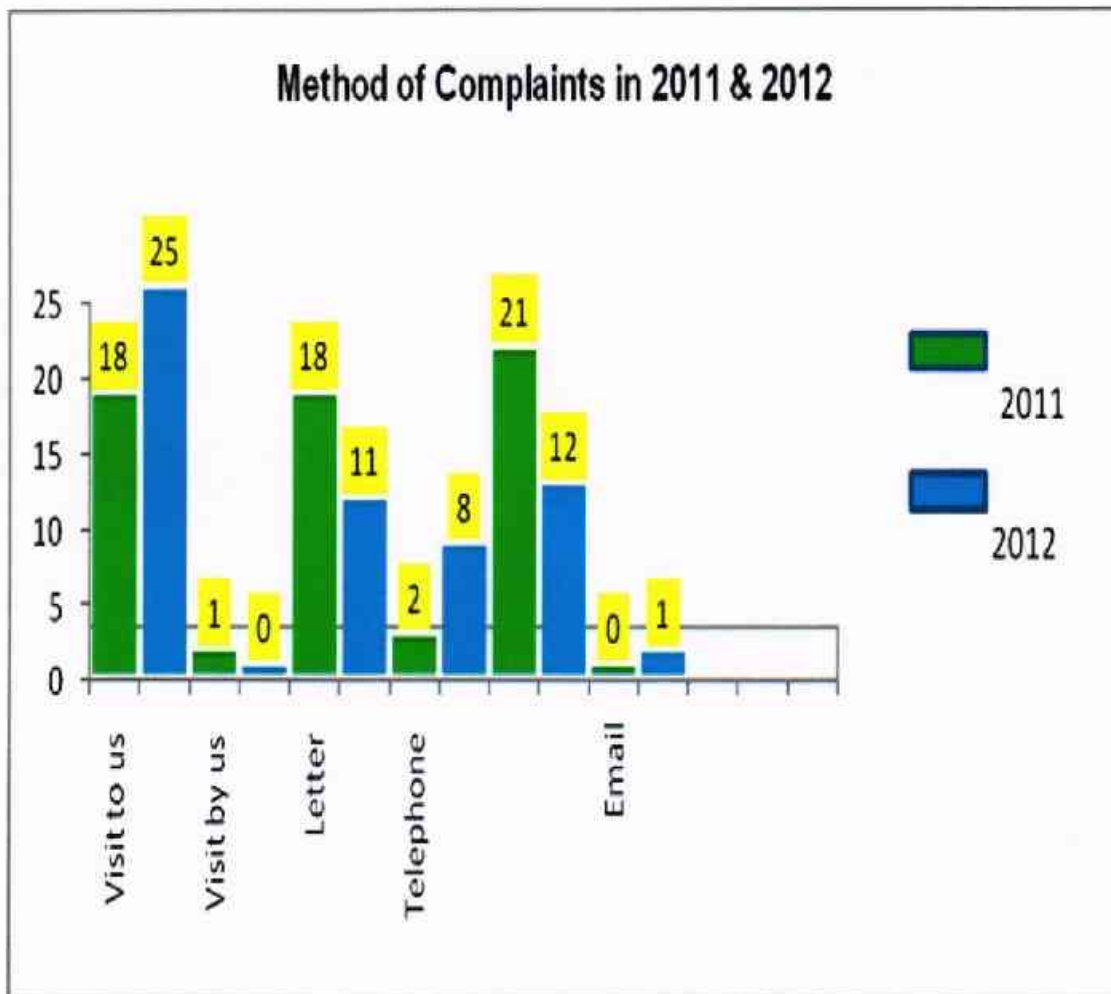
risen wae i gat wan dikris hemi from pablik i nomo komplem agensem ol lida blong olgeta from long end blong investigeisen, i nogat eni aksen i go agensem lida blong disiplinem hem or prosekutim hem. Altho ofis i risivim sam komplem agensem ol Memba blong Palemen (MP) from yus blong MP Alokesen, Ombudsman i faenem se i hard blong monitorem from se gavman i pem tugeta nomo wetem salari blong ol MP, unless MP konsen i gat ol gud rekod mo i honest abaot hao hemi spendem MP alokesen blong hem.

4.1.4 Long 2012, Ombudsman i no risivim eni komplem long saed blong lanwis raets. Hemia i no minim se ol yus blong ol ofisol lanwis ino gat problem long hem. Maet i gat, be ino gat eni komplem i kasem Ombudsman blong mekem investigeisen long hem. Long nara note, position blong Lanwis Raet Ofisa i bin vacant long Ofis blong Ombudsman mo ol wok we i nid blong mekem long area ia i stap nomo.

## **4.2 Wei blong putum komplem i kam.**

4.2.1 Folem ol process mo prosidja we Ombudsman i stap wok folem, i gat six (6) kaen wei we ol man mo woman i save komplem i kam long ofis. Ombudsman i risivim komplem tru long leta, own tingting blong hem, telefon, ofis visit, mo long wei we ofis i mekem visit long ol egeni o taem i conductem wan awareness.

4.2.2 Figa 2 andanit ia i soem hao nao ol man mo woman i stap komplem i kam long Ombudsman. Long 2012, i gat wan inkris long namba blong ol visits we pablik i mekem i kam long ofis blong lodgem wan komplem komperem wetem 2011. Wan risen long inkris ia hemi from se fulap kompleman i faenem se taem oli kam talem stori blong olgeta stret long ofis, oli save askem sam nara qwesten tu we i relate long komplem blong olgeta mo oli kasem kwik ansa long hem. Long sem fasin, i gat wan dikris long way we kompleman i komplem i kam tru long leta mo own tingting blong Ombudsman. Wan risen folem hemia i from se samfala komplem ia, ol nara gavman ejensi tu i stap dil wetem finis anda long jurisdiction or paoa blong olgeta.



**Fig 2: Fasin blong putum komplem i kam long ofis.**

4.2.3 Folem Fig 2, graph i soem se long 2012, i no gat eni komplem we ofis i risivim tru long ol visit we i mekem. Long 2012, Ofis i no mekem eni awareness or outrich igo long gavman egensi or ol nara aelan folem nomo difikolti long saed blong badget. No mata long hemia, i gat wan smol inkris long namba blong komplem we ofis i risivim tru long telefon mo email.

4.2.4 Ol sevis we Ombudsman i provaedem hemi fri nomo long pablik. Lokesen blong ofis long centre blong taon i help bigwan long saed blong provaedem acces long sevis blong Ombudsman.

### 4.3 Hu nao i save putum wan komplem

4.3.1. Folem Atikol 62(1), eni man mo woman i save mekem komplem i kam long Ombudsman sapos hemi no glad long wan wok blong Kavman o wan decision we Kavman o wan ejensi i tekem, we i afektem hem. Hemia i inkludim tu ol minista o MP, ol kaonsela blong Provins mo ol nara lida insaed long Kavman. Evri komplem we i kam long Ombudsman i pass tru long sem scrining proses nomo blong asessem wanem kaen loa nao i involvem komplem ia, mo hao nao bae ol investigeisen i go hed long hem.

4.3.2 Figa 3 bilo i soem ol kaen pipol we i stap lodgem komplem wetem Ombudsman. Long 2012, fulap moa wokman blong Kavman i lodgem komplem kompea wetem 2011. Hemia i folem nomo ol delay mo nogud fasin we oli stap fesem mo lukim insaed long ol kavman ofis. Inkris ia tu i save soem se ol wokman blong kavman i stap usum sevis blong Ombudsman from se ino moa gat wan nara rod blong helpem olgeta. Hemi gud blong ol Kavman ejensi i setemap wan komplem system long ofis blong olgeta blong save dil wetem ol konsens mo grievances blong olgeta bifo oli save kam long Ombudsman.

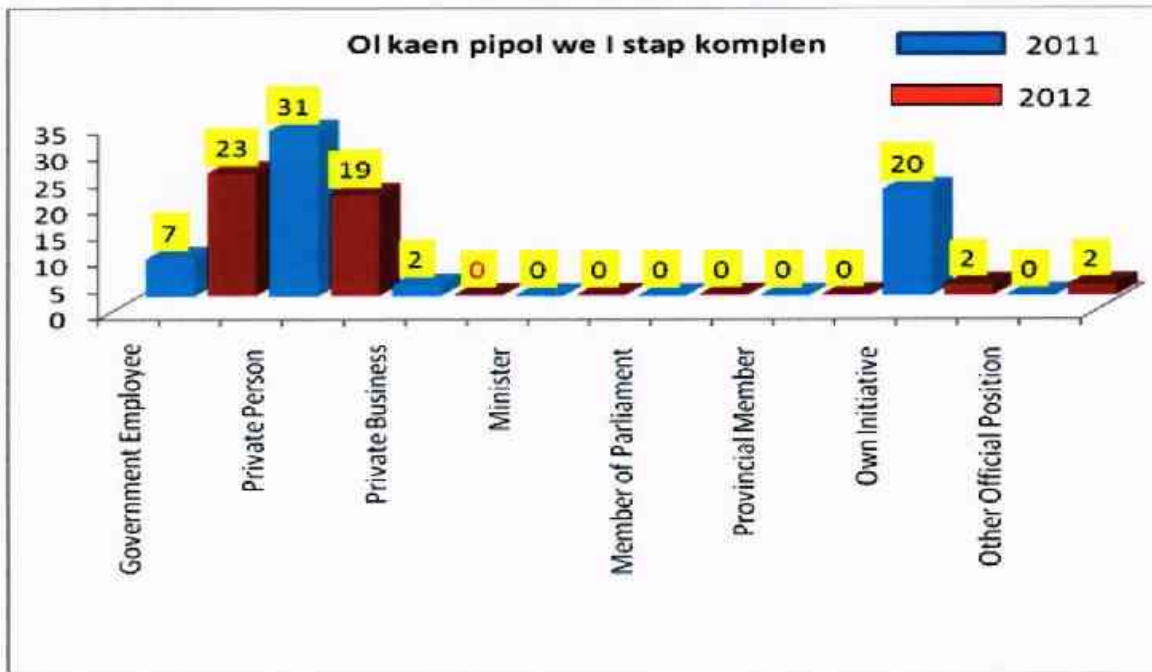


Fig 3: Ol kaen pipol we i stap komplem i kam long Ombudsman

#### 4.4 Ol Prosidja mo fasin blong investigeisen

Folem seksen 20 blong Ombudsman Akt, Ombudsman i mekem own rules blong hem blong olsem wanem i save condaktem wan investigeisen. Taem wan komplem i kasem ofis, kwik taem oli registerem mo passem long investigeita blong mekem wan assessment long hem. Assessment ia i inkludim ol laws or prosidja we i relate long komplem ia. Afta long hemia, komplem i pas long ligol ofisa bifo Ombudsman i mekem faenol decision long hem.

#### 4.4.1. Namba blong ol komplén we Ofis i risivim

Long end blong 2012, Ofis blong Ombudsman i gat wan total blong two hundred mo twenty-one (221) aktiv cases we Ofis i stap kohed blong mekem investigeisen long olgeta. Fifty-seven (57) blong ol cases ia hemi ol new kompléns we Ofis i bin risivim long 2012. Refer long Fig 1 blong lukim graph we i soem ol niu komplén ia. Wetem namba blong ol investigeita we i bin stap long

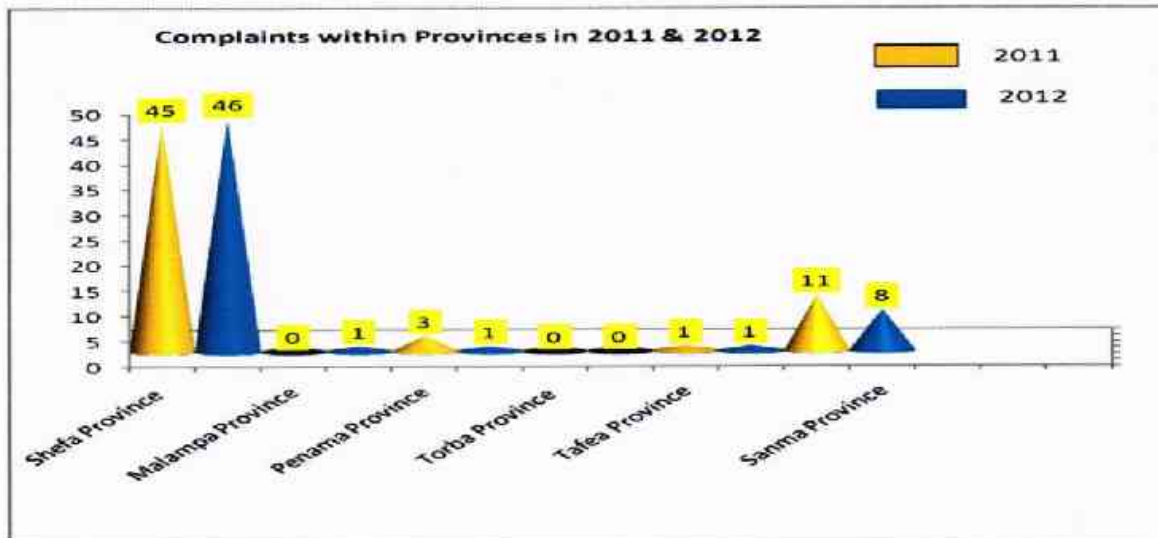


Fig 4: Namba blong komplén we Ofis i risivim long ol provins.

taem ia, six (6) evriwan inkludim Ackting Ombudsman, wanwan long olgeta i handelem long avarej, wan total blong thirty-seven (37) komplén fael. Hemia i no inkludim ol komplén we ofis i bin klosem olgeta tru aot long 2012. Sapos yumi inkludim ol komplén we Ofis i klosem tru aot long 2012, we hemi forty-one (41), bae yumi luk se wanwan investigeita i handelem abaot 43 komplén ij long average

Bilo long Fig 4, emi soem namba blong ol komplén we Ofis i stap risivim long ij provins long Vanuatu. From presence blong ombudsman long provins blong SHEFA mo SANMA, i lukim ol hae namba blong ol komplén we i kam long Ombudsman. Ombudsman ofis i located long Port Vila long Efate mo i gat wan branj ofis long Luganville long Santo.

I gat fulap risen wae ol nara provins i gat smol namba blong komplén nomo. Maet ol pipol oli no save abaot wea blong komplén, o maet i gat ol nara fasin o rod blong stretem ol komplén blong olgeta. Samtaem pipol i usum sevis blong kot blong lukluk long ol komplén blong ol from hemi wan way we oli gat infomesen long hem blong stretem ol problem blong ol. Long 2012, i nogat aweanes o tua igo long ol ada provins mo hemia tu i kontribiut long namba blong ol komplén we ofis i risivim long ol provins.

#### 4.4.2 Ol komplem we Ofis i klosem

Decisen blong klosem wan komplem i stap entirely long Ombudsman. Ol risons mo situasen we i helpem Ombudsman blong mekem decisen ia i stap long seksen 18 blong Ombudsman Akt. Ol risen ia i gat:

- (a) Man we i komplem i nomo soem interest long komplem blong hem taem Ofis i askem infomesen long hem blong i helpem hem;
- (b) Komplem we i kam i blong long taem finis mo bambae ino sevem wan purpose sipos Ofis i gohed blong investigeitim;
- (c) I no gat prof o evidence blong talem se Kavman ejensi or pablik seven or lida ia bin mekem wan samting we i no stret;
- (d) I gat difren rod i open i stap long man we i komplem blong hemi save folem o yusum blong stretm komplem blong hem;
- (e) Komplem we Ofis i investigeitim mo i putumaot wan pablik ripot long hem;
- (f) Komplem we Ofis i investigeitim mo i risolvem.

Long 2012, Ofis ia i klosem wan total blong forty-one (41) komplem kompea wetem 2011 we hemi sixty-nine (69). Namba ia i inkludim ol komplem we Ofis i bin registarem long ol yia we i pas finis be from investigeisen i bin gohed yet, Ofis i jes konkludim long 2012. Figa 5 bilow i soem ol risen mo basis blong wae Ombudsman i klosem ol komplem ia kompea long 2011.

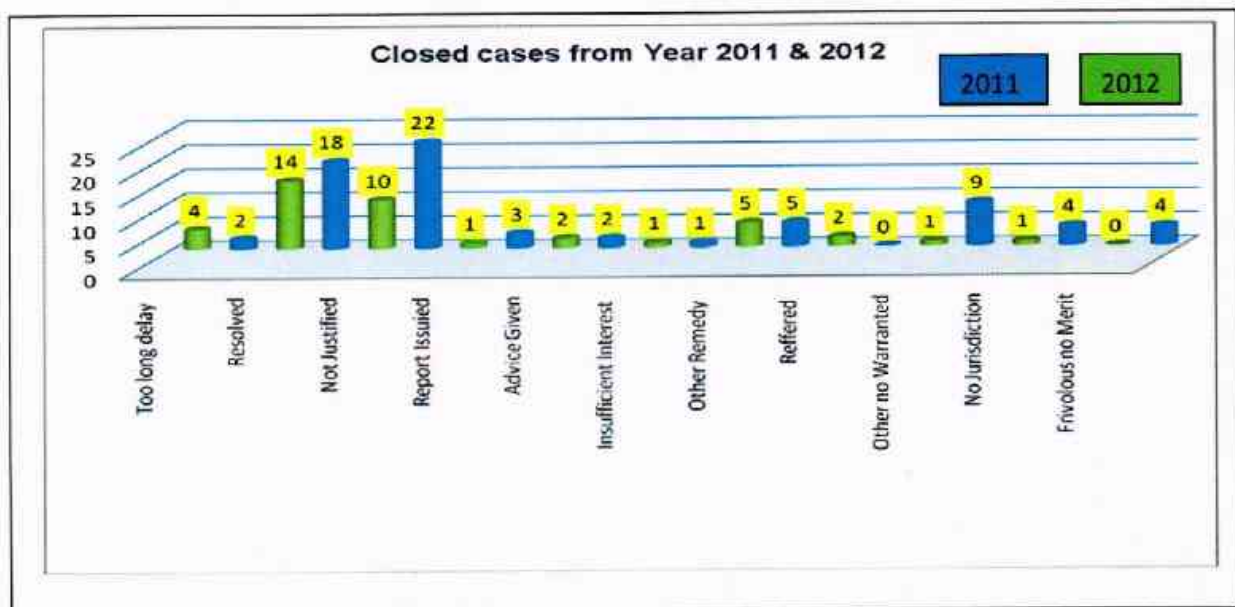


Fig 5: Basis o risen from wanem nao ol komplem i klos.

Fig 4 bilo i stap soem ol statistics ia. One samting we i contribute bigwan long wok blong investigeitim komplem hemi namba blong ol investigeita we i drop bigwan long Ofis.



Fig 6: Ol komplem we Ofis i registarem, klosem mo risolvem long 2012.

#### 4.4.3 Sam eksampols blong ol komplem we Ombudsman i stap investigeitem mo klosem long 2012

Wok blong Ombudsman ino beis nomo long ol namba blong ol pablik ripot we hemi stap issuim. Wan komplem i save rijim stage blo pablik ripot nomo sapos Ombudsman ino save stretem or sapos igat ol issue insaed we i nid blong pablik i mas save long hem.

Evri dei ij investigeita i mas wok long ol komplem we i allocated long hem blong mekem sua se hemi ap to deit. Long 2012, Ombudsman i stretem 14 komplem mo long total hemi klosem 41 komplem. Ij investigeita hemi wok hard blong mekem sua se wok igo hed nomata long ol challenges we Ofis i stap fesem.

Fig 6 i soem sam long ol komplem we Ombudsman i bin wok long hem mo klosem long 2012

#### 4.4.4 Ol komplem we Ofis i solvem mo i referem

Mandat blong Ombudsman i blong i risivim mo investigeitem ol komplem we i kam long pablik mo ol wokman blong kavman sapos man we i komplem i no hapi long servis blong Kavman mo i bilif se i afektem hem. Wan risalt blong investigesen i save soem se komplem ia Ombudsman i sotem aot or nogat. Dipending long ol issiu we i relate long wan komplem, Ombudsman i save tekem short taem o long taem blong investigeitem. Ol komplem we i tekem long taem, hemi usually ol komplem we i hard olsem ol issues relating long land o graon mo lidasip. Long sem taem tu, investigeisen i save tekem long taem sapos man we i saplaem infomesen long Ofis i delay o i slo blong mekem.

Long 2012, Ofis i solvem 14 komplem nomo kompea long 2011 we hemi 18. I gat fulap fakta we i afektem wok blong Ombudsman blong risolvem ol komplem. Feswan, hemi dipen bigwan long



koporesen blong gavman ejensi we komplem igo agensen hem. Taem we gavman ejensi i wok gud wetem Ombudsman, wok blong Ombudsman i isi. Be taem i gat misandastanding mo non-koporesen, wok blong Ombudsman i slo mo tekem long taem.

Sekenly, namba blong ol investigative staff i drop bigwan mo i produsim low morale amongst long olgeta we i remain from pressure i stap blong oli lukluk long ol nara kes fael we ol out-going staff i lego i stap. Nara rison, hemi from we Ombudsman Pasa Tosusu i bin pass on (ted) mo hemi kam olsem wan shock long ol staff mo ol staff i mas wait kasem taem we President i appointem wan Acting Ombudsman. Olto hemia ino wan excuse long performance blong ol staff, hemi impactem bigwan long wok mo output blong ofis as a whole.

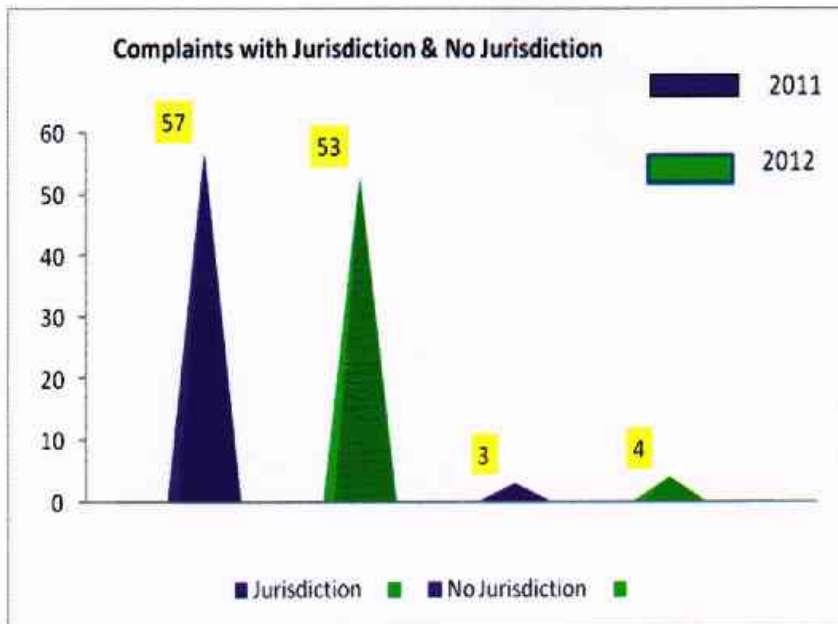
However, folem ol fakta mentioned antap ia, ino min se ol Ofisa ino wok. Wok blong investigaisen igat fulap wok long hem we wan ofisa i stap mekem long wanwan file olsem, raetem leta, interview, raetem file notes, follow-up long telephone or email, mo mekem assessment mo reviu long wan file.

Long 2012, Ofis ia ino referrem eni komplem igo long ol gavman ejensi. Usually, ol komplem we Ofis i stap riferem, hemi olgeta we Gavman ejensi i save risolvem nomo instead blong Ombudsman i garemaot wan investigeisen long hem.

## **5. Paoa Blong Mekem Investigeisen**

### **5.1.1 Ombudsman Pawa**

Seksen 18(1) blong Ombudsman Act nao i givim paoa long Ombudsman blong i disaed blong mekem investigeisen long wan komplem o nogat. Aot long fifty-seven (57) komplem we i bin kam long 2012, Ombudsman i investigeitem nomo fifty-three (53). Fo (4) long ol komplem ia i foldaon aotsaed long paoa blong Ombudsman so hemi usum discretion blong hem anda long Loa blong ino dil wetem. Figa 5 bilo i soem ol statistics ia mo i comperem wetem ol statistik blong 2011.



**Fig 7: Namba blong ol komplem we Ombudsman igat paoa blong investigeitem mo no investigeitem.**

Ol komplem we Ombudsman ino investigeitem, hemi informem ol man we oli komplem mo tu i talem ol risen blong hem from wanem hemi no save investigeitem olgeta. Sem samting hemi applae long ol komplem we hemi stap investigeitem olgeta.

### 5.1.2 Pablik Ripot mo Rekomendesen

Long 2012, Ofis ia i bin issium nomo wan pablik ripot we hemi *Pablik Ripot on the Unlawful Decision of the Citizenship Commission to grant Citizenship to a Latvian National*.

Long ripot ia, Ombudsman i bin mekem seven (7) rekomendesens evriwan. Ol rekomendesen ia i inkludim reviu blong Citizenship Act [CAP 112] blong inkludim panismen blong individual members blong Citizenship Commission we oli mekem decision aotsaed long law blong Vanuatu. Rekomendesen ia i kam folem nomo sam desisen we wanwan memba blong Commisen i mekem we ino consultem ol nara memba long hem long wan Commisen miting. I bin gat rekomendesen tu blong amendment i inkludim sam prapa conditions long saed blong privileges mo exemptions insaed long ol honorary citizenship status we President i stap conferem. Ombudsman i faenem se nomally, Honorary Citizenship i wan paper nomo we i conferem honorary citizenship status be ino gat eni ata detail bagegen long hem. Hemia i open bigwan blong man we i karem status ia blong i abiusim.

I bin gat rekomendesen tu blong kastom adoption ino recognized olsem wan kraiteria o graon blong grantem naturalized citizenship. Ombudsman i faenem se hemi i difitim rikwamen blong wan foreina i mas stap 10 yia o moa long Vanuatu bifo i save karem naturalized citizenship. Ombudsman i rekomendem tu blong inkrisim application fi blong naturalized citizenship igo long VT500, 000 from we naia i stap nomo long VT16, 000.

### 5.1.3 Ol difisiensi we i mekem ripoting hemi diffikol long ofis

Ofis blong Ombudsman i gat sins ofis i bon long 1994 wan case manegment system in ples we i stap trackem ol case long hem mo i stap assistim Ombudsman tu blong prodiusim ol statistical ripot blong wan wan investigeita. System ia nem blong hem i Case Tracking System. Evri komplem we Ofis i risivim, hemi registarem long system ia. Evri yia Ofis i stap konsaltem system ia taem hemi stap mekem ol annual ripot blong hem i go long Palemen.

Iven tho system ia hemi useful, hemi olfala tumas nao, mo tu ino save givim samfala infomesen we pablik i wandem save olsem:

- ✓ Hamas komplem we i bin aktif long wan given yia olsem 2011 o 2012 sapos one peson i jes wandem jekem long 2013. Infomesen ia, ol ofisa i mas jekem nomo stret long 31 December long end blong evri yia.
- ✓ Hamas aktif case long wan given yia olsem 2011 o 2012 we hemi agensem ol lida, o lanwis raet, o nogud fasin blong wok. Infomesen ia, ol ofisa i mas jekem nomo stret long 31 December long end blong evri yia.
- ✓ Hamas komplem we Ombudsman i riferem igo long ol narafala gavman egensi blong lukluk long hem.
- ✓ Tingting i stap blong updeitem Case Tracking System ia mo wetem project we Ministry blong Jastis i stap mekem, Ofis i hop blong Case Tracking System blong hem i up deited.

## 6. LIDASIP BLONG OMBUDSMAN OFIS

### 6.1 Vanuatu i lusum bigman Ombudsman Pasa Tosusu

Ombudsman Pasa Tosusu i bin lusum laef blong hem long Fraede 15 June 2012. Leit Tosusu i bin wok insaed long Ofis blong Ombudsman stat long 1 Octoba 1995 kasem taem we hemi pasawe. Leit Tosusu i wok olsem Direkta blong Maladministrisen Investigesen stat long 1 Octoba 1995 i kam kasem 1 April 2010 taem we His Excellency Johnson Iolu Abbil i appoentem hem olsem namba 4 Ombudsman blong Ripablik blong Vanuatu.



***Mr Pasa Tosusu i mekem swerin blong hem long Steit Ofis***

Passing awe blong Ombudsman mo Elder Tosusu i bin wan loss blong kantri from se hemi bin stap wok longtaem finis anda long British Administration before Independens mo hemi bin wok tu olsem Audita General.

Taem Ofis blong Ombudsman mo Vanuatu i lusum wan bigman olsem wetem plenty experiens long wok blong administresen, Ofis i rilae hevili long namba tu senia person we hemi Alain Wai Molgos blong lukaotem administresen blong mo rikomendesen igo long Presiden blong Ripablik blong Vanuatu His Excellency lolu Johnson Abbil blong appoentem wan kwalifae person folem nomo wan long tufala seksens blong Ombudsman Act. Seksen 3 blong Ombudsman Act i provaedem se Presiden blong Ripablik blong Vanuatu i appoetem wan Ombudsman anda long Constitusen, blong 5 yia, afta we hemi konsaltem (a) Praem Minista (b) Spika blong Parlemen (c) ol lida blong ol politikol partis we oli stap long Parliemen (d) Jeamen blong Nasonal Kaonsel blong ol Jifs (e) Jeamen blong ol lokol gavman kaonsel (f) ol Jeamen blong Pablik Servis Komisen mo Judisol Servis Komisen. Seksen 9 blong Ombudsman Act i givim pawa tu folem prosidja we i stap anda Atikol 61(1) blong Constitusen blong appoentem wan kwalifae person blong act olsem Ombudsman sapos: (a) Ofis blong Ombudsman i vacant o empty; o (b) Ombudsman i no save karemaot ol wok blong hem from sam risens.

From past experiens taem we Ofis/posisen blong Ombudsman i kam vacant o empty, ol staff i bin stap risivim ol komplem nomo long Ofis be wok blong investigesen i bin stop kompliti. Samtaem ol ombudperson i save stap kasem 4 manis olsem blong wet long Presiden blong Ripablik blong mekem wan appoentem, weta i folem seksen 3 o 9 blong Ombudsman Act.

Long taem ia (11/06/2012 igo kasem 25/06/2012) Alain Wai Molgos, Dairekta blong Lidasip Kod Investigeisen, i bin stap long kompasonet liv (spel) from se mama blong hem i bin pasawe tu long Mande 11 June 2013 mo hemi mas eskortem bodi blong mama blong hem i go back long vilij blong berem hem long Sentral Pentecost. Mr Molgos i mas kambak long Port Vila mo askem legal tingting blong Attorney Jenerol Mista Ishmael Kalsakau olsem Principol Legal Advaes blong Gavman tru long wan leta we deit blong hem hemi 27 Jun 2012 abaot seksen 14 blong Ombudsman Act. Seksen 14 (5)(9) blong Ombudsman Akt i talemaot se:

(5) Follem eni jenerol o spesol daereksen we Ombudsman i givim, wan Ofisa we i kasem pawa o delegesen blong mekem wok i save eksesaessem pawa ia o mekem ol wok ia long sem fasin mo wetem sem risalt olsem we Loa blong Ombudsman nomo i givim long hem be i no tru long delegesen. *(Subject to any general or special directions given by the Ombudsman, an officer to whom a power or function is delegated may exercise the power or perform the function in the same manner and with the same effect as if it has been conferred on him or her directly by this Act and not by delegation)*

(9) Wan pawa blong delegesen i save stap kasem taem we oli tekemaot nomata we oli appoentem wan niu Ombudsman long taem ia. *(A delegation continues in force until it is revoked even if another Ombudsman is appointed in the meantime)*

Interpretesen blong mifala blong seksen mo sabseksen ia hemi blong olgeta offisas we mi poentemaot antap, olgeta we i kasem pawa mo wok tru long delegesen, oli save kontiniu blong eksesaessem olgeta sem pawa ia mo wok ia long sem fasin mo wetem risalt olsem we Loa blong Ombudsman i givim long olgeta be ino tru long delegesen. Long semtaem tu, pawa mo wok ia we oli kasem tru long delegesen i kontiniu blong stap kasem taem we oli stopem nomata we long taem oli appoentem wan niu Ombudsman. Long saed blong situesen blong mifala, pawa blong delegesen we Loa blong Ombudsman mo leit Ombudsman i givim, i kontiniu blong stap kasem taem we oli appoentem wan niu Ombudsman. From samting ia, i stret nomo se ded blong leit Ombudsman Pasa Tosusu i no save affektem eni investigesen, previlej, obligesen mo laebiliti insaed long Ofis blong Ombudsman...

“Naoia, mi olsem wan senia ofisa long evriwan, mi stap askem ligol advaes se weta:

- (a) Hemi ligoli propa blong no karemaot ol diutis mo responsibilitis blong investigesen; o
- (b) Vakansi o posisen ia we Ombudsman i nomo stap long hem, bae i no save afektem long eni wei eni investigesen, previlej, obligesen mo laebiliti insaed long Ofis blong Ombudsman.”

Long saed blong rikwes blong advaes antap, Attorney General Mr Ishmael A. Kalsakau i respond long hem long wan leta deited 10 Julae 2012. Insaed long leta ia Mr Kalsakau i givimaot advaes konsernem tri (3) issius o poens:

### Fas Poen:

Mifala i bin givim advaes bifo long namba 6 Eprel 2010 se:

- Pawa blong Instrumen blong delegesen i stap kontiniu kasem taem we oli kaselem, nomata taem we oli appoentem wan niu Ombudsman (sabseksen 9 blong sekese 14 blong Loa blong Ombudsman [CAP 252] (Loa).
- Follem ol daereksen we Ombudsman i givimaot, wan offisa we i kasem pawa o delegesen blong mekem wok i save eksesaessem pawa ia o mekem ol wok ia long sem fasin mo wetem sem risalt olsem we Loa blong Ombudsman nomo i givim long hem (sabseksen 5 blong sekese 14 blong Loa)
- From samting ia, yu save kontiniu blong eksesaessem ol pawas we oli delegetem long yu nomata we posisen blong Ombudsman i empti.

### Seken Poen:

- Olsem we mi talem antap, hemi loful blong fuli karemaot ol diutis mo responsibilitis blong investigesen we oli delegetem i kam long yufala.

### Namba tri Poen:

- Toktok ia "enkwaeri" mining blong hem i stap anda long Part 1 blong Loa/Akt we i kavremap wan investigesen anda Part 5 blong Lidasip Kod [CAP 240]. Hemi minim se ol ofisa blong Ombudsman i save karemaot ol enkwaeris folem Akt ia nomata we i no gat wan delegesen.

From ol tingting ia, bae i no affektem eni investigesen, privilej, obligesen mo laebiliti insaed long ofis."

Ofis blong Ombudsman i risivim leta blong Advaes blong Gavman long 12 Julae 2012 mo long semtaem Daarekta blong Lidasip Kod Alain W Molgos i givim instraksen long ol sapot staff mo olgeta investigetas long Port Vila mo Luganville tru long wan memorandum deited 12 Julae 2012

se, blong katem sot: "...yumi save kontiniu blong eksesaessem ol pawa we yumi kasem tru long delegesen nomata we posisen blong Ombudsman i stap nao empti" ("...we may continue to exercise the powers delegated to us even though the position of the Ombudsman is left vacant)."

Stat long taem we Darekta blong Lidasip Kod i givimaot advaes i go long ol ofisas, ol diutis mo responsibilities blong investigesen mo administresen i stap kontiniu bakegen olsem bifo anda long lidasip blong leit Ombudsman Pasa Tosusu. I tru se everi sapot staff mo investigetas oli misim wan elda, wan bigfala lida, wan kolig, wan best fren mo senia ombudperson long ples blong wok be servis blong Pablik Servis mo Gavman i mas gohed i go kasem taem we President blong Ripablik blong Vanuatu, afta we hemi konsaltem Ombudsman Komiti follem sekese 3(1) blong Ombudsman Akt, i appoentem wan Acting Ombudsman o Ombudsman.

## 6.2. Appoentmen blong Alain Wai Molgos olsem Acting Ombudsman



***Mr Molgos i mekem oath blong hem long fored blong President Abbil (Source : Vanuatu Daily Post) taem hemi kam Acting Ombudsman***

Long 16 August 2012 President blong Republik Excellency Johnson Ilo J. Abbil i bin appoentem Mr. Alain Wai Molgos olsem Acting Ombudsman. Mr. Molgos i stat wok long Ofis blong Ombudsman long 6 Januari 1999 olsem wan Investigator (1999-2004), Sinia Investigeita (2004-2005), Principol Investigeita (2005-2007), Dairekta blong Lidasip Kod Investigesen (2007- to date). Mr. Molgos i kasem appoentmen olsem Acting Ombudsman long 16 Ogis 2012 i go kasem 17 Disemba 2012.

Long taem blong appoentmen blong hem, Mr. Molgos i stap talem tangkio i go long President blong gat trust mo konfidens long hem blong lidim Ofis ia kasem taem we bae hemi appoentem wan niu Ombudsman. Mr. Molgos i bin poentemaot main konsen blong ol pipol blong Vanuatu mo Ofis blong Ombudsman insaed long last 14 yia taem we ol difren Pablik Prosekiuta oli no save akt o prosekiutim ol lidas we oli brekem Lidasip Kod mo ol narafala loa we ol pablik ripot blong Ombudsman i poentemaot. Mr. Molgos i stetem se afta we pablik ripot i go kasem Pablik Prosekiuta, hemi mas stadi long hem mo formem wan tingting weta bae hemi prosekiut o no prosekiut. Sapos hemi no tekem aksen afta 3 manis stat long taem we hemi risivim ripot, then insaed long amendmen blong Lidasip Kod, i mas gat wan ligol provisen blong letem Ombudsman i tekemap keis mo prosekiutim whoevera we i brekem Lidasip Kod mo eni narafala loa blong Vanuatu.

Offis blong Ombudsman i bin rilisim wan pablik ripot long 11 Oktoba 2011: *Public Report on the impeachment of the Leadership Code Act and Ombudsman Act by Honorable Harry Iauko and Jay Ngwele to be submitted for prosecution.* Ombudsman i bin sendem ripot ia i go long Pablik

Prosekiuta Kayleen Tavoia mo long leta blong hem i go long Police deited 18 Novemba 2011, hemi stetem kliali se

“...The report outlined, inter alia, the relevant charges against both leaders and made findings against them for breaches of the Leadership Code Act [CAP240] and the Ombudsman Act [CAP252] and also presented recommendations for our Ofis consideration [Ripot i aotlanenem, wetem ol narafala poen, ol stret jajes o poens agens tufala lidas mo putumaot ol faendings agensem tufala from tufala i brekem Lidasip Kod Akt [CAP240] mo Ombudsman Akt [CAP 252] mo tu i presentem ol rikomendesen blong Ofis blong Pablik Prosekiuta i konsiderem].

We confirm that there is overwhelming evidence against Honorable Harry Iauko and Mr Jay Ngwele for impeachment of section 27 of the Leadership Code Act [CAP240], Breach of their obligations as leaders under section 2 of the same Code and failure to appear in obedience to summons without sufficient excuse contrary to section 49 of the Ombudsman Act [CAP252]. [Mifala i konferm se i gat fulap evidens agens Honorabol Harry Iauko mo Mr Jay Ngwele from se tufala i brekem seksen 27 blong Lidasip Kod Akt [CAP 240], brekem ol obligesen blong tufala olsem lidas anda long seksen 2 blong semfala Loa ia mo blong no givim inaf explenesen blong no kamaot long foret blong Ombudsman folem wan samon o notis blong witness we i go agensem seksen 49 blong Ombudsman Akt [CAP252]

Anda long seksen 38 blong Lidasip Kod Akt *“Sipos Pablik Prosekiuta i disaed se i gat inaf risen blong sapotem wan keis agensem lida ia long Kot, hemi mas stetem ol prosiding bifo wan manis i pas stat long taem we hemi disaed blong tekem lida i go long Kot”*.

Long 19 Januari 2012 wan ombudsperson i go long Police Stesen, Uniform Investigensen Branj (UIB) blong diskasem issiu ia wetem PC Calvin Isaac mo Sinia Inspekta George Songi. Ombudsperson i kasem ripot se from se hemi wan Lidasip Kod investigesen, hemi moa gud sipos oli askem ligol advaes long Ofis blong Prosekiusen mo Ligol Kaonsel blong Police fastaem from fraet blong no brekem loa.

Long 3 Februari 2012 Ombudsman Pasa Tosusu i mekem swering andap long Suprim Kot from “Affidavit” blong hem wetem olgeta relevant dokiumen abaot pablik ripot ia antap mo sabmittim everi dokiumen i go long UIB. Ombudsman Tosusu i mekem olsem blong traem fasilitetem mo spidimap proses blong prosiding bifo long Suprim Kot. Be hemi no bin happen olsem we Ombudsman mo ol narafala pipol i stap ekspektem, from se long namba 6 Septemba 2012 ol ofisa blong UIB oli kam bakegen long Ombudsman Ofis blong rikwestem ol sem dokiumen ia we oli bin risivim finis long manis blong Februari 2012. Long taem ia, Acting Ombudsman i givim ol dokiumen ia bakegen wetem tingting se prosekiusen blong tufala lidas Harry Iauko mo Jay Ngwele bae i stap happen, be i kam kasem tedei, Police mo Pablik Prosekiuta i no givim wan eksplenesen se from wanem nao oli tekem longtaem blong no faelem keis i go long kot bifo leit Honorabol Harry Iauko i lusum laef blong hem long Luganville, Santo.



Mr Molgos i bin lidim Ofis blong Ombudsman i go kasem taem we Excellency lolu Abbil i appoentem Mr Kalkot Mataskelekele olsem namba 5 Ombudsman blong Republik blong Vanuatu long namba 18 Disemba 2012.

### 6.3 Appoentmen blong Ombudsman Kalkot Mataskelekele



*Ombudsman Kalkot Mataskelekele i mekem swering in blong hem long foret blong Angelyn Saul, Acting Attorney General long taem ia, insaed*

Long 18 Disemba 2012 Presiden blong Ripablik blong Vanuatu His Excellency Johnson lolu Abbil i bin appoentem Mr. Mataskelekele olsem namba five (5) Ombudsman blong Ripablik blong Vanuatu.

Mr. Mataskelekele i bin graduet long Universiti blong Papua Niu Gini olsem wan loea long Jun 1981 mo attendem Legal Training Institute long Port Moresby, mo i kasem provisional admisen insaed long Nasonol Kot blong Papua Niu Gini long Disemba 1981. Mr. Mataskelekele i wan long olgeta persons we oli karem plante experiens long wok

insaed long Gavman mo praevet institusens. Mr Mataskelekele i bin stap olsem wan Memba blong Parlemen long 1988 kasem 1991. Hemi bin wok tu olsem wan Jaj blong Suprim Kot long Santo (1996-1998) mo olgeta aelan long not blong Vanuatu mo hemi namba six (6) President blong Ripablik blong Vanuatu (2004-2009). Hemi bin wok tu olsem wan praevet loea bifo i kasem appoenmen blong hem olsem Ombudsman.

## 7. OL PAOA MO JALENJ BLONG OFIS

### 7.1 **Organaesesenol Assessmen Tul (OAT).**

Stat long 19 i go kasem 23 Maj 2012 Sekretariat blong 'Pacific Ombudsman Alliance' (POA)<sup>2</sup> i bin kam long Vanuatu blong kondaktem wan Organaesesenol Assessmen Tul we i blong aedentifaem ol wiknes mo pawa blong Ofis afta long wan assessmen blong tugeta Korporet mo Bisnis plans. Afta we Sekretariat i prodiusum ripot blong hem i go long POA, POA i save aedentifaem ol differen erias we i save provaedem sam assistens.

From we OAT i provaedem infomesen we i save givim daereksen long saed blong desisen blong stratejik planning, i bin klia se taem i no bin gat wan person long posisen blong 'Prinsipol Corporate Sevis Ofisa', stratejik planning bae i no kam olsem praoiriti ova long keis manejmen. I bin possibol blong luk tu se from we Ofis i short long manpaoa o human risos, i bin gat tu problem long badjet we Gavman blong Vanuatu i bin katem 12 million vatu stat long yia 2011. Hemia i min nomo se kapasiti blong Ofis i ridius bigwan. Wetem wan wokload bong over 200 keis fael, Ofis i iusum ol risos we i stap long saed blong handlem komplek mo mekem ripot. I min se insaed long kaen situesen olsem, stratejik planning i no save possibol. Ofis i mas nidim sapot blong aotsaed blong fasilitetem stratejik planning o blong mekem ol human risos i fri blong wok long saed blong stratejik planning.

Nomata we Ofis i gat wan 'Coporate Plan' we i soemaot ol stratejik praoiritis blong Ofis, reviu blong performans agensem plan i wan responsibility blong 'Principal Corporate Sevis Ofisa'. Wetem posisen blong 'Principal Corporate Sevis Ofisa' we i vacant o empty, i no gat wan we i save draevem rivi process ia. Sekretari blong POA i provaedem tu insaet long faenol ripot blong OAT, wan lukluk long saed blong rilesensip bitwin issius o problems we fokas o diskasen group i aedentifaem, mo hao nao oli affektem Ofis blong ajivim ol praeoritis we i stap insaed long korporet plan.

Wan klia exampol blong ol issius ia hemi badjet kat we i affektem advertaesmen mo appoentmen blong wan 'Senior Investigator/Langwis Raet Ofisa long yia 2012. Hemia i min se Ofis i no save komplae wetem Atikol 64(3) blong Constitusen we i talem se: Everi yia bae Ombudsman i sendem wan spesol ripot igo long Parliamen konsernem respek blong ol differen langwis mo olgeta tingting o wok we i save lidim blong igat respek ia.

Blong stretem sam problem we Ofis i fesem from i no gat inaf human risos, Acting Ombudsman Alain Molgos i bin advetaesem six posisens everiwan long 24 August 2012. I gat Sekretari blong Ombudsman, Klina, Direkta blong Maladministresen Investigesen, Prinsipol Investigeta, Fas Prinsipol Ligol Ofisa mo Prinsipol Korporet Servis Ofisa.

---

<sup>2</sup> *'Pacific Ombudsman Alliance' hemi wan alaens blong ol Ombudsman Ofis long Pacific we oli stap helpem ol rejionol offisis mo ol kantri we oli gat tingting blong setemap ol kaen institusen blong faetem korapsen.*

Long manis blong June i kasem Julae 2013, POA Sekretari i sendem Mr. Brendan Delahunty we hemi Manager Projects & Investigations long New South Wales Ombudsman Office bakegen blong folemap ripot ia blong save komperem se i bin gat o nogat jenj o impruvmen insaed long wan yia taem.

## 7.2 Financial Situation

Gavman blong Ripablik blong Vanuatu i bin aloketem ova 48,260,931 million vatu long yia 2008 mo long 2009 i bin gat wan inkris blong 8.2% blong kasem 52,260,931 million vatu. Long yia 2010 mo 2011 Ofis i karem sem amaont blong badjet (52,260,931) bat samtaem long kolosap end blong yia 2011 Minista blong Jastis mo Komuniti Servis Honorabol Ralph Regenvanu i tekemaot wan amaont blong rafli 12 million vatu we i bin go blong establisim Vanuatu Loa Komisen. Mo stat long taem ia, badjet blong 2012 mo 2013 i bin stap nomo long 40,972,648 million vatu.

• 2008 Badjet	48,260,931 Vatu
• 2009 Badjet	52,260,931 Vatu
• 2010 Badjet	52,260,931 Vatu
• 2011 Badjet	52,260,931 Vatu
• 2012 Badjet	40,972,648 Vatu
• 2013 Badjet	40,972,648 Vatu

Lukluk i stap se sapos Gavman i stap katem moa badjet blong Ofis ia, bae Ofis i fesem plenty diffikalti blong fandem ol:

- (a) Wok blong ediuketem ol pipol blong Vanuatu abaot missen mo rol blong wan Ombudsman Ofis.
- (b) Rikrutim moa wokman afta we plenty i bin risaen long yia 2011 mo 2012.

Wan long ol risen bihaen dikris blong badjet long 2011 hemi from we Ofis i stap badjet long sam posisen insaed long strakja be i no save rikrutim ol wokman. Be long end blong 2011 mo start blong 2012 sam long ol sinia ofisa i bin risaen long wok from sam personol risens. Hemia i mekem se Ofis i mas stap pemaot ol yia blong servis mo ol narafala benefits blong olgeta. Yumi mas save se ol kaen situesen olsem ol dipatmen blong Gavman i neva badjet from be laki nomo from se Ofis i bin gat sam extra mani long saed blong ol posisen we i no bin gat sam person i stap long ol. Sam long ol mani ia i bin ius blong pemaot severens pei blong Yan Dapang (VT2,460,874 we i blong komplitim wan total blong VT4,921,748 ), Patricia Kalpokas (VT1,774,329), Josephine Stevens (VT1,114,801) mo late Pasa Tosusu (VT825,670 we i part pemen blong VT10,205,410). So long 2012 Offis i spendem wan total amaont blong VT6, 175,674 long saed blong ol benefits blong ol foma staff.

### 7.3.0 Trening ovasi blong ol Ofisa mo konferens.

7.3.1 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.

7.3.2 Long Novemba 2012 Acting Ombudsman Alain Wai MOLGOS i bin attendem fo (4) internasonal mitings long Wellington, Niu Zelan: Pacific Ombudsman Alliance (POA), POA Leadership Sub-Committee, Australasia Pacific Ombudsman Regional Conference (APOR) and International Ombudsman Institute Conference (IOI). Long taem ia, ol memba blong POA, POA working groups mo sab-komiti, i attendem IOI konferens, mo i tekpat long sam pre-konferens worksops mo trening.

Wan long ol trening ia oli kolem "Sharpen Your Teeth" we Ombudsman blong Ontario long Canada, Mr Andre Marin nao i ranem start long 8 I go kasem 9 Novemba 2012 long Wellington, Niu Zelan. Worksop ia i praktikoli focus long saed blong advens teknik blong investigesen. Ol kos partisipens i iusum wan "mock case scenario" blong assessem mo tu mekem planning blong wan investigesen.

Follem intensen blong POA, objektiv blong POA Lidasip Kod Sab-Komiti i blong provaedem wan sevis deliveri mo miutuol sapot organaesesen blong Lidasip Kod ofisas insaed long POA memba kantri. Ol prinsipol objektivs blong Lidasip Kod Sab-Komiti i blong:

- Fasilitetem transfer blong ol skills mo save bitwin ol Lidasip Kod ofis.
- Provaedem programs mo trening blong enkarejem proses blong investigesen mo teknikal skills blong ol ofisas blong Lidasip Kod.
- Developem inisiativs blong resew awenes long saed blong Lidasip Kods.
- Empawarem ol gavman stekholdes blong anderstandem Lidasip Kods mo Lidasip Kod investigesen.
- Fostarem relebensip bitwin ol investigesen ofisas long saed blong Lidasip Kod

Developem systems blong helpem shering blong ol infomesen mo fasilitetem process blong investigesen bitwin Lidasip Kod ofis mo ol narafala integrity institusens.

Ol faonding memba blong Sab-Komiti i gat Solomon Aelan, Vanuatu mo Papua Niu Guini. Bod or wan miting blong POA i save admitim ol narafala organaesesens blong kam ol memba blong Sab-Komiti, mo i save tekemaot wan organaesesen olsem wan memba blong Komiti ia.

Blong kam wan elijibol memba blong Sab-Komiti ia, institusen i mas be wan memba or assosiet memba blong POA, mo i mas gat wan rol blong administerem mo enfosem wan Lidasip Kod, Kod blong ethics o semak regulesen o lejislesen.

### 7.3.3 National Investigation Symposium (NIS)

Abaot long semtaem we konferens i stap tekples long Wellington, Niu Zelan, POA i bin sponsorem namba naen (9) Nasonol Investigesen Symposium long Manly, Sydney long Austrelia start long 7- 9 Novemba 2012. Acting Ombudsman Alain Molgos i nominetem Ms Olive Taurakoto blong attendem impoten nasonol investigesen symposium ia.



*Ms Olive Taurakoto LLB (seken long raet) i stanap wetem ol kolig investigetas blong Cook Aelans, Solomon Aelans mo Lidasip Komisen blong Solomon Aelans*

### 7.3.4. Profesionol Diploma long Ligol Praktis

Ms Olive Taurakoto i bin wok olsem wan Assistant Investigeta insaed long Ofis start long 1999. Ms Taurakoto i bin go long stadi liv start long 2008 kasem 2012, taem we hemi graduet wetem wan 'Bachelor Degree in Law' long manis blong Julae 2011 mo afta spendem sam manis insaed long Ombudsman Ofis, hemi go long Fiji blong kasem trening long saed blong Profesionol Diploma long Ligol Praktis start long Januari 2012 i go kasem manis blong June 2012.

#### **7.4.0 Appoentmen blong Darekta blong Maladministresen Investigesen Mrs Velma Karabani**

Long 18 Disemba 2012 Pablik Sevis Komisen i appoentem Mrs Velma Wano Karabani long posisen blong Darekta blong Maladministresen Investigesen. Mrs Karabani i bin stap wok olsem Prinsipol Investigeita mo semtaem tu hemi i bin stap act long posisen blong Fas Prinsipol Ligol Ofisa. Mrs Karabani i karem LLB long USP mo LLM long Universiti blong Otago, Niu Zelan.



*Vevleo George and Velma W Karabani (right) long Interview Room, Office blong Ombudsman*

#### **7.5.0 Ligol system blong diklerem ol propeti mo interest blong ol lidas**

7.5.1 Anda long seksen 31 blong Lidasip Kod evri lida i mas fulumap annual ritens fom wetem evri infomeisen we fom ia i askem long saed blong yia we i pas. Hemi mas talemaot evri smol infomeisen blong ol asset blong hem mo ol kaon blong hem folem fom we i stap long Skedul. Lida i mas givim annual ritens blong hem long Klak blong Palemen bifo 2 manis i pas afta long taem we hemi stat blong kam lida mo eni taem kasem 1 Maj evri yia.

Annual Ripot blong 2011 i no bin talemaot eni samting abaot annual ritens mo Ofis blong Klak blong Palemen i no bin givimaot wan fomol advaes se from wanem risens nao Ofis blong Klak i no bin pablisim i go long Ofis blong Steit Loa ol nem blong ol lidas we oli givim o feil blong givim i go long Klak blong ol annual ritens. Problem we i stap se posisen blong Klak blong Palemen i no bin stebol wetem sam narafal poen bakegen we i priventem Ofis blong Klak blong rilisim ol stret infomeisen ia konsenem ol lidas. Long wan leta we niuli appointed Klak blong Palemen i sendemaot long 13 Septemba 2013 blong explenem situesen ia. Klak blong Palemen i

poentemaot se *"We did not finalized any list leaders that Section 33(3) of the Leadership Code Act which is the legal provision requiring the Clerk to published in the Gazette the lists of Leaders who have given or who have failed to give the Clerk an Annual Return for 2011 and 2012... We will produce the 2013 Annual Gazette of list of leaders as per the Leadership Code requires and continue in the following years to come".*[Translesen: *Mifala i no faenalaesem eni list blong ol lidas we Section 33(3) blong Lidasip Kod i rikwaerem Klak blong pablisim insaed long Gadjet ol lists blong ol lidas we oli givim o oli no givim wan annual riten long Klak blong 2011 mo 2012... Bambae mifala i prodium long 2013 ol list blong ol lidas i go long Gadjet olsem we Lidasip Kod i rikwaerem mo bambae mifala i kontiniu blong mekem hemia i go long ol yia we i stap kam*]

Pat blong rivi blong Lidasip Kod i konsenem annual riten o ligol system o provisen we i rikwaerem ol lidas blong diklerem ol propeti mo interest blong olgeta i go long Klak blong Parlemen. Folem sam rikomendesen blong Ombudsman insaed long sam pablik ripot, i gat tingting blong jenjem prosidja blong faelem annual ritens i go stret long Ombudsman blong mekem sua se ol infomeisen we i stap long dikleresen fom oli korek mo stret. I gat nid tu blong disaenem wan niufala fom we bae i rikwestem plenty moa infomeisen. Responsibiliti i stap long ol lidas blong faenem stret fom mo submitim ol annual ritens blong olgeta be bae i no wan eskus blong talem se wan i neva risivim fom blong fulumap hemia i mekem se wan i no submitim annual riten blong hem. I gud tu blong fasilitetem sabmisen blong ol annual ritens tru long websaet blong Palemen o Ombudsman. Wanwan lida i save daonlodem fom mo fulumap bifo submitim fom ia i go long Klak o Ombudsman.

## **8. RIVIU BLONG OL LOA BLONG OMBUDSMAN MO LIDASIP KOD**

8.1.0 Long Disemba 2010, tru long help blong Pacific Ombudsman Alliance (POA), Ofis blong Ombudsman i bin holem wan Forum blong tu dei blong mekem ol faenol jenis long Loa blong Ombudsman mo Lidasip Kod. Long miting ya ol difren stake holders oli kam blong tokbaot wanem jenis nao oli wantem blong stap long Loa blong Ombudsman mo Loa blong Lidasip Kod. Ol jenis ya oli impoten from bambae i mekem se wok blong Ombudsman i kam strong moa mo tu blong mekem se i gat ol positive aksen i tekem ples long ol rekomentesen blong Ombudsman.

I bin gat fulap toktok mo tingting long ol jenis we Rivi Komite i bin mekem long 2004 espesiali nao long saed blong putumap wan Lidasip Traebiunal. Alto i gat fulap toktok long rivi ya, be general lukluk i stap se i mas gat sam jenis long sam seksen blong tufala loa ya blong mekem se Ombudsman i save mekem gud wok blong hem mo tu blong i gat sam positive aksen blong ol gavman ejensi oli tekem folem ol rekomentesen blong Ombudsman long ol ripot blong hem.

Long ol miting ya hemi klia se i gat nid blong gat wan Lidasip Tribunal blong i dil wetem ol lida we oli brekem Loa blong Lidasip Kod mo olgeta we oli mekem nogud fasin blong wok anda long seksen 30 blong Lidasip Kod. Seksen 30 (1)-(4) blong Lidasip Kod i talem se:

"Wan man o woman we i no wan lida mo i:

(a) help blong mekem wan fasin we i rong agensem Kod ia; o

(b) kasem benefit long wan akt daerek o tru long wan narafala rod, o misen we i rong agensem Kod ia; hemi mekem wan rong agensem Kod ia.

(2) Wan man o woman we ino wan lida i nogat raet blong mekem strong influens long wan lida o long eni narafala we i putum pres a long hem blong influensem hem o traem blong influensem lida ia blong mekem wan samting we i agensem Kod ia.

(3) Wan man we wan kot i faenem se hemi mekem wan rong agensem seksen ia hemi save kasem wan panismen we hemi:

(a) wan faen we i kasem Vt5,000,000; o

(b) kalabus blong wan period we i kasem 10 yia; o tugeta faen mo kalabus.

(4) Sipos man o woman i kasem benefit from hemi mekem wan samting agensem seken ia, bambae kot i save mekem wan oda blong karem bak benefit ia folem seksen 45 mo 46.

Lidasip Tribunal ia i save panisim wan lida mo eni man o woman anda seksen 30 blong Lidasip Kod sapos i gat evidence se lida ya o man o woman ya i brekem Lidasip Kod, mo semtaem tu i save gaedem mo helpem wan lida o man o woman blong i luksave mistek blong hem. Sipos Lidasip Tribunal i panisim sam lida o man o woman, hemia tu bae hemi wan saen blong givim tingting long ol narafala lidas mo man mo woman se oli no shud mekem rong agensem Lidasip Kod wetem ol narafala loa bong Vanuatu.

8.2.0 Wok blong mekem jenis long Loa blong Ombudsman mo Lidasip Kod i bin finis mo leit Ombudsman Pasa Tosusu i bin sendem igo long ol Minista blong Jastis mo Komuniti Sevis blong teibolem long Kaonsel blong ol Ministas. Yumi mas save tu se long semtaem ia, Gavman i setemap Loa Komisen blong givim advaes long saed blong ol jenis blong ol loa mo ol proposol blong ol loa. Ol mein wok blong Loa Komisen i blong stadi mo rivium ol loas blong Vanuatu wetem lukluk blong rikomendem ol jenis blong ol loas ia. So wetem establismen blong Loa Komisen, lukluk i stap se fasin blong mekem ol jenis blong ol loa blong Vanuatu i jenis mekem se eni ejensi o institusen blong Gavman we i wandem mekem jenis blong ol loa we ejensi ia i stap operet aninit bae i mas pas tru long Loa Komisen.

Wetem andastanding ia, Ofis blong Ombudsman i mas mekem referens blong ol jenis blong Loa blong Ombudsman mo Lidasip Kod i go long Loa Komisen blong kondaktem riviu mo mekem ol stret rikomendesen.

## **9. RIVIU BLONG OL DESKRIPSEN BLONG OL WOK BLONG OL OFFISA MO STRAKJA BLONG OFIS**

9.1.0 Pablik Sevis Komisen i appruvum ol descripsen blong ol wok blong ol ofisas insaed blong Ombudsman Ofis mo strakja long 17 Oktoba 2003 (Kopi i ataj olsem **Apendis**). Long las naen (9) yia (2003-2012), Ofis blong Ombudsman i bin stap wok folem strakja mo descripsen blong ol wok blong ol ofisa mo Ombudsman Pasa Tosusu i tingting se i mas gat jenj. From risen ia nao i



mekem se ol ofisa wetem Ombudsman i wok tugeta blong rivi u ol dokiumens ia be ino wok blong "Principol Corporate Sevis Ofisa nomo olsem we i stap long wok blong hem. Long taem ia lukluk i stap se fulap long ol ofisa i tendarem resignesen blong olgeta from differen risens.

- 9.1.1 Long 31 Disemba 2011 Mr Yan A Dapang olsem "Principol Corporate Sevis Ofisa" i lego Ofis blong Ombudsman afta we hemi bin givim tri (3) manis notis hemia i blong priperem kampen blong hem long apkaming nasonol eleksen.
- 9.1.2 Long 13 Januari 2012 Mrs Patricia Kalpokas Tari olsem wan "Principol Investigeita" i tenderem resignesen blong hem blong go wok long Ofis blong Spika blong Parlemen. Mrs Tari i bin stap wok stat long namba 1 April 1997 kasem taem we hemi saenem wan niu kontrak wetem Spika blong Parlemen.
- 9.1.3 Long 24 Februari 2012 kontrak blong wok blong Mrs Rose Andrew i kam long end blong hem, afta we hemi bin serv olsem "Klina" long pas six (6) manis. Ombudsman Pasa Tosusu i bin askem Pablik Servis Komisen blong extendem kontrak blong hem bat oli prifea se Ofis i mas advertaesem posisen ia mo letem hem i save applae bakegen.
- 9.1.4 Long 7 Maj 2012 Mrs Josephine Stevens, we i bin stat wok long Ofis ia stat long namba 2 May 1995 olsem "Secretari" blong Ombudsman, i tekem desisen blong goaot blong ranem praevet bisnis blong hem.
- 9.1.5 Ol staff memba ia i bin sev longtaem ia insaed long Ofis be lukluk i stap se i no bin gat promosen o inkris blong salari o eni narafala insentiv we i save holemtaet olgeta i stap long ol respektiv wok blong olgeta hemia nao samfala risen wae long serving staff i disaed blong goaot o tenderem resignesen blong olgeta. Antap long hemia, Ombudsman Pasa Tosusu i lusum laef blong hem long namba 15 June 2012 olsem we yumi diskasem finis antap.

So taem yumi lukluk long strakja, bae yumi save talem se ol posisen ia nao i bin empty o ino bin gat eniwan long hem nomata we i bin gat badjet blong olgeta:

Principol Corporate Sevis Ofisa, Post No. 0905  
Principol Investigator, Post No.0911  
Secretari, Post No. 0940  
Fes Principol Ligol Ofisa, Post No.0903  
Darekta of General Complaints/Investigations, Post No. 0901<sup>3</sup>  
Klina, Post No.0943  
Ombudsman, Post No.0900

- 9.2.0 Narafala impoten wok we leit Ombudsman Pasa Tosusu wetem ol staff memba i bin stap wok long hem hemi rivi u blong ol deskripsen blong ol wok blong ol ofisa mo strakja blong Ofis.

---

<sup>3</sup> Posisen ia i bin empty long Eprel 2010 taem late Pasa Tosusu i kam namba 4 Ombudsman blong Ripablik blong Vanuatu. Pablik Sevis Komisen i appoentem Mrs Velma Karabani long posisen ia long namba 18 Disemba 2012.

Manejmen i bin tekem desisen ia from se Pablik Sevis Komisen i bin appruvum last strakja mo ol deskripsen blong ol wok blong ol ofisa naen (9) yia i pas finis, hemia long 17 Maj 2003 mo we i gat bigfala nid blong upgredem ol wok blong ol different posisens insaed long strakja, weta i gat staff long hem o oli empty. Ol wok blong jenis ia i folem nomo japta 2 blong Pablik Servis Staf Manual. Wok blong ol jenis ia i bin stap kontiniu anda long lidasip blong Acting Ombudsman Alain Molgos mo Ombudsman Kalkot Mataskelekele.

Hemi hop blong mi se afta we mi mekem wan sabmisen i go long Pablik Sevis Komisen wetem sapot mo appruvol blong Daarekta Jenerol bae Pablik Sevis Komisen i save appruvum implimentesen blong niufala strakja mo ol deskripsen blong ol wok blong ol Ofisa.

## **10. PABLIK AWANENES**

10.1.0 Long 13 Septemba 2012 CEO blong Wan Smol Bag Tieta Mr Michael Taurakoto i bin rikwestem Ofis blong mekem wan paoa poen prisentesen long saed blong funksen blong hem blong faetem korapsen insaed long kantri. Long taem ia, Acting Ombudsman Alain Molgos nao i go tokbaot ol issues blong korapsen long ol yut mo wokman blong Wan Smol Bag Tieta.

10.1.2 Afta long 2012 nasonol eleksen long 30 Septemba 2012, i bin gat wan Induction Training Program blong ol Memba blong Parlemen stat long 21 i go kasem 23 Novemba 2012 insaed long Parliamen Haos. Wetem invitesen blong Spika blong Parlemen blong explenem ol rols mo fasin blong wok blong olgeta lidas blong kaontri folem Lidasip Kod mo ol narafala loas, Acting Ombudsman Alain Wai Molgos i go mekem wan pawa poen presentesen.

10.1.3 During long Law Wik long 6 kasem 10 August 2012, Acting Ombudsman Alain Molgos i bin mekem wan pablik toktok long Sea Front abaot wok mo fancksen blong Ombudsman mo ol diffikolti we hemi stap fesem. Principol Investigeita Velma Karabani tu i bin joenem wan tim bong ol loea blong go long Ulei Junior Sekenri Skul blong givim toktok long ol student mo ol tija abaot wok blong Ombudsman mo ansarem sam kwesten we ol student mo tija igat abaot Ombudsman. During long Law Wik ia, Ombudsman i bin gat wan stol long Sea Fran we ova 100 pipol i bin kam pass long hem blong askem questen, tekem awaneness material mo ol dockiumen olsem pablik ripot we Ombudsman i bin stap issuum, ol loa blong Ombudsman, Constitution mo Lidasip Kod Akt.

## **11. LAS TOKTOK**

11.1. Alto annual ripot ia i let blong kam long Parlemen, Ombudsman i tingting strong se olgeta detail infomesen insaid long ripot bae i helpem ol Honorabol Memba blong Parlemen blong apprisietem gud olketa wok blong Ombudsman Ofis mo tu blong oli kam blong save lelebet moa abaot olketa responsibility blong ol Lida blong Ripablik blong Vanuatu.

Tankiu.