

REPUBLIC OF VANUATU
OFFICE OF THE OMBUDSMAN

PUBLIC REPORT

ON THE

IMPROPER TERMINATION

OF

MRS. ESTELLA GIHALA

AT THE

PENAMA PROVINCIAL COUNCIL

26 June 2003

9371/2003/15

**PUBLIC REPORT
ON THE
IMPROPER TERMINATION
OF
MRS. ESTELLA GIHALA
AT THE
PENAMA PROVINCIAL COUNCIL**

SUMMARY

On 3 April 1999 the Ombudsman received a complaint from Mrs. Estella Gihiala, President of Penama Provincial Women Council (PPWC). Mrs. Gihiala was appointed by the Minister of Internal Affairs as a nominated member to the Penama Provincial Council for a term of 4 years as from 25 August 1997. Mrs. Gihiala alleged that she was improperly terminated from the Council and was replaced by Mrs. Moriel Tari Tambeana. Prior to Mrs. Gihialla's official appointment, the Penama Provincial Secretary General, Mr. Steven Garae, notified Mrs. Gihiala [on 22 August 1995] that the Minister of Internal Affairs had appointed her as a Women's Representative to the Council.

On 12 March 1999 Mrs. Gihiala received a phone call from the Secretary General of Penama Province, Mr. Keith Mala, informing her that she was terminated from the Council. Mrs. Gihiala had not received a termination letter from the Minister responsible for Internal Affairs nor was she given an opportunity to be heard for any allegations being made against her. By the time Mrs. Estella Gihiala was informed of her termination from the Council, the Penama Provincial Council of Women had already nominated Mrs. Moriel Tari Tambeana to replace her. Then the Minister of Internal Affairs appointed Mrs. Tambeana as their Woman's Representative.

On 5 August 1999 the Ombudsman requested the Minister of Internal Affairs, Honorable Vincent Boulekone in a letter to provide information and documents regarding Mrs. Gihiala's termination. On the same day the Ombudsman sent another letter to the Secretary General of Penama Province, Mr. Keith Mala, requesting him to furnish the reason for which Mrs. Gihiala's employment was terminated and whether she was given 3 months notice.

In response to the Ombudsman's letter dated 5 and 24 August 1999 the Acting Minister of Internal Affairs, Honorable Henri Taga, who was then Minister of Public Utilities & Infrastructure stated that the main reason given for her displacement was an alleged poor performance and lack of communication with the members of the Penama Provincial Council of Women.

After completing the investigation on the matter the Ombudsman finds that (1) the Minister of Internal Affairs and the Penama Provincial Council may have breached sections 48, 49 and 50 of the Employment Act [CAP 160] and (2) the Penama Provincial Council may have breached section 54 of the Employment Act for not paying a severance allowance to Mrs. Gihiala.

In the light of the above findings, the Ombudsman recommends that the Penama Provincial Council should immediately pay Mrs. Gihiala's severance allowance that is due to her as well as her 14 days remuneration in lieu of notice.

TABLE OF CONTENTS

SUMMARY.....	2
1. JURISTICTION.....	4
2. PURPOSE, SCOPE OF INVESTIGATION AND METHODS USED	4
3. RELEVANT LAWS, REGULATIONS AND RULES.....	4
4. OUTLINE OF EVENTS	4
5. RESPONSES BY THOSE WITH COMPLAINTS AGAINST THEM.....	6
6. FINDINGS.....	6
7. RECOMMENDATIONS	7
8. INDEX OF APPENDICES.....	8

1. JURISTICTION

1.1 The Constitution and the Ombudsman Act and the Leadership Code Act allow the Ombudsman to look into the conduct of government, related bodies, and Leaders. This includes the conduct of the Penama Provincial Council in terminating a nominated Councilor without complying with the Employment Act. However, the Ombudsman can also look into defects in laws or administrative practices, including the Employment Act and the Provincial by-laws on procedures to be followed in case of dismissal.

2. PURPOSE, SCOPE OF INVESTIGATION AND METHODS USED

- 2.1 The purpose of this paper is to provide an opportunity for you to respond to its contents and, if possible, to resolve outstanding issues before this Office issues a public report.
- 2.2 The scope of this investigation is to establish the facts about the alleged improper termination of Mrs. Estella Gihiala at the Penama Provincial Council and to determine whether the Penama Provincial Council's conduct was proper.
- 2.3 This Office collects information and documents by informal request, summons, letters, interviews and research.

3. RELEVANT LAWS, REGULATIONS AND RULES

- 3.1 The Constitutional and statutory provisions relevant to this report are mentioned in **APPENDIX Q** to this report.

4. OUTLINE OF EVENTS

- 4.1 On 3 April 1999 the Ombudsman received a complaint from Mrs. Estella Gihiala, President of Penama Provincial Women Council (PPWC). Mrs. Gihiala was appointed by the Minister of Internal Affairs as a nominated member to the Penama Provincial Council for a term of 4 years on 25 August 1997 (**APPENDIX A**.) Mrs. Gihiala alleged that she was improperly terminated from the Council and was replaced by Mrs. Moriel Tari Tambeana. Prior to Mrs. Gihialla's official appointment, the Penama Provincial Secretary General, Mr. Steven Garae, notified Mrs. Gihiala [on 22 August 1995] that the Minister of Internal Affairs had appointed her as a Women's Representative to the Council (**APPENDIX B**).
- 4.2 On 12 March 1999 Mrs. Gihiala received a phone call from the Secretary General of Penama Province, Mr. Keith Mala, informing her that she was terminated from the Council. Mrs. Gihiala had not received a termination letter from the Minister responsible for Internal Affairs nor was she given an opportunity to be heard for any allegations being made against her.
- 4.3 From 2 to 5 November 1998, the Penama Provincial Council of Women had officially nominated Mrs. Moriel Tari Tambeana to replace Mrs. Gihiala as their Woman's Representative in the Penama Provincial Government Council at their conference being held at Saratamata, East Ambae.

According to the minutes of the conference, the reasons for Mrs. Gihiala's replacement was clearly stated that:

1. Hemi no save mekem prokram blong hem blong reachem everi area.
2. Hemi no save mekem Badbet long womens allocation
3. Long channel blong wok, hemi no bin nominated, be Penama Womens Oficer nomo hemi submittem name blong hem iko long October 1996
4. Hemi self interest person
5. Hemi no qualify blong represent ol woman Penama

6. Hemi bin stanap long 9 Nasional Womens Konference, mo againstem Penama Province, hemi bin daonem province ia long plante toktok mo attitude.
 7. Hemi no save wok tuketa wetem P/Womens Officer mo Vavine Bulu President
 8. Director blong Womens Affairs hemi usum hem blong formem division long Pentecost blong stopem Halan Sul Veveo blong no attendem Penama Womens Konference.
 9. Director blong Womens Affairs hemi usum hem blong againstem Penam Womens Self Relience long nasonal konference, mo fosem Han blong Pentecost President blong no vot long issue ia" (**APPENDIX C**).
- 4.4 On 12 January 1999 the Minister of Internal Affairs, Honorable Vincent Boulekone ordered that:
- Section 1 of the Local Government (Appointed Member) Order No.34 of 1997 is amended by removing the name "Estella Gihiala" as shown in the first column of the table representing women and substituting in place thereof "Moriel Tari Tambeana". (**APPENDIX D**).
- Mrs. Gihiala was only informed of this ministerial order on 12 March 1999 by the Penama Provincial Secretary General, Keith Mala.
- 4.5 On 15 April 1999 the Acting Director of the Department of Provincial Affairs, Mr. Martin James Tete sought legal opinion on the matter from the Deputy State Counsel, State Law Office.
- 4.6 On 5 August 1999 the Ombudsman requested the Minister of Internal Affairs, Honorable Vincent Boulekone in a letter to provide information and documents regarding Mrs. Gihiala's termination saying:
1. Avez-vous nomme Mme Gihiala comme representative des femmes au conseil provincial de Penama?
 2. Si oui, quels etaient les termes de son contrats?
 3. Etes-vous au courant de la mise a terme du contrat de Mme Gihiala?" (**APPENDIX E**) [Did you nominate Mrs. Gihiala as representative of women to the Penama Provincial Council? If yes, what were the terms of her contract? Were you aware of the signing of Mrs. Gihiala's contract?].
- 4.7 On the same day the Ombudsman sent another letter to the Secretary General of Penama Province, Mr. Keith Mala, requesting him to furnish the subsequent information and documents:
1. Why was Mrs. Gihiala's employment terminated before the expiration of her 4 year term?
 2. Was she given 3 months notice for the termination of her employment?
 3. Please provide an employment record for Mrs. Gihiala (**APPENDIX F**).
- 4.8 In response to the Ombudsman's letter dated 5 and 24 August 1999 the Acting Minister of Internal Affairs, Honorable Henri Taga, who was then Minister of Public Utilities & Infrastructure stated that:
- "The main reasons given on the displacement of Estella Gihiala as their woman representative in the Penama Provincial Government Council is as summarized as per their letter addressed to me [copy attached] dated 24th of November 1998" (**APPENDIX G**).
- 4.9 In a letter dated 23 September 2002 the Assistant Secretary General, Mr. Roger Boe, said to the Ombudsman that "the payment of 108,000 VT is paid to Mrs. Estella Gihiala as her Gratuity for two years in the Council" (**APPENDIX H**).

5. RESPONSES BY THOSE WITH COMPLAINTS AGAINST THEM

- 5.1 The Ombudsman encloses copies of the working paper that outlines a description of the facts, relevant laws and the preliminary findings on this inquiry to the following people for comment(s):

Vincent Boulekone
Martin James Tete
Roger Boe
Deputy State Counsel
Henry Taga

Mrs. Moriel Tambeana
Keith Mala
Steven Garae
Estella Gihiala

The former MP for Pentecost and former Minister of Internal Affairs, Mr. Vincent Boulekone is the only person who provided his comments as follows:

Mi saenem niufala amended orda ia blong tekem into account democratic desisen blong Council blong ol women blong PENAMA. Hemi stap afta long responsabiliti blong administratif offisa blong PENAMA PROVINCE, we hemi General Secretari blong PENAMA PROVINCE blong followup ol diferen administratif step blong Ministerial Orda ia. I minim tolem Law mo proseja blong wan elected or nominated memba insaet long Council blong wan PROVINCE. Mi bin bilif se offisa in charge hemi folem Law ia bifo terminesen blong Misis Estella GIHALA I cam effectif long wan stret leta blong terminetem Misis Estella GIHALA.. I have signed the Order in order to take into account the democratic decision of the Penama Council of Women. It is the responsibility of the administrative officer of Penama Province who is the Secretary General of Penama Province to follow up on the different administrative procedures as ordered by the Ministerial Order. This means compliance with the law and procedures applicable to any elected or nominated councilor of any province. I thought that the officer in charge would comply with the law in terminating Mrs. Estella Gihiala.

6. FINDINGS

- 6.1 **Finding 1:** **The Minister of Internal Affairs and the Penama Provincial Council may have breached sections 48, 49 and 50 of the Employment Act [CAP 160] which is a breach of a 4 year contract and the notice of termination of contract.**

6.1.1 Part II Section 7(2)(a) of CAP 127 implies that appointed members should hold office for a period of four years and shall be eligible for reappointment. However, the ministerial order dated 12 January 1999 which substituted Mrs Gihiala for Mrs Moriel Tambeana was only made known through a phone call to Mrs. Gihiala two (2) full months later – that was on 12 March 1999 by the Penama Provincial Secretary General, Mr. Keith Mala. Furthermore, Mrs. Gihiala did not receive a termination letter from either the Minister of Internal Affairs nor the Penama Provincial Council. She appealed to the Acting Director for the Department of Provincial Affairs but received no response.

6.1.2 The reason for termination appears to be alleged poor performance and lack of communication with the members of the Penama Provincial Council of Women. Mrs. Gihiala was not given a fair hearing for serious misconduct before her termination and she did not receive proper notice of her termination.

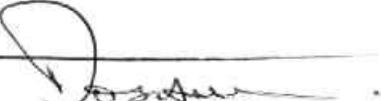
- 6.2 **Finding 2:** **The Penama Provincial Council may have breached section 54 of the Employment Act for not paying a severance allowance to Mrs. Gihiala.**

6.2.1 Mrs. Gihiala was not given a hearing for serious misconduct and therefore it appears from the facts of her case that her termination was in breach of her employment contract and accordingly she should be paid severance allowance.

7. RECOMMENDATIONS

- 7.1 Recommendation 1: Pursuant to section 54(1) of the Employment Act [CAP 160] the Penama Provincial Council should immediately pay Mrs. Gihiala's severance allowance that is due to her.
- 7.2 Recommendation 2: The Penama Provincial Council should also pay Mrs Gihiala's 14 days remuneration in lieu of notice.

Dated the 26th day of June 2003.


fv

Hannington G. ALATOA
OMBUDSMAN OF THE REPUBLIC OF VANUATU

8. INDEX OF APPENDICES

- A** Copy of Mrs. Gihiala's official appointment letter dated 25 August 1997
- B** Copy of Mrs. Gihiala's appointment letter dated 22 August 1995
- C** Copy of minutes of the Penama Provincial Council of Women's conference
- D** Copy of ministerial order
- E** Copy of Ombudsman's letter to Honorable Vincent Boulekone, Minister of Internal Affairs dated 5 August 1999
- F** Copy of Ombudsman's letter to Secretary General, Keith Mala
- G** Copy of letter from Acting Minister of Internal Affairs in response to the Ombudsman's letters dated 5 and 24 August 1999
- H** Copy of letter dated 23 September 2002
- Q** Relevant laws, regulations and rules

*OKS Genk
Copies to
Penama*

'A'

23/22

REPUBLIC OF VANUATU

DECENTRALIZATION AND LOCAL GOVERNMENT
REGIONS ACT NO. 1 OF 1997

LOCAL GOVERNMENT (APPOINTED MEMBERS)
ORDER NO.34 OF 1997

To provide for the appointed members of PENAMA Local Government Council.

IN EXERCISE of the powers conferred by section 7(1) of the Decentralization and Local Government Regions Act No. 1 of 1997, I, ROBERT DAVID KARIE, Minister of Home Affairs, make the following Order: -

APPOINTED MEMBERS OF PENAMA LOCAL GOVERNMENT COUNCIL

1. The persons whose names are shown in the first column of the table below are hereby appointed as members of the PENAMA Local Government council representing the various organizations listed in the second column opposite their names -

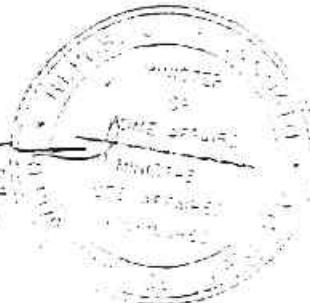
NAME	ORGANISATION
Simon Garae Lolo	chieves
Wilson Tari	Youth
Wilson Tari Sevuti	Churches
Cyrel Aru	chieves
Esteile Giniala	Women
Christopher Siro	Youth
Shedrach Sali	Churches

COMMENCEMENT

2. This Order shall come into force on the date of the signature.

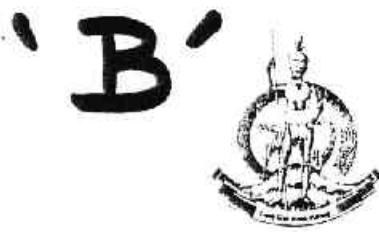
DATED the 25 day of July 1997.

ROBERT DAVID KARIE
Minister of Home Affairs



REPUBLIC OF VANUATU
PENAMA PROVINCIAL
GOVERNMENT

P.O. BOX 08, LOLOWAI
SARATAMATA, AMBAE



TELEPHONE: 38348

DK
REPUBLIQUE DE VANUATU
CONSEIL PROVINCIAL
DE PENAMA

BOITE POSTALE 08, LOLOWAI
SARATAMATA, AMBAE

Our ref.: SG/ra 220895

Your ref.:

Date: 22 August 1995

TO : Mrs. Estelle Gilmaia
Leljene
Nanu Dantecot

Re : APPOINTMENT TO COUNCIL

We write blong informem you that Minister of Home Affairs
hemi appointem you as "appointed member" to the
council, representing olgeta ~~WOMAN IN PENAMA PROVINCE~~.

Please standby blong attendem council seschion we
is scheduled for November 1, 1995.

Thank you



General Secretary - Penama Provincial Government

Copy

'C'

RECEIVED
26.01.99

6/2/11

AS PENAMA PROVINCIAL WOMEN'S CONFERENCE :

DET - 2ND - 5TH NOVEMBER 1998:

VENUE - PROVINCIAL NAKAMAL SARATAMATA EAST AMBAE:

Opening - 1/11/98

Welkam toktok ikam blong Elizabeth Fay i Vanuatu Women's project, Combine Service - S.D.A. i lidim Toktok mainly long Genesis Chapter 1:mo 2, mi iko hed blong enkarejem ol man blong sapem ol woman blong wok tugeta blong finisim prokram blong Baebol long wol ia.

Jethro i finisim tok long spiritual prokram blong askem ol man Penama as christians yumi mas wokituketa wetem voli woman blong yumi achivim Aim ia; we istap long fored blong yumi we bae hemi setemaps Penama Province n ol 13 Kaonsel blong ol woman

Closing Service, spesol singsing we Dorcas hemi composem from wok blong ol woman Penama.

Speach - Gladys Bani.

Tudei 1998, blong putum bak yumi long taem blong ol bubu blong yumi even long creation Genesis 2: 18 hemi "talem" klia se, "I will make a Helper for him", then "Genesis" 1: 26 hemi "talem se, "Let us make man in our own image", blong skelem 2 verses ia, man hemi bin created as protector, woman hemi created for helper blong man. Blong mekem fulfilmen long man.

Daily calender blong ol woman i klia se, 6 am to 6 pm, ol woman oli involve long fulap prokram, eg. kukum breakfast, swimim pikinini, fidim pig, klinim haos, wasem clothes etc..

Yumi faenem se woman hemi kat mo long 13 difren work we hemi mas mekem be man bae hemi kat 3 to 4 work nomo eg. swim, planem kava, ko storian long nakamal, last wan long nakamal from shell.

Yumi so save jensim wanem we istap long Genesis 1: 26 blong fosem man blong inkrisim namba blong wok blong hem we imas makem everyday. 1940's wok blong ol woman hemi semak tudei long 1990's.

Blong impruvum wok blong woman long Vanuatu, blong hae standard of life long system blong wol tudei, yumi lukluk long history blong edukeson blong Vanuatu Women's Development.

1960's 1970's, ol woman Niu Hebrides oli kam antap blong adoptem niu culture blong setemaps Women's Interest- eg. kukum cake, somap, lanem niu singsing etc. I bin kat problem long level ia, from olketa woman we oli no bin attendem skul oli left out from language.

1980 National Kaonsel blong Woman Vanuatu i set up. V.N.C.W. i set up by Hilda Lini wetem help blong Grace Molisa mo ol nafala we oli kam bihaen.

Ol 11 Women Aelan Kaonsel mo 2 municipal kaonsel i set up long ol didifren yia bihaen long 1980.

1996, blong impruvum ol kaonsel ia, mo ol 77 area women's kaonsel mas kat ol area worker mo setemao ol vilij klaps.

Long Penama Women's program, we mi biedem, ofis hemi basem activity blong hem long P.R.A. Tool (Community Edukeson long Rural Development) mo bes long culture, mo dipen long wwanem yumi kat finis, be hemi never dipen long waes o save blong man aotsaed.

Advisors blong hem hemi ol woman blong Penama Province, nomo.

Long 1997 to September 1997 hemi bined. Mi proud blong talemaot tudei se, wan niu Vanuatu Women's project, we No. 9 Nasonala konference hemi bin pase long Setember 1998, hemi 14 Resolution se, Penama Women's prokram hemi save istap hemi wan anda long Penama Province nomo. ~~at the time of the meeting of the National Conference of the Vanuatu Women's Project from 1997 to 1998~~

Reason: we gidi vanuatu long ol trenings blong o' women.

1. V.N.C.W. hemi wok 18 yia finis be hemi neva improve
2. Hemi dipen long Aid Donors, nomo
3. Hemi no save impruvum ol 13 Kaonsel blong ol woman
4. Hemi no save fundem prokram activity eg. Training Courses etc.
5. PENAMA Womens ofice long Saratamata hemi bin stap long tudak training long 10 manis without any funding from V.N.C.W. Office.
6. V.N.C.W. hemi no bin fundem any prokram activity or training 1996 - 1998.

Women in Agriculture

Some long ol reasons ia i mekem se, niu project ia bae i kamaot long Penama olsem wan niu development blong woman Vanuatu.

Last tok blong mi, mi askem wanwan man/woman PENAMA blong sapotem gud project ia, from we hemi niu development, yufala ino mas fraet si pos yu fraet, yu fraet long hu? Lukaot yu fraet long yu wan. Hilda Lini hemi no bin fraet long anybody blong setemap Vanuatu Nasonal Womens Kaonsel, i semak Penama Womens ofis hemi neva fraet blong carry out niu womens project ia.

Mi proud blong remaenem yumi se, Penama hemi setemap Vanuatu Nasonal Womens project ia long 1999 long PENAMA Province.

Mi askem ol Kaonselas, Secretarys, olketa institution blong Penama blong yumi wok tuketa blong kivim responsibility blong ol difren lida long Penama Rural Areas.

Official Opening:

General Secretary Keith Mala hemi sapotem fulwan project ia, from VNCW hemi Monster nomo antap ia, ino mekem any gud development blong ol woman. Hemi gud blong project. i kamaot long PENAMA blong carry out prokram long intrest blong man ples nomo, mo tu blong kivim ol responsibility long ol woman blong savekam gud leaders long fiuja. Plante gudgudfala tok we hemi kamaot long hem, hemi enkarejmen long project ia.

2nd November.

Konference hemi statem session blong hem wetem 37 members includim 3 male participant se istap.

Faith Mary Boe hemi chairem miting

Secretary - Mary Madeline eru.

Introduction blong ol ol participants i tekem ful morning. Report blong Coordinator long manis July 1996 - October 1998. Hemi ripotem ol prokram we hemi kamaot since hemi kam insaed long VNCW project.

Long 1996 to September 1997 hemi bin setemap 14 Area Kaonsel long PENAMA we 3 hemi ol niu wan, South Maewo, Vatu Bulu N/Pentecost Bahabulu North Ambae. Jororis blong hemi vir.

Ol 14 area worker oli stap blong carry out ol vilij prokrams, be ino sakesesfuly from oli no save kasem smol allowance iko long ol volunteer we oli kamaot long ol trenings blong ol woman.

Once taem ia VNCW ofis ino save alaoem fund we ol woka responsible liukat blong dundem prokram blong ol. Wetem longfala ripot blong hem, ol trenings hemi bin kamaot.

Trainings:

<u>Month</u>	<u>Training</u>	<u>Area</u>	<u>Island</u>
January 1997	Women in Agriculture	North	Ambae
February 1997	Kommunity Ed (PRA Tool)	Central	Pentecost
May 1997	Bisnis Management	East	Ambae
May 1997	Sewing Course	South	Maewo
June 1997	Sewing Course	Central	Maewo
June 1997	Leadership	Central	Maewo
September 1998	Environment	East	Ambae

Alketa trainings ia, Vavine Bule Kaonsel nomo hemi fundem, Penama Womens Planing prokram activity long sased blong training workshop NCW i never carry out.

PENAMA Womens Ofis hemi redi wetem ol area woka blong hem blong PENAMA Womens Ofis hemi head ova long carry out wok be oli no save sakeses from VNCW hemi head ova long P/W/Ofis.

October 1997 to September 1998 P/W/Ofis hemi totally stap long tudak. Nasional ofis hemi bin wandem se bae i olsem. Wetem klia ripot blong kodineta, i klia se blong impruvum mo upgradem wok blong ol woman long PENAMA blong kam antap, Penema hemi mas kat own funding blong hem.

383 Village Clubs we oli kivim wok finis long ol 14 area woka isave mekem se development long edukesen folem laef blong tedei i save kam antap quick taem by year 2,000.

Nasional konference hemi passem resoluson No.14 se PENAMA Womens prokram hemi save wok hem wan anda Penama Province long ol poen ia se:-

1. Womens ofis long Penama bae i setmap own ofis blong hem.
2. Bae hemi prokramem ol work plan blong hem anda long Province blong hem nomo.
3. Hem i kat own budget blong hem.
4. Hem i lukaot Aid Donors blong hem wan nomo.
5. Hem i kat own structure blong wok folem.
6. Hem i still memba blong VNCW. aken Coordinator blong wok Women ofis long Penama, Secretary Typist blong project, threefala aelan, Minister of Economic Development long Penama.

Session 2: Introduction long project document. Faith Mary Hani

Object Proposal toktok hemi highlightem morning. Long niu project Threefala aelan Ambae/Maewo/Pentecost i mas kat own aelan kaonsel blong hem.

P/Womens Ofis bae ikat 5 Womens Officers, Coordinator blong project, Secretary Typist, 3 aelan women officers we bae oli base nomo long threefala aelan.

Bae ikat Penama/WIBA tu i set ap. P/Women in Bisnis Association. Threefala President blong aelan kaonsel, President blong Penama WIBA, Five fala ofisas oli formem, Penama Provincial Womens Kaonsel, we President blong Womens Provincial Kaonsel ia hemi sem taem woman representative.

Women Representative sem taem hemi President long ol poen ia:-

- a. Tru voice blong ol woman long provincial kaonsel
- b. Eduketem ol woman long wok blong kaonsel
- c. Executive blong P/Provincial W/Kaonsel isave work tuketa mo andastandingly wetem ol kaonselas mo ol other institution long Penama Rural Areas long isave blong W/Representative ikat plante toktok hemi kam antap se from niu project ia, Estelle Gihiala i mas kapaot long position blong womens representative.

C1 Reasons:

1. Hem i no save mekem prokram blong hem blong reachem everi area.
2. Hem i no save mekem Badget long womens allocation
3. Long channel blong wok, hemi no bin nominated, be Penama Womens Officer nomo hemi submittem name blong hem iko long October 1996.
4. Hem self interest person
5. Hem i no qualify blong represent ol woman Penama
6. Hem i bin stanap long 9 Nasional Womens Konference, mo againstem Penama Province, hemi bin daonem province ia long plante toktok mo attitude.

'C'

- 5 -

7. Hemi no save wok tuketa wetem P/Womens Officer mo Vavine Bulu President
8. Director blong Womens Affairs hemi usum hem blong formem division long Pentecost blong stopem Halan Sul Veveo blong no attendem Penama Womens Konference.
9. Director blong Womens Affairs hemi usum hem blong againstem Penama Womens Self Relience long nasonal konference, mo fosem blong Pentecost President blong aq.vot long issue ia.

Wetem oli points ia, konference i taskem Coordinator blong mekem contract long Ministry of Home Affairs long matter ia.

Rifo long introduction long project document, Faith Mary hemi aem blong convincim ol woman blong againstem project ia, from hemi fraet tumas se bae Penama Womens office ino save carry out project ia.

Ol woman in klia mo taskem question long wanwan hed o topic long document ia, mi coordinator i taskem full morning blong clearem wanwan question blong ol participant.

Mekem Village satiap ikat 73 Village income generating, Abina Garae South Ambae, hemi encouragem ol woman blong wok tuketa long achivim project ia, from ikat plante independen body oli exist long taem finis, ino need blong fraet olsem Faith Mary blong Central Maewo i gat. Ol independen body eg. Dorcas, Mother's Union. Longfala discussion long saed blong contribute towards project i pulum floor blong everywan i toktok mo stap long 3 fala aelan group.

Endemap topic long contribution hemi go olsem:-

1. Village membership dues - 1.000 vt
2. Village fundraising/Ambae/Maewo - 2,000 vt
3. Village fundraising Pentecost - 5.000 vt
4. 17 small projects - contribution
5. Contribution from 8 Honourable MP's blong Penama
6. Contribution from Vila S Santo
7. Licensed Business contribution

Blong closeem toktok long project document, committee blong Awareness toktok long issue ia, bae i set ap long 3 fala aelan blong mekem campaign blong everyone i wok tuketa from niu project ia. Too 3 fala aelan womens kaonsel i mas setap long Cecember 1998.

Penama women in business association bae i set ap long January 1999. So far ikat 9 village restaurent, 2 cooperative, 2 telephone, 19 other village income generating we i exist long Ambae/Maewo mo wan womens cooperative, 2 womens quest house long Pentecost.

Long ol activity schedule, Business training hemi fas training blong carry aot long project ia.

Coordinator i endem toktok blong clearem se, project document ia hemi form anda long topic " Economic Empowerment ".

Session 3:

Dissolution blong Ambae/Maewo hemi bin wan very sad occasion after working ituketa anda long wan women's kaonsel since 1983.

continue reder of "MATAF" natainal oli sei as blong kivim Coordinator hemi kivim bak graon blong wok mo ol woman i involve.
 1983 fas President - Late Elise Adeng
 1985 President Gladys Bani wetem nem Vavine Bulu Kaonsel
 1988 Madeline Gonakae Secretary Treasurer G Bani
 1991 Esther Bani
 1996 Elizabeth Fay

Long ripot blong 15 year activity ino bin kat fruit till 1996 taem Gladys Bani ikam olsem VNCW Officer for Penama.

Coordinator biong Banama Consulting Centra Long Northern District Mekem Village set ap ikat 35 Village income generating, hemia ino anda VNCW be hemi project we Penama Womens prokram nomo i setap.

Konference hemi witnesem wan smol ceremony, Maewo participant, Ambae participant oli stan long two line long front, after we long taem lida blong A.M Vavine Bulu sem taem coordinator blong project hemi dissolve Ambae/Maewo aelan women kaonsel.

Long tears ol woman oli shake hands, memory nomo bae i kivim bak long ol, oli tinkbaot 15 years ago, be ol village projects bae i backemap tingting blong continue blong sapotem niu development project we istap.

Topic long structure hemi short nomo. Judy Sine hemi kivim smol comment se, wetem structure ia yumi mas prokramem gud wok plan blong yumi long village, area, aelan mo province.

Topic: Niu woman representative blong start wetem niu development Vanuatu womens project.

Long issue ia, plante woman lida oli lukluk long ol niu person long aelan woman ofisa, aelan president etc.

Longfala discussion, east Ambae oli luk se Gladys Bani hemi shud stap long position ia, be hemi no possible from Gladys hemi coordinator blong project.

After long half morning discussion long 3 aelan groups, Moriel Tari Tambeana blong Lovusi East Ambae hemi bin nominated olsem woman representative blong Penama, semtaem hemi President blong Penama/Provincial Womens Kaonsel.

reunited verbal proposal amended according

bisnis toktok:

Penama/Bisinis rural officer, Mr Richie hemi kivim toktok long saed blong ways ol difren grading long bisnis.

Coordinator hemi worry long ol Micro Bisnis blong ol woman we prokram blong hem i setemap finis ova 30 village Income Generating. Elizabeth hemi worry examole hemi kivim smol ripot long Kato Sale blong hem, i soem se hemi usap money blong hem.

Faith Fay hemi talem se, spose yu statem bisnis yu mas be bisnis minded. " Bisnis hemi Bisnis, Family hemi Family". Everywan i contribute even Brain hemi adoptem wan niu sekoling blong wok blong wok blong hem, se wan dei bae hemi kam habit blong person konsen blong benefit.

Coordinator i remaenem floor long niu project fas trening workshop hemi Bisnis trening mo management. Plante comment ikam long ol participants mo questions. Ofisa responsible hemi no kat taem blong continue.

Open Discussion blong Improvément: Open discussion decide of the future man's com? fitt? after 11 manis October '97 to September '98 wok hemi stop. Cindrella Banga Area worker blong Dangran central Pentecost hemi konsen strong long ol akson blong Director blong Womens Affairs mo VNCW Director blong stopem fund blong Penama/Womens ofis.

Elizabeth Fay " tufala womens Director i traem very had blong sakemaot P/W/Ofisa be ol 14 area woka mo 2 aelan executive i sendem ol letters blong againstem plan ia. Hemi klia se tufala i wandem letem power blong tufala office blong Penama isave kasem self reliance blong hem.

Nomata long persukeson we Gladys Bani hemi fesem, hemi stanap strongblong faetem injustice ia even long Labour Department. Lastly hemi win, kasem 10 manis salary, mi Nasional Womens Konference oli pasem blong P/W/Prokram hem save kam independen anda long propa province blong hem nomo.

Ripot blong last nasonal konference i soemaot sam jeolousy towards P/Womens Self Relience. Elizabeth Fay wetem tears long hem finisim ripot blong hem se. Womens Affairs Director hemi u usum E Gihiala blong againstem self reliance, be konference hemi no save akseptem ripot from woman rep ia from hemi no bjin eduket long skul, nokat longfala tingting mo hemi nokat visoni

Blong imoruvum ol prokram long grassroot plan, Penama Womens prikram imas achivim project blong hem . . quick taem, from hemi yia 2,000 kolosap.

Coordinator mo Faith Mary i tok strong long fasin blong Lida se approach hemi very important, coordinator hemi ranem ol workshop long PRA Tool (Komuniti Edukeson long rural deveopment mi identification of problem) hemi very important se approach hemi mas be stret.

Bae hemi carry out niu responsibility blong blong hem starting long January 1999. Konference hemi kivim 2 years long hem blong stap olsem woman Rep 1999 - 2000.

Topic: Improvement long culture.

Issue ia hemi base nomo long Handicraft. Coordinator hemi kivim mo toktok long saed blong culture nikiwim leg long Maori komunity long New Zealand, we i had blong setemap Maori Language Skul. Hemi continue te dei ol 'MARAE' nakamaI oli set ap blong kipim kalja i laef be oli bin trae had blong adoptem laef blong bumbu blong olketa.

Aelan konference bae i setmap own weaving projects blong hem. Nkam hemi blong eria. Everywan i andastandem topic ia mo save gud ol woman we oli kat skill long saed blong handicraft.

Coordinator i remaenen clove long iur project for creating awareness
Violence Against Women:

Coordinator blong Sanma Counselling Centre long Northern District Annie Philemon mo Carol Martin i presentem topic ia. Towards Bill blong "Domestic" Violence ino bin kat plante contributions.

Long sam ripot long Violence Against Women, sam cemment blong ofis blong police i concern se ol woman too oli createm violence.

Toktok blong Melkio Basil i pulum konference blong luk oslem woman i createm violence oltaem mo no wok tuketa wetem hasban. Hemi ko ahead long Penama province niu prokram blong woman i mas lukaot gud matter long issue ia Violence.

Hemi continue, woman imas wok gud tuketa wetem man blong hem. Long kipim gud culture, chief imas wok tuketa wetem ol wplan, village, area mo aelan blong kipim Penama cut long violence, woman imas respectem man, semak man too imas respectem woman. Long fasin ia everywan i save wok tuketa mo live long peace.

Income Generating:

Information long topic ia i carry out sakesfully wetem mo contribution long Nakamal. Hemi sound gud, taem ol woman Lida oli luk save mi identify Bisnis opportunity mo demand blong hem.

Elizabeth Fay hemi talem strong blong imas kat sam project i setap blong generatem fund blong provincial womens kaonsel.

Sam identify projects:

Oil Mill blong salem oil, perfume, soap, cooking oil etc. Demand long restaurent mo Ice Cream Service long Saratamata i highlitem Bisnis toktok i mekem ol participant oli wandem service istap tomorrow.

2. Blong buildem P/Womens Senta long Saratamata early 1999.
3. Womens Affairs Department imas aloketem Grant we hemi holem bak 2 yia blong tufala aelan kaonsel.
4. Blong setemap sam Income generating project bolsem Revenue blong kaonsel early 1999. ~~including National Art of long ol yufala participant in kansela cli tuketa Savuwe and Naonal Setemap weaving project every eria.~~
5. Jif imas wok tuketa wetem woman ~~blong long school we can have~~

Official Closing:

Welkam — Faith Mary

- Speeches** - Chairman blong Committee Stanly Aru
- Moriel Tari Tambeana - W/Representative/President
- President Ham Lini hemi officially closeem fas Penama Womens Provincial Kaonsel

Long toktok blong President " Yumi kasem Independence 18 yia finis. Tingting mo idea blong kam independen long womens prokram long Penama hemi stret. Blong rimaenem yufala ol woman, hemi no save saskses everytime long ol planings blong yufala. Plante taem bae yufala i feel blong kariaot plan blong yufala, be stanap strong no lusum hope."

Ol woman Lida oli sud be ol woman we oli tok wok fastaem, mane hemi kam afta, taem hemi putum mane fastaem hemi no save kariaot gud aok blong hem.

Mi glad blong harem se prokram ia mainly blong promotem culture. Mi personaly mino bilif long save we antap i daerektem, NCW blong karem direction long Beijing.

Mi stanap strong blong luk se Penama Womens prokram planning i mas daerektem nomo long ol rural areas blong Penama. Bambae ikat stumbling block, mo akens, bae ikam long yufala, be tedei sipos Penama hemi prestem raet baten blong system yumi no naf blong stopem, yumi mas wok tuketa as people Penama blong sapotem project ia we ol woman bae ikaremaot.

Mi biliv we yufala isave stanap, reason from taem mi bin witnesem sam samting we hemi nc isi blong carry out be yufala ino komplem be continue blong achivim mo finisim gud prokram blong fas Penama Provincial Womens Konference.

Blong endemap, mi askem yufala blong planem prokram blong wok long interest blong pipol blong vilij mo blong upgradem laef blong ol mama wetem ol pikinini tru long ol educkeson prokram. Mi wishim yufala gudfala prepereson blong achivim wan niu development project we bai karemaot long Penama Province, thankyou.

After long longfala discussion for improvement, Maryline Louise South Pentecost hemi kivim toktok long saed blong Lidaship. " Tedei wok oli foldaon from yumi putumap ol wrong woman.. long rong position. 3 samting woman imas kat blong save mekem gud Lida we ol woman oli save eduket long hem, jang tansai early."

1. Mas eduket,
2. "Mas wok gud" & PROGRESSIVITY area.
3. "Attributes of fasin imasi dema edukeson mo wok blong hem"

Fulap gud toktok blong Mrs Louise i enkaregem ol woman blong oisave Lida long fiuja.

Planning 3 Manis Prokram:

Everywan i toktok tuketa blong carry out plan November. i mas kat 3 aeland komiti i set ap. Ol komiti i blong tour long aelan blong kivim awareness long niu womens proejct. December - Ol fanresing i Sud kariaot mo 3 aelan konference Jan 1999 fanresings.

Kodineta hemi kivim last toktok ova long topics mo too i clearem ekomplen long short taem blong kariaot konference. Hemi from 3 manis nomo istap bifo proejct i shud be carried out. Too konference istap semtaem Penama Kaonsel meeting istap blong kivim awareness long kaonsel from niu project ia.

Hemi enkarejem ol woman blong stanap strong. Hemi strel taem we yumi kam civilise blong karmaot prokram independently.

Blong rimanem bageken, 13 Yias agao NCW hemi no fundem any project blong 2 fala aelan kaonsel. Womens Affairs Department hemi holem bak grant, 2 yia hemi no allocatem ikam long 2 aelan kaonsel. Rison froli self reliance proposal. " Lastly, project ia ino blong mi, mi stanap from long nasonal level from mi biliw mi save se hemi strel taem blong Penama Womens Prokaram i kam antap long yia 1999".

Comment long two male participant, Jethro Tari Tambeana, Stanly Aru hemi blong encouragement, ol man bae oli sapotem project ia from hemi wan historical samting blong mekem wan history long Vanuatu.

Naciz ol participant oli kam long end blong sit daon gud, relax and lesin, naoia i taem blong wok long maen.

Ol Resolution blong passem:

1. Kodineta imas mekem contact long correspondence/appointment blong Minister blong Home Affairs blong tekemaot nem blong Estelle Gihiala Penama Womens Representative mo diklearem Moriel Tari Tambeana niu Penama Womena Representative for 1999 - 2000.

'C'

23/29

- 11 -

01 woman oli singim samgitem, mo ikat Lengam blong Pentecost we
Pauline Leo mo Loise Siba i lidim long Nakamal. After long ol
woman participants ol Kansela oli tanis 'Savagoro' long Nakamal
we ol participant oli join.

	Kava Inv.	Inv. No.
Hire of Alaskason	60.00	
Endemap long smol kakae-wetem kava	10.00	
3/imbau	19.000	19.000
Hiring of transport	25.000	Total
	10.363	712.400 VT

Payment recd:

Lee Kava	0.00
Ocanares	20.000
	20.000

Balance due: 109.400 VT



(6/1)
7/29

REPUBLIC OF VANUATU

DECENTRALIZATION AND LOCAL GOVERNMENT REGIONS
ACT NO. 1 OF 1997

LOCAL GOVERNMENT
(APPOINTED MEMBERS) (AMENDMENT)

ORDER NO. 8 OF 1999

An order to amend Local Government (Appointed Members) Order No. 34 of 1997.

IN EXERCISE of the powers conferred by section 7(1) of the Decentralization and Local Government Regions No. 1 of 1994 and in conjunction with section 21 of the Interpretation Act [CAP. 132] I, VINCENT BOULEKONE, Minister of Internal Affairs, make the following order:-

AMENDMENT OF SECTION 1 OF LOCAL GOVERNMENT
(APPOINTED MEMBERS) ORDER NO. 34 OF 1997.

1. Section 1 of the Local Government (Appointed Member) Order No. 34 of 1997 is amended by removing the name "Estelle Gibiala" as shown in the first column of the table representing women and substituting in place thereof "Moriel Tari Tambeana".

COMMENCEMENT

2. This order commences on the date of signature.

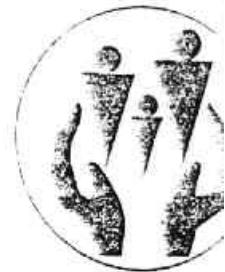
DATED the 6/2/ day of July 1999


VINCENT BOULEKONE
Minister of Internal Affairs



'E'

Office of the Ombudsman
Bureau du Médiateur
Ofis blong Ombudsman



N/Réf: 6137/9371/L45/vb

(Veuillez indiquer cette référence dans toutes les correspondances)

5 Août 1999

Honorable Vincent Boulekone
Ministre des Affaires Intérieures
Ministère des Affaires Intérieures
SPR 036
PORT VILA

OBJET: LICENCIEMENT DE MME ESTELLE GIHALA DU CONSEIL PROVINCIAL DE PENAMA

Monsieur le Ministre,

Le Bureau du Médiateur a reçu une plainte émise à l'encontre du Secrétaire-Général de la province de Penama, Mr Keith Mala, qui est sous votre responsabilité. Nous allons donc ouvrir une enquête à ce sujet.

En vertu du paragraphe 5 (c) (ii) de la Loi sur la Décentralisation, les représentantes des femmes au conseil provincial doivent être élues ou nommées sur recommandation du comité représentatif des femmes.

Il est reproché à Mr Mala d'avoir licencié Mme Gihiala comme la représentante des femmes au conseil provincial. Nous croyons comprendre que Mme Gihiala a été nommée en 1996 par vous-même, en tant que Ministre des Affaires Intérieures, pour un mandat de 4 ans.

Étant la personne responsable de Mr Mala, vous avez le droit de répondre aux allégations émises à votre encontre et avant le 20 Août 1999.

Afin d'aider le Bureau du Médiateur dans le déroulement de l'enquête, nous vous demandons de nous faire parvenir, avec votre réponse écrite, les documents et informations suivantes:

1. Avez-vous nommé Mme Gihiala comme représentante des femmes au conseil provincial de Penama?
2. Si oui, quelles étaient les termes de son contrat?
3. Êtes-vous au courant de la mise à terme du contrat de Mme Gihiala?
4. Tous autres documents ou informations concernant le sujet utilisé à l'enquête.

Avertissement: Conformément à la Constitution et la Loi du Médiateur, toute enquête du Médiateur reste **CONFIDENTIELLE** jusqu'à publication du Rapport Public. La Loi vous défend de révéler toutes informations relatives à l'enquête ou à la présente lettre, ou toutes autres informations provenant du Bureau du Médiateur, sauf si la divulgation est faite à un avocat. La peine encourue s'élève à 100 000 VT d'amende ou six mois d'emprisonnement ou les deux à la fois. N'hésitez pas à me contacter si vous avez des questions concernant cet Avertissement.

N'hésitez pas à me contacter si vous avez des questions. Dans l'attente d'une réponse de votre part, d'avance, je vous remercie de votre collaboration dans le cadre de cette affaire. Veuillez, s'il vous plaît, noter notre numéro de référence cité ci-dessus dans votre prochaine correspondance..

Veuillez agréer Monsieur le Ministre l'expression de nos salutations distinguées.

LE MEDIATEUR PAR INTERIM DE LA REPUBLIQUE DE VANUATU



Mme Marie-Noëlle FERRIEUX-PATTERSON



'F'

Office of the Ombudsman
Bureau du Médiateur
Ofis blong Ombudsman



Our Ref: 6134/9371/L45/km
(Please quote this reference in all correspondence)

5 August 1999

Mr Keith Mala
Secretary General
Penama Province
Saratamata
Ambae

Dear Sir

DISMISSAL OF MRS ESTELLE GIHALA FROM THE PROVINCIAL COUNCIL

This Office has received a complaint against you. We intend to start an enquiry into the matter.

In accordance with s.5(c)(ii) of the Decentralisation Act, women representative of local government council shall be appointed by the Minister on nomination by representative bodies of women.

Section 8(1) of the Act specifies that the term for elected or appointed members, as the case may be, shall be for a period of 4 years.

It is alleged that you have terminated Mrs Gihala's term as women representative in the Penama Provincial council. We understand that Mrs Gihala was appointed by the Minister of Internal Affairs in 1996 for a term of 4 years.

As you are the person complained of, you have a right to reply to this complaint. Please provide your response before 20 August 1999.

To assist this office in this enquiry, we request that you forward the following documents and information along with your response.

1. Why was Mrs Gihala's employment terminated before the expiration of her 4 year term?
2. Was she given 3 months notice for the termination of her employment?
3. Please provide an employment record for Mrs Gihala.
4. Any other documents or information that you consider relevant to this matter.

If you do not respond to this request, this Office can issue a Notice compelling you to come to the Office to give evidence and to provide the required information and documentation.

'F'

Warning: The Constitution and the Ombudsman Act state that the Ombudsman's inquiries are confidential until a public report is made. *The Act says that you cannot discuss this investigation, this letter, or any other information that comes from the Office of the Ombudsman, except with your lawyer. The penalty for breaking this law is 3 months in jail or a fine of vt 100,000 or both.* Please contact us if you have any questions about this warning.

Please contact us if you have any questions. Thank you in advance for your assistance in this matter. Please quote our reference number above in any correspondence.

Yours sincerely



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

GOUVERNEMENT

DE LA

RÉPUBLIQUE DE VANUATU

'G'

GOVERNMENT

OF THE

REPUBLIC OF VANUATU

DK
1/2

MINISTÈRE DE L'INTÉRIEUR

MINISTRY OF INTERNAL AFFAIRS

MIA 203/38
30TH AUGUST 1999

TO: HANNINGTON ALATOA
OMBUDSMAN OF THE REPUBLIC OF VANUATU

(ATTENTION) ALFRED MAHO

ESTELLA GIHALA – WOMAN REPRESENTATIVE – PENAMA PROVINCE

I am making particular reference to your letter - N/REF: 6653/9371/L45/vb - of 24th August 1999, concerning the displacement of Estella GIHALA as woman representative in the Penama Provincial Government Council.

Point No 1:

- Upon the decision and the recommendation of the - Penama Provincial Council of Woman, - I have appointed - Estella GIHALA – as their Woman Representative in the Penama Provincial Government Council under the Local Government (Appointed Members) Order No: 34 of 1997.

The removal of Estella GIHALA:

- The - Penama Provincial Council of Woman - at their meeting held at Saratamata on the 2nd to the 5th of November 1998, withdrew Estella GIHALA as their Woman Representative in the Council and appointed Moriel Tari Tambeana her replacement in the Council to commence from 1999 to 2000.
- The main reasons given on the displacement of Estella Gihaia as their woman representative in the Penama Provincial Government Council is as summarized as per their letter addressed to me [copy attached] dated the 14th of November 1998.

Point No 2:

- Upon the decision and the recommendation as outlined above of the - Penama Provincial Council of Woman - at their meeting held at Saratamata on the 2nd to 5th of November 1998 I have amended the previous Local Government Appointed Members Order No: 34 of 1997 by removing the name of Estella GIHALA as the Woman Representative in the Council and substituting in place thereof "Moriel Tari Tambeana". This adjustment arrangement was made under [Local Government (Appointed Members)] amendment Order No: 3 of 1998.

'G'

Point No 3 :

- I have sought the opinion of the State Law Office and I have asked the State Law Office to formalize the amendment as requested by the Penama Provincial Council of Woman if in order.

Point No 4 :

- Enclosed with this note you will find the documents eventuating the officiating of the request of the Penama Provincial Council of Woman.

Yours truly,



Hon: Henri TAGA (MP)
Minister of Public Utilities & Infrastructures
Acting Minister for Internal Affairs

CC: Director General, Ministry of Internal Affairs

IA 2/2/2

REPUBLIC OF VANUATU

PENAMA PROVINCIAL GOVERNMENT
P. O. BOX. 98
SARATAMATA
LONGANA
AMBAE
VANUATU



REPUBLIQUE DU VANUATU

CONSEIL PROVINCIAL DE PENAMA
B. P. 98
SARATAMATA
LONGANA
AMBAE
VANUATU.

TELEPHONE : (678) 38348

PPG - 6/11/RB/st-2002.

To : Ombudsman Office
Investigator
Mr. Alain W. Molgos
Republic of Vanuatu.

REC'D
11 OCT 2002
OMBUDSMAN

23/09/2002.

Re : Termination of Mrs. Estella Gihiala's Term at the Penama Provincial Council.

Dear Sir,

I am writing in inform you of the above matters, that the matter has been settled that the payment of 108.000 VT is paid to Mrs. Estella Gihiala as her Gratuity for two years in the Council. She has been replaced due to in capability of carrying out her responsibilities within the Women Groups in the three islands. The Penama Council of Women had voted that the President of Penama Women's should also be the Council Representative on behalf of all Women's in three islands. The decision was between the Penama Women's Council and Ministry of Internal Affairs, which gave support for Accounts to pay her Gratuities, as requested. The amount was paid as per receipt attached. The Cash was then transferred to Person Concerned by the Provincial President Mr. Thompson Liu when travelling to Pentecost.

This letter acts as a respondu to request put forward for investigation purposes.

Thanks in this respect.

Roger Eoe
Assistant Secretary General.

CC : President - Penama Province
- Accounts - Penama Province
- File.

APPENDIX Q

RELEVANT LAWS, REGULATIONS AND RULES

3.1 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 engage 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

2. 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.

3.2 EMPLOYMENT ACT [CAP 160]

NOTICE OF TERMINATION OF CONTRACT

- 49.(1) A contract of employment for an unspecified period of time shall terminate on the expiry of notice given by either party to the other of his intention to terminate the contract.
3. Notice may be verbal or written, and, subject to subsection (3), may be given at any time.
9. The length of notice to be given under subsection (1) –
- 5. where the employee has been in continuous employment with the same employer for not less than 3 years, shall be not less than 3 months;
 - 6. in every other case –
 - 3. where the employee is remunerated at intervals of not less than 14 days, shall be not less than 14 days before the end of the month in which the notice is given;
 - 4. where the employee is remunerated at intervals of less than 14 days, shall be at least equal to the interval.
- (4) Notice of termination need not be given if the employer pays the employee the full remuneration for the appropriate period of notice specified in subsection (3).

MISCONDUCT OF EMPLOYEE

- 50.(1) In the case of a serious misconduct by an employee it shall be lawful for the employer to dismiss the employee without notice and without compensation in lieu of notice.
3. None of the following acts shall be deemed to constitute misconduct by an employee –
 5. trade union membership or participation in trade union activities outside working hours, or with the employer's consent, during the working hours;
 6. seeking office as, or acting in the capacity of, an employees' representative;
 7. the making in good faith of a complaint or taking part in any proceedings against an employer.
 4. Dismissal for serious misconduct may take place only in cases where the employer cannot in good faith be expected to take any other course.
 5. No employer shall dismiss an employee on the ground of serious misconduct unless he has given the employee an adequate opportunity to answer any charges made against him and any dismissal in contravention of this subsection shall be deemed to be an unjustified dismissal.
(5) An employer shall be deemed to have waived his right to dismiss an employee for serious misconduct if such action has not been taken within a reasonable time after he has become aware of the serious misconduct.

SEVERANCE ALLOWANCE

- 54.(1) Subject to section 55, where an employee has been in continuous employment for a period of not less than twelve months, with an employer on a contract of employment entered into before or, on or after the date of commencement of this Act, and –
 - (a) the employer terminates his employment; or
 - (b) on or after the employee reaching the age of 55, the employer retires him; or
 - (c) the employee ceases to be employed by reason of illness or injury and is certified by a registered medical practitioner to be unfit to continue to work;

the employer shall pay severance allowance to the employee under the Act.

For the purpose of this subsection, 'medical practitioner' means a medical practitioner registered as a health practitioner under the Health Practitioners Act, to practice medicine and/or surgery.