

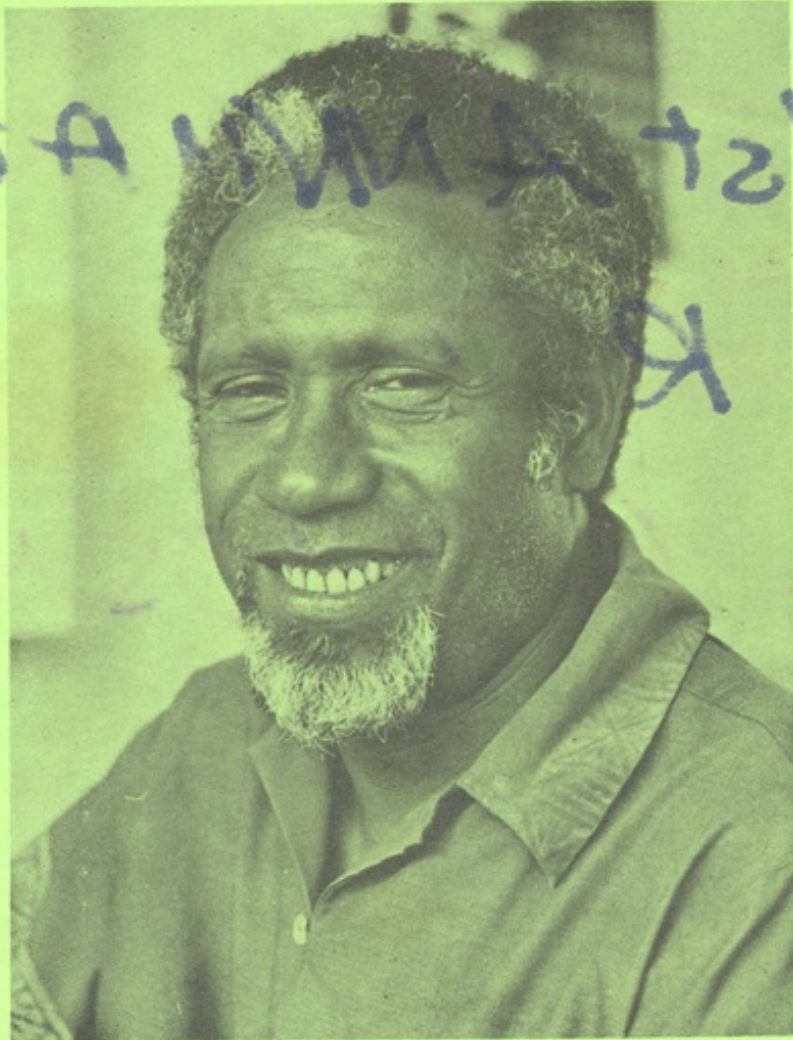
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# 1st ANNUAL REPORT of the OMBUDSMAN

(July 1981 — June 1982)





MR. DANIEL P. MAEKE, O.B.E.  
Ombudsman

# FIRST ANNUAL REPORT : JULY 1981-JUNE 1982

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Office of the Ombudsman  
Honiara  
Solomon Islands

The Prime Minister,  
The Hon. S. Mamaloni MP.,  
Prime Minister's Office,  
Honiara.

Dear Sir,

I have the honour to submit my First Annual Report for the period July 1981 to June 1982.

In accordance with Section 98(3) of the Constitution this Report will in due course be laid before Parliament.

I have the honour to remain Sir.

Yours faithfully,

(D P Maeke - OBE)  
Ombudsman



### Period covered by the Report:

This is the first Report of the Ombudsman in accordance to Section 98(3) of the constitution - "The Ombudsman shall make an annual report and may make such additional report to Parliament as he deems appropriate concerning the discharge of his functions, and draw attention to any defects which appear to him to exist in the administration or any law."

The Report covers the period of my first full year in the office from July 1, 1981 to 30th June 1982, and also the first full year of the birth of the office of the Ombudsman in the Solomon Islands.

### Why do we have an Ombudsman?

Section 97(1) of the Constitution of Solomon Islands says, "There shall be an Ombudsman, whose office shall be a public office."

### Appointment:

Section 96(2) of the Constitution says, "The Ombudsman shall be appointed by the Governor General acting in accordance with 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."

My appointment took effect from 1st July, 1981 for a term of five years in accordance to Section 96(5) of the constitution and section 143 of the constitution that says - "The office specified in sections 91 (Director of Public Prosecutions, 92 (Public Solicitor) and 96 (Ombudsman) shall be established no later than 8th July 1981."

### Staffing and office accommodation:

Initially the office had a staff of four, Ombudsman (SS1), Chief Administrative Officer (L9), typist (L3) and a cleaner (L2). The Chief Administrative Officer was transferred early 1982. His replacement was not accepted not because of the calibre of the officer but on principles which were made known to the Public Service Office. In May 1982 a Legal Adviser was transferred from the Ministry of Police and Justice to the office. This move was welcome and appreciated. However, he will be in the Ombudsman's Office for only a fixed period (six months) and then move on to another Ministry. Though the move is accepted I would rather have a permanent legal adviser. The Prime Minister was informed of my views who stated that as the office is an independent body, it is proper that it should have a permanent legal adviser.

My views on future staffing of the office was made known to the Public Service Office. It is my wish that public officers posted to the office to be made on consultative basis.

On taking up my duties on 3rd July after being sworn in office by the Chief Justice in accordance to Section 4(1) of the Ombudsman (Further Provision) Act 1980, I established my office on temporary tenure in the Honiara Municipal Authority's building. In January, 1982 at the end of our occupation agreement with the Authority, the office was moved to another temporary office premises in the office of Foreign Affairs and International Trade. When one is confronted with temporary employment, accommodation, ownership and etc, it immediately registers in his mind the uncertainty of the future. We in the office of the Ombudsman are therefore no exception and are now worrying where we are going to be "dumped" next. It is not a lavish office accommodation that I am craving for but to comply fully with Section 10 (2) of the Act that reads "Every investigation shall be conducted in private .....", consideration must be made to achieve and to uphold this piece of legislation.

### Finance:

There was no financial provisions in the 1981 estimates for the office, except for the Ombudsman's salary which was under Parliament office. Discussions were held with relevant ministries to create and separate financial provisions in future for the office from Parliament office, but regretfully this was not seen appropriate by those concerned at the moment.



## Publicity and Public Relations:

If the office is to fulfil its constitutional functions, those who are to use it must know its existence, functions, jurisdiction, authority, where it is and how to reach it. Confronted with all these in taking up my appointment in July, 1981, I drew up a publicity programme with my Chief Administrative Officer. These included tour of all the Provincial centres, speaking to employees of statutory bodies, educational institutions, radio talks and making use of the Government News Paper - News Drum.

### Publicity events achieved within the period:

30th July Inspected Passing Out Parade of the 1981 Police Recruits and spoke to senior staffs of the Force at H.Q.

1st September, 1981	-	Visited Auki	-	Malaita Province
7th September, 1981	-	Visited Gizo	-	Western Province
8th September, 1981	-	Visited Munda	-	" "
14th September, 1981	-	Visited Kirakira	-	Makira/Ulawa Province
22nd September, 1981	-	Spoke to members of the Honiara Municipal Authority		
5th October, 1981	-	Visited and spoke to Solomon Islands students at the University of the South Pacific.		
14th October, 1981	-	Spoke to students of the Solomon Islands Teachers College.		
21st October, 1981	-	Featured in S.I.B.C. Programme-Taking you High.		
6th November, 1981	-	Spoke to employees of the Housing Authority		
30th November, 1981	-	Spoke to employees of the Development Bank of Solomon Islands		
15th January, 1982	-	Part I: Publicity Talk S.I.B.C.		
29th January, 1982	-	Part II: Publicity Talk S.I.B.C.		
22nd February, 1982	-	Spoke to Senior Forms, Selwyn College		
23rd February, 1982	-	Spoke to Senior Forms, Tenaru Secondary School		
25th February, 1982	-	Spoke to Senior Forms, King George VI School		
24th March, 1982	-	Part III: Publicity Talk - Situations where the Ombudsman cannot carry out investigations.		
27th-29th April, 1982	-	Visited Tulagi - Central Islands Province		
2nd June, 1982	-	Part IV: Publicity Talk - Are you Aware.		
24th June 1982	-	Part V: Publicity Talk - Problems Encountered.		

On 28th October, 1981 in the drive to publicise the roles and functions of the office, all the statutory authorities were requested to inform my office of appropriate time to address their employees. I am rather disappointed to state that only two of the statutory bodies responded. It is hoped that those concerned will in due time come to realise that an individual is being denied his right by the administrative failure of the authorities concerned and to respond to the request.

### Origin and spread of the Institute of Ombudsman.

"Ombudsman" is a Swedish word and in general it means, protector and defender of individual citizen's right. The concept or idea of Ombudsman originated in Sweden. The Swedish Constitution of 1809 established provision for setting up of the office of Ombudsman, this was to establish a balance of power between the king and Parliament. In those days their parliament only meet once in every three years. Therefore, it was felt necessary to have such a body as an interim watchdog, empowered to supervise the observance of laws and statutes. To ensure the rule of law, the office monitored the work of policemen, prosecutors, judges and jailors.

It took more than hundred years before the idea of Ombudsman spread to other Scandinavian countries. Finland established its office in 1919, Denmark and Norway in 1953. The institution was filtered and adopted to suit the law and traditions of each country.

In the Commonwealth, New Zealand became the first country to establish an Ombudsman's office in 1962. Great Britain surprisingly did not establish an office until 1967.

Canada and Australia have States and Provincial Ombudsmen. Australia also has a Federal Ombudsman who deals with complaints brought against the Federal Government. Canada is in the process of establishing a Federal Ombudsman's office.



Today, many newly independent countries such as Fiji, Papua New Guinea, Guyana, Mauritius and Tanzania have adopted the ideas and established Ombudsmen's offices. In the Commonwealth our office is the 'youngest' and the smallest.

#### **The Establishment and Development of the Office in the Solomon Islands.**

Section 143 of the Constitution of the Solomon Islands states - The offices specified in Sections 91 (Director of Public Prosecutions), 92 (Public Solicitor) and 96 (Ombudsman) shall be established no later than 8th July, 1981.

Solomon Islands became independent on 7th July, 1978 following agreement reached in the Constitutional Conference held in Lancaster House, London in September 1977 with Her Majesty's Government of Great Britain. This was after <sup>85</sup>168 years of Colonial Rule.

According to records for the periods prior to and after attaining statehood, there were very limited information on the establishment of the concept of Ombudsman.

The setting up of Ombudsman's institution in countries like New Zealand or Australia is slightly different from the Solomon Islands. The establishments of Ombudsmen's offices in these countries were of necessity due to identified needs. It was not a constitutional provision. In the Solomon Islands the establishment of such an office is enshrined in our Constitution.

As stated earlier, the concept originated in Sweden. The nature and character of Ombudsman's offices at different times began to be established in many countries and, with necessary modifications to suit local conditions of the various individual countries, one began to see different forms of Ombudsman, some established as Commissions while other as offices.

In the Solomon Islands, the Ombudsman's office took form in July, 1981 as required by the Constitution. However, the first thoughts of establishing an Ombudsman's office in the Solomons came in 1972 when views and ideas were called for a new constitution of Solomon Islands. The present Opposition Leader Sir Peter Kenilorea was the only one from the Submissions, who touched the issue. He said (in a paper presented at the Waigani Seminar - 1972) that an "Ombudsman is a person of some legal qualification who shall be nominated by the Prime Minister to safeguard the individual against the government and the government against the individual. He must be a neutral person who must be seen to be fair in his deliberations in all matters in his charge."

This then in my opinion, the seed for the establishment of the Ombudsman's office, planted and nursed by Peter who at that time was District Officer, Central and later to become the first Prime Minister of our independent Solomon Islands in 1978.

The Report of the Constitutional Committee, 1975 expanded the idea in saying, "The Work of the Ombudsman or Parliamentary Commissioner involves investigating on his own initiative or on the complaint of a person affected, the conduct of a governmental or para-statal institution or/and its officers and employees and making recommendations to remedy the wrongs, if any."

The role of the Ombudsman is not one of adjudicating justifiable disputes but to supervise the exercise of administrative and discretionary powers of administrators and public servants so as to make these officers and officials more responsive to their duties.

The Committee considered that in a developing country where the government machinery tended to be all pervasive the office of the Ombudsman provided, in addition to and in a different sphere from the office of Public Solicitor, desirable protection for citizens. Despite the difficulties likely to be encountered in filling the office, even with the possibility that an entirely suitable candidate for filling it might not be found, the Committee considered that such an office should be established under the Constitution.

The Committee recommends accordingly, recognising that it might not be possible to activate the office immediately on independence.



The following is an extract from the report of the Solomon Islands Constitutional Conference held at Lancaster House in London in September 1977. "The Constitution shall provide for the office of the Ombudsman. The Ombudsman shall be appointed by the head of state on recommendation of the Judicial and Legal Service Commission. The functions of the Ombudsman shall be to investigate complaints against public officers, ministries, and other public authorities, of unfair, discriminatory or unlawful actions. He may start an investigation on his own initiative. The Ombudsman shall have the power to call for and examine government files and to interview public servants. He shall have the right to recommend that a decision by a public officer or authority shall be reversed or amended. The Ombudsman shall submit an annual report to Parliament on his investigations and may call attention to any particular defects in the administration or administrative procedures. He may also report to Parliament on any particular case. The office of the Ombudsman shall be an independent office. He shall be appointed for five years and may only be removed for gross misconduct (following the procedure prescribed for the removal of a judge).

In a speech by the Chief Minister, Peter Kenilorea on a motion to adopt and support the Solomon Islands Independence Order 1978 to the Legislative Assembly Meeting of March, 1978. He said, "In a few respects we have changed the presentation as agreed at the London Conference. These changes are -

The Ombudsman need not be and in the early years, is unlikely to be, a legally qualified person. His tasks required political and administrative skills and he has a close relationship with Parliament. The mode of appointment proposed here is therefore more appropriate of course, once appointed the Ombudsman has a complete security of tenure."

The Ombudsman Bill was debated in the March Session 1980 and passed and enacted on 3rd April 1980 by the Parliament of the Solomon Islands.

My appointment as the first Ombudsman of my independent country in July, 1981 was hailed with mixed feeling quite understandingly. However, the spell placed on my appointment seemed to encourage me to accept the appointment and of course the challenges that I will personally face in establishing and developing a totally new set up.

In the interview following the official announcement of my appointment by the government. I had this to say - The task is tough and challenging, and to be honest, the success or the failure of it only the future will tell.

It is now exactly twelve months after my appointment. Now, it is 'judgement day', and it is for the body I am answerable to and to the public for whom my office was set up to serve to make judgement. Any judgement made in my opinion must be assessed in light of the followings. An office cannot be all things to all people. There are those in our society who expect him to be a vehicle for major social reform, some think he should be a disturber, or thorn in the side of government and a leader in social action. In fact, according to Chapter IX of the Constitution which necessitates the creation of the office, he is none of all these.

An Ombudsman is neither a court or arbitrator appointed to decide controversial claims; nor is he a lawyer whose duty is to protect his clients interests and support his claim within a framework of an advisory system. His duty is not that of a member of a legislature; nor is he in the same position as a civil servant who has been given the responsibility of ensuring the efficiency of the service. He exists first and foremost for the protection of an individual's rights. He should remain available and accessible to the people to a great an extent as possible. His contacts should be direct and informal, striving to reduce errors and injustice which my occur in the administrative process.

His duty is not to pronounce judgement on policies but by virtue of his office and the Act governing his operation, he has the privilege of suggesting changes to the existing practices. In doing so, he does not question the policies, but rather attempts to show the unjust and undesirable consequences of the application.



The work load besides all the practical problems and difficulties faced at the early stages in the process of establishing the office, I am glad to report that, with the uncountable assistance and support given by my dedicated staffs, I am proud to state that period July 1981 - June 1982 was exciting, challenging but satisfying. Furthermore, inspite of limite finance, staffs, resource materials, office accommodation, lack of relevant experience to the nature of the work, hostile attitude by authorities subjected to the functions of the office and 'low-key' emphasis on the part of the government in realising the importance of the office much has been achieved. First and foremost, people who made use of the office had their complaints examined thoroughly and impartially by an independent institution at no costs to the complainants, and in many cases have received some form of remedy. This is an obvious achievement, but the most important value of what has be done goes wide and deeper than positive remedies. As a result of investigations, administrative procedures and practices have been improved in a number of instances with benefit to many people other than the aggrieved and, officers of ministries and authorities under the jurisdiction of the office are alerted to take more care and consideration in their responsibilities.

In this first report I wish to thank Ombudsmen Colleagues from other countries, organisations such as the International Ombudsman Institute and the International Bar Association for their support in terms of information and publications.

My personal thanks goes to the New Zealand Government for financing my attendance at the Wellington Conference for the Australasian and Pacific Ombudsmen.

#### **Visits and Contacts - Overseas**

It is an unquestionable fact what one benefitted from relevant overseas and local attachments, visits, conferences and seminars in relation to his responsibilities, functions and duties. Solomon Islands in my opinion must take advantage of such events but within our means and manpower resources.

I was able because of the financial assistance given by the government of New Zealand, attend the Australian and Pacific Ombudsman Conference, ably hosted by the New Zealand Ombudsman's office in Wellington from September 28th to 1st October, 1981. I am most grateful to the Chief Ombudsman of New Zealand Mr. G. Laking for his invitation to attend. I feel obliged in this my first annual report to show my sincere gratitude to the reception accorded to me as a 'new boy' to the arena by each Ombudsman who were at the Conference.

On my way back from the Wellington Conference I stopped over in Suva, Fiji to look at the office set up from 5th to 6th October, 1981. I thank Sir Moti Tikaram, Fiji Ombudsman for permission given and arrangements made by his secretary.

It was also my intention to visit other neighbouring Ombudsmen's set ups at the later part of 1981. This was not possible due to financial restrains and pressure of work in setting up the new office.

Visitors from Overseas: 1 July, 1981 soon after taking up my appointment I had a surprise visit from Professor Stanely Anderson from the University of California. He learned of my appointment from Sir Moti Tikaram Fiji's Ombudsman. Professor Anderson on this occasion was visiting Ombudsmen's offices in New Zealand, Fiji, Papua New Guinea and some States Ombudsmen's offices in Australia. My office wishes to thank him for the very valuable documents received from him.

In December an old colleague, Mr.E. Thomas the former Principal Education Officer, Selection and Guidance in the Solomons visited the office. He is now with the University of New England, Australia.

On 14th January, 1982, Dr.J.A. Ballard from the Department of Political Science, Australian National University called in the office, seeking information in the setting up of my office.

March 18th, 1982 - a suprise visit by Professor Yash Ghai who was the Legal Adviser in the drafting of the Constitution of the Solomon Islands. I enjoyed my discussion on Chapter IX of the Constitution with him. Though his visit to my office was brief I was able to learn from him of the fact that on the whole, there was very little thought by those who were involved in the collection and analysis of ideas and principles for the drawing up of the Constitution on



the concept of Ombudsman. Inclusion of the idea was more or less came about due to the suggestion by Professor Yash Ghai and submission by the Leader of the Opposition Sir Peter Kenilorea.



Overseas Contacts: The Office since its establishment received useful documents and annual reports from - Fiji, Papua New Guinea, New Zealand, United Kingdom, Alberta (Canada) Northern Territory (Aust) Saskatchewan (Canada) Queensland, New South Wales, Western Australia, Nova Scotia (Canada) and the International Ombudsman Institute.

#### Cases handled and Statistics

Total Number of Cases handled 76

Total disposed of 59

#### Cases disposed of:

Justified	14	(18%)
Not Justified	30	(39%)
Discontinued	7	( 9%)
Explained	7	( 9%)
No Jurisdiction	1	( 1%)
Outstanding	17	(22%)

Agencies	Justi- fied	Not Justi- fied	Dis- continued	Ex- plained	No Juris- diction	Pending
1. Health and Medical Services	2	8	1	2	-	2
2. Public Service Office	3	5	-	-	-	2
3. Education Training & Cultural Affairs	2	4	1	-	-	1
4. Finance	2	1	1	-	-	1
5. Police & Justice	2	1	2	1	-	1
6. Home Affairs & National Development	-	5	-	1	-	1
7. Youth Employment & Social Development	-	1	1	-	-	1
8. Lands Energy & Natural Resources	-	1	-	1	-	-
9. Transportation Communication & Government Utilities	-	-	-	1	-	2
10. Solomon Islands Housing Authority	1	-	-	-	-	2
11. Temotu Province	2	-	-	-	-	-
12. Solomon Islands Broadcasting Corporation	-	1	-	-	-	-
13. National Provident Fund	-	-	-	-	-	1
14. Western Province	-	2	-	-	-	-
15. Malaita Province	-	-	1	-	-	1
16. Makira Province	-	-	-	1	-	-
17. National Fisheries Agency	-	1	-	-	-	-
18. Central Islands Province	-	-	-	-	-	1
19. Linda Ritii	-	-	-	-	1	-



The statistics given in this Section relate only to written complaints received and registered. Section 8(1) of the Ombudsman Act requires all complaints to be in writing therefore, only such complaints have been recorded. In addition to complaints formally recorded the Office attended to numerous enquiries made by letters, telephones and in person.

In cases where the bodies complained against or the nature of the complaints fall outside my jurisdiction, the stand taken by the office is to refer the matter to the appropriate officers or authorities concerned. These cases are not normally recorded. This year only one such case was recorded.

All investigations made were informal. Interviews conducted were either made in my office or in the premises of bodies involved.

Responses from authorities involved on the whole were satisfactory, but I believe it could be better if proper publicity programmes made prior to the setting up of the office. Publicity work will feature very much during the next twelve months. This will include further visits to Provincial Centres talking to Assembly members, employees of both the National and Provincial Governments.

Reactions from Officers and authorities were initially cautious and protective but I am pleased to say that this has slowly changed. Cases received by the Office could still remain unsolved if assistance and co-operation of Senior Officers of Authorities involved were not given or remain indifferent to requests made. In this respect I wish to show my thanks and appreciation to them. In spite of the good relationship I had with bodies under my jurisdiction, there were times when issues could speedily and easily being dealt with if the necessary information requested were given in good time. Delays in getting the essential information causes delay in redressing the possible injustice caused, a source of constant concern and worry to the complainant.

A high proportion of contacts made to the office were purely to find out the functions, authority and jurisdiction of the office. It is comforting to see people leaving my office relaxed and satisfied.

Conclusion to any case being investigated and found justified under Section 16((1) a - d) of the Ombudsman Act leads to the making of recommendations in accordance to Section 16 (c2) a - g). All recommendations made received acceptance by bodies concerned except in cases 9 and 35 where my recommendations were challenged.

In Case 9/81 the complainant's Liquor Licence was renewed after he had sort the High Court's ruling on the action of the Liquor Licensing Board.

In Case 35/81 information from the National Provident Fund was that the issue will be further discussed by the Board of Directors after seeking legal advice from their solicitors.

#### Summaries of Selected Cases:

- \* Case 38/81 Judicial: I found this case interesting and satisfying. It showed sympathetic responses and reactions by people at times when others faced with unexpected events that touched inner human feelings.

The complainant is the caretaker of six young children of his dead uncle. Their mother married again after their father's death. In accordance to one of our many traditional principles that when a mother is remarried she has no traditional legal claimancy over the children of her first marriage. Social changes brought about by outside influences had certain impact on the principle of claimancy of children but the effect is minimal at this point of time.

The claimant's uncle was a bosun of a boat owned by one of the local shipping companies who died in 1977. As customary the complainant performed all what is required at the death of a close relative. As the ceremony took place in the urban area, it involved spending of substantive sum of money.

As he is now the traditional custodian of his uncle's children because their mother has remarried he has to look after them beside his own family.



The deceased uncle left a sum of \$849.42 due to his long service. This money was deposited with the Office of the Administrator for Unrepresented Estates at the Registrar to the High Court.

The complainant forced by urban circumstances beyond his means applied to the Registrar to release the money to him in order to assist him financially in the upkeep of the children. The response from the Registrar was not what he expected so he wrote in.

Section 97(4) of the constitution debars my office in questioning judicial decisions. However, in contacting the Registrar he kindly agreed to discuss the issue with me. As the result of my discussion it was agreed to release certain proportion of the money to the complainant on receipt of properly documented expenses.

In the process of drafting the outcome of my discussion with the Registrar, my Office received a telephone call from the complainant informing me that one of his deceased uncle's children was accidentally killed by falling from a tree. This was certified by a doctor from the Central Hospital. I immediately informed the Registrar of the accident and requesting him of the possibility for releasing certain proportion of the money without the submission of receipts. The Registrar was very sympathetic and released a sum of \$300.00. I close this case as satisfying and justified.

#### **Case 33/81: Termination of Employment - Provincial Government**

Mr. \_\_\_\_\_ made a written submission alleging that his employer the Western Province, terminated his employment as an Agriculture Extension Assistant in April, 1981 on an act he was accused of not related or affecting his duty performance.

Informal contacts with the Clerk to the Province revealed that the cause of his dismissal was not based solely on the issue given by the complainant. The action taken was the culmination of other issues related to his work of which he was given certain number of warnings by his Senior Officer. I found the action taken by the Province justified and closed the case and termed it 'Not Justified'.

#### **Case 5/81: Public Service Office**

The Complainant's submission included two specific complaints related to his demotion:

- (1) Public Service Commission failure to give him a chance to appear in person or to be represented when his case was considered.
- (2) Ministry of Home Affairs in considering his salary following his demotion, made to enter at the middle of L6 whilst other officers who have also been demoted were made to enter at the maximum point of the level they were demoted to.

As complaint one is against the Public Service Commission a body outside my jurisdiction, only complaint two was dealt with.

My investigation revealed disparities in practices employed by ministries concerned. This I found is caused by lack of established guidelines in the service in determining appropriate points of salaries in the lower level to which an officer is demoted to. Secondly, it places unreasonable burden on responsible officers due to the absence of guidelines. The Secretary for the Public Service Office gave assurance, that the principle of guidelines will be given serious consideration.

Investigation was closed when the Public Service Office admitted, that a mistake was made in the readjustments of salary and subsequently the complainant's salary will be properly readjusted and arrears caused by the mistake will be recovered. This case was close as justified.

I am pleased to learn that readjustments of demoted officers salaries in future will be the sole responsibility of the Public Service Office and not Ministries concerned.



#### **Case 13/81: Unwarranted delay - Housing Authority**

The complainant is an expatriate employed by the Solomon Island Government. He wrote to my office complaining about the delay in reimbursing expenses incurred on the Housing Authority's house by the Authority.

In April 1980 the then manager of the Housing Authority agreed to rent one of the Authority's houses to the complainant. The agreement to lease the house was for two years, that is April 1980 to April 1982.

In September, 1980 the Housing Authority has a new manager who terminated the agreement in order to obtain the house for his own occupation. Between May and September the complainant and his wife spent \$421.10 making improvement to the house and garden, in the belief that they would have the enjoyment of the house for two years. On vacating the house an approach was made to the new manager for the reimbursement of the expenses incurred. This was agreed too.

The complainant submitted his complaint to my office in September, 1981 after several approaches made to the Housing Authority failed to effect re-imbursement.

The Manager was contacted of the issue and I am pleased to report that my client received a cheque for the sum of \$421.10 in October.

My office received the following letter from the complainant - As you will know from correspondence copied to you, I have now received payment of the long outstanding debt from the Housing Authority.

I should like to thank you for your assistance, and hope that your future endeavours in your new office will be equally successful and beneficial.

#### **Case 25/81: Shortage of Government Treasury Receipt Books - Ministry of Finance.**

This is a special case in which I was forced by circumstances to carry out investigation under section 5(c) of the Ombudsman Act - "he considers it desirable to do so of his own motion".

I discovered on 30th October, 1981 at the Office of the Magistrate Central, that members of the public were denied the opportunity to pay in money due to shortage of the necessary Treasury Receipt Books. Further enquiry with various Government Ministries revealed that they also experienced shortages on the same day. Armed with these information the Ministry of Finance a body responsible for printing and issuing of receipt books were contacted on how this came about.

The issuing of receipt books to all ministries is the responsibility of the Government Sub-Treasury. In learning of shortages from various ministries the Officer incharge rightly informed his Senior Officer in the Ministry of Finance. The information he received was that an order was placed to the Government Printery during the past two weeks. The Government Printer admitted that an order for 200 copies was received on 14th October, 1981. The order however, did not specify definite time when the receipt books are required to be completed and delivered. Therefore, it was treated as a normal order subjected to the rule of 'first come first serve'. When the urgent demands became evident the responsible Senior Officer in the Ministry of Finance exerted pressure on the Government Printer who in turn, had to issue priority order in the printing of the books. These sequential actions undoubtedly in my opinion caused disruption to the normal operation in the Printery were uncalled for if, proper administrative procedural methods were initially followed in the ordering process.

The receipt books became available on Monday afternoon 2nd November, 1981. However, the incident had affected the following areas.

1. It causes inconvenience to members of the public in paying money due to the Government, in the form of court fines, school fees, loans repayments, registration fees for vehicles, freights and fares etc., especially shortages occurring on payday as in this case (30th October).



2. It places unnecessary worries and temptation on revenue collectors. That is, it creates the tendency of receiving money from the public without the issuing of completed legal receipts.
3. Government agencies responsible for collection of revenue for the National Government in Province could experience longer periods of waiting in receiving new receipts.

Assurance was given by the Ministry of Finance to order large stocks in future to avoid a repetition of such occurrence. The Government Printer also stated that instructions will be given to Senior Staffs of the Printery to screen printing orders received in terms of importance and essential documents such as receipt books and be given priority attention. I close this case as justified.

#### **Case 17/81: Police - Illegal Termination**

In this case the complainant alleged that since his dismissal by the Commissioner of Police from the service was not confirmed in writing by the Police and Prison Service Commission he was still a member of the Force.

After my informal inquiry with the Authorities concerned, the complainant received the following from the Secretary for the Public Service Office.

The Commissioner's decision confirms paragraph 3 of the letter addressed to you by the Commissioner of Police on 29th October, 1980 but I am advised that in view of delays you are eligible for half pay from the date on which you are interdicted from duty, i.e., 19th September 1980, until November 1981, the date on which the Commission made the decision.

In this case the complainant tried several times unsuccessfully with the authorities concerned to rectify what he felt was wrong. During my investigation the Public Service Office sort the Attorney General's advise and whose ruling was that the dismissal was not done according to regulation.

I close this file as justified when I heard from the complainant that he had received a sum of \$1,545 arrears of payment on half pay from the date he was interdicted to the date of confirmation of his dismissal from the Force.

#### **Case 17/82: Refusal to approve Scholarship - Education Training and Cultural Affairs.**

The complainant approached my Office after receiving a letter from the Secretary of the Scholarship and Selection Committee. He complained that the Committee did not approve his Scholarship because the policy states - All Solomon Islanders on completion of a course of studies to return to the Solomons and work for a period of time of which two years is a minimum.

As a former Permanent Secretary to Education I support the principal on the grounds that is based on written policy. As it is, the Committee is merely expressing issues which are important but not in the policy. In a letter to the Permanent Secretary I suggested to consider formalising rules governing awards of scholarships.

In discussing further the issue with the Ministry, it was agreed to find from USP clarifications regarding the nature of the award given to Mr.

On 4th March, 1982 the same day Mr. \_\_\_\_\_ left for the University I was informed by OTU of METCA that the Scholarship was given to the USP to administer. Under such circumstances the Scholarship Selection Committee has no authority over the recipients of the award. Therefore, its decision was withdrawn.



#### **Case 10/82: Promotion Exercise - MHMS**

Promotion in the Public Service is the sole responsibility of the Public Service Commission. The Commission however must have at its disposal the necessary information to make decisions. The Commission as a body does not know personally all the public servants for whom it has the responsibility in relation to their careers. This point however is not really important, what really matter is the regular reports and assessments made by each Ministry for each officer. The Commission depends very much on these reports and recommendations in all its deliberations.

The Public Service Commission is not within my jurisdiction and therefore its administrative actions cannot be questioned by my office.

Case 10/82 is a complaint by an officer of the Ministry of Health and Medical Services who claimed that, the Ministry ignored his qualification and experience in making a strong case to the Commission for consideration to promote him to the next grade in his profession.

In the course of my investigation I was given by his Ministry and the Public Service Office documents having the necessary information for his promotion submitted to the Commission. I am satisfied that the contents of the submission were fair and just, I therefore do not uphold the complaint.

#### **Case 22/81 - Termination of Service - Ministry of Home Affairs and National Development**

The complaint was a Field Assistant employed by the Agriculture Division Stationed in one of the Provinces. In February, 1980 he was convicted for assault causing bodily harm. He had two previous convictions of similar nature. This third conviction led to his dismissal by the Public Service Commission in early January, 1981. His dismissal without notice is in line with G.O. B702, 1(a) which briefly states - "Notice to be given by Government in the case were the Officer is dismissed for misconduct is nil".

The actions taken against the Officer were within the law and properly administered. However, the letter of dismissal reached his station in early February while the Officer was away carrying out routine duty tour of his area and only came to learn of his dismissal when he returned in mid February, 1981. The letter of dismissal states that his last day of pay will be 31st January, 1981.

My argument is that the complainant performed his Official duties for the good part of February, though the letter of dismissal might have arrived in early February or late January. My opinion is therefore to reward him for the number of days he was at post carrying out his official duties. This was communicated to the Public Service Office. I am pleased to report that my views were given favourable consideration and my client was paid for the whole of February, 1981.

#### **Case 20/82: Expulsion from Government Educational Institution - Ministry of Education, Training and Cultural Affairs.**

This case involved an expulsion of a fourth former student at the end of 1981. The course of expulsion was entering the girl's dormitory at night and being alone in a room with a female student.

The father of the student who made the complaint on his son's behalf claimed that his son's case was not thoroughly being investigated and also his son was not given the opportunity to tell the members of the School Advisory Board his whereabouts on the night he was alleged to be in the girl's dormitory.

As an educational institution this school has rules for proper operation and administration. The school also has a very important task in the general welfare of the students more especially in a co-educational institution. Parents who allowed their children to enter this school expect the institution to uphold the accepted traditional girl/boy relationship.

The act of which the student reported to have committed carries a penalty of expulsion according to one of the school rules.



Investigation revealed that the student's case was thoroughly being dealt with and that the student was given the opportunity in giving information of his whereabouts on the night he was being reported entering the girls' dormitory and being alone with a girl in a room at night time.

Information gathered from the investigation made it hard not to believe that the student was not in the girl's premises, and that he was alone with a girl in a room. I therefore upheld the decision by the Ministry.

**Case 20/81: Cancellation of coconut subsidies: Ministry of Home Affairs & National Development**

In the 1970 coconut farmers were given financial assistance (Subsidies) to help them to plant new areas and to maintain them. This was indeed a worthwhile scheme resulting in increase acreage of coconut planted. Many farmers in the rural areas took advantage of the scheme of which they are now reaping the reward.

The management of the programme in each district was the responsibility of the District Agricultural staffs. This involved, surveying of the area by an Agriculture Assistant, where new plantings will be made. He submitted his survey findings to the Field Officer for checking. The report forms are signed when satisfied that the contents looked right to him. He then issued instructions for the raising of the necessary payment forms. Authority to action payment is the sole responsibility of the accounting officer for the division in the district who was then usually the Senior Agriculture Field Officer.

In October, 1981 I received a submission from Mr \_\_\_\_\_ complaining about cancellation of his coconut and pasture subsidies. Though this action was made in 1975 I decided to pursue investigation.

Mr. \_\_\_\_\_'s subsidies were cancelled in 1975 when certain irregularities were discovered in his claims. During the course of my investigation I conducted several interviews and the Ministry concerned was requested to provide the necessary information, records and files.

**The investigation revealed the followings:-**

- a) Actual acreage newly planted was only 55 acres. This he received subsidy claim for \$88.00 (formula  $4 \times 55 \times 4$ )
- b) False claims made in respect of 640.8 acres. This led to over payment of \$5,616.40 by the Government to the complainant.
- c) Actual area of pastures 26.9 acres.
- d) False claims made in respect of 164.6 acres led to the overpayment of \$1,376.00.
- e) Total overpayment by the Government to the complainant is \$6,992.40

This is an interesting case because in my opinion it threw light on two important issues.

One, the complainant maintains, despite all the explanations given to him by the Agricultural staffs, District Administrative staffs and his members of Parliament, that the authority was wrong in the cancellation of the grants. He would not accept the fact, that after carrying out a detail survey of his farm it was found that some of his claims were wrong.

Secondly, it revealed negligence of duties on the part of several Senior Officers of the division. Though most of the Officers concerned left the Service, I was able to find any evidence whether the Officers involved were ever being disciplined. Also a substantial sum of public money was wrongly spent. I deplore the part played by the Officers involved. I therefore do not hesitate to say that similar incident could happen again if Officers appointed to Senior positions lack experience, supervisory ability and dedication to work.

A report submitted by the Clerk to the Province shows that the complainant's coconut farm needs financial assistance to upgrade it to the stage it was before the subsidies were withdrawn.



I am pleased to learn from Permanent Secretary/MHAND that plans are in hand to reconsider giving certain forms of assistance to the Local coconut farmers. The complainant was informed of the results of my investigation.

#### Case 9/81: Provincial Liquor Licensing Board

The complainant is an expatriate trader but since independence he and his family were granted citizenship. I received the following letter from him when a Province's Liquor Licensing Board refused renewal to his full Liquor Licence.

My company was given the first license to sell Beer, or a Full License, every year since then, until this year. There has never been, during all those years, a single complaint from the Police.

Suddenly, two days before Christmas 1980, we were informed verbally by the Police that our License for 1981 would not be renewed, no reason given. The Police sergeant assured me that no complaint had been lodged with him, or by him.

For more than twenty years I have built up this business for the benefit of my two sons, and I and my whole family have become Solomon Islands citizens. Naturally the sale of Liquor was a considerable part of the business, and its loss has reduced our income drastically.

I attached copies of relevant correspondence. I believe that the arbitrary decision on the part of the Liquor Licensing Board was unjust and inequitable, and possibly illegal, and I beg that you use your authority to have it rescinded.

The complainant also sent in correspondence relating to his complaint received from the Clerk to the Province.

The complainant received closure of his Liquor Licence by the following letter from the Clerk to Temotu Province. The Provincial Liquor Licensing Board in pursuance of Section 25 of Liquor Act, decided to refuse renewal of your licence (Please refer to Min 3/80 (c) for reasons therein contained). The complainant was not sent Min 3/80 until he made the appeal.

Min 3/80 (c) - People who go to pay beer are not being orderly directed, resulting in the consumption of beer within the premises which is the whole Island called \_\_\_\_\_ Island. At this point, the Board was concerned with the considerable number of both existing and new applicants from \_\_\_\_\_ Islands. It was then resolved that only three be allowed for the islands and that they be located in fair distance apart.

Section 25 of Liquor Act \_\_\_\_\_ This section of the Act gives authority to the Board to take note of any matter or thing which, in the opinion of the Board constitutes an objection to an application, whether or not any objection has been otherwise lodged.

In my final analysis of the action of the Board, to term the whole of the island as the premises is erroneous in the content of the law. The Board consequently was informed of my decision and the Clerk was requested that his Board to reconsider its decision.

In his long defensive winded reply the Clerk assured me that my clients application will be reconsidered with others. In my reply I stated that I appreciated his Board's concern but at the same time the individual citizen's rights within the law must also be considered and safe guarded in relation to the application of the law.

Nothing was heard from the Clerk until I received a copy of a letter addressed to the Permanent Secretary for Provincial Affairs for the Provinces. Stating that \_\_\_\_\_ Min 13/81  
that \_\_\_\_\_ Mr \_\_\_\_\_ Licence  
can later be approved for 1982 if:

- a) PS/MUTPA, the Hon. Attorney General and the Ombudsman insist on point of law.
- b) PS/MUTPA, the Hon. Attorney General and the Ombudsman could confirm that referred Boards nation does not qualify under the sorts of nations that would normally be qualified under section 25 of the Liquor laws.



I close the case when siting a letter from the Permanent Secretary for Provincial Affairs to The Clerk to Temotu Province copied to the complainant advising him to appeal against the decision of the Board to the High Court.

While the complainant's solicitors were preparing his case for the High Court hearing, a copy of a letter to the complainant was received from the Secretary to the Liquor Licensing Board, informing him that approval is given to his application for a Full Retail Liquor Licence. I am pleased to learn of the decision. The complainant withdrew his appeal to the High Court.

#### **Case 9/82: Resignation caused by refusal to transfer (Police and Justice)**

Sergeant No. \_\_\_\_\_ was a former employee of the Marine Division of the Ministry of Transport Communications and Government Utilities but transferred to the Police Force and attached to the Patrol Vessel 'Tulagi'.

In February, 1981 he applied for a transfer back to the Marine Division because he was not happy in his new post. This was refused and was told to resign from the Police and then apply to rejoin the Marine Division.

On 4th December, 1981 he submitted an application to the Commissioner of Police to resign and to return to his home island. The Commissioner accepted his resignation.

In February 1982 he launched a complaint to the Ombudsman's Office stating that his refusal for a transfer back to the Marine Division was wrong.

The Public Service Office was contacted about the issue and received the following - "If the Officer was transferred under government arrangements to Police there is no reason for him to resign to return to Marine. Unless the Chief Marine Officer has no vacancy for him"

On 17th February, 1981 the Commissioner of Police informed the Public Service Office that the reason for the refusal for a transfer was due to lack of vacancy of level 4 officers in the Marine Division. It was very unfortunate that this was not stated in the Commissioner's letter to Stg. \_\_\_\_\_ in refusing transfer. The Public Service Office advised the Commissioner of Police to further discuss with Stg. \_\_\_\_\_ of the possibility of the withdrawal of his resignation. This was duly made but the complainant insisted to resign. In accordance to Section 12 (2) (c) of the Constitution the Commissioner of Police accepted his resignation.

The real reason for my client's insistence to resign was the failure to give the reason in the reply to his application for transfer. It was unfortunate he did not give this reason in his letter for resignation. I closed this case and termed it 'justified'.

#### **Case 42/81: Promotion - Ministry of Health and Medical Services.**

This case involved promotion of a laboratory trainee to the post of laboratory assistant (Level 3).

In early 1979 submission was made to the Public Service Office for three Laboratory trainees, the complainant was one of them for appointment to level 3 posts - laboratory assistant. This was in line with the new scheme of service that came into effect on 1/1/79. The Public Service Commission approved the appointment of two of the trainees but not that of the complainant. The reasons given by the Commission were:

1. The complainant has already left for overseas studies before the Commission met.
2. There was no submission made by the Ministry of Health and Medical Services seeking approval for the course as in - service if it was meant for promotion purposes, (this is the normal procedure) The Commission therefore requested the Public Service Office to investigate the cause and to advise the Commission in due course.
3. If the complainant was appointed to level 3, he will be away during his two years of probationary period. As it is quite odd to send someone overseas doing an in-service course prior to his appointment to the Public Service.



On 17th May 1979, the Public Service Office in compliance to the Commission's Minute 203/79 for investigation to be made reminded the Ministry of Health and Medical Services to submit the necessary information. On 5th July 1979, a second reminder was again sent. The Ministry finally responded on 8th November, 1979.

The complainant qualified as a Laboratory Technician at the end of 1981. On 13th January, 1982 in making a new submission, for appointment to L.4, the complainant's Ministry again included the question of appointment to L.3 from 1978 to 1981. Appointment to L.4 as from January 1982 was approved but appointment to L.3 was not approved by the Commission due to a change in policy in 1979 when all pre-service trainees had to complete their training before appointment can be offered to them to join the service.

I upheld the decision of the Commission but deplore the delay made by both the Ministry of Health and Medical Services and the Public Service Office in the handling of the case. It took the MHMS roughly five months after two reminders being sent to provide the information the Public Service Office required, it took the Public Service Office two years to finally re-submit the case to the Public Service Commission.

#### Case 23/82: Ministry of Finance

The complainant sought the assistance of the office whether the Commissioner of Income Tax action was within the Income Tax Law.

The case involved a tax relief given for interest paid by the complainant on a home loan. It was found later that the complainant did not occupy the home but rented a government housing. An amended assessment was then issued and the tax was repaid. The complainant duly repaid the tax and later wrote to the Attorney General questioning the action taken against him by the Commissioner of Income Tax.

The following is the relevant portion of the letter from the Commissioner of Income Tax to the Attorney General - Section 14 (2) (1) of the Income Tax Act (Cap. 61) states, there shall be allowed a deduction for: "any interest which the Commissioner is satisfied has been paid by such person on moneys borrowed by him for the purpose of acquiring or improving his principal place of residence in the Solomon Islands."

This has been interpreted as meaning that the taxpayer claiming the interest must live in his house otherwise it ceases to be his principal place of residence. If a person borrows money to acquire his own house but chooses to occupy another house then the other house, not his own house, is his principal place of residence.

My office in the process of obtaining a copy of the Attorney General's letter in reply to the Commissioner of Income Tax letter was informed that the Attorney General supported the action taken by the Commission of Income Tax. I therefore under Section 97(4) of the Constitution discontinued my investigation. The complainant was advised and if he so wish, to appeal against the decision.

*A.G. not included in S. 97(4) (a) (b) (c) (d) (e) (f) (g) (h) (i) (j) (k) (l) (m) (n) (o) (p) (q) (r) (s) (t) (u) (v) (w) (x) (y) (z) (aa) (ab) (ac) (ad) (ae) (af) (ag) (ah) (ai) (aj) (ak) (al) (am) (an) (ao) (ap) (aq) (ar) (as) (at) (au) (av) (aw) (ax) (ay) (az) (ba) (bb) (bc) (bd) (be) (bf) (bg) (bh) (bi) (bj) (bk) (bl) (bm) (bn) (bo) (bp) (bq) (br) (bs) (bt) (bu) (bv) (bw) (bx) (by) (bz) (ca) (cb) (cc) (cd) (ce) (cf) (cg) (ch) (ci) (cj) (ck) (cl) (cm) (cn) (co) (cp) (cq) (cr) (cs) (ct) (cu) (cv) (cw) (cx) (cy) (cz) (da) (db) (dc) (dd) (de) (df) (dg) (dh) (di) (dj) (dk) (dl) (dm) (dn) (do) (dp) (dq) (dr) (ds) (dt) (du) (dv) (dw) (dx) (dy) (dz) (ea) (eb) (ec) (ed) (ee) (ef) (eg) (eh) (ei) (ej) (ek) (el) (em) (en) (eo) (ep) (eq) (er) (es) (et) (eu) (ev) (ew) (ex) (ey) (ez) (fa) (fb) (fc) (fd) (fe) (ff) (fg) (fh) (fi) (fj) (fk) (fl) (fm) (fn) (fo) (fp) (fq) (fr) (fs) (ft) (fu) (fv) (fw) (fx) (fy) (fz) (ga) (gb) (gc) (gd) (ge) (gf) (gg) (gh) (gi) (gj) (gk) (gl) (gm) (gn) (go) (gp) (gq) (gr) (gs) (gt) (gu) (gv) (gw) (gx) (gy) (gz) (ha) (hb) (hc) (hd) (he) (hf) (hg) (hh) (hi) (hj) (hk) (hl) (hm) (hn) (ho) (hp) (hq) (hr) (hs) (ht) (hu) (hv) (hw) (hx) (hy) (hz) (ia) (ib) (ic) (id) (ie) (if) (ig) (ih) (ii) (ij) (ik) (il) (im) (in) (io) (ip) (iq) (ir) (is) (it) (iu) (iv) (iw) (ix) (iy) (iz) (ja) (jb) (jc) (jd) (je) (jf) (jg) (jh) (ji) (jj) (jk) (jl) (jm) (jn) (jo) (jp) (jq) (jr) (js) (jt) (ju) (jv) (jw) (jx) (jy) (jz) (ka) (kb) (kc) (kd) (ke) (kf) (kg) (kh) (ki) (kj) (kk) (kl) (km) (kn) (ko) (kp) (kq) (kr) (ks) (kt) (ku) (kv) (kw) (kx) (ky) (kz) (la) (lb) (lc) (ld) (le) (lf) (lg) (lh) (li) (lj) (lk) (ll) (lm) (ln) (lo) (lp) (lq) (lr) (ls) (lt) (lu) (lv) (lw) (lx) (ly) (lz) (ma) (mb) (mc) (md) (me) (mf) (mg) (mh) (mi) (mj) (mk) (ml) (mm) (mn) (mo) (mp) (mq) (mr) (ms) (mt) (mu) (mv) (mw) (mx) (my) (mz) (na) (nb) (nc) (nd) (ne) (nf) (ng) (nh) (ni) (nj) (nk) (nl) (nm) (nn) (no) (np) (nq) (nr) (ns) (nt) (nu) (nv) (nw) (nx) (ny) (nz) (oa) (ob) (oc) (od) (oe) (of) (og) (oh) (oi) (oj) (ok) (ol) (om) (on) (oo) (op) (oq) (or) (os) (ot) (ou) (ov) (ow) (ox) (oy) (oz) (pa) (pb) (pc) (pd) (pe) (pf) (pg) (ph) (pi) (pj) (pk) (pl) (pm) (pn) (po) (pp) (pq) (pr) (ps) (pt) (pu) (pv) (pw) (px) (py) (pz) (qa) (qb) (qc) (qd) (qe) (qf) (qg) (qh) (qi) (qj) (qk) (ql) (qm) (qn) (qo) (qp) (qq) (qr) (qs) (qt) (qu) (qv) (qw) (qx) (qy) (qz) (ra) (rb) (rc) (rd) (re) (rf) (rg) (rh) (ri) (rj) (rk) (rl) (rm) (rn) (ro) (rp) (rq) (rr) (rs) (rt) (ru) (rv) (rw) (rx) (ry) (rz) (sa) (sb) (sc) (sd) (se) (sf) (sg) (sh) (si) (sj) (sk) (sl) (sm) (sn) (so) (sp) (sq) (sr) (ss) (st) (su) (sv) (sw) (sx) (sy) (sz) (ta) (tb) (tc) (td) (te) (tf) (tg) (th) (ti) (tj) (tk) (tl) (tm) (tn) (to) (tp) (tq) (tr) (ts) (tt) (tu) (tv) (tw) (tx) (ty) (tz) (ua) (ub) (uc) (ud) (ue) (uf) (ug) (uh) (ui) (uj) (uk) (ul) (um) (un) (uo) (up) (uq) (ur) (us) (ut) (uu) (uv) (uw) (ux) (uy) (uz) (va) (vb) (vc) (vd) (ve) (vf) (vg) (vh) (vi) (vj) (vk) (vl) (vm) (vn) (vo) (vp) (vq) (vr) (vs) (vt) (vu) (vv) (vw) (vx) (vy) (vz) (wa) (wb) (wc) (wd) (we) (wf) (wg) (wh) (wi) (wj) (wk) (wl) (wm) (wn) (wo) (wp) (wq) (wr) (ws) (wt) (wu) (wv) (ww) (wx) (wy) (wz) (xa) (xb) (xc) (xd) (xe) (xf) (xg) (xh) (xi) (xj) (xk) (xl) (xm) (xn) (xo) (xp) (xq) (xr) (xs) (xt) (xu) (xv) (xw) (xx) (xy) (xz) (ya) (yb) (yc) (yd) (ye) (yf) (yg) (yh) (yi) (yj) (yk) (yl) (ym) (yn) (yo) (yp) (yq) (yr) (ys) (yt) (yu) (yv) (yw) (yx) (yy) (yz) (za) (zb) (zc) (zd) (ze) (zf) (zg) (zh) (zi) (zj) (zk) (zl) (zm) (zn) (zo) (zp) (zq) (zr) (zs) (zt) (zu) (zv) (zw) (zx) (zy) (zz)*

#### Case 1/82: Ministry of Health and Medical Services.

The complainant was a Malaria Technician with the Ministry of Health and Medical Services. Due to the decreasing funds for the Project (Malaria Eradication) from the United Kingdom, a number of Malaria Technicians were laid off in September 1981.

Surprisingly, during 1981 field allowances were increased from \$28.00 to \$56.00 per month and back dated to January, 1981. The increases came into effect on 1st November, 1981.

My client in his submission stated that since he was still at post from January 1st to 19th September, he claimed that he was entitled to receive the increase for the period he was at post.

In contacting the Ministry of Health and Medical Services, I was informed that only serving officers were eligible for the allowance and not laid off officers who had been paid redundancy payments. This I did not accept because the two items were not the same. The Public Service Office in the end ruled that laid off technicians are also eligible to receive the increases from January 1981 to the date they were laid off.



The complainant duly received his field allowance increases and I closed the case as 'justified'.

#### **Case 5/82: Provincial Government**

The complainant is a public servant posted to the accounting section of one of the Provinces. On 3rd to 7th December, 1981 the Provincial Centre was without fresh water due to a mechanical problem with the water pump supplying water to the Centre. Water problem is an 'empidemic' phenomenon currently affecting all water supply systems in the country. The Clerk to the Province requested the Works Officer and the Leading Plumber to draw up a work shift programme. This involved listing of available drivers and set times to drive two tractors each carrying 800 gallons water tank. These were used to fetch fresh water from a water source 6 kilometres from the station. The task was performed outside official duty hours and part of the time was at night.

The complainant worked a total of 33 hours and according to overtime pay based on Public Service Circular No. 10/81 of 8/10/81 he should have received a sum of \$144.76.

In contacting the Clerk to the Province of the issue my office received the following ruling - "The complainant's overtime claims were not paid because his overtime activities did not have prior approval. (i.e: approval by the Clerk).

I sighted reliable information that the drawing up of the work shift programme was made by the Works Officer and the Leading Plumber in consultation with the Clerk. This was further pointed out to the Clerk in my reply. On 5th May, 1982 I received a letter from the Clerk with the information that the problem was resolved satisfactorily. I closed the case as 'justified'

#### **Case 28/82: Discrimination in approval of Work Permit (MYESD)**

The following is the contents of the Public Notice issued by the Principal Immigration Officer and the Commissioner of Labour on 25th March, 1981 - The public are advised that the Prime Minister, after consulting the Minister of Trade, Industry and Labour, has issued the following instructions relating to applications for and the issuing of Immigration and Work Permits. These instructions are effective immediately.

- a) No application for Work Permit or a Residence Permit will be accepted by the authorities concerned from or in respect of any person who is temporarily resident in the Solomon Islands on a Visitors Permit or whose Work or Residence Permit become invalid by reason of his or her ceasing employment with a particular business, company or church Or who had ceased or about to cease employment with the government or other category of employment which is exempt under the law.
- b) No person who has applied for Work or Residence Permit will be permitted to enter the Solomon Islands from any country **unless** and **until** the processing of the application has been completed **AND** the relevant permit or permits have been issued.
- c) For the evidence of doubt, persons temporarily resident on a Visitor's Permit OR who have ceased employment with one business company, church or the government and wish to seek new or other employment in Solomon Islands must leave the country first before submitting an application for New Work and Residence Permits.
- d) The Principal Immigration Officer and the Commissioner of Labour are directed either to cancel the Permits of or prosecute, or both as appropriate, any person who fails to comply with each and every condition under which such permits are issued.

The policy outlined above has become necessary because of the blatant disregard for the law, by several visitors and applicants, revealed during recent surveys and inspections. Also the Government are anxious to ensure the employers fulfil their obligation to repatriate immigrant workers and not "pass them on" to somebody else.

Persons entering Solomon Islands as Visitors and are found overstaying and working in breach of the conditions of their Permits will be ordered to leave the country immediately and future applications from them will not be considered.



In March 1982 a Manager of one local company submitted a complaint alleging that the issuing of a Work Permit and the Residence Permit to Mr X was illegal. Prior to submission made, the company complained to the Principal Immigration Officer about the issue and whose reply as follows - "Mr X's application for a Work Permit as Managing Direct of \_\_\_\_\_ was submitted to and under consideration by the Commissioner of Labour last year before the circular you refer to was issued.

You are advised that, because Mr X is not employed by you and he has been issued with replacement Work and Residence Permits, you are no longer responsible, under Immigration Act, for his repatriation expenses. The Ministry of Employment, Youth and Social Development further submitted that Mr X's Work Permit was issued in accordance with S.68 of the Labour Act.

The company was informed that under Section 7(2) of the Ombudsman (Further Provisions) Act 1980, my office discontinued further investigation and advised the manager to consider taking legal proceedings.

#### **Case 37/81: Withdrawal of Field Allowance (MHMS)**

The complainant is a Malaria Technician with the Ministry of Health and Medical Services. All Malaria Technicians are paid Field Allowance above their normal salaries. The allowance is paid every pay period (twice a month). It is not paid when an officer takes his annual leave or any other approved leave, also when an officer attends overseas studies.

Mr. X (the complainant) attended a Malaria Course in Papua New Guinea from 21/6/81 - 26/9/81. His Field Allowance was still paid by mistake. This was not discovered until the officer returned in September 1981. In the process of recovering the amount involved (\$133.50), his Field Allowance was discontinued again by mistake and the recovery was made on his basic salary.

The Ministry of Health and Medical Services was contacted in December, 1981 and after series of reminders sent by my office a reply was received giving details of how the mistakes were made and steps taken to remedy the discrepancies. I termed the case 'justified' and close my investigation.

#### **Conclusion:**

#### **Privilege and Honour:**

It is indeed a rare privilege and an honour to be made the first Ombudsman. The privilege and honour not without acid embracement. This of course is expected of any Society practising democratic principles.

As stated elsewhere in the report, there were very little thoughts and discussions on the concept of Ombudsman by politicians and administrators prior to the setting up of the office. The unfamiliar nature of the idea was clearly demonstrated when the Ombudsman Bill 1980 was debated in Parliament. During the Second Reading only 9MPS spoke and at the Committee Stage 12MPS spoke, the lengthy dialogue that took place during the debate was between the Prime Minister and the Leader of the Opposition.

The Ombudsman (Further Provisions) Bill 1980 was enacted in April 1980. The 1981 Budget passed in the December 1980 sitting of the National Parliament made no financial provisions for the office. Due to this short sighted forecast on the part of the Government I faced with financial problems in taking up the appointment on 3rd July, 1981 with no funds to establish the Office. This was unexpected as the Government had fifteen months from the time the Act was passed to the day of my appointment.

Staffing of the Office is the responsibility of the Public Service Office. I feel, posting of staffs to and from my Office should be made on consultative basis. Problems could be encountered if the Public Service Office having a free hand in posting Officers to the Office. This did happen early this year when the Public Service Office transferred my CAO without prior consultation. I took a firm stand with the Secretary for the Public Service Office that I would not accept Officers posted to my Office if there was no prior consultation.



### Impacts in having such an agency.

I believe the Office to a certain degree succeeded in its statutory functions in accordance to Section 97 of the Constitution. The following are a few example from selected cases being dealt with to support my belief:- Case 5/81: The Public Service Office admitted a mistake made in the readjustment of salary due to investigation made by my Officer. Previous attempts made by the complainant to the Public Service Office to rectify the issue met with blatant and evasive answers.

The other aspect to this case is for the first time the Public Service Office has accepted the responsibility to decide upon the appropriate salary point in cases where an Officer is demoted from one level to another. Previously, each Ministry was given the authority without any guide lines. The action was in response to my suggestion made in my letter of 30th November 1981 to the Secretary for the Public Service.

Case 13/81: In this case the Housing Authority failed to act on an assurance given to reimburse an outstanding debt of \$421.10 to the complainant.

The complainant in this case contacted both Chairman and the Manager by letter on two separate occasions and made several telephone calls to the Office of the Housing Authority. Assurance was given that payment will be made but failed to act on assurance until my Office contacted the Manager on the issue on 17th Sept, 1981, after receiving a written complaint from the complainant.

On 15th October, 1981 I received a copy of a letter addressed to my client informing him that cheque of \$421.10 was enclosed.

On 28th October, 1981 my office received the following letter from the complainant - I have now received payment of the long outstanding debt from the Housing Authority.

I should like to thank you for your assistance, and hope that your future endeavours in your new office will be equally successful and beneficial.

Case 22/81: The complainant was dismissed as a Field Assistant and was given 31st January, 1981 as his last day of pay. Due to transport difficulties the letter did not reach him until the middle of February.

He wrote in to say, though he was dismissed from the Service from 31st January, he felt he should be paid right up to the day he actually received the letter (13th February). The day he actually ceased working.

I contacted the Public Service Office who agreed that my client to be paid for the whole of February (\$177.65).

Case 25/81: Shortage of G.T.R.: This is a case where I felt necessary to carry out an investigation on my own motion - this is in line with Section 5(1)(c) of the Act. Due to the speedy involvement of my Office the Government Printery was instructed by Senior Officials of the Ministry of Finance to place priority on the production of G.T.R. The Chief Accountant of the Ministry also stated that extra care will be taken in future to prevent repetition of such situation.

The important impact in my opinion is that it alerted individual officers, Government ministries of their administrative procedures and functions, and the recognition and acceptance of the results of their administrative dealings and necessary measures taken to rectify the problems caused.



I am aware of the thinking held by certain people in the country that the office will soon run out of work in two or three years time. This is my opinion is wishful thinking based on unfounded facts. The Solomon Islands is a young developing country of great natural potentials yet untapped. Our population annual growth rate of 3.3% is the highest in the Pacific Region. Our export commodities are steadily being increased and diversified. Our communication and transport systems are improving leading to opening up of new opportunities in agricultural fields, commercial activities and social services. All these human endeavours involve proper and effective management governed by sets of rules and regulations for efficient operation. The magnitude of operation aligned with the complexities of modern set ups will undoubtedly give rise to complex administrative functions and control at various levels. It is within this process that once administrative dealings could be questioned.

I doubt that the scope of the operation of the office will decrease after a few years. I see the opposite to this, the volume of complaints will increase and the issues will be more complex and demanding in nature.

My first year in the office is challenging but satisfying. A period where new experiences were encountered. In the eyes of the public the job is a one man show. This believe and attitude is not at all true, though the final decision on an issue is constitutionally the prerogative of the Ombudsman. He could only do this in studying relevant information given and received from officers and bodies involved. The office during the year experienced good relationship with bodies subjected to investigation and also bodies outside jurisdiction.

In all, conclusions to issue brought to the attention of the office is the result of the co-operative efforts by all concerned. In this first Annual Report, I wish to sincerely thank all officers and authorities in one way or the other who gave valuable assistance. The office is new and needs all forms of relevant assistance and support in consolidating its responsibilities in facing the future.

#### **Purpose for inclusion of the appendices.**

1. A, B and C are governmental instruments giving the necessary information to the development and adaptation of the concept. Inclusion in my belief would assist to foster the realisation of the purpose, the meaning and the overall functions of the office.
2. D contains a condensed background information of the Solomon Islands, to give the readers a better knowledge of the country for which the office is created.
3. E contains publicity information for the simple reason to reach out those for whom the office is established to serve.



## Appendix A

### (Extract from the Constitution)

#### THE OMBUDSMAN

- 96 (1) There shall be an Ombudsman, whose office shall be a public office.
- (2) The Ombudsman shall be appointed by the Governor-General, acting in accordance with 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.
- (3) If the person appointed as Ombudsman is a member of Parliament or a provincial assembly, he shall forthwith cease to be such a member.
- (4) The Ombudsman shall not perform the functions of any other public or provincial government office, and shall not, without the approval of the Governor-General in each particular case, hold any other office of emolument than the office of the Ombudsman or engage in any occupation for reward outside the duties of his office.
- (5) Subject to the provisions of the next following sub-section, the Ombudsman shall vacate his office at the expiration of five years from the date of his appointment.
- (6) The Ombudsman may be removed from office only for inability to discharge the functions of his office (whether arising from infirmity of body or mind or any other cause) or for misbehaviour and shall not be so removed except in accordance with the procedure for the removal of a judge of the High Court as set out in subsections (4) to (7) of Section 80 of this Constitution.

#### Functions of Ombudsman

- 97 (1) The functions of the Ombudsman shall be to:-
- (a) enquire into the conduct of any person to whom this section applies in the exercise of his office or authority, or abuse thereof;
- (b) assist in the improvement of the practices and procedures of public bodies; and
- (c) ensure the elimination of arbitrary and unfair decisions.
- (2) Parliament may confer additional functions on the Ombudsman.
- (3) The section applies to members of the public service, the Police Force, and Prisons Service, provincial governments, and such other offices, commissions, corporate bodies or public agencies as may be prescribed by Parliament:

#### Proviso refers to Ombudsman

Provided that it shall not apply to the Governor-General or his personal staff or to the Director of Public Prosecutions or any person acting in accordance with his instructions.



- (4) Nothing in this section or in any Act of Parliament enacted for the purposes of this Chapter shall confer on the Ombudsman any power to question or review any decision of any judge, magistrate or registrar in the exercise of his judicial functions.

Discharge of  
functions of  
Ombudsman

- 98 (1) In the discharge of his functions the Ombudsman shall not be subject to the direction or control of any other person or authority and no proceedings of the Ombudsman shall be called in question in any court of law.
- (2) The Ombudsman shall not conduct an investigation in respect of any matter if he has been given notice by the Prime Minister that the investigation of that matter would not be in the interests of the security of Solomon Islands.
- (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.

Further provisions

99. Parliament may make provision for such supplementary and ancillary matters as may appear necessary or expedient to give effect to the provisions of Chapter.



## Appendix A

### (Extract from the Constitution)

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- (3) If the person appointed as Ombudsman is a member of Parliament or a provincial assembly, he shall forthwith cease to be such a member.
- (4) The Ombudsman shall not perform the functions of any other public or provincial government office, and shall not, without the approval of the Governor-General in each particular case, hold any other office of emolument than the office of the Ombudsman or engage in any occupation for reward outside the duties of his office.
- (5) Subject to the provisions of the next following sub-section, the Ombudsman shall vacate his office at the expiration of five years from the date of his appointment.
- (6) The Ombudsman may be removed from office only for inability to discharge the functions of his office (whether arising from infirmity of body or mind or any other cause) or for misbehaviour and shall not be so removed except in accordance with the procedure for the removal of a judge of the High Court as set out in subsections (4) to (7) of Section 80 of this Constitution.

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Provided that it shall not apply to the Governor-General or his personal staff or to the Director of Public Prosecutions or any person acting in accordance with his instructions.



## APPENDIX B

### THE OMBUDSMAN (FURTHER PROVISIONS) BILL 1980

TO MAKE FURTHER PROVISIONS RELATING TO THE OFFICE AND POWERS OF THE OMBUDSMAN AND MAKE MATTERS CONNECTED THEREWITH AND INCIDENTAL THERETO.

ENACTED by the Parliament of the Solomon Islands:-

Short Title	1. This Act may be cited as the Ombudsman (Further Provisions) Act 1980;
Oaths of office	<p>2. (1) Before entering upon the exercise of the duties of the office, the Ombudsman shall take and subscribe the oaths prescribed in the Official Oaths Act and shall take before the Chief Justice an oath in the form set out in the First Part of the Schedule to this Act.</p> <p>(2) The members of the staff of the Ombudsman shall maintain secrecy in respect of all matters which come to their knowledge in the exercise of their duties and shall, before entering in the exercise of their duties take an oath administered by the Ombudsman in the form set out in the Second Part of the Schedule to this Act.</p>
Procedure	<p>3 (1) Any complaint or invitation made to the Ombudsman shall be in writing and shall be submitted direct to the Ombudsman.</p> <p>(2) Notwithstanding the provisions of any written law, any complaint made to the Ombudsman by any person who is legal custody or who is an inmate of any mental hospital or similar institution shall be forwarded unopened to the Ombudsman by the person in charge of the place where the complaint is detained or an inmate.</p>
Recording	<p>1. Subject to the provisions of this section, the Ombudsman shall before entering upon an investigation -</p> <p>(a) records the nature and scope of the investigation he proposes to make; and</p> <p>(b) inform the officer or authority concerned of his intention to make such investigation and to furnish him with a copy of such record; of if he considers that the complaint is of trivial or vexatious, or he determines to apply the provisions of Section 21, he shall record that he does not intend to make an investigation and so notify the person making the complaint.</p> <p>2. If in the course of an investigation the Ombudsman considers that the nature or scope of an investigation should be enlarged he shall cause a further record to be made to that effect and shall furnish to the officer or authority a copy thereof.</p> <p>3. The record and any further record made in accordance with this section shall form part of the proceedings of an investigation.</p> <p>4. Nothing in this section shall be construed as precluding the Ombudsman, before complying with subsection (1) or subsection (2), from conducting an examination of any person who has made a complaint or from consulting the officer or authority concerned in order that he may determine whether or not an investigation should be made or whether or not the nature or scope of an investigation should be enlarged.</p>



Conduct of  
investigation

1. Subject to the provisions of this Act, the Ombudsman may obtain information from such persons and in such a manner and make such inquiries as he thinks fit and may determine whether any person maybe represented by a legal representative or otherwise in the investigation.
2. Every investigation shall be conducted in private and subject to the provisions of section 8 and this section, the procedure for conducting an investigation shall be such as the Ombudsman considers appropriate in the circumstances of the case.
3. It shall not be necessary for the Ombudsman to hold a hearing during the course of an investigation nor shall any person be entitled to be as of right to be heard by him.

Provided that if at any time during the course of an investigation it appears to the Ombudsman that there may be sufficient grounds for him making any report or recommendation that may adversely affect any person, officer or authority, he shall afford such person, officer or authority an opportunity to be heard; and no comment that is adverse to any person, officer or authority shall be contained in a report to Parliament, to a Minister or to a department or authority unless any person, officer or authority has been given an opportunity to be heard.

Disclosure of  
information

1. For the purpose of an investigation under this Act, the Ombudsman may required any Minister, officer or member of any department or authority concerned or any other person who in his opinion is able to furnish information or produce documents or things relevant to the investigation to furnish any such information or produce any document or thing.
2. No obligation to maintain secrecy or other restriction upon the disclosure of information obtain by or furnished to persons in the public service imposed by any law in force in the Solomon Islands or any rule or law shall apply to the disclosure of information for the purposes of any such investigation; and the Crown shall not be entitled in relation to any such investigation to any such privilege in respect of production of documents on the giving of evidence as is allowed by law in legal proceedings.
3. No person shall be required or authorised by virtue of this section to furnish any information or answer any question or produce any document relating to proceedings of the Cabinet or any Committee thereof; and for the purposes of this subsection a certificate issued by the Secretary to the Cabinet with the approval of the Prime Minister and certifying that any information question or documents as relates shall be conclusive.
4. The Attorney General may give notice to the Ombudsman with respect to any document or information so specified, that in his opinion the disclosure of that document or information or if documents or information of that class, would be contrary to the public interest in relation to defence, external relations or internal security, and where such notice is given nothing in this section shall construed as authorising or requiring the Ombudsman or any member of his staff to communicate to any person for any purpose any document or information specified in the notice or any document or information or a class so specified.



Attendance of  
witnesses.

1. Subject to the provisions of this Act, the Ombudsman may by order require any person who in his opinion is able to furnish information or produce any document, paper or thing, relevant to an investigation to attend before him at a time and place specified in such an order and be examined on oath or produce such document, paper or thing.

2. Where the Ombudsman orders any person to be examined on oath, he may administer such oath.

3. An order made under this section shall be served on the person to whom it is directed by a member of the staff of the Ombudsman or by a police officer in the manner prescribed for the service of a summons on a witness in civil proceedings before a Court of law.

4. If a person to whom an order under this section is directed does not attend at the time and the place mentioned therein, the Ombudsman may, upon being satisfied that the order was duly served or that the person to whom the order was directed wilfully avoided service, issue a warrant to apprehend such a person and to bring such a person before him at a time and place specified therein. Every warrant issued under this section shall be executed by a police officer.

5. Where a person is arrested in pursuance of a warrant issued under this section is not brought before the Ombudsman within twenty four hours of his arrest or is earlier released by order of the Ombudsman on his undertaking to attend at a time and place specified therein, such person shall forthwith be taken before a Magistrate who shall -

(a) if such person enters into a suitable recognizance for his appearance before the Ombudsman, release him from custody; or

(b) order such person to be detained until such time as he can be brought before the Ombudsman.

6. When any person is required by the Ombudsman to attend before him for the purposes of this section, such person shall be entitled to the same fees, allowances and expenses as if he were a witness before a court of law and for the purposes of this subsection, the Ombudsman shall have the power of a court to fix or disallow the amount of any such fee, allowances or expenses.

7. For the avoidance of doubt it is hereby declared that this section shall apply whether or not the person or witness concerned is a person in respect of whose conduct the Ombudsman has jurisdiction to inquire.

Privilege of  
witnesses

1. Subject to section 11(2) every person required to give any information or ordered to attend to give evidence or to produce any document paper or thing before the Ombudsman shall be entitled in respect of such information evidence, document, paper or thing to the same rights and privileges as witness in any court of law.

2. An answer given by a person to a question put by the Ombudsman or a statement made by a person to the Ombudsman shall not be admissible in evidence against him in any civil or criminal proceedings except in the case of criminal proceedings for an offence against this Act or for perjury, subornation of perjury or defeating or obstructing the course of justice, and no evidence in respect of proceedings at the hearing before the Ombudsman shall be given against any person other than in further proceedings before the Ombudsman.



3. When any person gives evidence or produces any document, paper or thing at a hearing before the Ombudsman in pursuance to this Act the proceedings shall be deemed to be judicial proceedings for the purposes of a prosecution for perjury, subornation of perjury or defeating or obstructing the course of justice.

4. The Ombudsman may hear and obtain information whether or not the same be evidence within the meaning of the law for the time being regulating the admissibility of evidence in courts of law.

Powers of  
entry

1. For the purpose of this Act the Ombudsman or any person specifically authorised by him may at any time enter upon any premises occupied by any person, department or authority in respect of which he may carry out an investigation and inspect the premises and thereon make such enquiries and he shall think fit.

2. Before entering any premises pursuant to the above subsection the Ombudsman shall give at least 24 hours notice to the appropriate person, department or authority.

Investigation  
not to affect  
departmental  
action

The conduct of an investigation by the Ombudsman shall not affect any action taken by the department or authority concerned or any power or duty of that department or authority to take further action in respect of any matter which is the subject of investigation.

Proceedings  
after  
investigation

1. The provision of this section shall apply in every case where, after making an investigation, the Ombudsman is in the opinion that the action that was the subject matter of investigation was -

- (a) contrary to law;
- (b) based wholly or partly on a mistake of law or fact;
- (c) unreasonably delayed; or
- (d) otherwise unjust or manifestly unreasonable.

2. If in any case to which this section applies the Ombudsman is of the opinion that -

- (a) the matter should be given further consideration;
- (b) the omission should be rectified;
- (c) the decision should be cancelled, reversed or varied;
- (d) any practice on which the act, omission; decision or recommendation was based should be altered;
- (e) any law on which the act, omission, decision or recommendation was based should be reconsidered;
- (f) reasons should have been given for the decision; or
- (g) any other steps should be taken the Ombudsman should report his opinion and his reasons therefore to the officer, of the department or authority concerned and may make such recommendations as he thinks fit and shall also send a copy of report and recommendations to the Prime Minister and to any Minister concerned.

3. When reporting his opinion to the officer of the department or authority concerned, the Ombudsman may request such officer to notify him within a specified time of the steps (if any) that it proposed to take to give effect to the recommendations of the Ombudsman.

Notification to  
complainant

4. The Ombudsman shall inform the person who has made a complaint of the results of his investigation.

- (a) where the officer of the department or authority concerned is not required to take any steps in the matter - at the time he sends a copy of his report to the Prime Minister; or



- (b) where the officer of the department or authority concerned is requested in accordance to subsection (3) to notify the Ombudsman of the steps that is proposed to take-upon receipt of such notification or at the expiry of 28 days from the date of the request, whichever shall be the earlier.

5. If within reasonable time after the report is made to be adequate and appropriate, the Ombudsman if he thinks fit after considering the comments, if any, made by or on behalf of any department, authority, body or person affected, may thereafter make such further report on the matter as he thinks fit to Parliament.

Privileges of  
Communication

For the purposes of any law relating to defamation, the publication, by the Ombudsman or by any member of his staff, of any report or communication and the publication to the Ombudsman or to any member of his staff, or to any member of Parliament in accordance with the provisions of section 4(1) of this Act, of any complaint of any other matter, shall, if made in accordance with the provisions of section 98(3) of the Constitution or of this Act, be absolutely privileged.

Expenses and  
allowances

The Ombudsman may, in his discretion, pay to any person by whom a complaint has been made or to any person who attends or furnishes information for the purposes of an investigation, sums in respect of expenses properly incurred or by way of allowance or compensation for loss of time, in accordance with such scales and subject to such conditions as may be prescribed.

Administrative  
expenses

The administrative expenses of the office of the Ombudsman including such expenses and allowances as are authorised by the provisions of this Act shall to such amount as may be sanctioned by Parliament be paid out of the Consolidated Fund.

Offences

1. Any person who, otherwise than in the course of his duties, directly or indirectly, by himself or by any other person, in any manner whatsoever including giving undue publicity to his complaint wilfully influences or attempts to influence the decision of the Ombudsman with regard to any complaint made to him or to any investigation made by him, shall be guilty of an offence.

2. Subject to the provisions to this Act, any person who is requested by the Ombudsman or by any member of the staff of the Ombudsman acting in the exercise of his duties, to furnish any information or to produce any document, paper or thing or who wilfully fails to furnish such information or to produce such document, paper or thing, shall be guilty of an offence.

3. Any person who, in connection with any matter which lies within the jurisdiction of Ombudsman, wilfully gives him any information which is false or misleading by reason of the falsity or, or the omission of, a material particular, shall be guilty of an offence.

4. Any person guilty of an offence under the provisions of this section shall be liable to a fine not exceeding two hundred dollars or to imprisonment for a term not exceeding one year or to both such fine and imprisonment.

5. No prosecution for an offence against this section shall be instituted except with the consent of the Director of Public Prosecutions.



Ombudsman may  
determine not  
to investigate

The Ombudsman may determine not to make an investigation in the case of any complaint where the complainant or any person acting in his behalf whether or not the complainant has authorised or consented to his doing so has given undue publicity to the complaint, on the ground that such undue publicity may prejudice the impartial investigation of the complaint.

Regulations

The Prime Minister may make regulations in order to carry this Act into effect and for prescribing anything which is required to be prescribed hereunder.



**Schedule**  
**First Part**  
**Oath of Ombudsman**

I swear that I will well, faithfully and impartially serve Her Majesty, Queen Elizabeth the Second, Her heirs and successors according to law, in the Office of Ombudsman and that I will not, except in accordance with the provisions of Chapter IX of the Constitution and the Ombudsman (Further Provisions) Act divulge any information received by me in the exercise of my duties as Ombudsman to any person. So help me God.

**Second Part**  
**Oath of Member of Staff of Ombudsman's**  
**Office**

I swear that I will regard all information, documents and other matters which may come into my possession or to my knowledge in the course of my official duties, as secret and that I will not, except in accordance with the provisions of Chapter IX of the Constitution and the Ombudsman (Further Provisions) Act, divulge any information received by me in the exercise of my official duties to any person. So help me God.



**The Ombudsman (Further Provisions) Bill 1979**  
**Memorandum of objects and reasons**

The object of this Bill is to make the necessary provisions to enable the Ombudsman, whose office is established by Section 96 of the Constitution, to carry out his task of investigating complaints against those authorities whose activities he is empowered to investigate.

Clause 3 requires the Ombudsman to vacate certain offices, and also to resign membership of any political party (as defined in clause 2), and clause 4 requires him and his staff to take certain oaths.

Clause 5 sets out the authorities which the Ombudsman may investigate and in what circumstances. Clause 6 states who may complain to the Ombudsman, whilst clause 7 lays down that the Ombudsman may only investigate a complaint made by a resident of Solomon Islands, and may not normally investigate the matter where the complainant still has another remedy before a tribunal or Court. It also sets out other circumstances in which he cannot act.

Clause 8 sets out the procedure for making a complaint, Clause 9 the steps to be taken by the Ombudsman on receipt of a complaint, and clause 10 the manner in which the Ombudsman should conduct his investigation. Under Clause 11 he may require documents to be produced to him and Clause 12 gives him power to summon witnesses and if necessary to obtain a warrant to compel witnesses to attend before him. Clause 13 gives witnesses the same rights as they have in the Court of Law. Clause 14 gives the Ombudsman the right to enter premises to pursue his investigation.

Clause 15 provides that the Ombudsman's investigation shall not prevent the department from taking its own action, and Clause 17 sets out the procedures to be followed when the Ombudsman has completed his investigation.

Clause 18 enables the Ombudsman to pay expenses to witnesses whilst Clause 19 makes provision for monies to be paid for running the Ombudsman's office.

Clause 20 sets out offences; Clause 21 gives the Ombudsman power to determine not to carry out an investigation where undue (i.e. prejudicial) publicity has been given, and Clause 22 gives the Prime Minister power to make regulations to implement the Act and to prescribe the forms.

Francis Daly  
Attorney General



## Appendix C

### Solomon Islands Act No. 1 of 1980

Assented to in Her Majesty's name and on Her Majesty's behalf this 3rd day of April 1980.

B. Devesi  
Governor-General

#### AN ACT

TO MAKE FURTHER PROVISIONS RELATING TO THE OFFICE AND POWERS OF THE OMBUDSMAN AND FOR MATTERS CONNECTED THEREWITH AN INCIDENTAL THERE-TO.

ENACTED by the National Parliament of Solomon Islands.

#### Short title

1. This Act may be cited as the Ombudsman (Further Provisions) Act 1980 and shall come into operation on such date as the Prime Minister may, by order, appoint.

4. (1) Before entering upon the exercise of the duties of this office, the Ombudsman shall take and subscribe the oaths prescribed in the Official Oaths Act and shall take before the Chief Justice an oath in the form set out in the First Part of the Schedule to this Act.

(2) The members of the staff of the Ombudsman shall maintain secrecy in respect of all matters which come to their knowledge in the exercise of their duties and shall, before entering upon the exercise of their duties take an oath to be administered by the Ombudsman in the form set out in the Second Part of the Schedule to this Act.

#### Person by whom complaints may be made

6. (1) A complaint under section 5 may be made by any individual or by any body of persons whether incorporated or not, not being-

(a) a department or authority of the Government or any authority or body constituted for purposes of the public service or local government; or

(b) any other authority or body whose members are appointed by the Governor-General or by a Minister or whose revenue consist wholly or mainly moneys provided from public funds.

(2) Where any person by whom a complaint might have been made has died or is for any reason unable to act for himself, the complaint may be made by his personal representatives or by a member or his family or other individual suitable to represent him ; but except as aforesaid a complaint shall not be entertained unless made by the person aggrieved himself.

#### Circumstances in which Ombudsman shall not investigate complaints

7. (1) The Ombudsman shall not conduct an investigation in respect of any complaint unless the person aggrieved is a resident of Solomon Islands (or, if he is dead, was a resident at the time of his death) or the complaint relates to action taken in relation to him while he was present in Solomon Islands or in relation to rights or obligations that accrued or arose in Solomon Islands.

(2) The Ombudsman shall not conduct an investigation in respect of any complaint in so far as it relates to any of the following matters, that is to say -



- (a) any action in respect of which the person aggrieved has a right of appeal reference or review to or before a tribunal constituted by or under any law in force in Solomon Islands; or
- (b) any action in respect of which the person aggrieved has or had a remedy by way of proceedings in any court of law:

Provided that -

- (i) the Ombudsman may conduct such an investigation notwithstanding that the person aggrieved has or had such a right or remedy if satisfied that in the particular circumstances it is not reasonable to expect him to avail himself or to have availed himself of the right or remedy; and
- (ii) nothing in this subsection shall preclude the Ombudsman from conducting any investigation as to whether any of the provisions of Chapter II of the Constitution has been contravened.

(3) The Ombudsman shall not conduct an investigation in respect of any complaint in respect of any action if he is given notice in writing by the Prime Minister that the action was taken by a Minister in person in the exercise of his own deliberate judgement.

(4) The Ombudsman shall not conduct an investigation in respect of any complaint where it appears to him -

- (a) that the complaint is merely frivolous or vexatious;
- (b) that the subject matter of the complaint is trivial;
- (c) that the person aggrieved has no sufficient interest in the subject matter of the complaint; or
- (d) that the making of the complaint has, without reasonable cause, been delayed for more than twelve months.

(5) The Ombudsman shall not conduct an investigation in respect of any matter if he is given notice by the Prime Minister that the matter would not be in the interests of the security of Solomon Islands.

(6) In this section "action" includes failure to act.

Procedure  
for making  
complaint.

8. (1) Any complaint or invitation made to the Ombudsman shall be in writing and shall be submitted direct to the Ombudsman.

(2) Notwithstanding the provisions of any written law, any complaint made to the Ombudsman by any person who is in legal custody or who is an inmate of any mental hospital or similar institution shall be forwarded unopened to the Ombudsman by the person in charge of the place where the complainant is detained or is an inmate.

Recording and  
notifying  
intended  
investigation

9. (1) Subject to the provisions of this section, the Ombudsman shall before entering upon an investigation -

- (a) record the nature and scope of the investigation he proposes to make; and



- (b) inform the officer or authority concerned of his intention to make such investigation and to furnish him with a copy of such record; or

if he considers that the complaint is of a trivial or vexatious nature, or he determines to apply the provisions of section 21, he shall record that he does not intend to make an investigation and so notify the person making the complaint.

(2) If in the course of an investigation the Ombudsman considers that the nature or scope of an investigation should be enlarged he shall cause a further record to be made to that effect and shall furnish to the officer or authority a copy thereof.

(3) The record and any further record made in accordance with this section shall form part of the proceedings of an investigation.

(4) Nothing in this section shall be construed as precluding the Ombudsman, before complying with subsection (1) or subsection (2), from conducting an examination of any person who has made a complaint or from consulting the officer or authority concerned in order that he may determine whether or not an investigation should be made or whether or not the nature or scope of an investigation should be enlarged.

10. (1) Subject to the provisions of this Act, the Ombudsman may obtain information from such persons and in such manner and make such enquiries as he thinks fit and may determine whether any person may be represented by a legal representative or otherwise in an investigation.

(2) Every investigation shall be conducted in private and subject to the provisions of section 8 and this section, the procedure for conducting an investigation shall be such as the Ombudsman considers appropriate in the circumstances of the case.

(3) It shall not be necessary for the Ombudsman to hold a hearing during the course of an investigation nor shall any person be entitled as of right to be heard by him:

Provided that if at any time during the course of an investigation it appears to the Ombudsman that there may be sufficient grounds for his making any report or recommendation that may adversely affect any person, officer or authority, he shall afford such person, officer or authority an opportunity to be heard; and no comment that is adverse to any person, officer or authority shall be contained in a report to Parliament, to a Minister or to a department or authority unless such person, officer or authority has been given an opportunity to be heard.

Disclosure  
of information.

11. (1) For the purposes of an investigation under this Act, the Ombudsman may require any Minister, officer or member of any department or authority concerned or any other person who in his opinion is able to furnish information or produce documents or things relevant to the investigation to furnish any such information or produce any such document or thing.

(2) No obligation to maintain secrecy or other restriction upon the disclosure of information obtained by or furnished to persons in the public service imposed by any law in force in Solomon Islands or any rule or law shall apply to the disclosure of information for the purposes of any such investigation; and the Crown shall not be entitled in relation to any such investigation to any such privilege in respect of the production of documents or the giving of evidence as is allowed by law in legal proceedings.



(3) No person shall be required or authorised by virtue of this section to furnish any information or answer any question or produce any document relating to proceedings of the Cabinet or any committee thereof; and for the purposes of this subsection a certificate issued by the Secretary to the Cabinet with the approval of the Prime Minister and certifying that any information, question or document so relates shall be conclusive.

(4) The Attorney-General may give notice to the Ombudsman with respect of any document or information specified in the notice, or any class or documents or information so specified, that in his opinion the disclosure of that document or information or documents or information of that class, would be contrary to the public interest in relation to defence, external relations or internal security; and where such notice is given nothing in this section shall be construed as authorising or requiring the Ombudsman or any member of his staff to communicate to any person for any purpose any document or information specified in the notice or any document or information of a class so specified.

Attendance  
of witnesses

12. (1) Subject to the provisions of this Act, the Ombudsman may by order require any person who in his opinion is able to furnish information or produce any document, paper or thing, relevant to an investigation to attend before him at a time and place specified in such an order and be examined on oath or produce such document, paper or thing.

(2) Where the Ombudsman orders any person to be examined on oath, he may administer such oath.

(3) An order made under this section shall be served on the person to whom it is directed by a member of the staff of the Ombudsman or by a police officer in the manner prescribed for the service of a summons on a witness in civil proceedings before a court of law.

(4) If a person to whom an order under this section is directed does not attend at the time and place mentioned therein, the Ombudsman may, upon being satisfied that the order was duly served or that the person to whom the order was directed wilfully avoided service, issue a warrant to apprehend such person and to bring such person before him at a time and place specified therein. Every warrant issued under this section shall be executed by a police officer.

(5) Where a person is arrested in pursuance of a warrant issued under this section and is not brought before the Ombudsman within twenty-four hours of his arrest or is earlier released by order of the Ombudsman on his undertaking to attend at a time and place specified therein, such person shall forthwith be taken before a Magistrate who shall -

- (a) if such person enters into a suitable recognizance for his appearance before the Ombudsman, release him from custody; or
- (b) order such person to be detained in custody until such time as he can be brought before the Ombudsman.

(6) When any person is required by the Ombudsman to attend before him for the purposes of this section, such person shall be entitled to the same fees, allowances and expenses as if he were a witness before a court of law and for the purposes of this subsection, the Ombudsman shall have the powers of a court to fix or disallow the amount of any such fee, allowance or expenses.



Privilege of witnesses.

(7) For the avoidance of doubt it is hereby declared that this section shall apply whether or not the person or witness concerned is a person in respect of whose conduct the Ombudsman has jurisdiction to inquire.

13. (1) Subject to section 11(2) every person required to give any information or ordered to attend to give evidence or to produce any document, paper or thing before the Ombudsman shall be entitled in respect of such information, evidence, document, paper or thing to the same rights and privileges as a witness in any court of law.

(2) An answer given by a person to a question put by the Ombudsman or a statement made by a person to the Ombudsman shall not be admissible in evidence against him in any civil or criminal proceedings except in the case of criminal proceedings for an offence against this Act or for perjury, subornation of perjury or defeating or obstructing the course of justice, and no evidence in respect of proceedings at a hearing before the Ombudsman shall be given against any person other than in further proceedings before the Ombudsman.

(3) When a person gives evidence or produces any document, paper or thing at a hearing before the Ombudsman in pursuance of this Act the proceedings shall be deemed to be judicial proceedings for the purposes of a prosecution for perjury, subornation or perjury or defeating or obstructing the course of justice.

(4) The Ombudsman may hear and obtain information whether or not the same be evidence within the meaning of the law for the time being regulating the admissibility of evidence in courts of law.

Powers of entry

14. (1) For the purposes of this Act the Ombudsman or any person specifically authorised by him may at any time enter upon any premises occupied by any person, department or authority in respect of which he may carry out an investigation and inspect the premises and thereon make such inquiries as he shall think fit.

(2) Before entering upon any premises pursuant to the above subsection, the Ombudsman shall give at least 24 hours notice to the appropriate person, department or authority.

Investigation not to affect departmental action.

15. The conduct of an investigation by the Ombudsman shall not affect any action taken by the department or authority concerned or any power or duty of that department or authority to take further action in respect of any matter which is the subject of the investigation.

Proceedings after investigation

16. (1) The provisions of this section shall apply in every case where, after making an investigation, the Ombudsman is of opinion that the action that was the subject matter of investigation was -

- (a) contrary to law;
- (b) based wholly or partly on a mistake of law or fact;
- (c) unreasonably delayed; or
- (d) otherwise unjust or manifestly unreasonable

(2) If in any case to which this section applies the Ombudsman is of the opinion that -



- (a) the matter should be given further consideration;
- (b) the omission should be rectified;
- (c) the decision should be cancelled, reversed or varied;
- (d) any practice on which the act, omission, decision or recommendation was based should be altered;
- (e) any law on which the act, omission, decision or recommendation was based should be reconsidered;
- (f) reasons should have been given for the decision; or
- (g) any other steps should be taken,

the Ombudsman shall report this opinion and his reasons therefore to the officer, of the department or authority concerned and may make such recommendations as he thinks fit and shall also send a copy of his report and recommendations to the Prime Minister and to any Minister concerned.

(3) When reporting his opinion to the officer of the department or authority concerned, the Ombudsman may request such officer to notify him within a specified time of the steps (if any) that it is proposed to take to give effect to the recommendations of the Ombudsman.

Notification  
to  
complaint

(4) The Ombudsman shall inform the person who has made a complaint of the result of his investigations -

- (a) where the officer of the department or authority concerned is not required to take any steps in the matter - at the time that he sends a copy of his report to the Prime Minister; or
- (b) where the officer of the department or authority concerned is requested in accordance with subsection (3) to notify the Ombudsman of the steps that it is proposed to take - upon receipt of such notification or at the expiry of 28 days from the date of the request, whichever shall be the earlier.

(5) If within a reasonable time after the report is made no action is taken which seems to the Ombudsman to be adequate and appropriate, the Ombudsman if he thinks fit after considering the comments, if any, made by or behalf of any department, an authority, body or person affected, may thereafter make such further report on the matter as he thinks fit to Parliament.

Privilege of  
communication

17. For the purposes of any law relating to defamation, the publication, by the Ombudsman or by any member of his staff, of any report or communication and the publication to the Ombudsman or to any member of his staff, or to any member of Parliament in accordance with the provisions of section 5(1) of this Act, of any complaint or other matter, shall, if made in accordance with the provisions of section 98(3) of the Constitution or of this Act, be absolutely privileged.

Expenses  
and allowances

18. The Ombudsman may, in his discretion, pay to any person by whom a complaint has been made or to any person who attends or furnishes information for the purposes of an investigation, sums in respect of expenses properly incurred or by way of allowance or compensation for loss of time, in accordance with such scales and subject to such conditions as may be prescribed.



Administrative  
expenses

19. The administrative expenses of the office of the Ombudsman including such expenses and allowances as are authorised by the provisions of this Act shall to such amount as may be sanctioned by Parliament be paid out of the Consolidated Fund.

Offences

20. (1) Any person who, otherwise than in the course of his duty, directly or indirectly, by himself or by any other person, in any manner whatsoever including giving undue publicity to his complaint wilfully influences or attempts to influence the decision of the Ombudsman with regards to any complaint made to him or to any investigation made by him, shall be guilty of an offence.

(2) Subject to the provisions of this Act, any person who is requested by the Ombudsman or by any member of the staff of the Ombudsman acting in the exercise of his duties, to furnish any information or to produce any document, paper or thing and who wilfully fails to furnish such information or to produce such document, paper or thing; shall be guilty of an offence.

(3) Any person who, in connection with any matter which lies within the jurisdiction of Ombudsman, wilfully gives him any information which is false or misleading by reason of the falsity of, or the omission of, a material particular, shall be guilty of an offence.

(4) Any person guilty of an offence under the provisions of this section shall be liable to a fine not exceeding two hundred dollars or to imprisonment for a term not exceeding one year or to both such fine and imprisonment.

(5) No prosecution for an offence against this section shall be instituted except with the consent of the Director of Public Prosecutions.

Ombudsman  
may determine  
not to investigate  
complaint where  
undue publicity  
given.

21. The Ombudsman may determine not to make an investigation in the case of any complaint where the complaint or any person acting in his behalf (whether or not the complainant has authorised or consented to his doing so) has given undue publicity may prejudice the impartial investigation of the complaint.

Regulations

22. The Prime Minister may make regulations in order to carry this Act into effect and for prescribing anything which is required to be prescribed hereunder.

#### SCHEDULE FIRST PART OATH OF OMBUDSMAN

I, \_\_\_\_\_ swear that I will well, faithfully and impartially serve Her Majesty, Queen Elizabeth the Second, Her heirs and successors according to law, in the office of Ombudsman and that I will not, except in accordance with the provisions of Chapter IX of the Constitution and the Ombudsman (Further Provisions) Act divulge any information received by me in the exercise of my duties as Ombudsman to any person. So help me God.



SECOND PART  
OATH OF MEMBER OF STAFF OF  
OMBUDSMAN'S OFFICE

I, \_\_\_\_\_ swear that I will regard all information documents and other matters which may come into my possession or to my knowledge in the course of my official duties, as secret and that I will not, except in accordance with the provisions of Chapter IX of the Constitution and the Ombudsman (Further Provisions) Act, divulge any information received by me in the exercise of my official duties to any person. So help me God.



## Appendix D

### Background Information on Solomon Islands

#### Location and Area

##### The Land.

Solomon Islands, a scattered Archipelago of mountainous islands and lowlying coral atolls, stretches for about 1,100 km in a South-Easterly direction from Bougainville in Papua New Guinea to the Santa Cruz Islands.

The Archipelago covers an area of about 1.3 million sq. km while the land area is approximately 27,560 sq. km. The nearest land masses, other than Papua New Guinea, are Australia about 1,660 km to the West and New Zealand 2,500 km to the South.

##### Geographical Features and Climatic Conditions

Surrounded by the Pacific Ocean, Solomon Islands lies between East longitudes 155° 30' and 170° 30' and between South Latitude 5° 10' and 12° 45'.

The six biggest islands of Choiseul, New Georgia, Santa Ysabel, Guadalcanal, Malaita and San Cristobal are characterized by precipitous, thickly-forested mountain ranges intersected by deep, narrow valleys. They vary between 150 km and 200 km in length and between 33 km to steeply on one side to sea level and on the other through a series of foothills to the Coast.

There are extensive coral reefs and lagoons around many of the island and these form attractive and fascinating stretches of scenery. Ontong Java, the raised Atoll north of the main island chain and Sikaiana Atoll (Stewart Islands) to the north-East, are typical atolls and they, with the raised atolls of Rennell and Bellona to the South and the islands of Tikopia and Anuta far to the East are the homes of the Polynesian Communities.

There is abundance of rivers on all the larger islands from which the water is normally drinkable. Volcanic Activity still exists to some extent, on the islands of Tinakula near Santa Cruz and Savo, near Guadalcanal.

The climate of Solomon Islands is equatorial but is tempered by the surrounding Ocean. For most of the year it is warm and pleasant with few extremes of temperature. There are no clearly defined seasons but from the end of April until November, the South East trade winds blow almost continuously with varying intensity. Between November and April, the weather is more uncertain, most of the winds coming from the West or North West though occasionally from the South East. In this season there are long periods of calm which are punctuated by squalls and by the build-up of cyclones.

Rainfall is often heavy, particularly in the inland areas and on the Windward side of the main islands. Coastal areas of the larger islands sheltered from the prevailing winds are usually drier than in other parts.

Honiara (the capital) in the rain shadow area, has an annual rainfall of about 2,250 mm, with the bulk falling during the first 3 months of the year.

##### Population

Turning our attention to population, according to the 1976 national census, population figures are as follows.

Melanesian	183,665
Polynesian	7,821
Micronesian	2,753
Others	2,584
	<hr/>
	196,823
	<hr/>

However, it is estimated that the total population of Solomon Islands for 1981 was 225,000.



## With reference to some basic population facts

49% of total pop. are under 15 years old  
522 males per 1,000  
Crude birth rate 44.6 per 1,000  
Crude death rate 11.7 per 1,000  
Infant mortality rate 46 per 1,000 live births  
Expectation of life at birth - males and females, 54 years  
Rate of natural increase 3.3% per year.

## Government

Solomon Islands is a full member of the Commonwealth and recognises HM Queen Elizabeth as Head of State, represented in Solomon Islands by a Governor General. Solomon Islands gained political independence from Britain on July 7, 1978.

The Central Government follows the Westminster system and there is a single Chamber National Parliament composed of 38 elected members. There are three recognized political parties; People's Alliance, United Party and National Democratic Party. Almost one third of members returned in the 1980 general elections were independent of Party affiliation.

Recently there was a change of hands in the government and now the opposition party (People's Alliance) headed by, Mr. Solomon Mamaloni, is the government.

## Economy

The Solomon Islands economy is changing rapidly from its former classic, colonial state of being dependent on the export of a single crop, copra, into a much more diversified and complex system.

While there has been greatly increased participation and control of the economy by its own people over recent years, Solomon Islands continues to depend on primary products sold in World Markets for the major part of its income and makes heavy use of foreign aid in the public sector to create infrastructure and trigger off productive commercial investment by foreign and local capital.

Sales of copra, fish, timber and palm oil form the bulk of export earnings of about \$35m while imports cover a wide range of goods of which fuel oil and machinery are important. Foreign aid, worth an estimated \$25 million a year helps to give a comfortable surplus on the Balance of Payments. The main trading partners are Japan, New Zealand, Australia and the EEC. In 1980, total imports amounted to SI\$61.5 million, while exports totalled SI\$60.8 million.

## Social Services

With reference to social services and in the field of Education, the overall aim is to provide a coordinated system of primary, secondary and tertiary education with a two-fold purpose. This is to meet the nation's need for skilled manpower as quickly as possible and to provide a basic education for all children suited to the environment in which they will live and work as adults.

Perhaps some basic figures might help here:

<b>Primary</b>	<b>1979</b>	<b>1980</b>
School	344	370
Teachers	1,065	1,148
Pupils	26,973	28,870
<b>Secondary</b>	<b>1979</b>	<b>1980</b>
Schools	14	15
Teachers	178	196
Pupils	3,154	3,547
<b>Teacher Training</b>	<b>1979</b>	<b>1980</b>
College	1	1
Teachers	23	24
Students	129	116



Technical School	1979	1980
College	1	1
Teachers	37	37
Students	336	367

In addition, it is estimated that 450 students are studying overseas, (Universities, Colleges etc.) sponsored by government, churches and other private agencies.

In terms of Health and Medical Services, the Chief endemic diseases are Malaria and tuberculosis and vigorous efforts are being made to combat these scourges. Solomon Islands remains the only country in the South Pacific that has not had an epidemic of dengue fever. Similarly the country was untouched by a recent outbreak of Cholera in Kiribati and typhoid in Nauru and Papua New Guinea, all near neighbours.

The government recognizes the need for a more intensive family health programme. Regarding family planning, the government and the Catholic Church are quite active in providing information and help to couples who wish to be involved in family planning.

Referring to Medical Services, in 1980 there were 8 government hospitals and a few other private or church funded hospitals. There were 135 clinics, 48 health centres, 30 doctors, 380 nurses, 148 trained aids, and 18 untrained aids.

In the context of transport and communications, on the whole, improvements have been made and now there are about 25 aerodromes throughout the country, four of which are designated international airports. With the establishment of SOLTEL, Solomon Islands is said to have entered the space age, making communication with any country in the world more faster and easier than before.

With regards to Christianity, the Solomons is said to be a Christian Country with approximately 97% of its population, as Christians.

Missionaries first came to the Solomons in the 16th century with the coming of Spanish explorers, however, due to the unhealthy conditions, and unfriendly character of the natives, no permanent settlement was establishment. Then the Solomons was forgotten for a while.

Nonetheless, Missionaries came again in the early 19th Century and established missions on Guadalcanal, Isabel, Malaita and San Cristobal. During the 19th Century and early 20th Century, missionary work gained momentum and flourished. Today there are five main churches in the Solomons, with a few other small denominations being established lately. The main churches are: the Church of Melanesia (Anglican), Roman Catholic Church, United Church, South Seas Evangelical Church and Seventh Day Adventist.

The other small denominations are: the Christian Fellowship Church a local orientated established church, Jehovah Witness, Assembly of God and the Bahai Faith.



**Publicity Booklet - THE OMBUDSMAN**

**WHAT IS AN OMBUDSMAN?**

An Ombudsman is a person who looks into people's complaints about the Government in a country. The Constitution of Solomon Islands say that there shall be an Ombudsman here.

**WHY DO WE HAVE AN OMBUDSMAN?**

We have him to help the people who have complaints about the administration of government. The Ombudsman is to be used last, after all other attempts to solve the problem have failed.

The Ombudsman has a support staff, and his office is independent. It is not under the direction or control of any government body or official. It must, however, report once a year to Parliament on its activities.

**WHO CHOOSES THE OMBUDSMAN?**

The Ombudsman is appointed by the Governor General who is advised by a committee of the Speaker of the National Parliament, the Chairman of the Public Service Commission and the Chairman of the Judicial and Legal Service Commission. He is appointed for five years.

**WHAT ARE THE MAIN JOBS OF THE OMBUDSMAN?**

The Ombudsman has two main jobs. One is to listen to and look into the people's complaints against the Government and then talk to the Government Department concerned to try and solve the problem. In this job the Ombudsman tells the Department what he thinks should be done to correct the problem.

The second job is to assist in the improvement of the practices and procedures of public bodies such as Ministries, Government Department Authorities and Agencies or bodies that Government had invested money with.

**CAN ANYBODY COMPLAIN TO THE OMBUDSMAN?**

Any person or body of persons can complain about the treatment they themselves have received whilst resident in the Solomon Islands. The exception to this rule is that Government bodies themselves cannot make complaints.

**CAN YOU COMPLAIN ABOUT ANY ORGANISATION?**

The Ombudsman can only investigate complaints about Government bodies such as Ministries, Provincial Assemblies, the police etc., NOT about private organisations. The Ombudsman is not allowed to investigate complaints about the Governor-General or the Director of Public Prosecutions. The Ombudsman has no power to question court decisions, policies of Ministers, or rules made by local courts.

**CAN THE OMBUDSMAN HEAR COMPLAINTS AGAINST PRIVATE COMPANIES?**

The Ombudsman has no power to hear complaints against private companies. Instead it sends persons with such problems to government bodies which have control over private companies.

**WHAT CAN THE OMBUDSMAN DO TO PUT THINGS RIGHT?**

If investigations satisfy the Ombudsman that the person who complained has not received fair treatment, he will report his findings to the organisation concerned and make recommendations for putting things right. He cannot force the organisation to do as he says, but if they refuse, he can report the matter to Parliament.



### **HOW DOES THE OMBUDSMAN GO ABOUT HIS WORK?**

When he receives a complaint, the Ombudsman first advises the person making the complaint to go directly to the Government Office concerned. If the person thinks the problem has not been solved or he is not satisfied with the way the Department has acted on his complaint, he can go back to the Ombudsman.

The Ombudsman then tries to find out the facts that led to the complaint. He can read official papers and interview public servants. The Ombudsman finds out whether the complaint was properly handled and recommends corrective action where necessary.

### **WILL THE OMBUDSMAN MAKE KNOWN ALL THE INFORMATION HE RECEIVES?**

The Ombudsman will reveal only such information he thinks necessary to his investigations. Most other complaints or information received are kept secret. All the officers and employees of the Ombudsman have taken an oath to keep secret any information they hear or any letter they receive.

### **HOW CAN COMPLAINTS BE MADE?**

Complaints should be made in writing and sent or taken to the following address:

OFFICE OF THE OMBUDSMAN  
Box 535  
HONIARA