



Office of the Ombudsman

OMBUDSMAN ANNUAL REPORT FOR PERIODS: 2016-2017



**PRESENTED TO
THE NATIONAL PARLIAMENT OF SOLOMON ISLANDS
PURSUANT TO SECTION 98(3) OF THE CONSTITUTION**

Preface

It is indeed an honour and privilege for me to present to you, my first Annual Report since taking up the Office of the Ombudsman on the 2nd of May 2017. At the outset, the report only covers the period from 2016 and 2017. The last report produced by the Office of the Ombudsman and presented to your office (Speaker of Parliament) was in 2009. Since taking



Ombudsman Fred Fakarii

up Office of the Ombudsman of Solomon Islands (OOSI) from my predecessor Mr. Joe Poraiwai on the 2nd of May 2017, I have decided to make it an important obligation on my part and as required by law to report to Parliament on what the Office of the Ombudsman is doing on an annual basis. My office has also revived the Ombudsman Newsletter, of which the office was able to publish its first issue in mid-2017. The second issue was published in mid-January 2018, in order to capture what the office did from July to December 2017.

I am optimistic that with the plans we have to restructure and reform the organization, and the aim to improve its capacity and capabilities, things will be easily achieved than it has been in the past. The office's major obstacle to delivering its services on time and in an effective and efficient manner in the past has been the lack of resources - human and financial resources. The passage of the new Ombudsman Act 2017, has given us confidence that such problems will now become part of our history.

In other jurisdictions around the world, the Ombudsman is considered as the fourth arm of the government, besides the Executive, Legislature, and the Judiciary. The Office of the Ombudsman is an independent office and plays the important role of overseeing the activities of the Executive. Ensuring its decisions are clean, impartial and operative as expected for the benefits of the citizens of Solomon Islands.

Since taking up office, I have come to note, that while the office has done a lot of good work so far, in its dealing with numerous complaints of injustice, which of course has been the results of the ongoing maladministration in almost every government Ministries and other government agencies, I am also of the opinion that much has not been covered, since the establishment of this office in 1980. These include the areas of human rights. This may also due to the fact that our legal mandate has restricted our usefulness to a very small percentage of the entire population of Solomon Islands.

There are also areas, which our service cannot cover because the law itself does not allow us to do so. Much of the complaints received came from teachers, throughout the country. While this is so we are legally restricted from dealing with grievances of teachers employed under church education authorities. I am really, concern as this number is increasing by the day, and as more schools in the country are taken over by churches, this particular

workforce will continue to increase. This also applies to students going to these schools. Children like parents have their rights to know how the school boards decide on matters that affect them, and who would they turn to for justice? Courts could be the only option, and as you already know, they are usually expensive. The way forward to curbing this fast growing problem is to expand the scope of the powers of the Office of the Ombudsman; to enable it to serve these citizens, and this requires the expansions of our areas of responsibility, under the constitution.

Having said that, there are areas we can extend our services to, without having to wait for changes to the law. We need to start engaging in the preventative approach with line Ministries looking for potential corruption risks in the existing laws and regulations. There is enough evidence collected over the years, of maladministration practices, which I believe we could use to identify as areas of potential risks.

However, my Office's biggest challenge now is to pick up from where my predecessors had left and moved on, focusing on the future of this organization. How we could make this organization to truly become an institution whose services are appreciated by the whole population of Solomon Islands. The Ombudsman Office is one of the institutions that truly represent "Justice for all" Solomon Islanders.

I have an excellent staff at my disposal, qualified, experience and innovative, they have them all. With the determination I have already seen in them to pursue professionalism and excellence, I am more than confident that we shall see a revamped Ombudsman Office with a much more comprehensive agenda and wider service coverage within the next five years than what has been seen in the past. On this note, I sincerely wish to acknowledge the excellent work done by the staff of the Office of the Ombudsman over the years, under the able leadership of my predecessors, including the recent outgoing Ombudsman Mr. Joe Poraiwai.

The Office of the Ombudsman is planning to actively take on an Anti-Corruption Risk Management (ACRM) approach to dealing with all forms of injustice that is prevailing in the public sector. Identifying these risks and working with the line Ministries in finding ways and means to mitigate the worse results from happening is the most effective way to minimize the abuse of these potential areas in the existing systems.

Finally, I wish to take this opportunity to express my sincere gratitude to our donors, our colleague Ombudsman, both within and outside of our region, our Government Ministries, Provincial Governments, State Owned Enterprises (SOE), and of course our clients. While 2017 may be considered as a very challenging year, with your assistance and the confidence you placed in us, we have also made it a very successful year. Thank you.

Fred Leve Fakarii

Ombudsman

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Table of Acronym

Acronym	Definition
ACC	Auki Correctional Center
ACRM	Anti-Corruption Risk Management
APOA	Asia and Pacific Ombudsman Alliance
CAO	Chief Administration Officer
CBI	Complaint Based Investigations
CHS	Complaint Handling System
CMS	Case Management System
COM	Church of Melanesia
DG	Director Governance
DI	Director Investigations
DLS	Director Legal Services
HCC	Honiara City Council
ICETS	Investigation, Compliance and Enforcement Systems
IOI	International Ombudsman Institute
IRP	Internal Review Policy
KRH-KPMU	Kilufii Referral Hospital-Kilufii Psychiatric and Mental Unit
KTD	Kukum Traffic Division
LCC	Leadership Code Commission
LDSB	Long and Dedicated Service Benefit
MCILI	Ministry of Commerce, Immigration, Labour and Industries
MID	Ministry of Infrastructure Development
MDPAC	Ministry of Development, Planning and Aid Coordination
MEHRD	Ministry of Education and Human Resources Development
MHMS	Ministry of Health and Medical Services
MMERE	Ministry of Mines, Energy and Rural Electrification
MoFT	Ministry of Finance and Treasury
MPG	Malaita Provincial Government
MPNSCS	Ministry of Police, National Security and Correctional Services
MPS	Ministry of Public Service
MRD	Ministry of Rural Development
NPF	National Provident Fund
OA	Ombudsman Act
OFPA	Ombudsman (Further Provisions) Act
OMI	Own Motion Investigations
OOSI	Office of the Ombudsman Solomon Islands
OPMC	Office of the Prime Minister and Cabinet
PAO	Principal Administration Officer

PIN	Pacific Integrity Network
PIO	Principal Investigation Officer
POA	Pacific Ombudsman Alliance
PRO	Principal Research Officer
PROA	Pacific Regional Ombudsman Alliance
Prov gov	Provincial Government
RAPA	Receipt and Preliminary Assessment
RCDF	Rural Constituency Development Fund
RPAP	Receipt and Preliminary Assessment Policy
RSIPF	Royal Solomon Islands Police Force
SIG	Solomon Islands Government
SINU	Solomon Islands National University
SIO	Senior Investigation Officer
SIPA	Solomon Islands Ports Authority
SOE	State Owned Enterprise
SOP	Standard Operating Procedures
STPRO	Senior Training and Public Relations Officer

1 Introduction

1.1 Executive Summary

Another busy year has come and gone. Another is approaching fast to set its pace in time, and work must continue for the good of everyone. As life is the decision we make, let us learn from our past experiences to make better decisions in the New Year, 2018.

That being said, the Office of the Ombudsman has had many years of experiences since its establishment in 1980, and it is now time to reflect on those valuable experiences to determine where we want the Office of the Ombudsman will be in twenty years from now. Very important operational and structural changes have to be made to enable the Office of the Ombudsman to fully fulfil its mandate, to protect the rights of every citizen and ensure the Public sectors and all the statutory authorities services are delivered to the citizens of Solomon Islands in the most effective, efficient and transparent manner.

Against this backdrop, the Office of the Ombudsman is planning to engage more closely with all the line Ministries in the next few years, beginning as early as 2018, to ensure their complaint handling services are not only confined to the welfare of their staff members, but also to the general public. Government Ministries are public Offices and therefore, it is obligatory of them to ensure both their staff and public complaints are dealt with justly, effectively and efficiently. Usually, people just want to get the right information about the way things are happening as they are from line Ministries, but when they do not receive any answers from the responsible Ministries they ended up coming to the Ombudsman's office. We are happy, as usual, to help, but taking the time to deal with such a minor issue, considering the length of time and cost of engaging very senior officers on employment matters or such trivial issues only demonstrate poor management on the side of the Government.

The Ombudsman Office is determined to ensure its services are accessible to the wider community and such plans are already in place to extend its service to the provinces by opening branch offices in the provinces, at least one or two, by 2020. Quite an ambitious undertaking but we feel the most affected people who needed our services more are those in the rural areas of our country. Evidently, the increasing number of complaints coming to our office each year was from teachers, nurses and other technical staff working in the remote parts of our country. This only demonstrates the urgent need to get our services closer to the people who needed it the most. These are people who usually become the victims of maladministration practices in our government ministries. It has become obvious that because of the distance between them and the Ministry Headquarters, where decisions are usually made, it is often easy for their responsible officers at the Ministry to ignore them.

In our continuing search for excellence, the Office of the Ombudsman is pursuing an ambitious and an aggressive staff development program that is expected to enhance the

ability of its staff to perform their work with high professionalism. A restructuring program has been developed, and this will also entail the training needs of the organization. A more vibrant and realistic staff development program that ensure every staff member is given the appropriate training he/she needs to equip him/her to produce professional or quality service is not an option. We will continue to engage with our colleague Ombudsman institutions within and outside the region where possible. This is important to give our staff the opportunity to learn from their colleagues within the region in specific areas that relate to their own areas of responsibility.

Through its active and effective supervisory programs, the Office of the Ombudsman will continue to ensure good governance, social stability and human rights of every citizen of Solomon Islands is granted protection. To do that effectively, the Office must widen its services to areas which it has not paid close attention to in the past. This includes areas such as human rights - student's rights, the children's right, and the rights of the people with disabilities. Such areas have not been adequately supervised in the past and as such, we feel there is an urgent need to see what can be done to effectively protect their rights.

Over the reporting period, the Office of the Ombudsman has received a total of 376 complaint cases. Of this total 178 was for 2016 and 198 was for 2017, which is an increase of 11.1 percent. For 2016, out of the total of 178 complaints cases received, 141 were closed at the assessment stage, meaning no investigation necessary. Of the remaining 37 cases, 25 were investigated and closed, 7 cases are still under investigation, 1 is in the draft reporting stage, 2 was in natural justice stage and another 2 were recommended for implementing by the relevant Ministries and SOEs.

In 2017 a total of 198 complaints were received, and another 141 cases out of 198 were assessed and considered to have lacked merit for investigation. Out of the 57 remaining cases, 28 were investigated, and appropriate action was taken by the responsible Ministry on the recommendations contained in the reports for which the Ombudsman was satisfied. The remaining 29 cases are still under investigation, and the reports on those will be available in early 2018.

1.2 Report overview

The Ombudsman by virtue of section 98(3) of Chapter IX of the Solomon Islands Constitution is required to submit an Annual Report to Parliament. Section 98(3) provides:

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

Notwithstanding this legal requirement, the last annual Report produced by the Office of the Ombudsman was in 2009. However, since coming into office in May 2017, the current Ombudsman has decided that it is necessary to produce an Annual Report (AR). It is not

only important but as a requirement under the constitution, Parliament must be made aware of what the Office of the Ombudsman has been doing or being involved in over the years.

As such, this report will cover activities that the Office of the Ombudsman has engaged in the years - 2016 and 2017. Putting aside the preface and introduction sections, detail discussions on what the Office of the Ombudsman has been doing in 2016 and 2017 starts with 'highlights'. The highlights section is where some of the significant improvements and milestone achievements of the Office will be discussed. Those included the areas in staffing, case management system database, survey report findings of SIG compliant handling system, the appointment of a new Ombudsman, and the passage of the new Ombudsman Act 2017 by Parliament in 2017.

The second section relates to the 'Ombudsman Supervisory role in brief'. This section outlines the legal framework and basis on which the Ombudsman and his Office is established to function and operate. The discussion commences with the Constitution and includes the Ombudsman (Further Provisions) Act 1980, the new Ombudsman Act 2017, the transition period from the old Act to the new Act and areas of legislative reform the Office have engaged in since its inception in 1978 under the constitution and office establishment in 1980.

The third section focuses on the performance of the Office of the Ombudsman, more specifically on the investigative role it plays, when dealing with complaints. This section is divided up into three parts.

Part 1 - discusses the statistics and records on the number of complaint cases registered with the Office for 2016 and 2017. It highlights the two ways in which the Ombudsman can approve investigations into cases, either through individual complaint-based or own motion investigations. It also discusses the level of reporting and compliance rates so far with regards to the Ombudsman investigation reports and the recommendations made to respective government agencies for implementation. Furthermore, the discussions in this part also cover legislative reforms which are part of the wider government policy that the Ombudsman has been engaging in, mainly in the areas of corruption. Finally, there is also, discussion on the aspects of training and publicity. Training is part of the staff on-going development that mainly gears towards staff performance while publicity is on promotion and raising the profile of the Ombudsman in, Solomon Islands and regionally.

Part 2 – is on the Complaints register audit. It looks at the different complaint case records kept by the office of the Ombudsman against the various Solomon Islands Government (SIG)

ministries, departments and agencies and including the State Owned Enterprises (SOEs). By way of comparison, the government institutions have recorded the highest number of cases compared to SOEs. With provincial/local government authorities, the Honiara City Council Authority has recorded the highest number of complaint cases followed by Malaita Provincial Government Authority. The data presented in this part have provided a clear picture of the trend seen for the two years - 2016 and 2017.

Part 3 – discusses the on-going issues culminating from the complaint case register and systemic issues as observed throughout the public service that continues to impair negatively on government services delivery wholly. Those issues include poor record keeping, agencies non-responsiveness, ineffective communication, unfair and unreasonable delays, and failure to provide information and so on. Those are mere administration issues. But the fact that such issues have remained high within the public service is an indication of the commonness of maladministration that continues to exist within the service.

The fourth section is on the Ombudsman's Office own administration. It looks at the office operations in terms of the office organizational structure, how decisions are made within the Office, the budget trend for the past two years, manpower, and Office facilities.

The fifth section focuses on human rights. It covers the rights of citizens to information, justice for all, and fair and equitable public service for all.

The sixth section discusses the relationship of the Ombudsman with other regional and international bodies. These are bodies/institutions the Office has been engaging with on regular basis. Those included the Pacific Integrity Network (PIN), which the Solomon Islands Ombudsman's Office is a founding member, the Asia Pacific Ombudsman Alliance (APOA) and International Ombudsman Institute (IOI).

The seventh section is on bringing the Ombudsman's power to reality. It looks at how the work of the Ombudsman in the Solomon Islands is benefiting the government services delivery, especially in reducing public expenditure. To ensure public officials are held accountable for the decisions they make and citizens being adequately informed on government policies.

Finally, the last section is on office prospect and looking into the future. Discussions in this section covered areas the Office is aspiring to engage with in the future. Those include working with the new law, capacity building and office expansion, combating maladministration and corruption, and narrowing/closing the gap between Office of the Ombudsman and citizens.

Further to this, the appendix section of the report contains detail data and information deemed relevant to this report but could not be placed directly within the respective sections.

2 2016 and 2017 Highlights

The years 2016 and 2017 have been an enduring period for the Ombudsman's Office. This is due mainly to the fact that the Office has to work with limited resources (including funding, and limited office space in a growing environment) to deal with the increasing number of complaint cases recorded. Despite this, the Office has achieved a lot in its constitutional responsibilities to protect the rights of citizens as mandated. These achievements are manifested through the number of complaints that the Office has resolved from individual complaints-based and Own Motion Investigations. The achievements can be seen in the relevant statistics provided in this report, particularly, in figures 4, 5 and 21 below. The Ombudsman's Office wishes to thank citizens who have come forward with their valuable complaints and at the same time thank respective government ministries, departments, and agencies for their cooperation to ensure public grievances are dealt with and resolved fairly.

2.1 Improve staffing

The Ombudsman's Office though endowed with important responsibilities has over the years been under-staffed. This has resulted in back-logged of cases, meeting of datelines and timing for dealing with complaints, and dealing with legal issues that arise from time to time.

Regardless of such, the Office wishes to thank the government for recognizing this problem thus responding positively to the Ombudsman's request to increase its staffing. The increase of Ombudsman's Office staffing has improved the capacity of the Office to efficiently deal with public complaints and meet public expectations.

As of 2017, the Office has an improved staffing from 18 to 24 and as a result of more officers been recruited to perform the different duties, this has contributed immensely to the overall work of the Ombudsman's Office in the Solomon Islands. In January 2016 a Legal Officer was transferred from the Office of Director of Public Prosecution (DPP) to the Ombudsman's Office to take on the position of the Director of Legal Service (DLS). In July 2016, the Office recruited another Legal Officer to join the Legal Unit. The Ombudsman now has two Legal Officers providing legal support to the Office.

Also, the Office has recruited a front-desk officer to serve both the Ombudsman and Leadership Code Commission (LCC) Offices that are housed in the same building. Other positions recruited include two Senior Investigation Officers, one Principal Administration Officer (PAO) and one Principal Research Officer (PRO).

The newly established Governance Unit was also filled by the Principal Training and Public Relations Officer who received an accelerated promotion to take on the position of Director Governance. The Director is assisted by the Principal Research Officer and the Senior Public Relations Officer. See appendix 1 for detail on organizational structure.

In addition, with the passage of the new Ombudsman Act 2017 by Parliament, the Office is working to recruit more officers in the future to support the new law.

2.2 Improve Case Management, Handling and Monitoring

Over the past years, the Ombudsman's Office has been trying to improve the manner in which complaints received from members of the public are efficiently monitored and managed. The involvement of a specialist (Mr. Joel Gilbourd) who joined the Office under the Australian Government's Overseas Volunteer program in 2013 and whose support had resulted in the establishment of a Complaint Management System (CMS) database for the Office, has allow the Office to properly manage and maintain the CMS in 2016 and 2017 without the need for technical support. A sustainable approach that proves beneficial to the Office. The specialist before his term expired in 2015 also developed and run internal training and mentoring on the CMS for staff.

The CMS database since then has enabled the Office to manage complaints more effectively and efficiently. The backlog of cases has been reduced to a manageable level with current cases allocated for investigations up to date. Overall, the CMS database has benefited both citizens and the Ombudsman's Office to deal with issues and resolved complaints in a timely manner since 2016.

2.3 Survey on SIG Public Service Complaint Handling System

Over the years the number of public complaints received by the Ombudsman's Office has drastically increased (see figures 1 - 3 for complaint records). An analysis of the complaints from the CMS indicated a serious pattern of complaint handling deficiency in the government sector. The Ombudsman is seriously concerned that this has increasingly grown to a very critical level, and is destroying public confidence in the public sector and the ability of the government to deliver its services to the citizens of Solomon Islands. In 2016 the Office of the Ombudsman made an initiative to assemble a team to carry out a survey into the efficiency of complaint handling in the public sector. A team comprising of the Director Governance, Director of Investigation, and the Chief Administration Officer was tasked to conduct the survey. The aim of the survey is to identify/establish why complaints received from the public against government ministries, departments and agencies are increasing, and in particular, many of those complaints could have been best resolved at the ministerial/departmental or agency level should there exist a sound Complaint Handling System (CHS).

The survey has uncovered huge gaps and weaknesses in the way government institutions stand to deal with public complaints/grievances. In general, there is an absence of a complaint handling system (CHS) within the public sector to enable government institutions to better deal with complaints when raised at first instance. Secondly, there is an observed negligence in public officials' attitude in failing to operate by the rules and procedures that resulted in the growing number of complaints ending up with the Ombudsman's Office.

Although the survey is not comprehensive to investigate other issues that may have contributed to this problem, the findings proved that one of the major causes of the problem is the absence of a CHS within government ministries, departments and agencies and the

lack of compliance with rules. This finding has prompted the Ombudsman's Office to hold consultations with heads of Government ministries, departments, and agencies to try and find a way forward in addressing this issue. Further consultation and collaboration will continue with respective government institutions in the future with the aim of developing a comprehensive CHS for the public service. Such mechanism will enable citizens to fully participate in the administration of state apparatuses and give a positive image of the government as responsive and caring; in the way public services of the country are being administered and delivered to its citizens.

2.4 Appointment of the New Ombudsman

The appointment of the Ombudsman to the Office is provided for under *Section 96 (2)* of national *Constitution*, which states that the "Ombudsman shall be appointed by the Governor General based on the advice of a committee consisting of;

- the Speaker,
- the Chairman of the Public Service commission; and
- The Chairman of the Judicial and Legal Service Commission.

The Ombudsman is appointed to Office for a contractual term of five (5) years. Mr. Fredrick Leve Fakarii (Also Known As - Fred Fakarii) was appointed as new Ombudsman of Solomon Islands on 03 May 2017 following the expiration of the term of his predecessor, Mr. Joe Poraiwai, in April 2017. The new Ombudsman's term will expire on 03 May 2022 unless reappointed.

The smooth administration of the appointment of the new Ombudsman to Office has allowed the Office to operate normally without any major legal challenges as experienced in the past in 2007.

2.5 Passage of the New Ombudsman Act 2017

The passage of the new Ombudsman Act 2017 repealed the *Ombudsman (Further Provisions) Act 1980, [Cap 88]*. Some of the improvements under the new Act as compared to the repealed Act are as follows:

- It requires the government through the Ministry responsible for public service to provide necessary manpower (staff) to the Ombudsman's Office.
- Provides for a separate budget head for the Ombudsman's Office in the national budget whereby the Ombudsman is the accountable officer.
- Allows the Ombudsman to enter into any lawful arrangement with another public body for purposes of carrying out his/her functions. An example of such arrangement could be the stationing of focal point officers within each ministry who would ensure the Ombudsman's request to such office is responded to in a timely manner. This arrangement must not be confused with the Ombudsman's power to begin an

investigation against any prescribed office which does not need any such arrangement to exercise.

- Gives powers of authorisation and delegation to the Ombudsman so that the work of the Office can still continue under delegated authority even where there is no Ombudsman in Office at any given time.
- Gives power to the Ombudsman to investigate contractors of government bodies. A contractor can be a private individual or company.
- Complaints can be made verbally as well so that a person is not unable to make a complaint simply because he/she cannot write.
- Requires the Ombudsman's staff to put into writing any verbal complaints the Office receives.
- Complaints can also be made by third party on behalf of a complainant.
- Requires the Ombudsman to keep a register of complaints he/she receives. This is to ensure there is proper record keeping and management and to avoid loss of files.
- Provides for a referral mechanism where a complaint or part of a complaint that the Ombudsman does not have the power to investigate (i.e., complaint that is not maladministration) can be formally referred to another office or authority that has the power to deal with. In a way, this referral mechanism gives an opportunity for a person to make any complaint at all (whether it is a criminal conduct, etc.) to the Ombudsman if he/she is not sure of which office to lodge a complaint with. Significantly, this mechanism ensures that no complaint against the government can be left unattended simply because it does not involve maladministration.
- Obligates the Ombudsman to formally inform a complainant of how his/her complaint is being dealt with.
- Increase the punishment for specified offences under the Act. For instance, the penalty for the offence of failing to provide information that the Ombudsman has lawfully requested for his investigation is now increased to \$50,000 fine or imprisonment for 5 years. Under the repealed Act, it was only \$200 fine or a term of 12 months imprisonment.
- Requires the Prime Minister to table in Parliament a final report on Ombudsman investigation that he received within 6 sitting days of such receipt.

3 Ombudsman's Supervisory Role in Brief

The oversight role of the Solomon Islands Ombudsman is afforded to by two legal authorities: the national *Constitution* and the *Ombudsman (Further Provisions) Act 1980*, Chapter 88, the latter being repealed and replaced with the *Ombudsman Act 2017*.

3.1 The Constitution

The Constitution establishes the Ombudsman's Office as an independent body with the following functions:

- (a) To enquire into the conduct and abuse of office or authority by members of the public service, the Police Force, the Prisons Service, the government of Honiara city, provincial governments, and such other offices, commissions, corporate bodies or public agencies as may be prescribed by Parliament;
- (b) To assist in the improvement of practices and procedures of public bodies; and
- (c) To ensure the elimination of arbitrary and unfair decisions.

The authorities who are exempted from the above powers and functions of the Ombudsman are:

- (a) the Governor General or his personal staff;
- (b) the Director of Public Prosecutions or any person acting on his instructions; and
- (c) The Judges, Magistrates, and Registrars of Courts in their "judicial functions" or court decisions, rulings or judgements (this implies that the Ombudsman can investigate non-judicial decisions of Courts).

The Ombudsman is also prohibited by *section 98(2)* of the *Constitution* from investigating matters prejudicial to the security of Solomon Islands if the Prime Minister notifies him of such matters.

The Ombudsman is required to make annual reports to Parliament and may make any additional reports as he sees fit regarding his work. In doing so, he ensures that public administrators comply with the legal frameworks governing their administrative functions. Apart from such legality concerns, the Ombudsman is authorised to take a step further by pinpointing any defects in the application of any law (as may be identified during investigations) and consequently make recommendations for necessary changes to rectify the legal or administrative defect so that the ultimate effect would be one of fairness and justice.

3.2 The Ombudsman (Further Provisions) Act 1980

Consistent with section 99 of the *Constitution*, Parliament made provision for supplementary and ancillary matters pertaining to the above constitutional functions, etc., by enacting the *Ombudsman (Further Provisions) Act* (hereafter referred to as "OFPA") in 1980.

Regarding the functions of the Ombudsman, section 5 of OFPA explicitly states that it is the “*administrative*” functions that the Ombudsman has jurisdiction to enquire into. OFPA adopts the same persons or authorities in the Constitution over whom the Ombudsman has and has no jurisdiction. The only enlargement is in section 5(2) (e) of OFPA, that is, regarding any authority empowered to decide who SIG should contract with. This in our view includes SIG tender boards etc., who may decide who a government office may enter into a contract with.

The same provision states that the Ombudsman can exercise his inquisitorial powers and functions either upon complaint by any person or upon invitation from any Minister or any Member of Parliament, or on his own initiative.

Section 7(5) of OFPA adopts the constitutional requirement of not investigating security matters of Solomon Islands. Subsections (1) to (4) extends the limitation by relevantly specifying the following as circumstances under which the Ombudsman must not investigate:

- (a) where the aggrieved person is not a resident of Solomon Islands or where the rights or obligations complained of does not accrue/arise in Solomon Islands;
- (b) where the aggrieved person still has, and can reasonably pursue his/her complaint through other available avenues such as through an appeal or the courts;
- (c) where the Prime Minister notifies the Ombudsman that the action investigated was taken by a Minister in the Minister’s deliberate judgment;
- (d) complaint is frivolous or vexatious or trivial;
- (e) complainant has no sufficient interest in the matter complained of;
- (f) Unreasonable delay beyond 12 months to make a complaint to the Ombudsman.

For purposes of his investigations, OFPA gives the Ombudsman the following information-gathering powers:

- (a) Power to request any person to provide him with information or produce any documents. The Ombudsman can ask any person (including those he has no power to investigate) to provide information necessary for his investigations. He does not need a court warrant to obtain such information. Further, no secrecy obligations or restrictions, except Cabinet confidentiality, apply. It is an offence to wilfully fail to provide information requested by the Ombudsman or to provide false information.
- (b) similar powers of a Magistrate to summons a person (including those he has no power to investigate) to appear before him to be examined orally and if a person so ordered fails to attend, the Ombudsman can issue a warrant for the arrest of such person;
- (a) Power to enter official premises (after issuing 24-hours’ notice to the officer concern) for inspection and investigations.

In exercising his powers and carrying out the above oversight roles, the Ombudsman is not subject to the direction or control of any other person or authority. Even the Courts shall not question the proceedings of the Ombudsman (see section 98(1), Constitution).

To avoid any appearance of bias and conflict and to maintain the integrity and impartiality of the Ombudsman's Office, section 63 of the Constitution requires, even from the beginning of the appointment of the Ombudsman that the Ombudsman must:

- (a) cease to be a member of parliament or provincial assembly if he or she is such a member at the time of his or her appointment;
- (b) not perform the functions of any other public or provincial government office; and
- (c) Not, without the Governor-General's approval, hold any office of financial gain or engage in any other occupation for reward.

Quite similarly, section 3 of OFPA says that the person appointed as Ombudsman must immediately (on appointment):

- (a) vacate any public office;
- (b) vacate membership of any Commission established by the Constitution;
- (c) vacate any office in a statutory authority or Government agency;
- (d) Resign from holding any office in, or being a member of, any political party.

Such entrenchment of the Ombudsman's independence is crucial to avoid any contrary public perceptions as "*not only must justice be done; it must also be seen to be done*".¹

3.3 The Ombudsman Act 2017

On 26 July 2017, Parliament passed this new Ombudsman Act. This new Act repeals and replaces the *Ombudsman (Further Provisions) Act 1980*, which we refer to being the 'old Act'. Despite such repeals, some provisions of this new law have adopted similar positions as in the old OFPA.

The new Act extends the Ombudsman's oversight role to include contractors of public bodies. That is, the Ombudsman can investigate any complaints about the administrative conduct of a contractor of a government ministry or agency. Refer to *section 2.5* above for details.

3.4 Transition period

As per section 39 of the new Ombudsman Act 2017, the coming into force of the new Ombudsman Act does not affect investigations that we had initiated under the repealed Act (OFPA) and yet to be completed. Such matters will be dealt with under the old Act as if it was not repealed until they are concluded. However, any new complaints that we receive since the commencement date of the new Act will have to be dealt with under the new Act

¹ *R v Sussex Justices, Ex parte McCarthy* [1924] 1 KB 256

regardless of whether the incident complained of occurred prior to the commencement date.

3.5 Legislative reforms

The Ombudsman's Office has two legislative reform agendas under its work plan. Such reform is aimed at overcoming the weaknesses encountered during the course of carrying out our work under the current legal framework. The agendas are:

- To review and strengthen the *Ombudsman (Further Provisions) Act 1980*; and
- To develop a Freedom of Information (or right to information) policy and legislation.

3.5.1 Review and strengthen the Ombudsman (Further Provisions) Act 1980

The Office engaged the legal drafting services of a local private law-firm to assist in reviewing the old OFPA. This results in producing the initial draft bill that was sent to the government's legal draftsman at the Attorney-General's Chambers for scrutiny and producing of a final draft. In the process, we decided that a new Bill is warranted to replace the current *Ombudsman (Further Provisions) Act [Cap 88]* to avoid too many amendments and untidiness. The new *Ombudsman Act 2017* which was passed by Parliament in July 2017 was a result of the review. The principal areas of improvement are highlighted above in *section 2.5*

3.5.2 Freedom of information policy and legislation

In March 2016, the Office facilitated the visit of an Anti-Corruption and Freedom of Information (FOI) specialist and attorney, Ms. Aylair Livingstone, who has been engaged by the United Nations Development Programme (UNDP) and United Nations Office on Drugs and Crime (UNODC), with the agreement of the Government, to develop drafts of freedom of information policy and law.

Draft FOI policy and Bill have been prepared and ready for consultations since 2016. However, due to resource constraints (among other things) the Office has experienced, we had to focus mainly on the first reform agenda – the review of the Ombudsman Act – and planning of commencing consultations on the FOI drafts in year, 2018.

The general objective of establishing an FOI regime is to facilitate greater transparency and accountability in governance. It will give the public a legal right of access to information held by all government bodies, subject only to narrowly drawn exemptions, and enables greater public participation in the decision making processes at national and provincial levels. An FOI policy and law specifically commits the Government to the proactive release of information into the public domain and to receiving and responding to requests for information from the public within defined time frames where the information sought by a member of the public is not already published. The denial of a request for access can be appealed to a specially established enforcement body at little or no cost.

3.6 Working with the new law

We look forward to using the new Ombudsman Act 2017 as a tool to guide our Office to effectively and efficiently carry out its role and functions in Solomon Islands as has been mandated by constitution and the new Act into the future.

In the course of executing our role and functions, the Ombudsman's Office has adopted the following vision and mission statements.

3.6.1 Vision

- *To promote fair, transparent and accountable public administration that benefits the people of the Solomon Islands.*

3.6.2 Mission

The Ombudsman safeguards the interest of the Solomon Islands Community in its dealing with government by;

- Assisting people to resolve complaints about government administration;
- Independently investigating and reporting on the actions and practices of government; and
- Fostering accountable, lawful, fair, transparent and responsive administration.

4 Our Performance

The Ombudsman's Office has engaged in a number of programs to ensure that good governance and proper administration is sustained, making sure that services are well delivered to the people. The Office took the following steps to enable the sustainability of good administration in the public sector.

4.1 Handling complaints and assuring good governance

In consistent to the traditional role of the Ombudsman, the Office has dealt with a number of complaints that were received from both the citizens and public officers. This continue to show the positive side to complaints and the fact that people are aware of their rights against the importance of sustaining good administration in the public sector. The Ombudsman's Office performs its role to ensure that good governance is maintained through a good public administration.

4.1.1 Complaint Based and Own Motion Investigations

There are two ways the Ombudsman's Office can initiate an investigation into matters brought to the attention of the Ombudsman. First, through complaints received from the public. This is provided for under sections 6 of *Ombudsman (Further Provisions) Act 1981-OFPA*. The Ombudsman through the Investigation Unit receives complaints, assess and seek the Ombudsman's approval whether or not to investigate. Assessment of complaints also takes into consideration the limitation on the jurisdiction of the Ombudsman.

In other circumstances the Ombudsman can initiate an Own Motion Investigation (OMI) into issues. Section 5 (1) (c) of the OFPA provides for this, where it states "*he considers it desirable to do so of his own motion*". An Own Motion Investigation can be made on issues that are of national interest, and has the tendency to affect citizens widely. In 2016 to 2017 the Office has completed four OMI and initiated two others that are still active. For example of OMI issue is the awarding of the '2016 SIG Scholarships' that concerns a wider range of the population. *Figures 1, 2 & 3* below shows the statistics of all complaints received and the growing trend observed since 2013 to 2017.

Figure 1 – Table on total number of complaints registered from 2013 - 2017

Row Labels	Count of Case File Number
2013	112
2014	120
2015	152

2016	178
2017	198
Grand Total	760

Figure 2 - Bar graph showing the growing trend for complaints since 2013

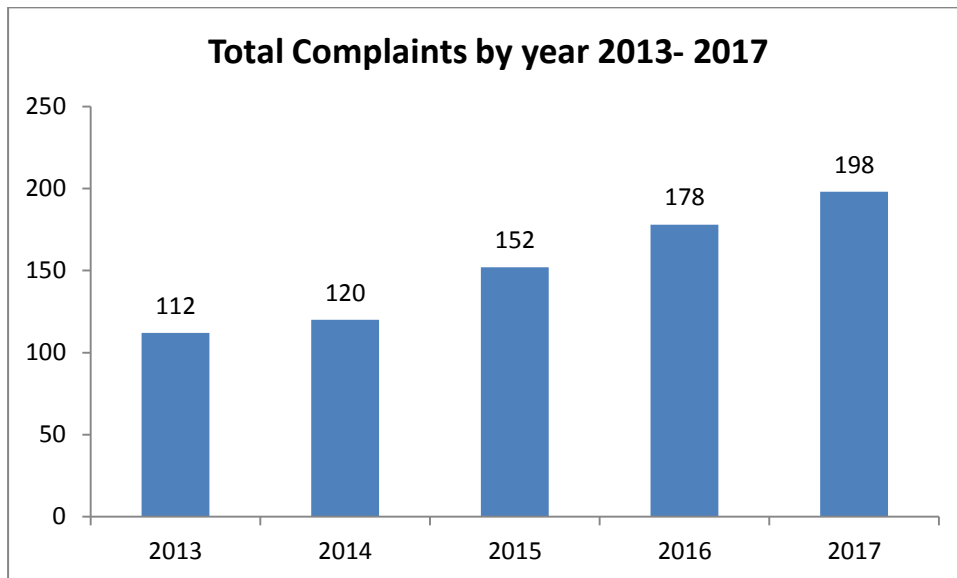
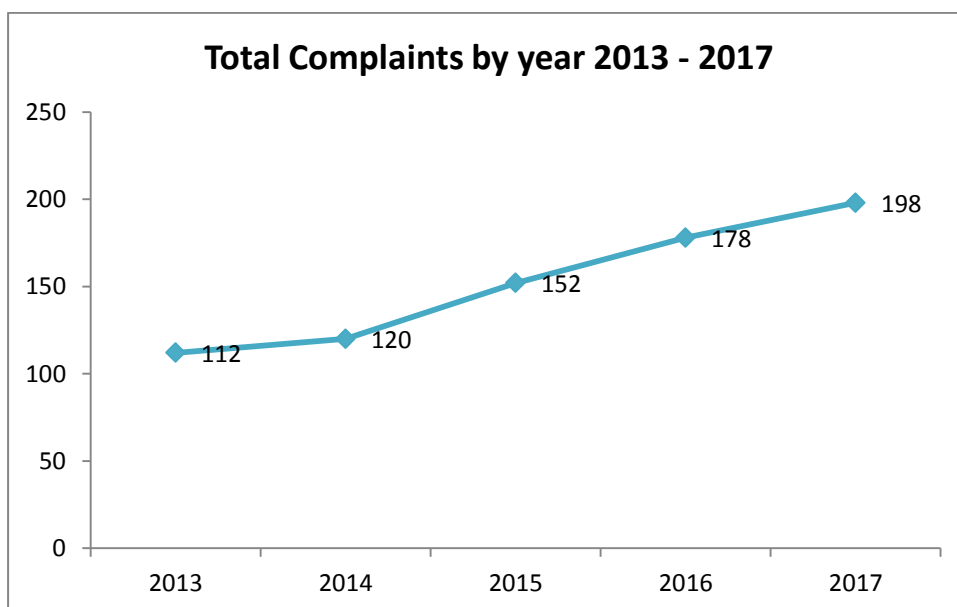


Figure 3 - Line graph showing the growing trend for complaints since 2013



4.1.2 Reporting and Compliance

Reporting and Compliance is a cornerstone to the role of the Ombudsman. It is procedural that when the Office initiated an investigation on a complaint, natural justice has to be

served to those who participated in the investigation, especially those who may be adversely affected by any comments in the Ombudsman's investigation report.

The Ombudsman's Office report then is sent to the responsible ministries/departments or agencies for implementation of the report's recommendations based on the investigation findings. Although the law does not expressly require agencies' to act here, by virtue of them being public/government agencies are obliged to comply by implementing the Ombudsman's recommendations anyway, and as prerequisite for the improvement and promotion of good governance.

In 2016 to 2017, besides the Own Motion Investigation (OMI) reports, there are a number of important reports produced for some of the individual Complaint-Based cases. *Figure 4* below gives the statistics on the number of Complaint-Based Investigations (CBI) reports completed and sent to agencies for implementation, while *figure 5* shows the record on the number of OMI reports produced for 2016 and 2017 that were finalized and forwarded to agencies for implementation.

Figure 4 – Total number of CBI reports produced for 2016 and 2017

No	Nature of Issue	Authority Investigated	Year
1	Circumstances surrounding the alleged nonpayment of payments due to Aircon Products Limited	MMERE	2016/2017
2	The RSIP Non Commissioned Officers (NCO) requesting air fares to travel on annual leave	MPNCS	2016/2017
3	The validity of Visa Exemption notices issued to 12 Singaporean SIPA workers	MCILI, SIPA	2015/2016
4	The unpaid claims by former CDOs	MRD, MPS	2016/2017
5	Salaries deduction to recover special imprest against two Isabel Education Authority employees	IEA, MEHRD	2017
6	Kukum Traffic Division handling of a fatal traffic accident case	KTD, RSIPF	2012/2017

Figure 5 – Total number of OMI reports for 2016 and 2017

No	Nature of Issue	Authority investigated	Year
1	2016 SIG Scholarship Awards	MEHRD, MPAC	2016/2017
2	The allegation of illegal and unauthorized	MPG	2016/2017

	borrowing of money by the Malaita Provincial Government		
3	Prison welfare and other issues of the Auki Correctional Center	ACC	2015/2016
4	Welfare and other issues relation to the Kilufii Psychiatric and Mental Unit	KRH-KPMU	2015/2016

The Ombudsman's Office is pleased to note the high level of compliance rate in the implementation of its investigation reports' recommendations for the periods 2016 to 2017. For example, in 2016 when the issue of the Malaita Provincial Government (MPG) illegal and unauthorized borrowing was raised by the media, the Ombudsman's Office was the first institution to send a team to Auki to investigate the matter. A report was produced with recommendations forwarded to MPG and respective ministries and agencies for implementation in 2016. By October 2017, the Ombudsman's Office is happy to note that over ninety (90) percent of the recommendations provided were implemented. Similar feedbacks were also recorded with other investigation reports' recommendations that include the Auki Correctional Center, the Kilufii Psychiatric and Mental Unit, the Solomon Islands Ports Authority recruitment of Foreign Advisors and the Ministry of Commerce, Labour and Immigration, Ministry of Mines, Energy and Rural Electrification, to name a few. The high response rate reflected well on the part of agencies. It demonstrates better understanding by agencies on the important role played by the Ombudsman's Office in ensuring good public administration is sustained for better service delivery.

4.1.3 Reforms

In 2014 the Ombudsman's Office after encountering some difficulties in working with the *Ombudsman (Further Provisions) Act 1981* (OFPA) decided to review the Act. A local legal consultant was engaged to work with the Office on this. Consultations were widely held with SIG ministries, provincial authorities and stakeholders throughout the country in 2015. This followed with the drafting of a new Ombudsman Bill in 2016 aimed to repeal OFPA. In 2016 the bill was tabled in Parliament and only managed to went through the first reading and was delayed by the government for reasons connected to the national anti-corruption strategy. In April 2017, the same bill was again tabled in Parliament and passed without any amendments.

The passage of the Ombudsman Act 2017 comes with a number of structural and organizational reforms. The Ombudsman's Office internal policies were immediately reviewed and amended by the legal team. Documents reviewed included the Office Standard Operating Procedure (SOP), the Internal Review Policy (IRP) and Receipt and Preliminary Assessment Policy (RPAP). Briefings were held with staff on those reviewed policies to acquaint themselves to working with the changes.

Another change that comes with the legislative reform is the independence of the Office. Consultations were done with the OPMC and MoFT, and as of this year 2018 the

Ombudsman's Office now has a separated budget head from the Office of the Prime Minister and Cabinet as has been the case. The Ombudsman is the accountable officer for purposes of the *Public Financial Management Act 2013*. Having the Ombudsman as the accountable officer should allow the Office to operate independently and execute its role and functions according to its plans. In the past, this has been our area of difficulty when planned activities have to be postponed due to non-availability of funding or exhaustion of funds without the Ombudsman's knowledge. Furthermore, consultation with the Ministry of Public Service and OPMC is on-going to recruit additional staff as part of the reform. New staffing is required to man the finance department, increased the investigation workforce and the compliance division under the Governance Unit.

4.1.4 Training and Publicity

In 2016 to 2017 the Office through the training and publicity division has achieved the following tasks.

- Produced two booklets, one on the '*SIG officer employment grievances*' and another one on '*teacher employment grievances*'.
- Produced one pamphlet on '*what you should know about the role of the Ombudsman*.'
- Distributed booklets and brochures to public servants, teachers and education authorities during workshops and meetings held. Materials were also put on display at the Office front desk area for members of the public to access.

In 2017 the Office through the Governance Unit conducted a major provincial tour to most of the provinces. The objectives of the tours are to deliver the booklets to authorities, review the aerogramme form initiative pertinent to an MOU that was signed between the Solomon Islands Postal Corporation and the Ombudsman in 2015, present the findings and recommendations of the Complaint Handling Survey Report 2016 to provincial authorities, and investigate outstanding complaint cases with provincial authorities. All provinces were covered except for Renbel province. A report was produced with internal recommendations recorded to assist the Office in its future tours and programs.

Furthermore, in July 2017 the Office revived and published its Newsletter. The newsletter was shelved in 2009 due mainly to lack of funding and manpower. The improved manpower and funding has enabled the Office to publish two issues of the newsletter in 2017. Currently, the newsletter is published twice a year while the aim is to publish it quarterly in the future. Besides the newsletter, the Governance team has reviewed its publicity materials to coincide with changes culminated from the enactment by Parliament of the new Ombudsman Act 2017 and aims to commence distribution in 2018.

In trainings, during the period 2016 to 2017 a number of staff had attended trainings in specific areas with both local and regional institutions and organisations. Details on the number of officers and types of trainings attended are detailed in *appendix 2* of this report.

Also, in 2016 as part of the Office in-house training the Governance team through the Director has developed and run a monthly discussion topics on '*ethics, governance and*

leadership’ for staff. This program has continued in 2017. Monthly topics of discussion ranges from the role of the Ombudsman to the challenges we faced as an institution (office) to understanding the government system in Solomon Islands both traditional and modern and conflict resolutions. Some of the prominent speakers who were invited to give presentations on various topics included Rev. Mark Graham, from the Church of Melanesian Office in Honiara who talked on “*conflict resolution*”; Dr Welshman Gegeo, Director of Research at the Solomon Islands National University (SINU), presented on “*Culture factor: Is our culture and tradition failing us in our work?*”; and Mr. Solomon Kalu, Chairman of the Leadership Code Commission who talked on ‘*understanding bureaucracy: finding our place in the midst*’. Details of this program can be seen in *appendix 3* in this report.

Further still, during 2017 there are officers who have attended trainings and on their return to office gave presentations to staff as part of the information sharing and learning approach taken by the Office. Those included the trainings listed below.

4.1.4.1 Conflict of Interest Management Training, Nadi, Fiji

- The Director of Legal Services, Mr. Nelson Dhita, and Senior Investigation Officer 5, Mr Philip Manetohua, attended a three day training on ‘*Conflict of Interest Management Training*’ held in Nadi, Fiji, from 1- 3 May 2017. Participants from other integrity institutions of seven other Pacific Islands nations also attended this workshop.
- During the presentation to staff, the two officers shared the knowledge and skills acquired from the workshop by giving a power-point presentation. Among the shared knowledge and skills are discussions on what conflict of interest is, why it arises, the type and nature of conflicts, the inevitability of conflict of interest arising at times, and significantly, how to manage such conflict in order to maintain the integrity of an officer and his or her organisation.

4.1.4.2 Investigation, Compliance and Enforcement Training Systems (ICETS), Brisbane, Trades William Hotel.

- Principal Investigation Officer 1 (Billy Kerepiniano) and Senior Investigation Officers 3 & 4 (Agnes Tarai & Komatang Baia) attended the above training from 11 – 22 September 2017. This is an Australia/New Zealand Standard Certificate for government investigators. The Ombudsman’s Office thank the Pacific Integrity Network (PIN), a body comprising of Pacific Ombudsman and like institutions alliance, for the funding support which enable the two senior investigation officers to attend this important training.
- Upon their return and as part of their on-going assessment towards the certification on the training, the three officers were able to deliver and share information and knowledge with the rest of the Ombudsman’s Office staff.

4.2 Complaint register audit

A review done on the Ombudsman's Office CMS database have identify certain issues that keeps on re-occurring throughout 2016 and 2017 from the complaints lodged, investigated and resolved. Those issues are highlighted below for information of Parliament. Also, the information provided is to show the seriousness of issues within certain sectors of the Solomon Islands Government. But first, *figure 6* below shows the record on the nature of issues complained of in 2016 and 2017.

Figure 6 – Table on Complaints by Nature of Issues for 2016-2017

Row Labels	Count of Case File Number
2016	
Total Complaints	178
Diversion of Fund, Frauds, Corruption	5
Poor Financial Management, mishandling imprest, etc. (excl. corruption, fraud, etc.)	1
Non Payment or termination of benefits, entitlements, scholarship etc.	7
Claims for withdrawal, Refund, Outstanding payment, Compensation, Damages, etc.	20
Unfair/Unprocedural conduct relating to visas, passports, permits licenses, approvals, land-rights, etc. (exc corruption and delay)	10
Registrations of information, titles, record keeping, etc.	2
Unfair awards of tender/grant (\$)	2
Unfairness relating to awards of scholarships, grades, college admissions, etc.	5
Poor customer service, complaint handling, service delivery (inc delay)	10
Withholding letters, certificates, endorsement etc. (exc employment)	2
Unfair judicial decision, award, etc.	1
Private matter/ Other	5
Salary	41
Allowances	10
Transfers, Posting	6
Appointment, Probation, Confirmation	7
Suspension	3
Termination	14
Promotion/ Demotion	6
Housing	4

Disciplinary	5
Redundancy, Retirement, Pensions, LDSB	6
NPF	2
Holidays, Leave	3
Others	1
2017	
Total Complaints	198
Diversion of Fund, Frauds, Corruption	3
Poor Financial Management, mishandling imprest, etc. (ecl corruption, fraud, etc.)	2
Non Payment or termination of benefits, entitlements, scholarship etc.	2
Claims for withdrawal, Refund, Outstanding payment, Compensation, Damages, etc.	32
Unfair/Unprocedural conduct relating to visas, passports, permits licenses, approvals, land-rights, etc. (exec corruption and delay)	1
Registrations of information, titles, record keeping, etc.	4
Unfairness relating to awards of scholarships, grades, college admissions, etc.	4
Poor customer service, complaint handling, service delivery (inc delay)	25
Withholding letters, certificates, endorsement etc. (exec employment)	2
Private matter/ Other	7
Salary	33
Allowances	9
Transfers, Posting	5
Appointment, Probation, Confirmation	17
Suspension	3
Termination	12
Promotion/ Demotion	2
Housing	2
Disciplinary	5
Redundancy, Retirement, Pensions, LDSB	15
NPF	4
Work safety, Compensation	3
Holidays, Leave	1
Others	5
Grand Total	376

From the data provided above, salary recorded the highest number of complaints for 2016. In 2017 salary recorded the second highest with 'Claims for withdrawal, Refund, Outstanding payment, Compensation, Damages, etc.' being the highest. The re-occurrence of these administration issues highlighted the challenge within SIG ministries, departments and agencies. It raises the need for responsible officials from ministries, departments and agencies to start improving their administrative performance if they are to arrest the challenge.

Figures 7a, 7b and 8 below shows the record per government ministries, departments and agencies for 2016 and 2017.

Figure 7a - Table of summary on complaints by authorities for 2016 and 2017

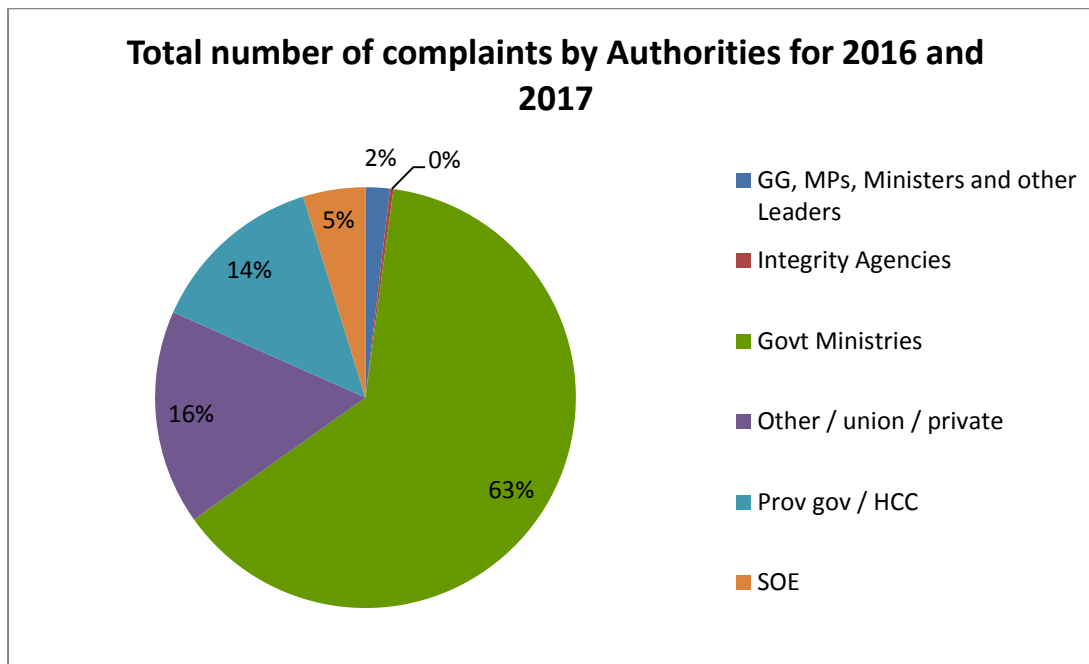
Row Labels	Count of Case File Number
2016	178
GG, MPs, Ministers and other leaders	3
Integrity agencies	1
Govt Ministries	124
Other/Union/Private	30
Prov gov/ HCC	16
SOE	4
2017	198
GG. MPs, Ministers and other leaders	4
Govt Ministries	113
Other/Union/Private	32
Prov gov/ HCC	35
SOE	14
Grand total	376

Figure 7b - Total Number of Complaints by Agencies from 2016 -2017 in percentage

Row Labels	Count of Case File Number
GG, MPs, Ministers and other Leaders	1.86%
Integrity Agencies	0.27%
Govt Ministries	63.03%
Other / union / private	16.49%
Prov gov / HCC	13.56%

SOE	4.79%
Grand Total	100.00%

Figure 8 – Pie chart of total number of complaints by authority



As evident in *figures 7a* and *7b & 8* above, SIG ministries accounted for some 63 percent of the total complaints registered for the periods 2016-2017. The second highest is ‘others/union/private’ (16 percent), while the third highest is the provincial authorities with 14 percent. When the first and third highest are put together, government ministries, departments and agencies have accounted for some 77 percent of the complaints. This should raise eyebrows and warrant serious questions to be asked.

In comparison to the record for the two years reported on we have decided to also include separated pie charts below to show the difference for both years (2016 and 2017).

Figure 9a – Pie chart showing total number of complaints in percentage for 2016

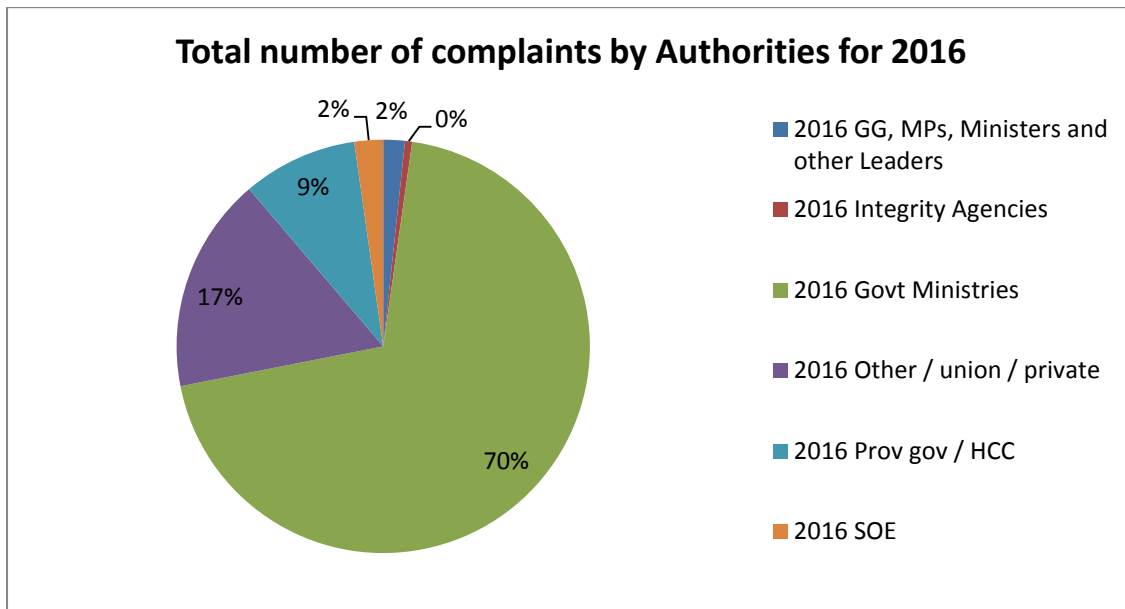
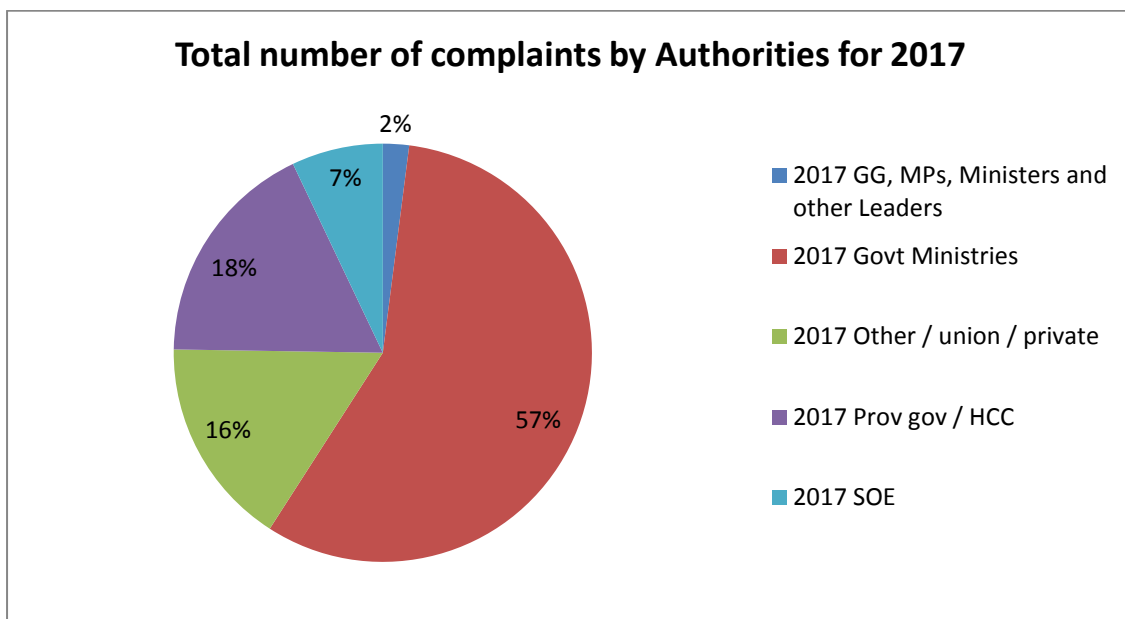


Figure 9b – Pie chart showing total number of complaints in percentage for 2017

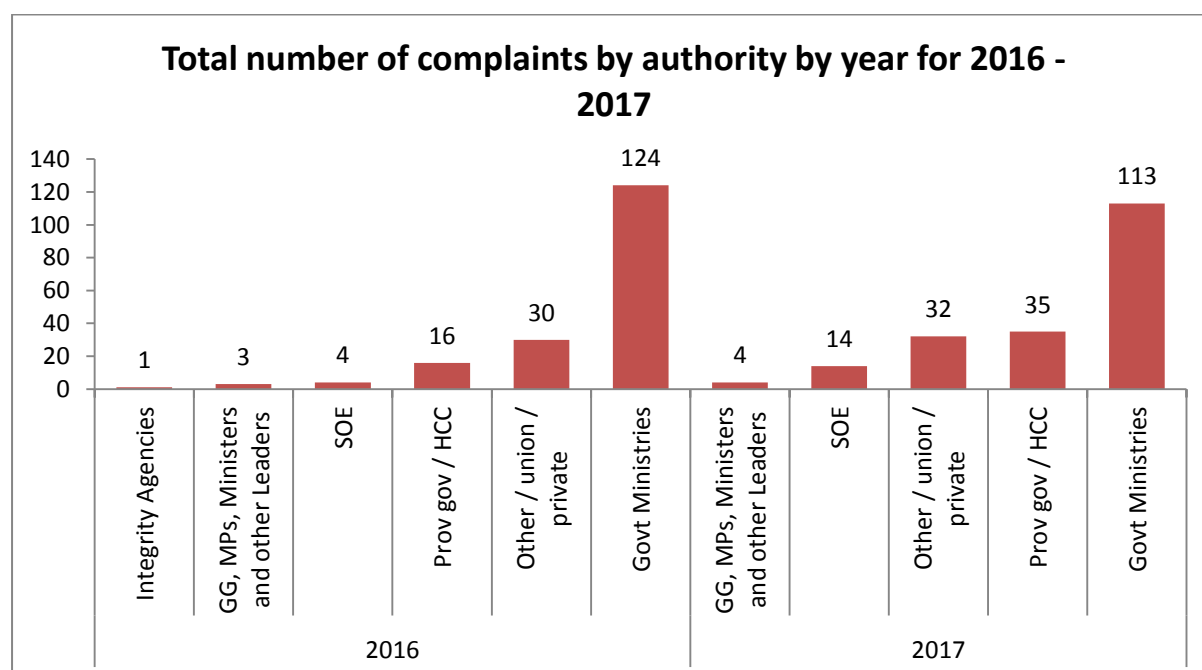


Comparing the data as seen in *figures 9a & 9b* above, in 2016 government ministries recorded 70 percent of complaints while in 2017 government ministries recorded 57 percent.

Whereas for provincial government authorities in 2016 had recorded 9 percent, while in 2017 this is double up to 18 percent.

The bar graph provided below confirms the actual record of complaint cases as can be seen.

Figure 10- Bar graph on complaints received for 2016 and 2017 against agencies/authorities



4.2.1 Complaint Case allocation by SIG ministries, departments and agencies

The records discussed above in *figures 1 – 10* shows an overall representation of complaints registered against the public service and private sector. Below are specific and detail records for all the government ministries, departments and agencies for 2016 and 2017.

Figure 11 - Table of Complaints by ministries, departments and agencies for 2016 and 2017

Row Labels (Name of ministry, department and agency)	Count of Case File Number
2016	178
Governor General	1
Integrity Agencies	1
Min Agriculture & Livestock Dev	4
Min Comm, Industry, Labour & Migration	3
Min Culture and Tourism	1
Min Education and Human Resources	53
Min Environment, Climate Change, Disaster Management and Meteo	1
Min Finance and Treasury	5
Min Fisheries and Marine Resources	1
Min Foreign Aff & Trade	1
Min Forestry and Research	5
Min Health and Med Services	7
Min Home Affairs	2

Min Infrastructure Dev	2
Min Justice & Legal Affairs	3
Min Lands, Housing & Survey	8
Min Mines, Energy, Rural Electrification	1
Min Nat Unit, Recon and Peace	1
Min Police, Nat Sec and Correctional Services	15
Min Provincial govt & Institute Strengthening	2
Min Public Service	5
Min Rural Develop and Indigenous Affairs	2
Min Women, Youth, Children & Fam Affairs	1
MPs, Ministers and other leaders' personal conduct	2
OPM&C (exc integrity agencies)	1
Other / union / private	30
Prov gov / HCC	16
SOE	4
2017	198
Min Agriculture & Livestock Dev	9
Min Comm, Industry, Labour & Migration	8
Min Communication and Aviation	1
Min Education and Human Resources	25
Min Environment, Climate Change, Disaster Management and Meteo	3
Min Finance and Treasury	10
Min Health and Med Services	12
Min Home Affairs	1
Min Justice & Legal Affairs	5
Min Lands, Housing & Survey	6
Min Mines, Energy, Rural Electrification	1
Min Nat Unit, Recon and Peace	1
Min Police, Nat Sec and Correctional Services	21
Min Public Service	7
Min Rural Develop and Indigenous Affairs	1
MPs, Ministers and other leaders' personal conduct	4
OPM&C (exc integrity agencies)	2
Other / union / private	32
Prov gov / HCC	35
SOE	14
Grand Total	376

In the table above, in 2016, the Ministry of Education and Human Resource Development (MEHRD) has recorded the highest number of complaints of 53 cases followed by the

Ministry of Police, National Security and Correctional Services (MPNSCS) with 15 cases. The third highest is the Ministry of Lands, Housing and Survey (MLHS) with 8 cases. In 2017 the MEHRD (Ministry of Education) remains the highest with 23 cases although the number has dropped by half compared to the previous year's record. The Ministry of Police (MPNSCS) remains the second highest with 21 cases but this time with an increase of 6 cases on top of its 2016 record, while the third highest is the Ministry of Health and Medical Services (MHMS), a new comer, with a total of 12 cases.

4.2.2 Complaint Case allocation by Provinces/Honiara City Council

For provincial authorities, that include the Honiara City Council being the only local government authority in Solomon Islands, the record is as follow for 2016 and 2017.

Figure 12 - Table on total number of complaints for each provincial for 2016 & 2017

Row Labels (Provinces)	Count of Case File Number
2016	178
Honiara	90
Malaita	24
Makira	16
Temotu	10
Guadalcanal	10
Choiseul	9
Central	9
Western	7
Renbel	2
Isabel	1
2017	198
Honiara	123
Malaita	24
Isabel	12
Guadalcanal	11
Central	9
Makira	8
Western	5
Choiseul	3
Temotu	2
Renbel	1
Grand Total	376

With the information provided in the above table, below is how it looks when plot in a bar graph and pie chart.

Figure 13 - Bar Graph showing total complaint by provinces for 2016 and 2017

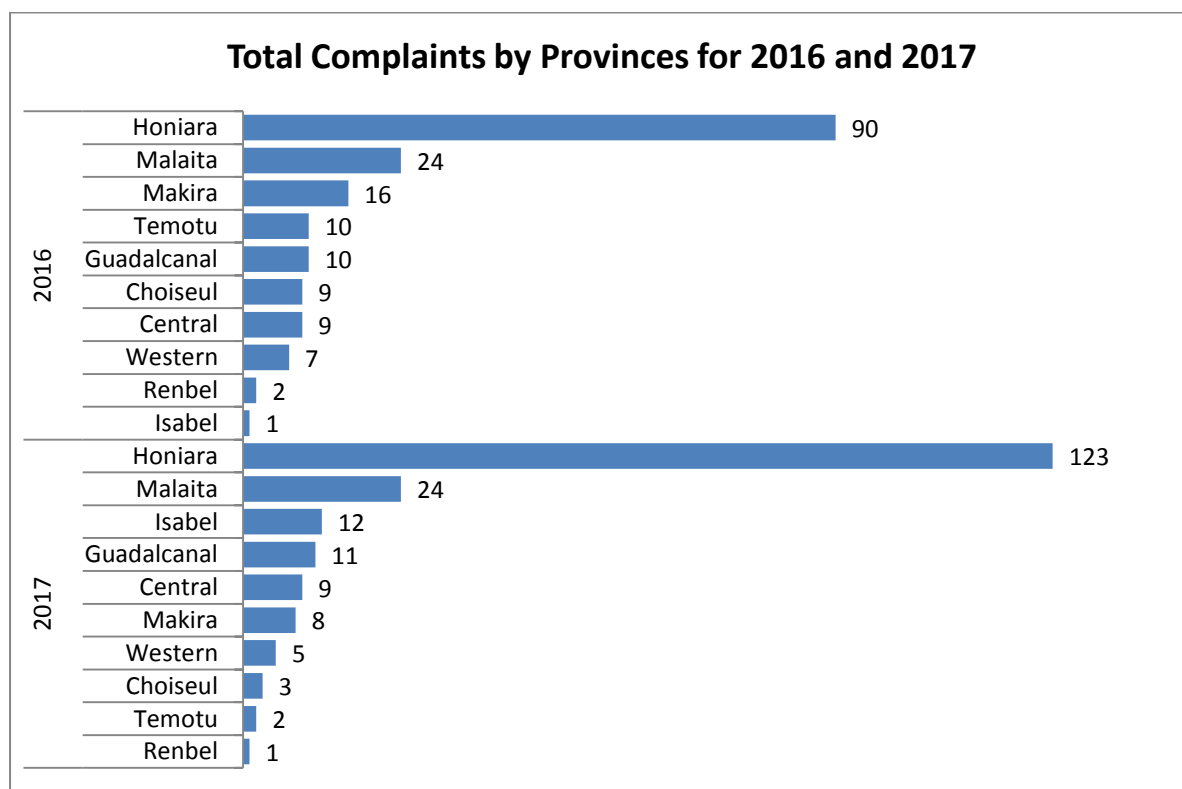


Figure 14 - Pie chart for total complaints by province for 2016

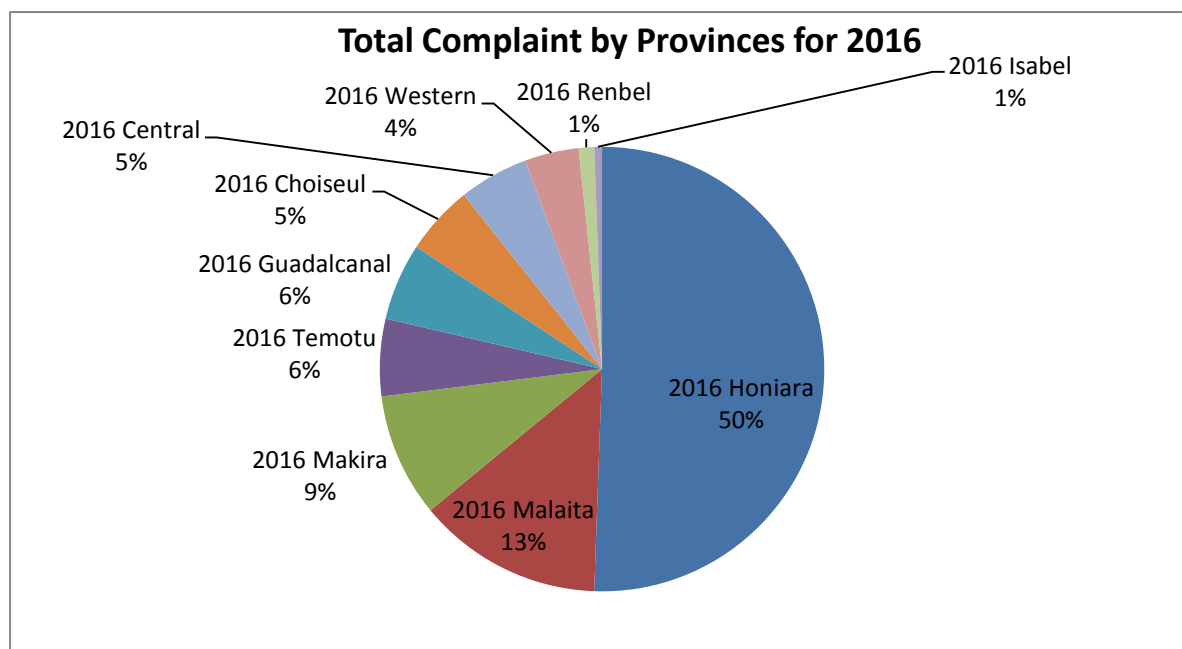
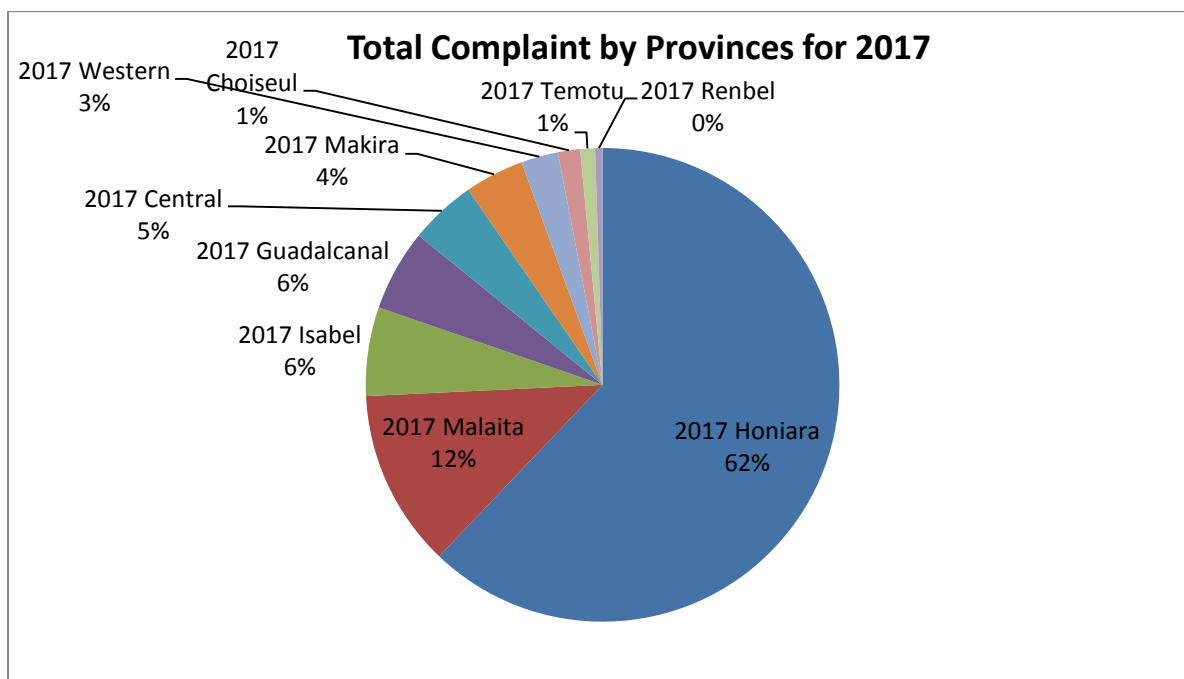


Figure 15 - Pie chart for total complaints by province for 2016



From *figures 12 - 15* above, Honiara City Council (HCC) authority accounted for the highest number of complaints in both years (2016 and 2017). In 2016 HCC recorded 90 complaint cases. This is more than 50 percent of the total number of 178 cases registered for 2016 alone. The second highest is Malaita province with 24 cases that is 13 percent of the total number of cases. The third highest is Makira/Ulawa province with 16 cases, while the provincial authority with the least number of complaint cases recorded against is Isabel province with only one case for 2016.

In 2017 the number of cases for all provincial authorities increased from 178 to 198 (an increase of 20 new cases). HCC remains with the highest number of 123 complaint cases, which is 62 percent of the total of 198 cases registered for 2017. This is an increase of 33 cases from 2016 to 2017. The second highest is Malaita province with 24 cases, which is 12 percent of the 2017 total record, while Isabel province claims the third highest with 12 cases (that is 6 percent of 2017 record) from the previous year.

In general, the record for provincial authorities continues to show a growing trend of complaints from 2016 and 2017 with an increase of 20 cases. This shows a growth rate of 0.05 percent.

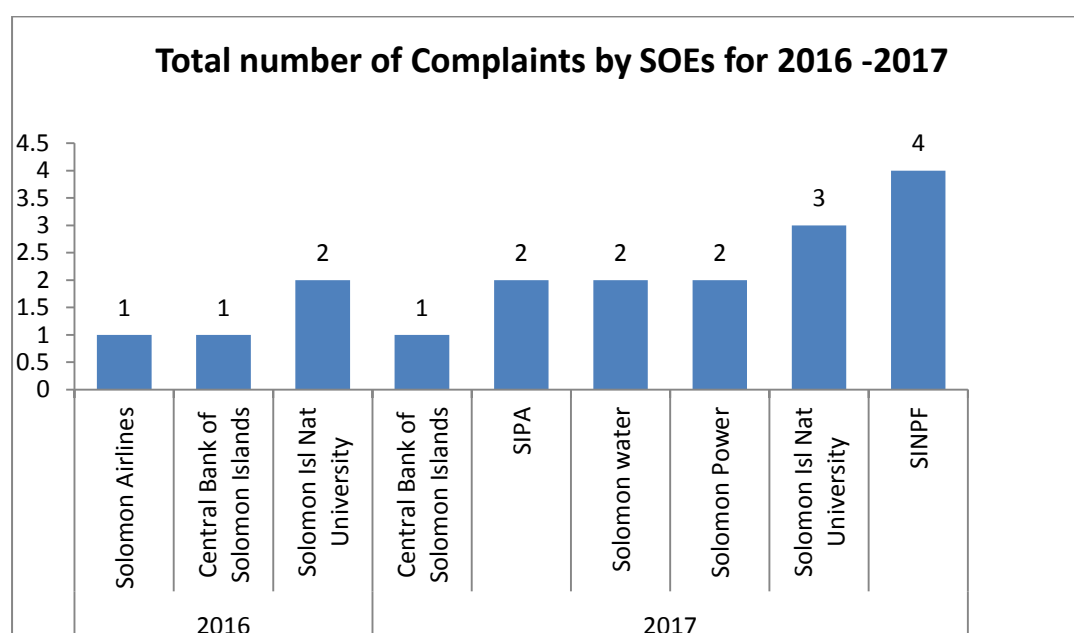
4.2.3 Complaint Case Allocation by State Owned Enterprises (SOEs)

State Owned Enterprises also falls under the jurisdiction of Ombudsman. This was provided for under section 5(2) (f) of OFPA, which states “anybody incorporated by Act of Parliament”. *Figures 16 & 17* below provides the detail record and representation on the number of complaint cases registered against the different SOEs for the given period (2016 and 2017).

Figure 16 - Table showing total number of Complaints by SOEs for 2016-2017

Row Labels (Name of SOE)	Count of Case File Number
Central Bank of Solomon Islands	2
SINPF	4
Solomon Is Nat University	5
SIPA	2
Solomon Airlines	1
Solomon Power	2
Solomon water	2
Grand Total	18

Figure 17 – Bar graph showing the data in figure 16 as above



In 2016 and 2017 together as seen in *figures 16 & 17* above, the highest number of complaints was registered against the Solomon Islands National Provident Fund with 4 cases, followed by Solomon Islands National University with 3 cases. The rest of the SOEs only registered 1 and 2 cases each.

When put in separate percentile for the different years, in 2016, cases were only registered against three SOEs; namely Solomon Islands National University (50 percent of cases), Solomon Airlines (25 percent) and Central Bank of Solomon Islands (25 percent). This representation can be seen in *figure 18a* below. In comparison for 2017, compliant cases were registered against six (6) SOEs as seen in *figure 18b* below. They are SI National Provident Fund (29 percent), SI National University (22 percent), Solomon Power, Solomon

Water & SI Ports Authority (with 14 percent each) and Central Bank of Solomon Islands (7 percent).

Figure 18a – Pie chart of the cases registered from SOEs in 2016

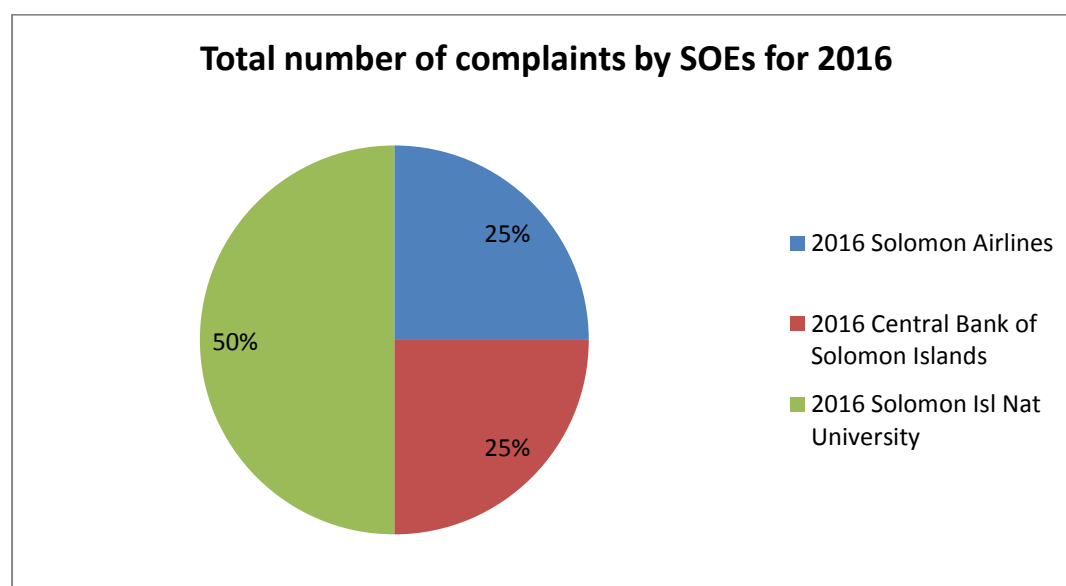
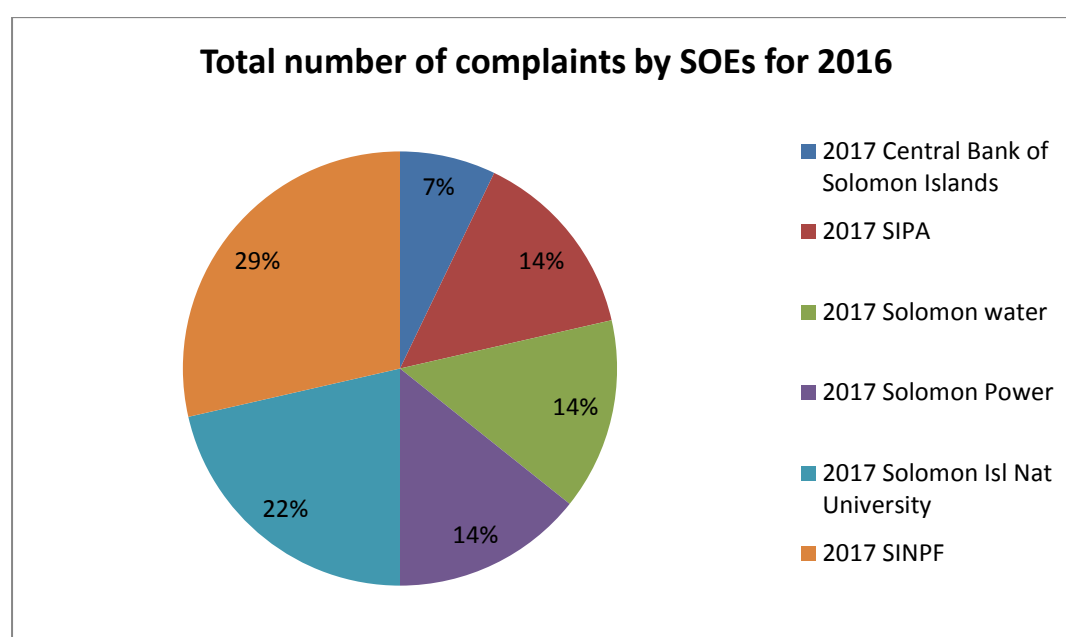


Figure 18b - Pie chart of the cases registered from SOEs in 2016



When compare this with government ministries including provincial authorities for 2016 and 2017, the number of complaints remains low as ministries in total accounted for 376, whilst SOEs only registered a total of 18 complaint cases for this period.

Also there are SOEs that maintain a clean sheet for this period that sees no cases have been registered against them with the Ombudsman's Office. For example is the Solomon Islands Broadcasting Corporation (SIBC).

4.2.4 The Private Sector

The Ombudsman has no jurisdiction over the private sector, entities or individuals. However during 2016 and 2017 we have registered a number of cases against them. That is because some of the complained issues are link to government ministries, departments and agencies. The table below provides the record of cases registered for this period.

Figure 19 – Table showing the recorded cases against private entities that includes others, unions and private individuals

Row Labels (Authority)	Count of Case File Number
2016	30
COM Education Authority	1
Delta Timber Ltd	1
Diocese of Temotu	1
George Tuhaika, Solina Tengemoana & other	1
GM/Sofish Company	1
Green Hill Logging Company	1
Kelyn Education Authority	2
Local Court	1
MEHRD (TSO)	1
Middle Island Investment	1
Pacific Crest Enterprises	1
Ramo Dausabea	1
SI mission of SDA	1
SI Public Employees Union	1
SINTA Credit Union	10
South Pacific Oil	1
Top Ten Night Club - Keen Lee	1
Ulawu/Ugi Constituency Office	1
United Church Education	1
Wilfred Olivagi	1
2017	32
ADS Quality Furniture	1
Bank South Pacific	1
COLW Education Authority	3
COM Education Authority	1
Flier Restaurant Company	1
French Red Cross	1
John Kelly	1

Land trustees/license holder	1
MP Central Kwara'ae (J. Fiulaua)	1
Peter Cheng	1
RSIPF Association	1
SDA Education Authority	3
SI Public Employees Union	2
SINTA	4
Solomon Security Services	1
South Pacific Oil Ltd	1
SSEC Education Authority	5
Temotu Development Authority	1
United Church Education	1
Westpac Banking Corporation	1
Grand Total	62

4.3 On-going issues – systemic and recurring challenges

The records presented have shown the on-going challenges facing the public administration. This has continued to impact negatively on public services delivery in Solomon Islands. In fact, these issues are 'stumbling blocks' to better, fair, effective and efficient services delivery to citizens.

4.3.1 Poor record keeping and monitoring

The problem of poor record keeping and monitoring is prevalent within the service. This continues to be reflected through poor and unfair decisions. In fact, a good number of complaints investigated showed that files are missing or no records of important correspondences are filed. For example, a case of teacher X working under the HCC Education Authority was terminated from employment in 2013. When the Ombudsman investigator went and inspected the personal file of the said officer (complainant) there was nothing in it. Yet, the complainant was terminated from office without any explanation at all.

In 2016 the Ombudsman's Office decided to conduct an Own Motion Investigation into the awarding of SIG Scholarship awards to recipients. We checked 1,221 Scholarship files and found that 65 percent of the files have very important documents missing. Such documents included passport photos, institutions admission letters, copies of transcript, medical reports, birth certificates, and other related documents. The issue of missing or misplaced files seemed to be a trend in government ministries, departments and agencies. This calls for serious measures if this is to be addressed.

4.3.2 Agency non-responsiveness

Agency non-responsiveness has been an ongoing problem for the Ombudsman's Office since its inception. The problem continues to the present-day and bedevils the Office's ability to fulfil its mandate and improve public administration in Solomon Islands. In fact, the decision

the Office has taken to prosecute the former Permanent Secretary of the Ministry of Rural Development, Mrs Selina Boso, was due to non-responsiveness to Ombudsman's lawful request for information when investigating the use of RCDF. Education-related complaints demonstrated very high levels of non-responsiveness by education authorities to Ombudsman Office inquiries and communications. To address this ongoing problem and to avoid the office having to take formal legal action, we have begun an Ombudsman Focal Point initiative that involves designated officers within agencies taking a lead role in answering Ombudsman inquiries. In doing so, the Ombudsman also recommended that:

- Education authorities and officials respond in a prompt and timely manner to Ombudsman investigative inquiries as a matter of basic courtesy and professional responsibility and as a demonstration of their commitment to good administration in Solomon Islands; and
- Senior leadership within education authorities support the Ombudsman Focal Point initiative as a way of improving complaints handling and, wherever possible, implement Ombudsman formal recommendations.

4.3.3 Ineffective Communications

In the course of investigating complaints Ombudsman' Office often observed a lack of effective or robust administrative systems and for managing communications, including inadequate processes for recording and responding to written communications and limited access to the procedural manuals and policy instructions necessary for effective administrative action. This led to delay and inaction, and poor quality decision-making as officials failed to properly apply procedure or give effect to policy because of a lack of access to relevant documentation or insufficient understanding and training.

Solomon Islands' geography imposes logistical factor that make effective communication difficult, particularly for provincial education authorities and their employees in remote and hard to access areas. Despite this, there is still room for improvement. The Ombudsman has recommended that:

- Senior leadership should ensure that effective communications are a key agency priority and are supported by suitable policies and procedures;
- Administrative manuals that provide guidance to staff on applying an agency's legislation, policies and procedures, must be accessible, available and current;
- Key initiatives, programs, policies and procedures must be communicated clearly and promptly to staff, including the provision of training where appropriate and practicable; and
- Regular monitoring and review of agency actions – especially decision-making – should occur to ensure they are consistent with agency legislation, policy and procedures. Where they are not, staff should be further trained where appropriate and practicable.

4.3.4 Inadequate records management

A lack of accurate, accessible and comprehensible records undermines effective and efficient public administration in Solomon Islands, adversely affecting the lives of Solomon Islands citizens. Education authorities often did not have in place adequate document management systems for maintaining accurate, comprehensive and accessible records, leading to lost or misplaced files and documents. Missing files or misplaced files is now becoming an excuse by officials for non-performance. For example, in 2017 when the Ombudsman's Office requested the Director of Works within the MID to response to a case under investigation the officer replied by stating that the file is 'misplaced'. These small errors can have a profound impact on and serious consequences for people and inhibit transparent administration.

Good record keeping depends on executive leadership committing to rigorous standards and a firm and consistent approach to proper maintenance, storage and management of files and documents. The Ombudsman has recommended that:

- Senior leadership should make it part of an agency culture that professional and efficient record management practices underpin the administrative actions of the agency; and
- To the extent practicable, agency staff must be trained and supported in good record management practices that accurately record information.

4.3.5 Deficient Human Resources and Payroll Systems

Complaints from teachers expressing concerns about payment and non-payment of salaries and allowances, delayed promotions and appointments, unexplained or unreasonable demotions and suspensions, and problems with probation and postings were a common feature of education complaints. Teachers were generally dissatisfied with, and had little confidence in, teaching human resources and payroll administration.

The sheer number of complains about human resources and payroll issues suggests there are significant systemic problems with education authorities' ability to properly administer, estimate and budget for teachers' salaries, or maintain good standards of decision-making in relation to allowances, promotions, appointment, suspensions, terminations, probationary and postings processes. The Ombudsman has recommended that:

- Senior education leadership should demonstrate commitment to ongoing improvement and compliance with merits based procedures, and undertakes the regular review and oversight of HR and payroll administration.
- Education authorities should try to simplify processes where appropriate and applicable, and provide further training, guidance and support for staff.

4.3.6 Unfair and Unreasonable Delay

The Ombudsman's Office received a large number of complaints about unreasonable delay, suggesting a systemic failure of education authorities to promptly deal with their

responsibilities. While delay can sometimes occur for reasons outside the control of an administrative official and is sometimes unavoidable, potential delays can be minimised by agencies applying proper procedures in a timely manner, engaging in good planning, and regularly monitoring the processes. The Ombudsman has recommended that:

- Senior education leadership should undertake strong oversight and monitoring role to facilitate prompt follow-up and remedial action as a way of preventing unnecessary and avoidable delay.

4.3.7 Unfair or Unreasonable Decision-making

Many complaints to the Ombudsman's Office involved justified claims that agency officials had acted unfairly or unreasonably. Often decision-makers failed to have regard to all the relevant facts and circumstances, or did not appear to properly understand the policy or guidelines that they were purporting to implement. The Ombudsman has recommended that:

- Senior education leadership should, to the extent that budget funding permits, facilitate staff training in principles of good administrative decision-making, with a particular focus on the application of policy and guidelines when making administrative decisions.

4.3.8 Failure to Provide Reasons

It is a generally accepted principle of good administration that decision-makers and officials should always try to explain to people the basis or reasons for their actions. This can help people adversely affected by decisions understand why the action or decision was taken, and if aggrieved by it, to put their concerns to the decision-maker or to consider any other available review and appeal options. The Ombudsman has recommended that:

- Whenever possible and practicable, education officials should, as a matter of good administrative practice, provide reasons for their actions and decisions to those adversely affected.

Our investigation of education-related complaints suggests that education authorities, like all public authorities, encounter problems in administration and decision-making. Some arise from simple errors that can be easily remedied and corrected. Others point to larger systemic, thematic or recurrent issues that need to be addressed. While some problems cannot be avoided, many can be prevented by strong leadership and good management.

Education authorities, like other public agencies, can take positive steps to reform and improve. Senior leadership should be proactive in reviewing and monitoring organisational and staff performance, and be willing to listen to complaints and allegations. These provide opportunities for review and change. Senior leadership must not be reluctant to take a

critical look at their agency's performance, or be unwilling to take corrective action whenever necessary.

It is only with honest and critical self-appraisal, a willingness to consider complaints and external reports, ongoing quality assurance monitoring and review, a demonstrated commitment to ongoing improvement and a readiness to implement remedial recommendations or corrective measures, that public administration will become more effective and efficient and enhance the lives of the people of Solomon Island. As it stands, the action of public officers can be summed 'systemic and common' in four result areas: **Poor decision making and injustice, inconsistent use of discretionary powers, political interference in administrations and maladministration, fraud and corruption.** See *appendix 4* for detail Case Studies of Common and Systemic Issues.

5 Our Administration

5.1 Operations

The Ombudsman's Office is headed by the Ombudsman and is divided into 5 work units. See *appendix 1* for details on the office organisational structure. The five units are namely secretarial service, the corporate services, governance, legal and investigations.

The Secretarial Services Unit provides executive support to the Ombudsman via the Executive Personal Secretary, man the front desk through the Receptionist, and maintains the complaints register.

The Corporate Services Unit provides administrative support to the Ombudsman's Office. The unit is headed by the Chief Administration Officer (CAO), and assisted by the Principal Administration Officer (PAO). The unit also looks after the office driver, cleaner and securities.

The Governance Unit undertakes outreach, training and public relations via the Senior Training and Public Relations Officer (STPRO), while the PR Officer provides research support for the OOSI, especially on matters for investigation. The STPRO also managed and monitored the CMS database giving monthly and other report updates.

The Legal Services Unit provides legal advice and assistance to the Office. It consists of the Director and legal officer.

The Investigations Unit is divided into three teams. One team deals with the complaints backlog, the other team deals with Own Motion investigation issues, while the third team is responsible for receiving and assessing of complaints and provide recommended actions. Each team is made up of 3 Senior Investigation Officers (SIOs) and is managed by a Principal Investigation Officer (PIO), except for the receipt and assessment team that only has one SIO. The PIOs report to the Ombudsman via the Director of Investigations (DOI).

5.2 Decision-Making

Under Chapter IX of the Constitution and the Ombudsman Act 2017, only the Ombudsman has the power and authority to make decisions. However, the Ombudsman has decided to operate through an Executive Team that comprises of all the unit heads when it comes to making very important decisions. The Ombudsman believes in team work and collective decisions and want to see that senior management level are part of very important decisions that the Ombudsman's Office can make.

Below the Executive team is the rest of the Office staff. Decisions made are often convey to the rest of the staff through the office general staff meetings. Where the urgency of information relating to a matter decided on needs to be convey to staff, that can be communicated through the SIG email network or by way of written record/ circular.

5.3 Recurrent Budget (Other Charges)

The 2016 recurrent budget is based on the 2015 actuals. The total budget provided to the Ombudsman's Office as recurrent budget for daily operations under the administration of the Office of the Prime Minister (OPMC) is \$1,091,973.00. For the development budget, there is no specific allocation to the Ombudsman's Office. However, as a ministry where the Ombudsman's Office falls under, the OPMC was allocated with \$18.5million to implement its projects.

Also, in 2016, the Ombudsman's Office submitted a total of 2 virements to meet the cost of printing publicity booklets and brochure as well as to cover costs of provincial tours. See details for 2016 budget provided in *appendix 5*.

For 2017 the recurrent budget based on the 2016 baseline is \$1,516,073.00. The slight increase is to cater for Office Rental code injected into the budget. This provision is made in case it is necessary to vacate the Isaac Qoloni House and find rent elsewhere when work to extend the building took place. However, this did not eventuate as anticipated. With the development budget for 2017 the ministry is allocated with only \$7 million.

For virements, a total of 2 virements were made to meet office needs and ensure the office operations run smoothly throughout the year.

For 2018, the Office has made necessary submissions for a separate budget head. This was required by the *Ombudsman Act 2017*. As such, there is an increase budget for the Office to look after own administration matters. Thus, the office's proposed recurrent budget for 2018 is \$3,579,573.00. This includes taking on various new accounting codes as the office takes on the responsibility of paying for utilities, and other needed services to which it previously enjoys under administrative arrangements with the OPMC.

Figure 20 – Table on budget figures for 2016-2018

Year	Budget allocations		Baseline
	Recurrent	Development	
2016	\$1,091,973.00	\$18.5million	2015
2017	\$1,516,073.00	\$7 million	2016
2018	\$3,579,573.00.	Nil	2017 and new Ombudsman Act 2017 requirement

Pertinent to the provided information in the above table, 2017 recurrent budget shows an increase of 38.83 percent from the 2016 budget baseline, while for 2018 there is an increase of 227.8 percent from the 2016 budget baseline. These increases are necessary for the continuous improvement of services rendered by the Ombudsman.

5.4 Manpower

The Office of the Ombudsman is currently divided under five units: the Investigation Unit, Legal Unit, Governance Unit, the Corporate Services Unit and the Secretarial services.

At the very beginning of 2016, we had 21 staff members and 7 vacancies. In mid- July 2016, new staff members recruited began joining the Office and by November we had five new staff members (3 male and 2 female) added to the Office workforce. We also had one of our existing senior staff promoted to the Director of Governance position in October 2016. This left the substantive post vacant.

In March 2017, the term of the former Ombudsman, Mr Joe Poraiwai expired and a new Ombudsman, Mr Fredrick L Fakarii, was appointed in May the same year. This change had affected the domestic servant's post to be left vacant.

Also, in March 2017 interviews were conducted for two of our Investigation Officer positions but a "halt" in recruitment by the Ministry of Public Service resulted in the delay of new staff recruitment. With the relevant submissions now before the Public Service Commission for deliberation, we are hopeful that formalities will be completed in early 2018 so that the new officers can assume duties, accordingly. The number of staff currently stands at 24 officers including the Ombudsman. Two positions still remain vacant at present.

Staffing bids for additional manpower have been submitted during the 2018 budget preparatory process in October 2017. Should this become successful; the number of staff will be increased significantly. These new staff members are mostly required to boost the role of the Corporate Services Unit in the Finance Section as the Office becomes financially independent in accordance to section 10 of the Ombudsman Act 2017. The Investigation Unit will also have additional staff in the RAPA Section to deal with the assessment of new complaints. In addition to the staff bids, a proposal was also made to upgrade the top bracket of the staff levels as the office begins long term planning for the upward advancement of staff.

The office remains hopeful that the bids will have a successful outcome and will be included in the 2018 Manpower and Staff Establishment.

5.5 Office Space

With the expected expansion of staff, the office space will be a great challenge due to the limited existing space. More office space will be required to accommodate and provide for a conducive working environment for staff. This will be one of the priorities of the Ombudsman's Office in 2018.

6 Human Rights

6.1 Citizens' right to information

The Ombudsman's Office has played an important role in protecting Human Rights in democratic societies worldwide. Solomon Islands is no exception. The Office of the Ombudsman in Solomon Islands (OOSI as we would like to call in short) has seen a number of areas that the rights of citizen to be protected by state apparatus have declined in recent years. These include not only in terms of fair distribution of services but also in other important areas. Take for instance— hygiene and food poisoning issues. When we look at the state of fish at the central market, it's in severe declined of clean water to wash fresh fish for sell and the quality of fish they sell. The continuous selling and consumption of frozen tuna, commonly known as 'salt fish' by Honiara residents is likely to lead to health complications such as high blood pressure and food poisoning due to very poor food preservations as seen.

Also, the on-going selling of expired goods in most Chinese shops and supermarkets throughout the country has posed serious threat to the health and wellbeing of citizens. The lack of concern or inaction by authorities means they are not performing their job well to safe guard the citizen of this country. The Ombudsman's Office is taking such matter seriously.

In addition, logging and mining issues in the country has been destabilizing rural communities for years - where citizens who use to live in harmony with one another are no longer the case. Whether citizens have been treated fairly when it comes to benefits and whether the process of acquiring land for such operations are right in custom and law remains a big issue. Currently, the Office is conducting an Own Motion Investigation into "Timber Rights Hearing and Logging Operations" in Solomon Islands to rectify the process and the severe socio-economic challenges it has posed to communities in rural Solomon Islands.

An the operational level, the Ombudsman is looking at expanding its Office in the future and human rights issues is an important area that will be taken on board as it strategically work to protect the rights of citizens against such matters. Therefore, the continuous support from SIG ministries and agencies in collaboration with the Ombudsman's Office to deal with those human rights challenges are very crucial.

6.2 Justice for all

Citizens have the right to justice. That is a fundamental pillar of good governance. It is important that citizens understand the laws that governs their action. People need to understand that they have the right to justice—the right to complain about government and the right to have their complaints resolved on its merit according to the application of rules and evidence is fundamental to justice for all.

The Ombudsman's Office played a vital role in providing justice for people who are victimised by the decision-making of state agencies. These are agencies that are established purposely to serve and protect citizens. But when state agencies fail to perform their mandated roles, the Ombudsman's Office provides an avenue for citizens to seek redress against decisions which infringes their rights. We do this by receiving, investigating and reporting on complaints lodged individually or through the own initiative of the Ombudsman known as "Own Motion Investigation".

6.3 Fair and equitable public services

Providing a fair and equitable Public Service to Solomon Islanders is a cornerstone to good government. It is important that people access government services regardless of their status - whether lame, poor, rich, sick, child, young and old, black, white or whatever the difference is. Service should and must continue to be provided to citizens when required.

The issue of fewer people benefiting from government services is a concern to the Ombudsman. This seemed to be the case with the distribution of RCDF. Millions of dollars were allocated for the RCDF throughout the years but there is little development to show for on the ground, at the rural communities.

The allegations of the same people receiving benefits must not be allowed to continue if that is true. Thus, the benefits of these funds on improving the lives of rural community dwellers need to be seen.

Also, the closure of rural clinics that continue to provide vital health services to people does not speak well of the government. Such issues need to be treated with urgent priority.

7 International Exchange

7.1 Pacific Integrity Network

The Ombudsman's Office is a member of the Pacific Integrity Network (PIN). PIN first started around 2009 as Pacific Ombudsman Alliance (POA) and changed name around 2014 when new funding was secured from the Australian government's Department of Foreign Affairs & Trade (DFAT) to support PIN. The membership of PIN consists of seven (7) Pacific Island nations namely Solomon Islands, Papua New Guinea, Vanuatu, Tonga, Samoa, Federated States of Micronesia and Marshall Islands with ten (100) agencies that includes the Ombudsman, Leadership Code and Auditor General Offices. The Commonwealth Ombudsman Office is the secretariat of PIN with also being New Zealand Ombudsman Office being an active member of PIN.

As a member, the Solomon Islands Ombudsman's Office stands to benefit from funding in support of attending PIN meetings, conferences, workshops and training assistances. For example, in 2017 the Office has send two of its Senior Investigation Officers to undergo two weeks of government investigation course training in Brisbane with ICETS.

7.2 Asia and Pacific Ombudsman's Alliance

The Solomon Islands Ombudsman's Office is also a member of the APOA. Each year we paid a subscription fee paid to be a member. Similar to PIN, APOA can assist its members with funding to attend conferences, workshops, and training for being a member. APOA is part of the regional chapter of IOI.

7.3 International Ombudsman Institute

Finally, the SI Ombudsman's Office is also a member of the International Ombudsman Institute (IOI). Every year we paid a membership fee of SBD\$10,000. Being a member of IOI we can share and exchange information that are of common interest to all. We can also circular news to members through the IOI secretariat.

8 Bringing our powers to bear

8.1 Reducing Public Expenditure

The Ombudsman's oversight role is to ensure public expenditure is reduced with maximum benefit of services received by citizens.

Wastage in resources including funds caused by maladministration is denying citizens from receiving and enjoying the services government ministries and agencies stands to provide.

Poor decision-making and injustice, inconsistency use of discretionary powers and political interference in public administration and others continue to cost the government. Addressing these issues will help the government to improve in its service delivery. *Figure 21* below provides data on the progress and status of complaints registered for 2016 and 2017.

Figure 21 - Table on total number of complaints recorded for 2016 and 2017 against actions taken.

Row Labels (Status update)	Count of Case File Number
2016	178
Closed (no investigations folder)	141
Closed (separate red file)	25
2016	13
2017	10
2018	2
Investigation	7
Investigation Finished (Draft Report)	1
Investigation finished (Final Report to agency for implementation of recommendation)	2
Investigation finished (report sent to agency, awaiting reply)	2
2017	198
Closed (no investigations folder)	141
Closed (separate red file)	28
2017	15
2018	13
Investigation	25
Investigation Finished (Draft Report)	1
Investigation finished (Final Report to agency for implementation of recommendation)	3

Grand Total	376
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We record all complaints made to the Office. However, not all complaints made and recorded are investigated. Under the Office Standard Operating Procedure (SOP) and Case Management System (CMS) all complaints receipt will go through the 'receipt and assessment team called 'RAPA'. This is where assessment is done on the nature of the complaint and the first decision to investigate or not is made. 'Closed (no investigations folder)' shown in the table above are cases that we received but could not be investigated due mainly to reasons of outside jurisdiction. In contrast, 'closed (separated file)' means complaints that are recorded, investigated, resolved and files closed and archives; whereas 'Investigation' refers to active cases when this report is compiled. Additionally, under 'closed files' there is record of years and cases. This simply refers to what year each of the cases are closed and archived away. For example, under the '2016 closed file' records 13 complaint cases were closed in 2016, 10 cases in 2017 while only 2 so far in 2018.

Furthermore, cases under investigations are categorise under four areas: that is those still under active investigations which appears as 'investigation", those cases already investigated and reports being compiled "Investigation Finished (Draft Report)", those cases already investigated and reports have been forwarded to agency for natural justice stages, and those cases where reports with the final recommendations forwarded to agencies for implementation.

Investigation is a tiring job that requires time and resources to get to the root causes of issues raised through complaints. So often it takes time and it depends on agencies' response to efficiently deal with cases. Lack of response or slow response can delay investigation work into complaint cases, which has been the situation in the past.

8.2 Ensuring more public accountability for decision-making

Public officials occupying government offices do so for the sake of citizens. It is therefore proper that government officials who stand to make important decisions are accountable for what they do. People have the right to be given reasons as to why a certain decision is made. As it stands in the public sector, accountability remains a problem and a hindrance to service delivery. This is reflected through daily complaints and disagreements people raised with the Ombudsman's Office and the media.

The Ombudsman's Office is working hard to ensure the Freedom of Information bill is tabled and passed by Parliament to give effect to citizens' right to information from government agencies. Align with the Whistle Blowers bill and the Anti-Corruption bill citizens should have greater leverage to request public officials to be more accountable for the decisions they make when holding public office and authority.

9 Future prospects and beyond

9.1 Working with the new law

Working with the new *Ombudsman Act 2017* will be a challenge but given the cooperation of SIG ministries and agencies the Office should perform its role and functions and achieve its mandated task with confidence. The *Ombudsman Act 2017* is a huge help to what we have been doing under the OFPA.

The on-going advocacy efforts should garner the required support from ministries, agencies and stakeholders towards the Ombudsman's Office in realizing its goals. Awareness and promotion programs will be conducted through workshops, presentations, pamphlets, booklets, advertisement boards and through visiting communities to give public talks.

The legal framework provided under the *Ombudsman Act 2017* should help the office function independently. It requires the Ministry of Public Service to provide the Office with the needed manpower and Ministry of Finance and Treasury to provide necessary funding for the Ombudsman's Office to function.

9.2 Capacity building and office expansion

The Office has a new organization structure for 2018 and beyond. This can be found in *appendix 6* in this report. During the next five years the Office aims at least to open two provincial offices in Auki and Gizo. Though this seemed quite ambitious, with the support of the government this is achievable.

With the plan to recruit additional staffing, the immediate task the Office has embarked on is to secure more physical office space. Consultations with Ministry of Infrastructure Development and other stakeholders are underway for the physical expansion of the Office at its current location. This is one of our priority areas that we hope to achieve in 2018.

9.3 Combating maladministration and corruption

Fighting maladministration is the work of all SI government public service institutions and citizens. The Ombudsman's eyes are not everywhere. Unless issues are reported and collective effort taken to address, it will be very difficult to reduce or suppress maladministration in the public administration.

The Ombudsman's Office is a member of the Solomon Islands Commission for Anti-Corruption steering committee. We hope the passage of the Anti-Corruption Bill by Parliament will pave way for the establishment of the Anti-Corruption Commission to deal with issues that are outside of the Ombudsman's jurisdictions.

The Ombudsman's Office is also spearheading the Freedom of Information Bill. This bill aims to empower citizens to seek information from government ministries and agencies relating

to service delivery. It also will help ministries and agencies to be responsible, transparent and accountable for their actions or the decisions made.

9.4 Narrowing/ closing the link

Accessibility is the way forward to narrowing the link between the Office and citizens.

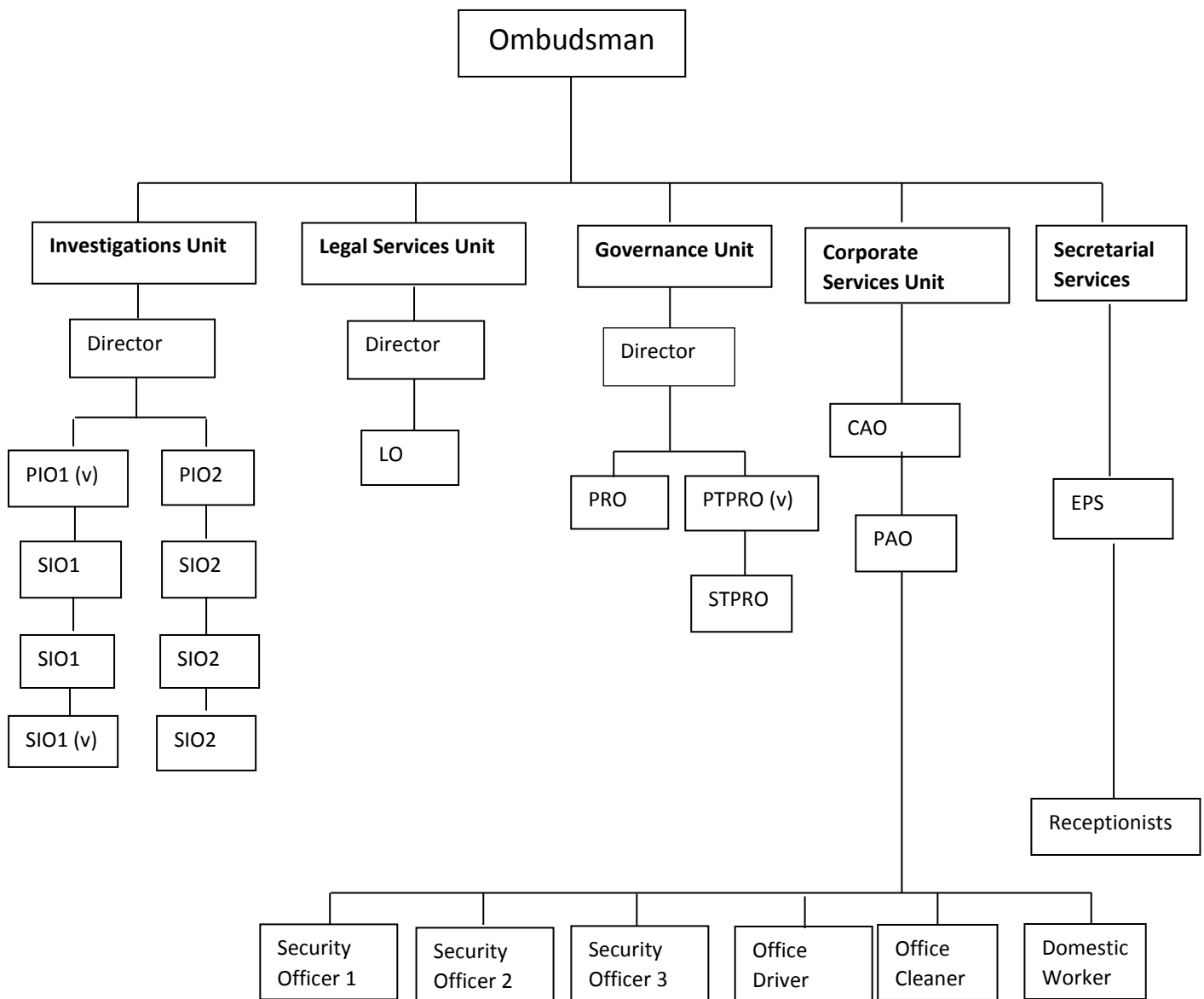
Whilst the office is working hard to ensure citizens are aware of its role and functions, and to make good use of the services provided; the geographical set-up of the country remains a challenge.

Despite this, the Office is committed in its advocacy efforts to ensure citizens are fully aware of what services we stand to provide for them. The Office is also working closely with SIG ministries and agencies on the Complaint Handling System (CHS). The realization of this will create a closer working link between the Ombudsman's Office, government offices and citizens. In turn, better service should be rendered to citizens.

10 Appendices

10.1 Appendix 1

OUR CURRENT ORGANISATIONAL STRUCTURE



Key:

PIO =Principal Investigation Officer

SIO = Senior Investigation Officer

LO = Legal Officer

PRO = Principal Research Officer

PTPRO = Principal Training and Public Relations Officer

STPRO = Senior Training and Public Relations Officer

CAO = Chief Administration Officer

PAO = Principal Administration Officer

EPS = Executive Personal Secretary

(v) = vacant position]

10.2 Appendix 2

Record on Ombudsman's Office officers attending trainings for 2016/2017

1	Director Investigation (James Maneforu)	Local Trainings		
		1. PMP Training workshop	4 th – 5 th April 2016	IPAM
		2. English Grammar	2 th Feb- July 2016	Island Bible Ministries, Inc, SICA, Honiara
		3. Fraud and Forensic Audit training –	9 th -11 th May 2017.	Heritage Hotel, SI
		4.. UNODC Anti- Corruption Training Workshop for Investigators and Prosecutors	13 th -15 th June 2016	Mendana Hotel Conference Room, Honiara
		Overseas Trainings		
		1. Diploma in Government (Investigation)	20 th June – 1 st July 2016	ICETS, Canberra, Australia
		2. Advanced Investigations Training and Anti-Corruption Workshop	16 –19 October 2017	Nukualofa, Tonga
2	Principal Investigation Officer (Billy Kerepiniano)	1. PMP Training workshop	4 th – 5 th April 2016	IPAM
		2. Certificate IV in Government Investigations	11 th -22 nd Sep 2017	ICETS, Brisbane
3	Chief Administration Officer (Judith Waleanisia)	1. PMP Training workshop	4 th – 5 th April 2016	IPAM
		2. Leadership, Governance & Human Rights Workshop	1 st June 2016	USP, SI Campus
		3. Aurion Shorter Version Training	19 th October 2016	IPAM, Organized by OPMC
		4. Procurement Workshop	8 th November 2016	Mendana, Honiara
		5. Public Finance Management	6 th -8 th Nov 2017	ECORYS, DFAT, Honiara
4	Executive Personal Secretary (Cheryl Sanga Zonga)	1. PMP Training workshop	4 th – 5 th April 2016	IPAM
		2. Public Finance Management	6 th -8 th Nov 2017	ECORYS, DFAT, Honiara

5	Senior Investigation Officer 1 (Agnes Tarai)	1. PMP Training workshop	4 th – 5 th April 2016	IPAM
		2. Project Management	29 th Aug – 2 nd Sep 2016	Paul Tovua Complex, IPAM Honiara
		3. Ethics and Governance	13 th – 15 th September 2016	IPAM, Honiara
		4. Certificate IV in Government Investigations	11 th -22 nd Sep 2017	ICETS, Brisbane
6	Senior Investigation Officer 2 (Aaron Kodo)	1. Comparative Employment & Industrial Relations	2016 (1st term)	USP, SI Campus
		2. Leadership, Governance & Human Rights	2016 (1st term)	USP, SI Campus
		3. Performance Management Process	4 th -5 th April 2016	IPAM, Honiara
		4. Leadership, Governance & Human Rights Workshop	1 st June 2016	USP, SI Campus
		5. Diploma in Government (Investigation)	20 th June – 1 st July 2016	ICET, Canberra, Australia
		6. Law. Legal System and Access to Justice	2 nd semester 2016	USP, Honiara Campus
		7. Strategic Management	2 nd semester 2016	USP, Honiara Campus
		8. Introduction to Accounting and Financial Management	1 st Semester 2017	USP, Honiara Campus
		9. Anti- Corruption Seminar for Executing and Implementing Agencies	9 th to 10 th May 2017	Heritage Park, Honiara
		10. International Marketing	1 st Semester 2017	USP, Honiara Campus
		11. Organisation Development	2 nd semester 2017	USP, Honiara Campus
		12.. Total Quality Management	2 nd semester 2017	USP, Honiara Campus
7	Senior Investigation Officer 4 (Komatang Baia)	1. PMP Training workshop	4 th – 5 th April 2016	IPAM
		2. UU114. English for Academic Purposes	1 st Semester 2016	USPSI
		3. Certificate IV in Government Investigations	11 th -22 nd Sep 2017	ICETS, Brisbane

8	Senior Investigation Officer 5 (Philip Manetohua)	1. PMP Training workshop	4 th – 5 th April 2016	IPAM
		2. English Grammar	2 th Feb- July 2016	Island Bible Ministries, Inc, SICA, Honiara
		3. UNODC Anti- Corruption Training Workshop for Investigators and Prosecutors	13 th -15 th June 2016	Mendana Hotel Conference Room, Honiara
		4. Diploma in Government (Investigation)	20 th June – 1 st July 2016	ICET, Canberra, Australia
		5. Conflict of Interest Management Training	1 st -3 rd May 2017	Novotel Hotel, Nadi, Fiji
9	Senior Admin Officer (Training, Public Relation) – (Patteson Tomu)	1. PMP Training workshop	4 th – 5 th April 2016	IPAM
		2. UNODC Anti- Corruption Training Workshop for Investigators and Prosecutors	13 th -15 th June 2016	Mendana Hotel Conference Room, Honiara
		3. Training Consultation Workshop	6 th July 2017	OG Conference, Honiara
10	Senior Investigation Officer 7 (Julia Hiru)	1. PMP Training workshop	4 th – 5 th April 2016	IPAM
		2. UNODC Anti- Corruption Training Workshop for Investigators and Prosecutors	13 th -15 th June 2016	Mendana Hotel Conference Room, Honiara
		3. Project Management	29 th Aug – 2 nd Sep 2016	Paul Tovua Complex, IPAM Honiara
		4. Microsoft Office Excel 2013	5 th – 7 th Sep 2016	IPAM, Honiara
		5. Basic Interviewing course	14 th – 25 th Nov 2016	Police Academy
		6. Psychology	First Semester 2017	USP, Honiara Campus
11	Director Legal Services (Nelson Dhita)	1. National Anti-Corruption Strategy Workshop	15-16 March 2016	Heritage Park Hotel, Honiara
		2. PMP Training workshop	4 th – 5 th April 2016	IPAM
		3. APOA/POA Conference	2 nd – 9 th May 2016	Melbourne, Australia
		4. UNODC Anti- Corruption Training Workshop for	13 th -15 th June	Mendana Hotel Conference Room,

		Investigators and Prosecutors	2016	Honiara
		5. Supervisor Development Course	2 nd -4 th August 2016	IPAM, National Referrals Hospital conference room, Honiara
		6. Project Management	29 th Aug – 2 nd Sep 2016	Paul Tovua Complex, IPAM Honiara
		7. Training for Focal Points and Governmental Experts participating in the Review Mechanism for the UNCAC (United Nations Convention Against Corruption)	10 th -14 th October 2016	Kuala Lumpur, Malaysia
		8. Commonwealth Ombudsman 40 th Anniversary conference and Integrity Leaders events	3 rd -7 th April 2017	Canberra, Australia
		9. Conflict of Interest Management Training	1 st -3 rd May 2017	Novotel Hotel, Nadi, Fiji
		10. Advanced Investigations Training and Anti-Corruption Workshop	16 –19 October 2017	Nukualofa, Tonga
12.	Senior Investigation Officer 8 (Fred Topia)	1. Supervisor Development Course	2 nd -4 th August 2016	IPAM, National Referrals Hospital conference room , Honiara
		2. Code of Conduct	16 th August 2016	IPAM, Star Event Conference, Tongs Building, Honiara
		3. Basic Interviewing course	14 th – 25 th Nov 2016	Police Academy, Honiara
		4. Leadership and Empowerment ⁷	22 nd June 2017	USP, Honiara Campus
13.	Legal Officer (Talei Mali Jacob)	1. Code of Conduct	16 th August 2016	IPAM, Star Event Conference, Tongs Building, Honiara
14.	Principal Research Officer (Rex Akomae)	1. Code of Conduct	16 th August 2016	IPAM, Star Event Conference, Tongs Building, Honiara
		2. Training Consultation Workshop	6 th July 2017	OG Conference, Honiara

15.	Principal Admin Officer (Nick Osifelo)	1.Code of Conduct	16 th August 2016	IPAM, Star Event Conference, Tongs Building, Honiara
		2. Anti- Corruption Seminar for Executing and Implementing Agencies	9 th to 10 th May 2017	Heritage Park, Honiara
16	Receptionist (Priscilla Melaba)	1.Customer Service	28 th to 30 th Nov 2016	All Saint mother's union conference room, Honiara
		2. Quality Customer Service	14 th June 2017	USP, Honiara Campus

10.3 Appendix 3

PROPOSED TOPICS FOR OMBUDSMAN OFFICE STAFF INTERNAL TRAINING AND DISCUSSION 2017

Year	Months	Proposed topics
General issues relating to the Ombudsman Office		
2017	Jan 17/2/17	The role of the Ombudsman Office in the fight against corruption in the Solomon Islands.
	Feb	Relook at the previous survey findings on “best practices for complain handling procedures.” Charting the way forward for improving the work the Ombudsman Office.
	March	The Ombudsman Bill (Act) 2016 and its impact on enhancing the work of the Office of the Ombudsman.
	April	Effectiveness and weaknesses of Own Motion Investigation (OMI): Identifying the gaps and navigating the future.
	Individual Staff development	
	May	Leading without title: The importance of personal leadership development in organization.
	June	Conflict resolution
	July	Understanding bureaucracy: Finding our place in the midst.
	August	Culture factor: Is our culture and tradition failing us in our work.
	Other issues	
	Sept	The role of Ombudsman Office in improving public service delivery.
	Oct	IGF focus: Ombudsman office and its relationship with other integrity institutions.
	Nov	Recap on 2017 and brainstorming for 2018.
	Dec	

10.4 Appendix 4

CASE STUDIES OF COMMON AND SYSTEMIC ISSUES

10.4.1 Poor decision-making and injustice

Honiara City Council Education Authority teacher's case

An investigation was conducted by the Ombudsman's Office into the allegedly unfair dismissal of a teacher by the Honiara City Council Education Authority (HCC EA).

The Honiara City Council has been approved to operate as an Education Authority, by the Minister for Education and Human Resource Development, under the *Education Act*. The functions of all Education Authorities, including the HCC EA, are set out in the Education Act and in the Teaching Service Handbook.

On 10 December 2013, the complainant, Mr. X, complained to our Office that he had unfairly been dismissed from his employment by the HCC EA at the end of 2012. The complainant was employed by the HCC EA as a teacher, and prior to his dismissal he had served as a Deputy Head Teacher at a primary school that was run and controlled by HCC EA. The complainant alleged that the action taken against him was in retaliation for him having openly criticised the HCC EA over mismanagement of certain funds relating to teachers' leave passage.

Our investigation focused on the circumstances surrounding the complainant's exclusion from the 2013 Teaching Establishment. The investigation examined the following 5 issues:

1. Had the complainant in fact been dismissed or had he been excluded from the 2013 Teaching Establishment simply because his contract had expired?
2. Could the decision to exclude the complainant from the 2013 Teaching Establishment be justified on grounds of misconduct?
3. Was the complainant excluded from the 2013 Teaching Establishment in retaliation for him being too vocal about the leave passage funds?
4. Was the complainant's exclusion from the 2013 Teaching Establishment fair and according to the Teaching Service Handbook?
5. Did the Teaching Service Office (a division of the Ministry of Education and Human Resource Development) act properly in implementing the HCC EA's decision to dismiss the complainant?

After having concluded our investigation, we established the following findings:

Finding 1

It would appear, in all likelihood, that the complainant was dismissed at the end of 2012. We do not think that his contract had expired at that time.

Finding 2

We do not think that the decision to dismiss the complainant can be justified on grounds of misconduct. While allegations of misconduct (absenteeism) were made against the complainant, there is no evidence to suggest that these allegations were properly investigated before the complainant was excluded from the 2013 Teaching Establishment. It would therefore appear that the allegations against the complainant were never properly substantiated, and so they cannot be relied on as grounds for the exclusion decision.

Finding 3

The HCC EA's decision to dismiss the complainant was, in all likelihood, taken in retaliation for the complainant's having criticised the HCC EA over the leave passage funds. There is no evidence to substantiate the view that his termination was based on some other, more legitimate reason.

Finding 4

The complainant's dismissal was unfair and violated the Teaching Service Handbook. The Handbook allows teachers to be dismissed only on certain grounds and, in our view, none of these grounds applied to the complainant.

Finding 5

The Teaching Service Office acted incorrectly in excluding the complainant from the 2013 Teaching Establishment. There is no record of the Teaching Service Office ever having received any reports/documents from the HCC EA explaining why the complainant's employment should be terminated. We consider, accordingly, that the Teaching Service Office had no proper basis for its decision to exclude the complainant from the 2013 Establishment.

Following from these findings, we make the following recommendations:

Recommendation 1

The HCC EA should set aside its decision to terminate the complainant's employment as a teacher. The complainant should be reinstated to his original position as a teacher with the HCC EA. He should be back-paid from the date of his purported termination.

Recommendation 2

The Teaching Service Office should conduct thorough training for Education Authority officials on the disciplinary procedures set out in the Teaching Service Handbook. This will reduce the risk of disciplinary action being taken un-procedurally.

Recommendation 3

The HCC EA should train its staff in record management to stop personnel files from being lost.

Recommendation 4

The Teaching Service Office should put in place a policy to guide its staff on how to implement recommendations made by Education Authorities that will have an adverse effect on teachers. This policy must strive to ensure that the Office will not implement disciplinary decisions unless they have been procedurally made.

10.4.2 Inconsistent use of discretionary powers

Inconsistent use of discretionary powers provided by the GO

An investigation was conducted into a complaint lodged by a member of the RSIPF, Police Constable (PC) M of Temotu Province. The complaint was about the non-approval of a request for internal air transport to and from Lata, Temotu Province on annual leave.

On 5th August 2016, PC M complained to the Ombudsman that the decision of the PS of the Ministry of Police National Security and Correctional Services (MPNSCS) that refused his application for an internal air travel was unreasonable, unfair and discriminatory. He further said that the decision of the PS was influenced by irrelevant grounds.

The aim of the investigation was to review the administrative decision making of the PS for the MPNSCS and to see how best the Royal Solomon Islands Police Force (RSIPF) and the MPNSCS can address the issue of approving internal air travel for Non Commissioned Officers (NCOs), especially for police officers travelling to and from the distant Provinces.

In the cause of the investigation the PS of the MPNSCS and the Senior Staff of the RSIPF were interviewed and records were inspected. The following officials of the MPNSCS and the RSIPF were interviewed:

- the Permanent Secretary of Ministry of Police National Security and Correctional Service (MPNCS),
- the Deputy Police Commissioner (DCP) of the RSIPF,

- the Assistance Commissioner (AC) Cooperate Service, RSIPF and
- Deputy Director of HR of the RSIPF.

The essence of PC M complaint is that the decision of the PS of MPNSCS that refused his application for an internal air transport was seen unreasonable. He further complained that the decision not to approve his application based on status and seniority is not only unfair but is discriminatory in nature.

Police Constable M is from Temotu Province and is currently working with the Forensic Division of the RSIPF at Rove Police Headquarter (PHQ). He has served the RSIPF for total of (15) years. On 6th May 2016, PC M applied to the PS of MPNSCS for an internal air transport under GO but the request was not approved.

The application for internal air transport was based on his previous experiences. In the past, PC M and family have had bad experiences especially when travelling with his wife and children on a cargo ship during bad weather. The children and wife had developed sea sickness, including dizziness and vomiting, and had refused food during the entire trip. He was very concerned about the health, safety and welfare of his family.

Upon receipt of the complaint the Ombudsman commenced investigation into the matter. The investigation focused on the circumstances surrounding the allegations and how the decision of the PS was reached. During the investigation the following issues were examined:

1. Whether the decision of the PS is based on any law?
2. Whether the decision is consistent with the law or policy and that consistency is adequately explained?
3. Whether the PS adequately took into account relevant considerations provided by PC M in his letter of request prior to making the decision?
4. Whether the PS decision was influenced by irrelevant or other inappropriate information?

The investigation had taken into account the relevant laws and policies that governs the condition and welfare of the Solomon Islands Government (SIG) employees particularly the General Orders (GO), Employment Act, Labour Act, the Police Act and Regulation, and the Constitution.

At the conclusion of our investigation a number of Findings were established:

Finding 1 - The PS of the MPNSCS may have based his decision on the following provisions of the General Order: GO P 203 1 (b), GO P202 (b) and GO J206 4.

Finding 2 - The decision/action of the PS is inconsistent with the adopted law, GO P203 1. (b), and GO J206. 4. And the inconsistencies of the applicable law are not adequately explained.

Finding 3 - The PS of MPNSCS has given approval to application to NCO's from Renbel[Title], Choiseul and Shortland but failed to adequately take into account the relevant considerations provided by PC M in his letter of request prior to making the decision.

Finding 4 - The PS of MPNSCS decision was influenced by irrelevant or inappropriate information.

Finding 5 - The NCO's from Renbel, Choiseul and Shortland air travel to and from their home provinces were met by the RSIPF approved budget.

Based on the above findings the following recommendations were made:

1. We recommend that the exercise of discretionary power must be guided by a policy. The PS of the MPNSCS is to develop a policy and guideline to assist and provide guidance to decision – makers in the exercise of their discretionary power.
2. The RSIPF budget must cater for Staff annual leave. The RSIPF to include provision within their Annual Budget for internal air transport for NCO's travelling to and from Temotu, Renbel, Choiseul and the Shortland Island and to far distant Provinces on annual leave.
3. The RSIPF practice of giving certain privileges based on rank and status for staff welfare is discriminatory and is in breach of the Constitution. The RSIPF to:
 - Review the practices of giving certain privileges to different groups/ members of the RSIPF.
 - Develop policy and guideline to assist and provide guidance to RSIPF Executive to manage discriminatory practice to the members of Police Force.
4. For the purposes of fairness to PC M and other officers who are experiencing the same challenges, it is required that in any future application for local airfare more weight is to be given to the *General Orders* (P203 1 (b), and J206 4) in terms of exceptional circumstances for approving internal air service. These Orders give the possibility for Officers to be entitled to air service under the discretion of the Responsible or Authorising Officer.

Conclusion

We conclude that the decision of the PS MPNSCS to approve application for air travel for NCO's from Renbel, Choiseul, and Shortland but refused an application from PC M is unreasonable, unfair and discriminatory.

10.4.3 Political interference in the Administration

Own Motion Investigation into the Administration and Management of the 2016 SIG Scholarship awards

An investigation was conducted into the 2016 SIG Scholarship awards in 2016. The SIG Scholarship award is a tertiary award offered to eligible Solomon Islanders each year and is administered by the Ministry of Education and Human Resource Development (MEHRD). The core aim of the SIG scholarship award is set out in the 2014 Policy vision for Tertiary Education.² The SIG Scholarship award comes in two categories: (i) Pre-service award for high school students including USPSI and SINU students, and (ii) In-service awards for the public servants and the private sector. The MEHRD, through the National Training Unit (NTU) is the body responsible for facilitating the SIG scholarship awards and also to monitor the scholarship recipients' performances.

In February 2016, the Ombudsman had received complaints from five (5) local students alleging that the 2016 SIG Scholarship awards were unfairly conducted by NTU. As a result of this alleged unfairness, each of them did not receive a scholarship award. Also, the Ombudsman had gathered around 89 local print media articles that members of the public have made regarding the way MEHRD and NTU are managing the scholarship programme. These media articles have highlighted the public's view - in claiming that student selection by NTU had by-passed the scholarship process.³

In response to the complaints received from the concerned students and through the media reports, the Ombudsman has decided to initiate an Own Motion Investigation (OMI) into the 2016 SIG Scholarship awards. The aim is to enquire into the manner in which the 2016 SIG

² Tertiary Scholarship Policy 2014, version statement *"All Solomon Islanders will develop as individuals and to live in harmony with each other and their environment. We envisage a united and progressive society in which all can live in peace and harmony with fair and equitable opportunities for a better life. We envisage an education and training system responsive to its clients and efficiently managed by its stakeholders and clients. We wish to deliver quality education for everyone in the Solomon Islands"*

³ For example of the articles are titled *"Scrap the MPs Scholarship Scheme"* published by the Solomon Star issue No. 6115; dated 25th/02/16, and another article titled *"Scholarship & Corruption"* authored by Transparency Solomon Islands and published in Islands Sun Newspaper issue No. 6117

Scholarship awards are administered and managed, and to verify whether the awards are conducted in an accountable and transparent manner.

Upon the completion of the investigation, we have come up with the following findings and recommendations. The recommendations were aimed at ensuring that SIG Scholarship awards are conducted in due diligence with the established rules and policy guidelines. Proper rules and policy guidelines must be created to ensure a fairer administration of the scholarship awards are done.

During the investigation we have established 11 findings and provided recommendations in response to those findings. Below are the findings and recommendations:

Finding 1 —there is a need to review the Scholarship Opportunity List by MDPAC, MCILI, MEHRD and MPS. The review is necessary and should address the following areas:

- Institutions identified during the consultation period that sometimes miss out from applying for their identified training allocations in the Scholarship Opportunity List.
- Students tend to apply for programmes outside of the Scholarship Opportunity List. This defeats the purpose of the Scholarship Opportunity List.
- The Scholarship Opportunity List to focus more on addressing the skills and knowledge gap.
- Alignment of the Scholarship Opportunity List with the country's National Development Strategy (NDS) 2016-2035 under the NDS objective number three (3).

Recommendation 1 — we recommend that the MDPAC, MPS, MCILI and MEHRD to conduct a review on the Scholarship Opportunity List. This is to address the scholarship training needs and to target the human resources demand across the labour market.

Finding 2 — The Constituency Scholarship awards has attracted public criticism on MEHRD and NTU. The two categories of government scholarship awards programme currently administered under NTU are:

- the SIG Scholarship award and,
- Constituency Scholarship award.

The SIG scholarship has a recognised process that is provided for under the Tertiary Scholarship Policy – refer to part 2 of this report. This award goes through certain ministerial processes and is administered by MEHRD and NTU. The Constituency Scholarship award is based on a Cabinet paper which allows for 4 to 10 students per constituency⁴. The process of identifying potential recipients and the awarding of scholarships to recipients is unclear.

This investigation was unable to locate any policy guideline on how the Constituency Scholarship is to be administered, what criteria are used to select potential recipients, where the budget for the Constituency Scholarship award came from, and what the Constituency Scholarship programme aims to address.

Recommendation 2 — we recommend that the Constituency Scholarship programme needs to be incorporated with the SIG Scholarship programme. For the purpose of transparency and the accountability of the programme, clear procedural guidelines needs to be in place to reflect the true intention of the government scholarships. All scholarships should be administered by MEHRD through NTU, and not MPs.

Finding 3 — the implementation of the Tertiary Scholarship Policy has been undermined. We identify during the investigation that politicians, through the Constituency Scholarship arrangement, have influenced NTU to issue award letters to their recipients. It is evident that MPs wrote directly to NTU, recommending NTU to award scholarships to recipients.

Recommendation 3 — we recommend that the current Tertiary Scholarship Policy needs to be reviewed. The MEHRD/NTU should consider providing clear guidelines for the SIG Scholarship programme and the Constituency Scholarship programme.

Finding 4 — manpower is an urgent concern for NTU. This investigation established that NTU only had five (5) confirmed staff in its establishment; who are tasked to look after the SIG scholarship programme⁵. The investigation also noted that staff of NTU are dealing with thousands of scholarships each year. Comment from PS MEHRD had confirmed that ALL 8 posts budgeted for in 2016 were already filled.

⁴ Public Accounts Committee Report –NP-Paper No.19/2016

⁵ Mr. Clement Tito Power Point Presentation

Recommendation 4 — we recommend that the MEHRD should give further consideration to improve the manpower issue at NTU. The budget proposal for staff recruitment for NTU should be included in any future annual budget submission to MOFT.

Finding 5 —The NTU filing system needs more improvement. During our inspection of the Constituency Scholarship application files, we discovered that out of 1,221 application files, 65% of them have important documents missing. These documents include passport photos, institution admission letters, copies of transcripts, medical reports, police clearance, birth certificates and other required documents. An interview with the Senior Accountant of MEHRD had confirmed that students' allowances and other charges payments were sometimes delayed and queried by MOFT due to missing documents not supplied by NTU.

Recommendation 5 — we recommend that the NTU to review its filing system in order to manage all hard and electronic copies of scholarship applications. The current SIMS needs a trained local expert to manage its operation to be sustainable.

Finding 6 — Issuing of award letters by NTU is not properly managed. From the interviews that we conducted with staff of NTU, we identified that scholarship award letters are even issued by subordinate staff of NTU. That has created disagreement for some members of the public who complained that issuing of award letters by staff of NTU is unsystematically done.

Recommendation 6 — we recommend that the issuing of scholarship award letters should only be done by identified senior staff of NTU. This is one way to try and manage public complaints on unnecessary issuing of award letters by NTU to scholarship recipients.

Finding 7 — The SIG Scholarship award allocation to the productive sector is small compare to other sectors. This was confirmed by the Commissioner of Labour during interview.

Recommendation 7 — we recommend that the MDPAC to increase the SIG scholarship allocation to the productive sector to help in the economic growth of Solomon Islands. The current SIG Scholarship allocation to the productive sector is viewed as so small.

Finding 8 — due to budget constrained in 2016, the Social Services Sector of the MDPAC was unable to have consultation with other Provinces. This has undermined the work of the Social Service Sector Division of MDPAC and the formulation of the Scholarship Opportunity List.

Recommendation 8 — we recommend that increase budgetary allocation for the Social Service Sectoral Division of MDPAC. The budgetary increase is to support the Social Service Sector Division to ensure its consultation programmes and surveys are conducted to help in the compilation of a Scholarship Opportunity List to reflect the current labour market demand.

Finding 9 —there is no ‘identified training’ allocation in the Scholarship Opportunity List for the marginalised and the minority groups. The past Scholarship Opportunity Lists had shown to have provided training for the privileged groups only.

Recommendation 9 — we recommend that the MDPAC to consider identified trainings for the minority and the marginalized groups in any future Scholarship Opportunity List. The government training system should not only consider the privileged groups but also the minority and the marginalized groups. The marginalized and the minority groups are also entitled to education and the government should not deprive them in the Scholarship Opportunity List.

Finding 10 — our investigation found that MEHRD and NTU have conducted the 2016 SIG scholarship awards under due process. This was confirmed from interviews done with key agencies: MDPAC, MCILI (Labour Division), MPS and MEHRD including NTU. Although complaints were raised to the Ombudsman by concerned members of the public and the media against the way MEHRD and NTU are administering the scholarship programme, we found that these complaints and concerns were as a result of the Constituency Scholarship programme. The Constituency Scholarship programme is the one interfering with the SIG Scholarship programme administered by NTU. This has caused the public to blame the MEHRD and NTU for the unfair administration of government scholarship awards.

Recommendation 10 — we recommend that more public awareness on the scholarship programmes needs to be conducted by NTU and MEHRD. Having more information on the scholarship programmes available to the public would help to educate intending applicants about the processes and the procedures required of the government scholarship programmes. We further recommend that the awareness be conducted through the following mediums,

- local radio programme (SIBC, FMs radios),
- print Media

- pamphlets containing information about government scholarship programmes
- public awareness talks to schools and communities

Finding 11 — there is lack of information and awareness about the government scholarship programmes to the public. We noted that each year, NTU only publishes the Scholarship Opportunity List in the print media without publicly informing the public about the processes and procedures required under the government scholarship programmes.

Recommendation 11 — we recommend that the identified authorities should give consideration to see that all recommendations in this report are implemented accordingly.

10.4.4 Maladministration, fraud and corruption

Complaint Based Investigation into Maladministration, fraud and corruption

In 2016 an investigation was conducted by the Office of the Ombudsman of Solomon Islands (OOSI) into an alleged non-payment of payments relating to the services provided by a private company to the Ministry of Mines, Energy and Rural Electrification (MMERE) in 2015. The MMERE is responsible for the day to day administration of the *Mines and Minerals Act*. As such the ministry is directly responsible for the Geological Survey Division, Petroleum Division, Mines Division, Energy Division and Water Resources Division. The ministry is comprised of a Minister, the Permanent Secretary (PS), the Under-Secretary (US) and each division is headed by a Director and is supported by the Corporate Services Division.

In 2015, the position of the PS for MMERE became vacant, and the PS for the Ministry of Environment, Climate Change, Disaster Management and Meteorology (MECDM) was appointed as the supervising PS. The supervising PS was therefore responsible to perform the duties and functions of both ministries (MECDM and MMERE) until in November 2015 when the current PS was appointed as the PS for MMERE.

Prior to the appointment of the current PS, the MMERE had engaged a private locally owned company ‘Z’ to carry out its air conditioning repairs and installation work at some of its Offices at Lengakiki. Z is a company that was re-registered at *the company Haus* in 2010. In addition, the Honiara City Council (HCC) had also granted the Z Company a business licence to carry out electrical equipment suppliers/ repairs related type of business in the city, in accordance with the HCC (Regulation of Business Licences) Ordinance (HCCO).

An investigation was conducted after we received a complaint from the complainant, Mr L, who is the registered owner of Z Company. The complainant alleged that in 2015, Z was awarded contracts by the MMERE to carry out air-conditioning repairs and installation works at some of its offices. As such Z was selected and had carried out the repair and installation works at the Seismology/Volcanology Section, Geochemical Laboratory and the Mines Division. It was further alleged that the request for procurement was approved by the supervising PS and the US prior to the appointment of the current PS.

Our investigation is focused on the circumstances surrounding the allegations, and why the decision was made to delay or to stop the payment from being processed. The investigation therefore examined the following issues:

- Was the delay to settle Z's outstanding payment based on some legitimate reasons, or was the process of awarding the contract illegitimate?
- Did the supervising Permanent Secretary in 2015 have the authority to authorise contracts under his responsibility?
- Was there a breach of the procurement processes?
- Did the members of the staff involved in granting the contract have the authority to award contracts to contractors?

During our investigation we are mindful of the relevant laws, policies and other legal framework which safe guard the SIG's procurement process, in particular, the *Public Finance and Management Act 2013 (PFMA 2013)*, Financial Instructions (FI) and the SIG Procurement and Contract Administration Manual 2013 (PCAM).

At the conclusion of our investigation we established findings which we believe is important to be highlighted in this report. Our recommendations are also based on the findings of what appears to be the practices at MMERE on this matter. It is also significant to understand that this report will not provide answers to all the inconsistencies but it will assist the MMERE to improve its administration on certain practices that may appear to be in conflict of the established procurement process.

Finding 1

The PS MMERE, as the Accountable officer of the ministry has reasonable grounds to question and verify any payments that may incur public funds budgeted and received by the ministry. The

delay to release Z's payment is a result of the non-compliance executed by some members of the ministry on the following prior to the appointment of the PS in late 2015:

- The works once properly coordinated had exceeded the purchase limits that require the PS's authority. Hence it will require the intervention of the Ministry Tender Board.
- The staff member involved in the awarding of the contract referred to as *Z unauthorised work 4* was in all likelihood is an unauthorised person.
- The works were done in 2015, and therefore it should have been paid out under the 2015 budget before the end of the financial year.

We do not think the PS has any personal interest or a conflict of interest when the decision was made. We think the PS's decision to delay the payment is reasonable and justified.

Recommendation 1

The MMERE should consider establishing an internal policy or guidelines that will safe guard the use of public resources allocated to the ministry. The policy or guidelines must strive to ensure that all requests for procurement from individual staff are properly coordinated and accompanied by reasons and justifications. The internal policy must strive to ensure requests for procurement are administered in accordance with the provisions of section 2 of the PCAM.

Finding 2

The members of the staff from the MMERE who were involved in the procurement process were well aware that they did not comply with the procurement process in accordance with the requirements and processes set out in the FI and the PCAM. These breaches of the procurement process demonstrate the malpractices that will continue to undermine the procurement process established to safe guard the use of public resources allocated to the ministry. Despite the fact that the procurement process was bypassed, Z had completed the works awarded in 2015.

Recommendation 2

It is understood that there were no requests for quotations made or genuine quotations obtained in 2015 by the MMERE. As such, the costs of the works need verification. We recommend that although the contracts awarded to Z in 2015 has bypassed the SIG procurement process, the MMERE should consider paying Z's outstanding payment. The payment should only be made after all the works and its costings are reviewed and verified.

Finding 3

Non-compliance may amount to misconduct under the PFMA 2013, FIs and the PCAM. The processes set out in the FIs and PCAM were not adhered to after the approvals were given. We do not think it is correct to give out the works directly to Z without fulfilling the procurement process.

Recommendation 3

The Accountable officer must never entertain blind spot granting of approvals to requests submitted by staff for the procurement of goods and services. We do not think it is correct to grant approvals for procurement without having prior knowledge of the likely cost of the goods and services intended to be procured.

Finding 4

We established certain members of the MMERE staff had colluded with the complainant. The contracts awarded to Z in 2015 had bypassed the procurement process and as such may constitute to acts that are considered as *Misconduct and Criminal* in nature.

Recommendation 4

As public officials, complying with legislation and other public service guidelines and policies is very significant. The legislation and public service policy and guidelines are meant to provide guidance to public officials when carrying out their official duties. The MMERE should consider arranging for trainings on SIG procurement process for its entire staff. The training should be facilitated by the responsible office within the Ministry of Finance and Treasury, and it must strive to ensure that such poor decisions and malpractices are avoided in the future.

Finding 5

The other two quotations purportedly provided by Tropical Refrigeration & Air Conditioning and Pacific Refrigeration & Air Conditioning were forged. Further, the purported government documents that were completed and attached on the PR are falsified. This is an act to defraud the Solomon Islands Government undertaken by Z Management and the MMERE staff.

Recommendation 5

The staff of MMERE did not take appropriate actions to protect the interest of the SIG to rectify the process at its early stage to avoid these malpractices from accomplishment. We do not think it is correct for members of the staff to ignore their responsibilities and entertain such behaviour. The PCAM (section 1.6) clearly sets out the responsibilities of all public officers in the SIG procurement process, and therefore we recommend that the PS should consider initiating an investigation with the responsible authorities.

Finding 6

The ministry had demonstrated very poor record keeping and monitoring of budget at the time when the decision was made to award the contracts to Z Company. The original documents in the ministry's accounts section were reported to have gone missing from the file and some of the documents were wrongly attached on the Purchase Requisition (PR). We do not think the request from Mr L and the inspection report should be attached on requisition MME/GEO/07/16.

Recommendation 6

The Permanent secretary should consider initiating an investigation into the matter with the responsible authority to deal with the conduct that may be considered to be criminal in nature. The members of the staff and the Z management could have colluded in the procurement process. The investigation must strive to deal with the conduct of those involved that may constitute an offence of false pretence under s 308 of the penal code.

Recommendation 7

The PS should consider the volumes of non-compliance and misconduct associated with the complaint and call for a special audit to be carried out at the MMERE for over a period of three years, or more whichever the PS sees fit to consider. The audit must strive to substantiate the level of performance and compliance of MMERE during the period.

General Recommendation

We do understand that over the recent years, the position of the Permanent Secretary and Directors were not stable. We therefore recommend that the PS, in consultation with the Auditor General's office to audit the MMERE's financial statement over the last three years from 2013 to 2015.

Conclusion

We conclude that the complaint is unjustified; the action of the PS that delayed and verified the payments for the contracted job is justified. The matter is closed and marked not justified and the agency responded satisfactorily.

10.5 Appendix 5

YEAR 2016 BUDGET ESTIMATES

HEAD: 281 – OFFICE OF THE PRIME MINISTER AND CABINET

SUBHEAD: 0091 – OFFICE OF THE OMBUDSMAN

OTHER CHARGES BUDGET ESTIMATE

ACCOUNTING CODE	DETAILS OF REVENUE AND EXPENDITURE	2014 ACTUALS \$	2015 ORIGINAL BUDGET \$	2015 REVISED BUDGET \$	2016 BUDGET ESTIMATES \$	DIFFERENC 2015 REVISED ESTIMATES AND 2016 ESTIMATES \$
	EXPENDITURE					
	PERSONAL EMOLUMENT (Payroll Charges – Salaries)					
281-0091-0000- 1000	Statutory Salary (Ombudsman)	167,058	173,740	173,740	173,740	0
281-0091-0000- 1001	Housing Allowance - Statutory	43,846	45,600	45,600	45,600	00
281-0091-	Various Allowances -	80,020	83,221	83,221	83,221	

0000 -1004	Statutory					
281-0091-0000-1010	Salaries - Public Servants	720,547	1,270,699	1,270,699	1,228,296	(42,373)
281-0091-0000-1011	Housing Allowance – Public Servants	50,759	78,889	78,889	78,889	00
281-0091-0000-1013	Overtime – Public Servants	134,910	109,145	109,145	109,145	
281-0091-0000-1014	Various Allowances – Public Servants	63,698	53,600	53,600	53,600	
281-0091-0000-1116	NPF (7.5%) – Employers Contributions	81,136	110,445	110,445	106,808	(3,637)
281-0091-0000-1117	Various Allowances – Others	00	2,610	2,610	2,610	
	Salaries Sub Total:	1,341,975	1,940,969	1,940,969	1,894,959	(46,010)
	Payroll Charges Sub Total	1,341,975	1,940,969	1,940,969	1,894,959	(46,010)
OTHER CHARGES						
281-0091-0000-2007	Printing and Photocopying	84,250	30,600	30,600	30,973	373
281-0091-0000-2008	Publicity and Promotion	55,632	100,000	100,000	50,000	(50,000)
281-0091-0000-2010	Subscription/Membership to Organizations	00	10,000	10,000	10,000	

281-0091-0000-	Subscription/Membership to	00	10,000	10,000	10,000	
2011	Overseas Bodies					
281-0091-0000-2105	Office Stationery	69,240	60,000	60,000	63,000	3,000
281-0091-0000-2301	Fuel	10,996	20,236	20,236	4,000	(16,236)
281-0091-0000-2501	Maintain – Non Residential Buildings	00	209,275	209,275	80,000	(129,275)
281-0091-0000-2506	Maintain – Motor Vehicles	00	12,801	12,801	10,000	(2,801)
281-0091-0000-2508	<i>Maintain – Office Equipment</i>	15,608	10,000	10,000	12,000	2,000
281-0091-0000-2601	Conferences, Seminars and Workshops	171,057	302,345	302,345	300,000	(2,345)
281-0091-0000-2604	Training – Others	45,703	163,050	163,050	63,000	(100,050)
281-0091-0000-2708	Public Servants' Local Fares	72,944	74,043	74,043	74,000	(43)
281-0091-0000-2714	Public Servants' Annual leave Fares	182,567	195,123	195,123	190,000	(5,123)
281-0091-0000-2715	Others – Local Fares	00	22,500	22,500	20,000	(2,500)

281-0091-0000-2716	Others – Local Accommodation	00	30,000	30,000	20,000	(10,000)
281-0091-0000-2717	Others- Local Other costs	00	45,000	45,000	25,000	(20,000)
281-0091-0000-2901	Uniforms	00	00	00	30,000	30,000
281-0091-0000-5450	Capex – Office Equipment	121,522	152,610	152,610	100,000	(52,610)
281-0091-0000-5550	Capex – Computer Software and Hardware Expenses	00	21,202	21,202	00	(21,202)
	Sub Total	829,519	1,468,785	1,468,785	1,091,973	(376,812)
	Other Charges Sub Total	829,519	1,468,785	1,468,785	1,091,973	(376,812)
SUMMARY OF EXPENDITURE AND INCOME TOTAL FOR 2016 (PERSONAL EMOLUMENT AND OTHER CHARGES)						
Accounting Code Details	Details of Revenue and Expenditure	2014 ACTUALS \$	2015 ORIGINAL BUDGET \$	2015 REVISED BUDGET	2016 BUDGET ESTIMATES	DIFFERENC 2015 REVISED ESTIMATES AND 2016 ESTIMATES
Service Summary	INCOME TOTAL	00	00	00	00	00
	EXPENDITURE TOTAL	2,171,494	3,409,754	3,409,754	2,986,932	(422,822)
	Payroll charges	1,341,975	1,940,969	1,940,969	1,894,959	(46,010)

	Other Charges	829,519	1,468,785	1,468,785	1,091,973	(376,812)
	NETT TOTAL	2,171,494	3,409,754	3,409,754	2,986,932	(422,822)

10.6 Appendix 6

