

REPUBLIC OF VANUATU
OFFICE OF THE OMBUDSMAN

PUBLIC REPORT
on the
IMPROPER CONDUCT

by

MR HILTON TARILEO

DEPUTY DIRECTOR OF COOPERATIVES DEPT.
AND LACK OF DISCIPLINARY ACTION
AGAINST MR TARILEO

This report contains the findings of fact, opinions, views and unlawful conduct and the recommendations of the Ombudsman pursuant to the Constitution of the Republic of Vanuatu and the Ombudsman Act No.14 of 1995.

**IMPROPER CONDUCT BY MR HILTON TARILEO
DEPUTY DIRECTOR OF CO-OPERATIVES DEPT.
& LACK OF DISCIPLINARY ACTION
AGAINST MR TARILEO**

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PREAMBLE

"They have filled the midst of thee with violence, and thou have sinned"

Ezekiel 28 v 16

This Report illustrates a reaction by a public official which reflects a tendency within society itself for men to gain advantage over women by resorting to violence. It is apparently very difficult for many men to accept criticism at all, and to receive criticism from women is even harder to bear.

We hope that the exposure of this matter will illustrate that officials dare not raise their hands to women and also act as a warning against failure to investigate legitimate complaints and handle such incidents more appropriately by the responsible authorities.

1. CASE NUMBER

1.1 C.126/95-96/10

2. THE COMPLAINANT

2.1 Ms M, Women's Business Adviser in Department of Cooperatives & Rural Business Development

3. THE COMPLAINT AGAINST

3.1 Hilton Tarileo, Deputy Director of Cooperatives Department, and the former Director of Cooperative Department and Public Service Department ("PSD"), Mr Robert Figa.

4. THE COMPLAINT

4.1 It was alleged by the complainant that she was assaulted by Mr Tarileo during working hours in his office at the Department. Ms M further alleged that the Former Director of the Cooperatives Department Mr Robert Figa and the PSD failed to take any action against Mr Tarileo.

5. METHOD OF INVESTIGATION

5.1 Interview with the complainant.

5.2 Interview with Mr Robert Figa.

5.3 Interview with a staff of Cooperatives Department.

5.4 Interview with Mr Tarileo

5.5 Correspondence with Mr Robert Figa.

5.6 Correspondence with Public Service Department

6. JURISDICTION

6.1 Pursuant to Article 62 of the Constitution and Section 14 of the Ombudsman Act No.14 of 1995 ("Act") I have jurisdiction to enquire into the conduct of certain public

bodies or persons on receiving a complaint or on my own initiative. I have determined that Ms M's complaint against Mr Tarileo falls within my jurisdiction by reason of Section 14(1)(a)(ii) as he is a public servant.

7. RELEVANT LAWS

7.1 CONSTITUTION OF THE REPUBLIC OF VANUATU

Conduct of leaders

- 66.(1) Any person defined as a leader in Article 67 has a duty to conduct himself in such a way, both in his public and private life, so as not to-
- (a) place himself in a position in which he has or could have a conflict of interests or in which the fair exercise of his public or official duties might be compromised;
 - (b) demean his office or position;
 - (c) allow his integrity to be called into question; or
 - (d) endanger or diminish respect for and confidence in the integrity of the Government of the Republic of Vanuatu.
- (2) In particular, a leader shall not use his office for personal gain or enter into any transaction or engaged in any enterprise or activity that might be expected to give rise to doubt in the public mind as to whether he is carrying out or has carried out the duty imposed by subarticle (1).

Definition of a leader

67. For the purposes of this Chapter, a leader means the President of the Republic, the Prime Minister and other Ministers, members of Parliament, and such public servants, officers of Government agencies and other officers as may be prescribed by law.

Fundamental rights

- 5 (1) The Republic of Vanuatu recognises, that, subject to any restrictions imposed by the law on non-citizens, all persons are entitled to the following fundamental rights and freedoms of the individual without discriminating on the grounds of race, place of origin, religious or traditional beliefs, political opinions, language or sex but subject to respect for the rights and freedoms of others and to the legitimate public interest in defence, safety, public order, welfare and health -
- (g) freedom of expression;
 - (k) equal treatment under the law or administrative action, except that no law shall be inconsistent with this sub-paragraph insofar as it makes provisions for the special benefit, welfare, protection of advancement of females, children and young persons, members of under-privileged groups or inhabitants of less developed areas.

7.2 CHAPTER 129 - PUBLIC SERVICE

11. Every officer commits a disciplinary offence for the purposes of disciplinary proceedings who -

- (d) behaves in a manner calculated to cause unreasonable distress to other officers or to affect adversely the performance of their duties;
- (l) is guilty of any improper conduct in his official capacity, or of any other improper conduct which is likely to affect adversely the performance of his duties or is likely to bring the Public Service into disrepute;

7.3 THESE LAWS ARE REFLECTED IN THE PUBLIC SERVICE STAFF MANUAL AT CLAUSES 9 AND 10:

Clause 9.15 states that all public servants:

" ... must show responsibility and restraint in their conduct with regards to public affairs. They should not conduct themselves in such a way as to bring their office or service into disrepute,.... Public servants should not engage in conduct to the prejudice of the law and order, the government of the day, or service discipline."

Clause 9.19 states:

H heads of Departments are responsible for reporting cases of misconduct or disciplinary offences to the Director of the Public Service Department. This applies whether or not formal disciplinary proceedings are instituted against the officer, so that such offences may be reflected in the officer's record and taken into account when the officer's suitability for promotion, confirmation, etc. is being considered.

7.4 PENAL CODE ACT

The Penal Code Chapter 135 Section 107(a) states that no person shall commit intentional assault on the person and prescribes a penalty of 3 months if no physical damage is caused.

8. RELEVANT MATTERS AND FACTS

- 8.1 Ms M came to work in Vanuatu under a three year project funded by Overseas Development Agency. She worked as a Women's Business Adviser to the Women's Business Unit in the Cooperatives Department.
- 8.2 As part of her duties, Ms M was a member of the steering committee of VANWODS, the Vanuatu Women in Development Scheme. At a meeting of the Committee, the Director of Women's Affairs, Roselyn Tor, mentioned that it was difficult to get to women at Elluk with a normal car as the road was so bad. Ms M proposed to the meeting that she ask her Department, the Department of Cooperatives and Rural Business Development, for the use of the landrover.
- 8.3 After that meeting, on 2 April 1996 Ms M approached the Deputy Director, Mr Tarileo, to request permission to use the office vehicle for a meeting to be held with women living in the Elluk area to discuss small business. She pointed out that it would be after hours. Mr Tarileo gave his approval for the use of the vehicle and advised that she could use the vehicle after hours. The landrover was a gift from the British Government. However, he was not able to supply a driver. It was agreed that Ms M would drive the landrover.
- 8.4 Ms M went to see Mr Tarileo on 16 April 1996 to confirm the use of the vehicle. However, Mr Tarileo then informed her that she could not use the vehicle. When Ms M reminded him of the first agreement, he denied having given permission.

- 8.5 As Ms M had already indicated to the Committee that the landrover would be available, she persisted in trying to explain why it was necessary that she use the landrover as promised. She explained that seven women would need to go to the meeting, and that the promised transport was the only one available.
- 8.6 Mr Tarileo refused to give a reason for his change of heart, and stated that business advisors should try to wear the shoes of their clients, suggesting that they should walk to the meeting. He then suggested that they use the Department of Women's Affairs car, and Ms M explained that they did not have one, which was the reason they were relying on interdepartmental cooperation for the use of a vehicle. Mr Tarileo told Ms M to leave, but she refused to leave until she had a reasonable explanation as to Mr Tarileo's change of heart.
- 8.7 Mr Tarileo then ignored Ms M by perusing material on his desk. Ms M picked up a calculator from the desk top and slammed it onto the top of a pile of papers in front of Mr Tarileo to attract his attention. Mr Tarileo then slapped Ms M across her face with his right hand and shouted at her to get out.
- 8.8 When Ms M left the office, she spoke to her colleague at the Women's Business Unit, and they both went to see the Director, Mr Figa. Mr Figa expressed his concern, and suggested that Ms M go home for the afternoon.
- 8.9 Mr Figa did not deal with the matter immediately, nor did he deal with the matter the next day. On 19 April 1996, Mr Figa sent a letter to Mr Tarileo stating that his behaviour was not acceptable and could ruin the image of the Department. (Attached as Appendix A)
- 8.10 On 22 April 1996, Ms M wrote to the Chariman of the PSC, explaining the situation and indicating that no further action had been taken by Mr Figa. In her letter, she highlighted the appropriate provisions of the Public Service Staff Manual ("**PSS Manual**") and the Public Service Act. (Attached as Appendix B)
- 8.11 As Ms M was concerned that the matter was being treated lightly, and she had seen other instances of women being mistreated by Mr Tarileo, she complained to the Ombudsman on 26 April 1996.
- 8.12 Ms M explained that her colleague, Mrs A, had already lodged a complaint with the Ombudsman about her maternity leave. Mr Tarileo was refusing to allow Mrs A her twelve week maternity leave entitlement. This was taken by the Ombudsman to Mr Figa, who acknowledged the mistake made by Mr Taileo and ordered that Mrs A's leave be paid.
- 8.13 On 7 May 1996, Mr Tarileo wrote to the then Chairman of the PSC Mr Joseph Calo, stating that Ms M manipulated officers in the Cooperatives Department to bring complaints to the Ombudsman and recommending that the officers be demoted. (Attached as Appendix C)
- 8.14 On 2 August 1996, Ms M Chabod, Acting Director of the PSC, informed the Ombudsman by letter that it was her understanding was that the PSC need not consider the matter because Mr Tarileo had been warned, and it apparently had not happened before. (Letter attached as Appendix D)
- 8.15 On 4 September 1996, Mr Johnson Wabaiat, then Director of PSD confirmed Ms Chabod's information, remarking that the matter would only be considered if it happened again. (Letter attached as Appendix E)

9 REPLIES

- 9.1 The Preliminary Report was sent to the following people:

- Mr Robert Figa
- Mr Hilton Tarileo
- Mrs Marilyn Chabod

REPLY FROM MRS CHABOD

- 9.2 Mrs Chabod attended at the office of the Ombudsman to say that the PSD did not take any disciplinary action against Mr Tarileo because Mr Figa did not request them to do so and also because Mr Tarileo had been warned by Mr Figa.

COMMENT BY THE OMBUDSMAN

- 9.3 That statement is in correct. According to s.9.12(8) of the Public Service Staff Manual the complainant has the right to appeal directly to the Director of PSD. In this case Ms M wrote to the Director of PSD when Mr Figa failed to speak to Mr Tarileo after the incident. Therefore I find that excuse unacceptable.

REPLY BY MR FIGA

- 9.4 The former Director of the Cooperatives Department Mr Figa also attended at the Ombudsman's office in response to the report and stated the following:
1. The reason why he did not write a report immediately to send to the PSD was because he thought he should give time and opportunity to Mr Tarileo and Ms M to make peace and sort out their differences.
 2. Ms M should have shown respect to Mr Tarileo instead of throwing the calculator down in front of him. That action shocked Mr Tarileo and caused him to slap her. Mr Tarileo is a Deputy Director and should be respected as a senior officer.
 3. Ms M should take responsibility for her actions too. Her behaviour was not 100% perfect.
 4. The department trucks are not used on the weekends. I don't know if Mr Tarileo explained this to Ms M but the request was made for the group to use the truck on Saturday. This could be one of the reasons for Mr Tarileo's refusal.

COMMENT BY THE OMBUDSMAN

- 9.5 In this case Ms M approached the Head of Department Mr Figa straight after the incident. According to s.9.12(6) of the Mr Figa should have interviewed Mr Tarileo and give an answer in writing within 7 days of the interview. This did not happen in this case. His answer would have taken into consideration his points above. However a physical assault is a criminal offence which makes this case very serious. If Mr Figa had taken the appropriate measures in dealing with this matter the Ombudsman's office would not have investigated the matter.

REPLY BY MR TARILEO

- 9.6 Mr Tarileo said in his letter to the Ombudsman in reply that he respected fully the warning letters given to him by Mr Figa and the PSD.

COMMENT BY THE OMBUDSMAN

- 9.7 Mr Tarileo did not have the courtesy to apologise to Ms M. He should be grateful that he was not charged with assault. Physical assault on women and men in public office is unacceptable and should not be tolerated. Senior officers such as Mr Tarileo should act in a manner that will not bring the Public Service into disrepute.

10. FINDINGS OF WRONGFUL CONDUCT AND MALADMINISTRATION

FINDING No.1: THE CONDUCT OF THE DEPUTY DIRECTOR OF THE COOPERATIVE DEPARTMENT, MR HILTON TARILEO, WAS CONTRARY TO LAW IN THAT HE BREACHED SECTION 11 (D) OF THE PUBLIC SERVICE ACT CHAPTER 129.

- 10.1 Mr Tarileo's behaviour is unacceptable. While the altercation between Ms M and Mr Tarileo became heated, he is obliged to act in a reasonable manner and not to cause distress. Mr Tarileo admitted that he initially did give permission to Ms M to use the vehicle. At the time of the incident, he denied giving permission, and when Ms M persisted, he refused to give an adequate explanation for his change of heart, and dismissed Ms M's obvious anxiety. She was put in a position where her work was adversely affected by that fact the Mr Tarileo reneged on his permission to lend her the landrover. While I find that Ms M's behaviour in slapping the calculator down in front of Mr Tarileo may have been provocative, there is no excuse for physical assault.

FINDING No.2: THE CONDUCT OF THE DEPUTY DIRECTOR OF THE COOPERATIVE DEPARTMENT, MR HILTON TARILEO, WAS CONTRARY TO LAW IN THAT HE BREACHED SECTION 11(D) OF THE PUBLIC SERVICE ACT.

- 10.2(a) Mr Tarileo's improper conduct in his official capacity brings the Public Service into disrepute. It is unacceptable to assault any person in the course of duty regardless of whether that person is Ni-Vanuatu or Expatriate, male or female.
- 10.2(b) Mr Tarileo further brings the Public Service into disrepute by his recommendation to the Public Service Commission that Mrs A and another officer be demoted as they had complained to the Ombudsman. Civil servants have the right to visit and to complain to the Ombudsman without fear of reprisal under the constitutional rights of freedom of expression stated in the Constitution, Article 5 (1)(g).

FINDING No.3: THE CONDUCT OF THE DEPUTY DIRECTOR OF THE COOPERATIVE DEPARTMENT, MR HILTON TARILEO, WAS CONTRARY TO LAW IN THAT HE BREACHED SECTION 107(A) OF THE PENAL CODE ACT CHAPTER 135.

- 10.3 Mr Tarileo intentionally assaulted Ms M by slapping her. Where no physical damage is done, the law prescribes a penalty of three months imprisonment.

FINDING No.4: THE CONDUCT OF THE FORMER DIRECTOR OF COOPERATIVES DEPARTMENT, MR FIGA, WAS CONTRARY TO LAW IN THAT HE BREACHED OF CLAUSE 9.19 OF THE PUBLIC SERVICE STAFF MANUAL.

- 10.4 The Former Director of Cooperatives Department Mr Figa failed to take the appropriate steps to deal with this matter. Mr Figa is obliged by clause 9.19 to report cases of misconduct or disciplinary offences regardless of whether proceedings are instituted or not. Had he done so, the behaviour of both parties could have been examined and appropriate action taken.

FINDING No.5: THE CONDUCT OF THE FORMER DIRECTOR OF COOPERATIVES DEPARTMENT, MR FIGA, WAS CONTRARY TO LAW IN THAT HE BREACHED THE LEADERSHIP CODE, ARTICLE 66 (C) AND (D) OF THE CONSTITUTION.

- 10.5 Mr Figa's inaction in this matter has allowed his personal integrity to be called into question, and as this incident surrounded an aid worker sent to Vanuatu to advise,

respect for and confidence in the integrity of the Government of the Republic of Vanuatu could be endangered or diminished.

FINDING NO.6: THE CONDUCT OF THE THEN ACTING DIRECTOR OF THE PUBLIC SERVICE DEPARTMENT, MS M. CHABOT AND THE DIRECTOR OF THE PUBLIC SERVICE COMMISSION, MR J WABAIAT WAS CONTRARY TO LAW IN THAT IT BREACHED THE LEADERSHIP CODE ARTICLE 66 (A), (C) AND (D) CONSTITUTION.

- 10.6 It is the public duty of the Director of the Public Service Department to deal with complaints that are presented to him or her. Section 10.4 of the Staff Manual of the Public Service gives a discretion to Directors to initiate disciplinary action. As enquiries had been received from the Ombudsman's office, it would be reasonable to expect that the Director would have investigated this matter. This incident involved an overseas aid worker who had come to advise, and the lack of action in what can only be described as an assault cannot foster respect and confidence in the Government of Vanuatu in the eyes of other countries.

FINDING NO. 7: THE CONDUCT OF THE CHAIRMAN OF THE PUBLIC SERVICE COMMISSION, MR JOSEPH CALO, WAS CONTRARY TO LAW IN THAT HE BREACHED THE LEADERSHIP CODE ACTICLE 66 (C) AND (D) OF THE CONSTITUTION.

- 10.7 This incident involved an overseas aid worker who had come to advise. Ms M complained of the inaction in response to her complaint to the Chairman personally. The lack of action in what can only be described as an assault cannot foster respect and confidence in the Government of Vanuatu in the eyes of other countries.

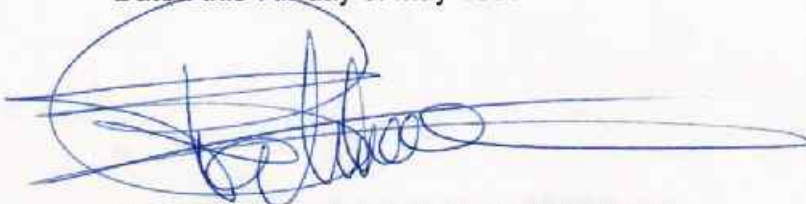
11 RECOMMENDATIONS

RECOMMENDATION No.1: MR TARILEO BE FORMALLY REPRIMANDED BY PSC

RECOMMENDATION No.2: MR TARILEO APOLOGISE TO MS M BY LETTER AS SHE HAS NOW LEFT VANUATU.

RECOMMENDATION No.3: PSC ARRANGE EDUCATION FOR HEADS OF DEPARTMENTS OF THE PUBLIC SERVICE IN THEIR RESPONSIBILITIES UNDER THE CONSTITUTION, THE PUBLIC SERVICE ACT AND ALSO THE PUBLIC SERVICE MANUAL AND IN GENDER ISSUES.

Dated this 7th day of May 1998.



Marie-Noëlle FERRIEUX PATTERSON
OMBUDSMAN OF THE REPUBLIC OF VANUATU.

FINAL REPORT - Recipients

1. Prime Minister - Donald Kalpokas
2. Attorney General - Ham Bulu
3. Head of PSC
4. President
5. Korman, Niowenmal, Mael, Mangawai, Basil, Steven, Regenvanu

SERVICE DES COOPÉRATIVES,
ET DU
DEVELOPPEMENT DU COMMERCE RURAL
SAC POSTAL RÉSERVÉ 032
PORT VILA



515
DEPARTMENT OF COOPERATIVE
&
RURAL BUSINESS DEVELOPMENT
PRIVATE MAIL BAG 032
PORT VILA

Raf : PFS/21 ✓

Port Vila
le 19 Avril 1996

Mr. H. Tarileo
Directeur Adjoint
Service des Coopératives &
Petites Entreprises Rurales
PMB 032
Port Vila

Cher Hilton,

Les différents que vous avez avec **Ms. M** à propos du véhicule ne peut être y
remédier d'une manière satisfaisante.

En conséquence, l'exercice de mes fonctions ne peut autrement que vous donner un
avertissement sur votre comportement incontrôlé fait sur la personne de **Ms M**.
Ce genre de conflit entre cadres leaders ne doit pas en arrivé là.
Le Département veillera à ce qu'il ne se reproduit plus dans les locaux du
gouvernement à l'avenir.

Les relations intérieurs et extérieurs du personnel doivent être assurées
continuellement par le personnel cadre en premier lieu et avec une bonne philosophie
afin de préserver le bon fonctionnement du Service Public et sauvegarder l'image du
département des Coopératives et Petites Entreprises Rurales.



Ampliations :

- Directeur Fonction Publique
- Directeur de cabinet
- Affaires Economiques et du Commerce

A

"B"

22 April, 1996

The Chairman,
Public Service Commission
PMB 020
Port Vila.

Attention: Mr. Joseph Talo

Dear Sir,

I wish to make an official complaint about Hilton Tarileo, Deputy Director, Department of Cooperatives & Rural Business Development.

I work as the **Women's Business Adviser**, to the Women's Business Unit, in the Department of Cooperatives & Rural Business Development. I have worked there for nearly 3 years. My post is funded under ODA.

Last week, during a discussion about the use of the Department vehicle, which incidentally was a donation from the British Government, the Deputy Director, Hilton Tarileo, struck me across the face. This essentially terminated our discussion. I reported this incident to my colleague, Marie Kota, who advised me to go immediately to the Director, Robert Figa. I did so. He advised me to go home for the rest of the afternoon, and that he would speak to Hilton. Later that day, I wrote a report of the incident, which is attached.

The next day, I discovered that the Director had gone to Tanna. I telephoned him in Tanna, and asked what action he had taken. He said he had not been able to postpone his trip to Tanna, but that he would speak to Hilton on the Friday morning. I asked him if he was also planning to advise the Public Service Commission. He said he would speak to the First Secretary in the Ministry first. I also mentioned that I had not yet informed the British High Commission, since I was waiting to see what action he would take. He advised me to inform them, which I did the same day.

Since then, no action has been taken. I note the following from the Public Service Act:

Cap. 129, 11 (d)

"Every officer commits a disciplinary offence for the purposes of disciplinary proceedings who behaves in a manner calculated to cause unreasonable distress to other officers or to affect adversely the performance of their duties.

and from the Public Service Staff Manual:

Chapter 9.15, "all officers must show the responsibility and restraint which their position as public officers demands. ... They should not conduct themselves in such a way as to bring their office or the service into disrepute. ..."

"B"

Chapter 9.19. "Heads of Department are responsible for reporting cases of misconduct or disciplinary offences to the Director of the Public Service. This applies whether or not formal disciplinary proceedings are instituted against the officer, so that such offences may be reflected in the officer's record and taken into account when the officer's suitability for promotion, confirmation, etc. Is being considered."

Chapter 10.1.(d) reflects Cap. 129.11 (d) above.

Chapter 10.1.(I) "is guilty of any improper conduct in his official capacity, or of any other improper conduct which is likely to affect adversely the performance of his duties or is likely to bring the Public Service into disrepute."

Chapter 10.3 "All disciplinary offences shall be dealt with under this chapter as soon as possible after the time of their occurrence. Heads of Departments are responsible for ensuring that the appropriate disciplinary action is taken. This does not preclude the Director of the Public Service or the Minister responsible for the Public Service from initiating disciplinary action."

I have been extremely distressed by this incident. I am even more shocked that it has not been reported as a disciplinary matter. I am very concerned that senior management are not setting a good example to younger, junior members of staff, and also that this failure to take action implies to junior staff that it is acceptable for staff members to strike other members of staff during the course of their duties, and that senior staff condone this.

Yours sincerely,

Women's Business Adviser

cc. The Director
Department of Cooperatives & Rural Business Development



"C"

MEMORANDUM

Ref: EST/3

Date: 8th October 1996

From: H. Tarileo
Deputy Director
Co-operatives & Rural Business Dev.

To: Chairman
Public Service Commission

Subject:-

DEPT OF COOP & RBD - STAFF COMPLAINTS AND GRIEVANCE
WITH OMBUDSMAN'S OFFICE

This memo is served to inform you of my concern that it is allegedly becoming obvious that officers of this Department are ignoring the validity and application of the Public Service Staff Manual hence taking their official complaints and grievances to the Ombudsman's office. I do not understand how they manage to do this but I think the two local officers involved may have been manipulated by the expatriate TCO officer with this Department Ms M who initially brought the case between Lynn and Hilton to the Ombudsman's office in April this year. One of the local staff involved was a counterpart officer to Ms. M

Department officers directing their complaints to the Ombudsman's office are:

1. TCO Women Business Adviser, Ms M
2. Mrs. A, Women Business Development Officer (WBDO)
3. Mr. J, Co-operative & Business Dev. Officer (CBDO)

Their cases are as follows:

- Ms M and Hilton Tarileo as you are already aware of.
- WBDO Mrs A - Part of 1995 Maternity Leave claimed.
- CBDO Mr J - Non reimbursement of 50% airfares while travelling to and from 1995 leave.

Frankly I must stress here that the above officers complaints were directed to the Ombudsman without my notice as I am responsible for the decisions in which these complaints arised from. Mr. R. Figa the Director of Co-operative and RBD was also unaware of the initiative taken by the officers in forwarding their cases to the Ombudsman.

"C"

314

In light of the particular officers employment as public servants I find their actions with Ombudsman stranged nor did the Department of Co-operative faced similar case of this nature within my twenty four years service in the Department.

However, presently in this Department a question that I shall now put to the Public Service Commission and the Public Service Dept for clarification is who is the Department of Co-operative and RBD answerable and accountable to, the Public Service Department (PS) or the Ombudsman's Office. I must admit that I am confuse in my capacity as Deputy Director responsible for total field operation of this Department as to whom the Department is responsible to. Most especially when seeing letters sent to the Department by the Ombudsman concerning above officers complaints and Mr. Figa the Director of Co-operative and RBD not applying the Public Service Staff Manual (PSSM) to respond to the letters sent in by Ombudsman. In my view perhaps because of pressure from the Ombudsman he in turn disregard the PSSM by agreeing on the Ombudsman's complaint letter produced on behalf of the officers nor did he consulted me prior to his decision in favouring the Ombudsman letters. I agree my Director has the overall authority to disregard any decisions made by officers below him, but his decisions must be in line with the working regulations which in these cases the PSSM.

I must strongly emphasise that I totally disagree with:-

- a) The actions taken by three (3) above officers in lodging their complaints to the Ombudsman's office.
- b) The decisions taken by the Director of Co-operative & RBD without my consultation to overrule my decisions concerning WBDO Mrs A and CBDO Mr J complaints just because their cases were brought to the Ombudsman's office.
- c) The decisions and actions on point (a) and (b) above as I see it were made by neglecting the validity and application of the Public Service Staff Manual with special reference to Chapter IX ANNEX V (para 4.12) COMPLAINT PROCEDURE.

Already I feel the Public Service through the Department of Co-operative & RBD was brought into disrepute when the three officers allegedly neglect their working regulations by when taking their complaints to the Ombudsman's office by passing their Department and the Public Service Department who is their employer.

I therefore recommend that WBDO Mrs A and CBDO Mr J be demoted from their present salary grades. WBDO Mrs A P.9.1 to P.8.1 and CBDO Mr J P.8.1 to P.7.1. The TCO expatriate officer involved ends her contract this month. In due respect I reserve your independent statutory right to how you view this memo and to what actions you deem appropriate to take.

"C"

4/4

Your respond will be very much appreciated.
Thank you.



H. Tarileo
Deputy Director



- cc: Director
Public Service Dept
- cc: Director
Dept of Coop & RBD.

GOUVERNEMENT
DE LA
RÉPUBLIQUE DE VANUATU

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GOVERNMENT
OF THE
REPUBLIC OF VANUATU
DEPARTMENT OF
PUBLIC SERVICE
Private Mail Bag 017
Port Vila

Mrs M.N.F. Patterson
Office of the Ombudsman
P.O.Box 126
Port Vila

2nd August 1996

Dear Madam

RE: AFFAIRE ~~XXXXX~~ ~~XXXXX~~ MS M

Thank you for your letter dated 29th July 1996 regarding the above matter.

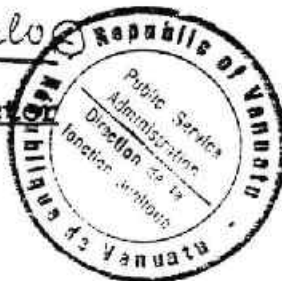
My understanding is that The Public Service Commission does not need to consider the case at this stage because the officers concerned have already been warned, unless a similar incident has happened which I am not aware of.

Please find attached letters of warning to the officers concerned and a full report of the incident.

Yours faithfully

Chabod
M. CHABOD
Acting Director

cc. File
Chrono



GOUVERNEMENT
DE LA
RÉPUBLIQUE DE VANUATU

SERVICE DE LA
FONCTION PUBLIQUE

Sac Postal Privé No. 017
Port Vila

Ref. PF 1-10225/09/96/JEB



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24.9.96

GOVERNMENT
MEMBER OF THE
REPUBLIC OF VANUATU
DEPARTMENT OF
PUBLIC SERVICE
Private Mail Bag 017
Port Vila

4th September 1996

Mrs M.N.F. Patterson
Ombudsman's Office
Port Vila

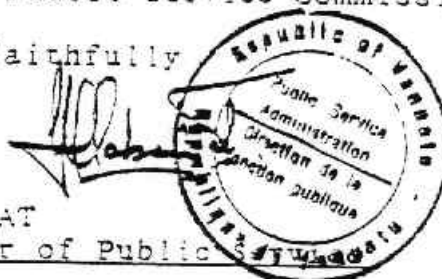
Dear Madam

RE: Ms M AND HILTON TARILEO

We refer to your letter of 28th August 1996 regarding the above subject matter.

Whilst we appreciate that this matter should be referred to the Public Service Commission, we note that the Director of Cooperatives has issued warning letters to the officers concerned which is in accordance with section 10.5(i) of the Staff Manual. We feel that this is sufficient unless a similar incident has arisen which would then warrant a submission for consideration by the Public Service Commission.

Yours faithfully



J. WABAIAT
Director of Public

cc. Director of Cooperatives
Chairman PSC
Ms M Coops Dept
Mr Tarileo Coops Dept
File
Chrono