



Office of the Ombudsman  
Bureau du Médiateur  
Ofis blong Ombudsman



## 2017 ANNUAL REPORT





**Office of the Ombudsman  
Bureau du Mediateur  
Office blong Ombudsman**

14 September 2018

The Hon. Charlot Salwai Tabimasmās  
Prime Minister  
Parliament House  
Port Vila

Dear Honourable Prime Minister,

I have the pleasure in submitting the Ombudsman 2017 Annual Report for the year ended 30 December 2017 on the performance of the Office against the 2017 Business Plan including other tasks being directed by the Ombudsman as required by Article 63(5) of the *Constitution* and section 35(1) of the *Ombudsman Act No.27 of 1998*. Together with this report, I am also submitting the 2015 Annual Report as compiled by the former Ombudsman Kalkot Mataskelekele and staff members.

In so doing, I salute and pay tribute to the outgoing Ombudsman Kalkot Mataskelekele whose mandate ended on 18 December 2017 after serving five consecutive years stretching from 18 December 2012. Having taken office as Acting Ombudsman at the end of March 2018, after 3 months without an Ombudsman, I am happy to sign this report for legal compliance purposes. In accordance with section 35(1) of the Ombudsman Act for the purpose of Article 63(5) of the Constitution, the Ombudsman must give to the Prime Minister for presentation to Parliament at least once each year, a general report on the functions and workings of the Ombudsman's Office, with such recommendations as to improvement as the Ombudsman thinks proper.

However, both the 2013 and 2014 annual reports are only sent out this year (2017) whereas the 2016 annual reports is still outstanding. It is a pity that these reports are not submitted within the required legal timeframe as they should contain valuable information in relation to the performance of this Office as well as the recommendations on how to improve its role and functions.

In 2017, there were no public reports issued by the Office. However, pursuant to Article 64(3) of the Constitution *A Special Report to Parliament Concerning the Observance of Multilingualism 2016* and the measures likely to ensure its respect was issued on 17 August 2017. In his Findings, the Ombudsman stated that in observing the three official languages, the English language is the dominant language mostly used in writing official documents. In addition, important documents are translated into French and rarely in Bislama. He recommended that however difficult, the Government Administration must continue to issue every document, or provide all oral or electronic verbal communication in all three official languages, if not concurrently, then within a reasonable time.

As such, I am sending this report in English with the French and Bislama versions to be translated by the Language Services Department for submission upon their completions within a reasonable time.

Yours respectfully and sincerely

Alain Wai MOLGOS  
Acting Ombudsman



## CONTACTING THE OMBUDSMAN

Inquiries about this report, or any other information contained within, should be directed to:

Mr. Darval Simon  
Right To Information Officer  
OFFICE OF THE OMBUDSMAN

Phone: +678 27200  
Email: [dsimon@vanuatu.gov.vu](mailto:dsimon@vanuatu.gov.vu) or  
Email: [ombudsman@vanuatu.gov.vu](mailto:ombudsman@vanuatu.gov.vu)

If you intend to lodge a complaint, or obtain further information about the Ombudsman's Office, you can contact us at:

Ombudsman Haus  
Rue Pasteur  
PMB 9081  
Port Vila  
Vanuatu

Complaints: +678 27200 (Port Vila) or +678 36364 (Luganville)  
Email: [ombudsman@vanuatu.gov.vu](mailto:ombudsman@vanuatu.gov.vu) (Port Vila)  
Email: [cjohnson@vanuatu.gov.vu](mailto:cjohnson@vanuatu.gov.vu) or [cwkellen@vanuatu.gov.vu](mailto:cwkellen@vanuatu.gov.vu) (Luganville)

In the absence of an internet connection in your area or island, you may contact the Office on either telephone numbers (+678 27200 in Port Vila or +678 36364 in Luganville) and ask the receptionist to put you through an investigator in order to record and register your complaint.

We are working on establishing a website for the publication of our reports and other relevant information.

## OTHER IMPORTANT INFORMATION

### HOW ONE CAN HELP THE OMBUDSMAN

#### a Report a complaint

If a member of the public has a complaint, he/she can contact the Office to lodge a complaint in the following ways:

- ✓ Telephone the Office on (678) 27200; or
- ✓ Write to the Ombudsman at Ombudsman Haus, PMB 9081, Rue Pasteur, Port Vila; or
- ✓ Email to [ombudsman@vanuatu.gov.vu](mailto:ombudsman@vanuatu.gov.vu)
- ✓ Visit the Ombudsman Office and fill out a complaint form in one of the official languages. A complainant may also wish to speak to an investigator and provide details with relevant documents concerning his/her complaint.

#### b Volunteer your time

- ✓ Do the right thing and report an injustice or a breach of the Leadership Code Act; or
- ✓ Support a local group fighting corruption; or
- ✓ Devote to observe the law and work according to the set of rules and procedures.

#### c Support an event or activity

- ✓ Be part of an Ombudsman Awareness program in your area.

#### d Other ways you can help to fight injustice and corruption

- ✓ Talk to your Provincial, Municipal and Parliament representatives.
- ✓ Be part of activities that promote good governance, peace, transparency and accountability.
- ✓ Devote to keep good records in your respective agencies.
- ✓ Take responsibility for actions and decisions made.

## FORWARD MESSAGE

This year 2017 has been a year of change in the Ombudsman's Office. Ombudspersons taking on board additional responsibilities, new program in case management, and work practices have been secondary activities during this year apart from the heavy workload of not only the classical role of investigating mal-administrative issues but also investigating Leadership and multilingual issues. Each of those changes provides a bigger picture and tells a larger story about the developing role of the Ombudsman. In fact, those responsibilities, programs and work practices had a tremendous impact on the way the Ombudspersons have diligently displayed professionalism carrying their respective duties. However, more efforts in capacity building opportunities could be done to improve investigative duties in such a way as to uplift its standards making it possible for the leadership code reports tenderable in a court of law.

With regards to core duties of investigation, it would appear from the statistics that there may be backlog cases as the Office did register 29 new cases but only managed to close 32 cases out of a total of 288.

As required by section 37 of the Ombudsman Act, Ombudspersons have, as ever before, participated in, or co-operated with, any general study or enquiry (whether or not it is related to any particular department or public authority or any particular administrative act) if the Ombudsman believes it may enhance knowledge about or lead to improvement: (a) in the functioning of any body or authority referred to in Article 62(2) of the Constitution or any other government agency; or (b) in the quality of the leadership of Vanuatu. Ombudspersons were nominated on Public Service Disciplinary Board, Vanuatu National Provident Fund Taskforce, PSC Commission of Enquiry and Right to Information Committee etc... In order to diligently and skilfully carry out their tasks, some Ombudspersons did not only take up trainings locally such as at the University of the South Pacific (USP) and Vanuatu Institute of Public Administration and Management but also regionally such as in Tonga and Fiji. The Ombudsman did not only send out Ombudspersons to be part of certain study or enquiry but did also welcome placements and attachments with the Office.

Having to use the File Maker Pro for case management since the inception of this Office, a new program has been introduced by the Office to assist the Ombudsman of the Republic of Vanuatu to properly manage and monitor all the case files being opened, under investigation, reviewed and closed. The Visualfiles program from the Lexis Nexis was funded by AUSAID through the Vanuatu Australia Policing and Justice Program but the Office is obliged to annually rent that product from Lexis Nexis.

It was necessary to advertise positions and recruit officers as a result of retirement and promotion. As such, the position of the Director of Leadership Code Act was filled as well as two investigators being promoted to the positions of principal investigators. As such, there was an urgent need to replace them. Furthermore, the position of the Principal Corporate Services Officer was to be advertised as it was left vacant for some years while an officer was assuming the responsibilities on an acting basis. Being in their respective positions carrying out the roles and functions of the Ombudsman, the ombudspersons together with the Ombudsman should at all times ensure that the Ombudsman's Office is accepted by both the public and the administration – avoiding the perception of having bias and prejudice. Thus, the words of Sir John can be used to summarise this vision stating that *the Ombudsman must hold himself out as independent and impartial in his investigation of the facts and the opinion he pronounces on those facts. He is in the administrative field what a judge or magistrate is in the judicial field. It is the integrity and independence of judges or magistrates that keep the courts in business and so it is with the Ombudsman. And like a judge or magistrate, combined with that integrity you should have a sense of compassion and a thorough understanding of human frailty.*<sup>7</sup>

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### 1.1 Functions

The Ombudsman is appointed by the President for a term of five (5) years and at the end of each financial year, is expected to provide an annual report to Parliament concerning the "discharge of his functions and action taken on his findings"<sup>2</sup>.

As enshrined in the Constitution, the Ombudsman has three (3) main functions under his mandate. His task is to receive complaints and investigate, resolve, report, and or recommend prosecutions where relevant on the following:

- (i) Injustice or mal-administration in the Public Service;
- (ii) Breaches of the Leadership Code and the Leadership Code Act; and
- (iii) Breaches of the official language rights in Article 64 of the Constitution.

Relating to the above functions, the Office is structured and organized accordingly to accommodate the in-coming complaints.

In addition to the head Office in Port Vila, which accommodates the Ombudsman and 11 staff members, there is also a branch Office in Luganville, Santo, accommodating 2 staff members and serving the Northern regions of TORBA, SANMA and MALAMPA provinces. A total of 13 staff members were responsible to deal with complaints as lodged pursuant to Article 62(1) of the Constitution.

By fulfilling the mandatory functions, the Ombudsman can, where relevant or necessary, issue working papers (preliminary reports) and/or public reports apart from other reports. In 2017, there were no preliminary reports (working papers) and public reports issued. A preliminary report is normally issued whenever a particular case cannot be resolved at an early stage, thus, giving the parties implicated in the report the opportunity to give or provide their sides of the story for consideration. Only then will it be possible to publish a public report if the complaint remains unresolved. However, when it comes to the breaches of the Leadership Code Act, a preliminary report can be issued to the implicated parties – giving each of them an opportunity to respond to its content prior to the issuance of a public report that is referred to the Office of Public Prosecutor for prosecution, if warranted.

Apart from those reports emerging as a result of Ombudsman's enquiries, Article 64(3) of the Constitution provides that the Ombudsman shall, each year, make a special report to Parliament concerning the observance of multilingualism and the measures likely to ensure its respect. As such, on 17 August 2017 the Ombudsman issued the *Special Report to Parliament Concerning The Observance of Multilingualism 2016*<sup>3</sup> on 17 August 2017. In his findings, the Ombudsman stated that in observing the three official languages, the English language is the dominant language mostly used in writing official documents. In addition, important documents are translated into French and rarely in Bislama. He recommended that however difficult, the Government Administration must continue to issue every document, or provide all oral or electronic verbal communication in all three official languages, if not concurrently, then within a reasonable time.

Furthermore, section 35(1) of the Ombudsman Act No.27 of 1998 states that for the purposes of Article 63(5) of the Constitution *Ombudsman must give to the Prime Minister for presentation to Parliament at least once each year, a general report on the functions and workings of the Ombudsman's Office, with such recommendations as to improvement as the Ombudsman thinks proper.* Thus, because of the late submission of his 2013 and 2014 annual reports, the

<sup>2</sup> Constitution of the Republic of Vanuatu, Article 63(5).

<sup>3</sup> A full copy of the report can be obtained from the Office of the Ombudsman, Rue Pasteur, Port Vila.

Ombudsman had only submitted them this year 2017, copies of which can be obtained from the Office of the Ombudsman.

As the 2015 and 2016 annual reports are still in the process of completion. However, the 2017 annual report is now complete for submission to the Prime Minister pursuant to section 35((1) of the Ombudsman Act No.27 of 1998 for presentation to Parliament sometimes this year 2018.

Another important investigation in relation to firstly the filing and failure to file annual returns is to be carried out every year and secondly the filing of a return knowing that it is false in a material particular can also be executed as a result of careful scrutiny and analysis of the submitted documents pursuant to section 33 of the Leadership Code Act No.2 of 1998. This legal provision clearly states that "A leader who: (a) does not file an annual return as required by section 31, and after having been warned by the Clerk in writing of his failure to do so, fails to file the return within a further 14 days; or (b) files a return knowing that it is false in a material particular; is guilty of a breach of this Code".

## 1.2 Complaints

At year end, there were 288 open or pending cases as shown in Figure 1. Figure 2 (below) shows the methods by which this Office received the new complaints. Our statistics show that the Office had closed 32 cases and registered 29 new cases as shown in Fig. 3 below, the lowest for the Office. In Figure 4 the types of complaints as received by mal-administration, leadership code and language rights sections are illustrated. And Figure 5 shows the number of pending cases including backlog cases dating back to 1998 to date. This means that generally the number of cases from past to present (2017) remains almost stagnant with backlog cases dating back to 1998 upwards as shown in Figure 5 below.



Fig. 1: Pending cases at close of 2017.

Figure 2 shows the methods by which the new complaints were received by the Office; the most effective yet is by way of letter and office visitation.

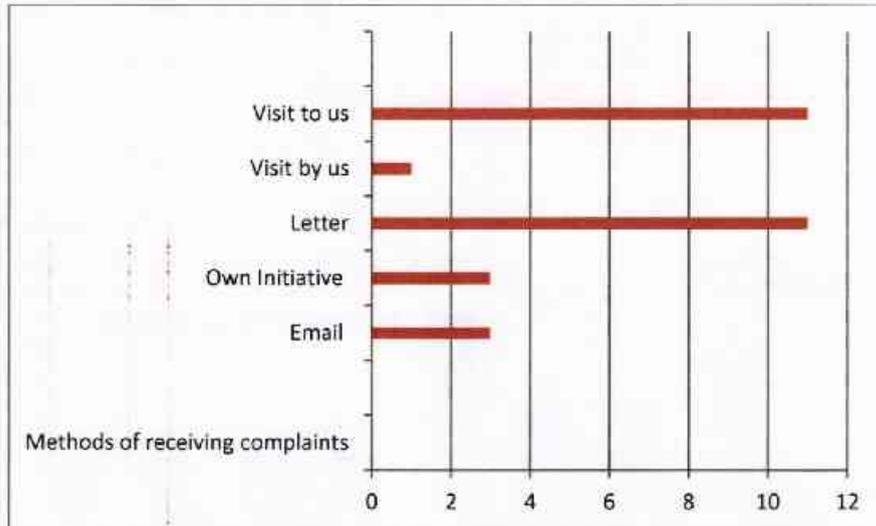


Fig 2: Methods by which new complaints were received in 2017.

Fig 3: below shows the number of closed and new complaints for 2017.

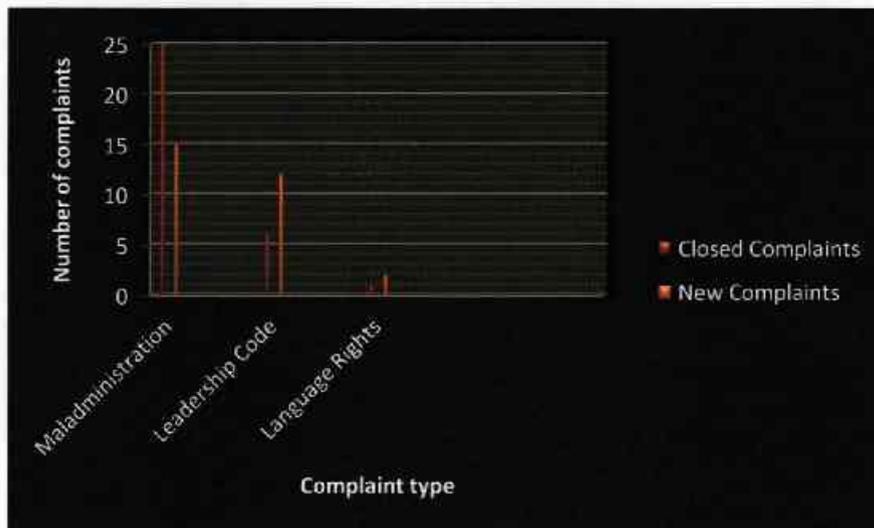
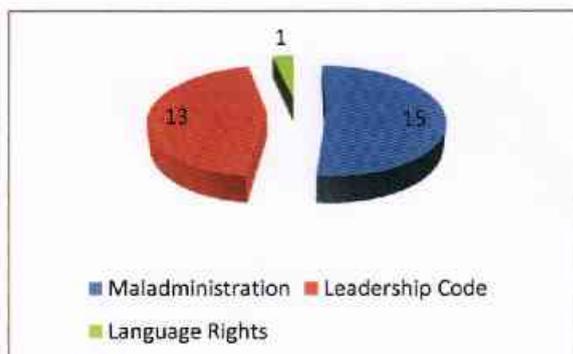


Figure 4: shows the total number of complaints as received in 2017.

Maladministration	15
Leadership Code	13
Language Rights	1



Figures 5, 6 and 7 show the types of complaints being received in Maladministration, Leadership Code and Language Rights Sections.

**Maladministration 15**

Abuse of power	3	Detective Law	1
Breach of law	2	Admin delay	1
Unfair Decision	2	Misuse of Public Monies	1
Administration error	4	Conflict of interest	1

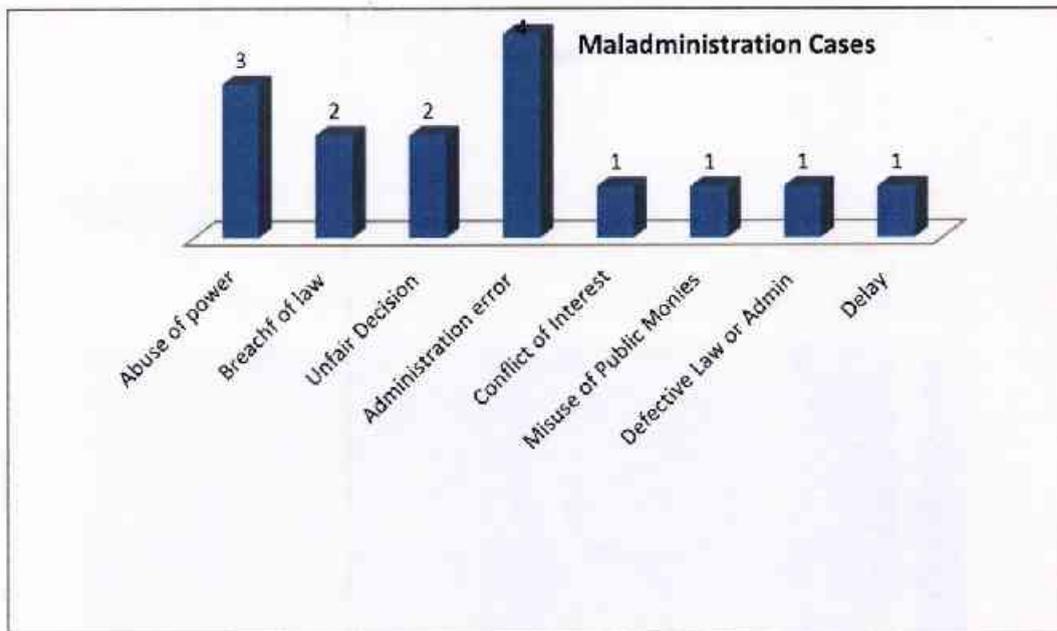


Figure 5

**Leadership Code cases 12 13**

Breach of Law	4
Abuse of Power	3
Corruption	2
Misuse of Public Monies	1
Conflict of Interest	1
Others	2

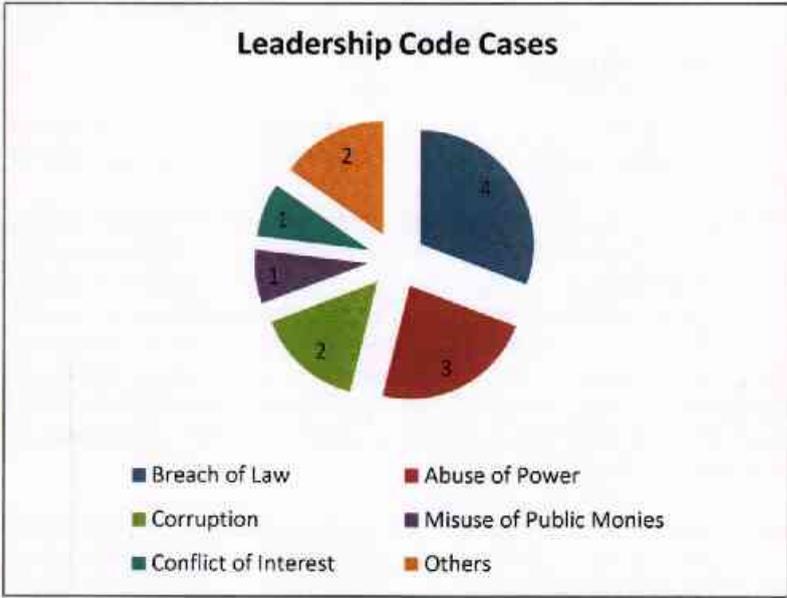


Figure 6

<b>Language Rights Cases</b>	<b>1</b>
Breach of Law	1

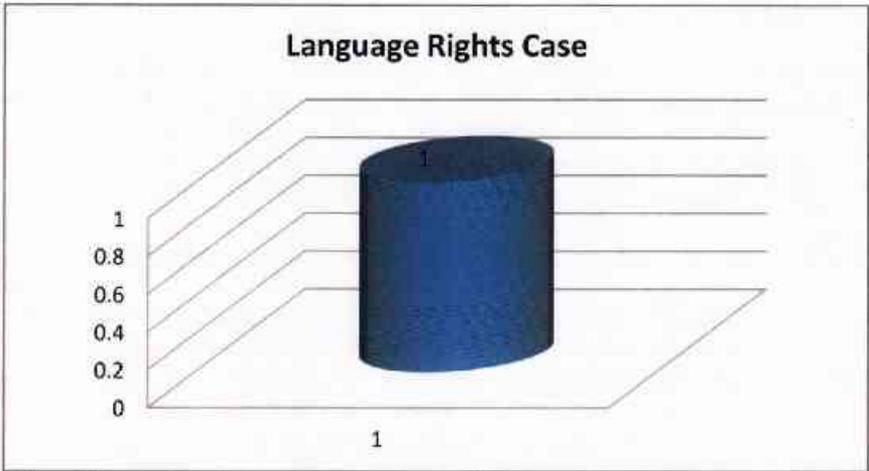


Figure 7

### **1.3 Mediation as part of Investigation**

By investigating the facts and pronouncing opinions on those facts, the Ombudsman is also empowered to conduct mediation where necessary between parties involved in a dispute.

In fact, section 13 of the Ombudsman Act clearly provides that as part of any enquiry conducted by him or her, the Ombudsman may mediate amongst the following persons: (a) the complainant (if any); (b) if the enquiry relates to the conduct of a government agency – the person in charge of that government agency; (c) if the enquiry relates to the conduct of a leader – the leader; (d) any other person directly affected by the enquiry. Having made a request for mediation under subsection (1) the Ombudsman must comply with it. However, if after receiving a request to mediate, the Ombudsman is of the opinion that it is not possible to do so, he or she must give the person who made the request a written statement setting out the reasons for his or her opinion.

Ever since the enforcement of the Ombudsman Act No.27 of 1998, members of the public normally lodge their complaints for investigation by ombudspersons without any mediative component. Furthermore, no one has ever attempted to make a request pursuant to section 13 of this Act for resorting and resolving disputes through mediation. As such, no figure can be illustrated herein in order to represent the number of cases or issues being mediated by ombudspersons or mediators.

Despite the lack of mediative component in the process of investigating the facts of issues before the Ombudsman – as a result of purported ignorance of the process involved, this Office sees an urgent need to commit itself: (a) firstly for the enactment of a Mediation Act; and (b) secondly, for the introduction and inclusion of peer mediation in the Vanuatu curriculum as one of the subjects in both primary and secondary schools.

### **1.4 Case Management System**

On 28 February 2017, the Ombudsman Office went live on Lexis Nexis Visual Files, a new system of managing cases within the office. This was made possible with the assistance of the Australian aid through the *Stretem Rod Blong Jastis mo Sefti* (SRBJS) – Vanuatu Australia Policing and Justice Program. However, the Office is obliged to annually rent/lease that product from Lexis Nexis for an amount of one million vatu (VT1,000,000).

There had also been trainings conducted for staff to use this new system.

It was seen fit to adopt a new case management system, replacing the File-Maker Pro system, in order to assist the Ombudsman of the Republic of Vanuatu to properly manage and monitor all the case files being opened, under investigation, reviewed, referred and closed. Indeed, having a sophisticated case management system in place is a good practice but without an active and efficient Ombudsman with the assistance of the team supervisors behind it to manage, monitor and give instructions as to what is to be done in terms of promptly registering complaints, mediating and resolving cases by way of issuing public reports and closing files, the system will not serve its expected purposes as a "friendly tool" for managing and monitoring workloads. An example of managing and monitoring cases is the fact that the system can really show or indicate whether a particular case has been worked on or that it remains dormant, thus the necessity of changing its monthly status as either directed by the Ombudsman or team supervisors.

### 2.0.1 STRUCTURE & MANAGEMENT

The Office of the Ombudsman is funded entirely by the Vanuatu Government. It has 14 staff including the Ombudsman. It has a Business Plan that accounts for all objectives and activities that would be implemented within a certain financial year. The Business Plan determines the budget that the Government allocates to the Office. For 2017 financial year, the Government had allocated VT36,503,195 for the Office's operations and salaries.

### 2.0.2 New Manuals

To improve on the Office's governance and management of staff, the Office has developed 2 manuals or registers, namely, the Training Register and the Gift Register. The Training Register is intended to assist the Ombudsman to keep track of staff trainings that is relevant to their work and training needs. The Gift Register, on the other hand, is intended to boost the institution's values for staff integrity, transparency and accountability. The Gift Register allows staff members to declare to the Ombudsman any kind of gifts, benefits or hospitality that may be offered in relation to their official duties. It determines to deal with if not avoid conflict of interest issues for staff members. It is intended that other Government institutions may be interested in doing the same for better governance of their institutions and the Government as a whole.

### 2.0.3 Trainings

2017 saw a boost in staff trainings. It was a decision that was made by the Management to get staff to be properly trained to do their respective jobs effectively and efficiently. Being already limited in staff, staff members have had to assume extra duties to cater for the smooth running of the Office.

As identified in the Business Plan, there had been a Refresher Training for all staff in June 2017, which also coincided with the 23<sup>rd</sup> anniversary of the Ombudsman's Office. Four (4) investigative staff had also participated in overseas short trainings on Conflict of interest and Advanced Investigations.



Photo Credit: Natasha Duncombe

Fig 4: Participants of the Leadership & Management Course offered by APTC.

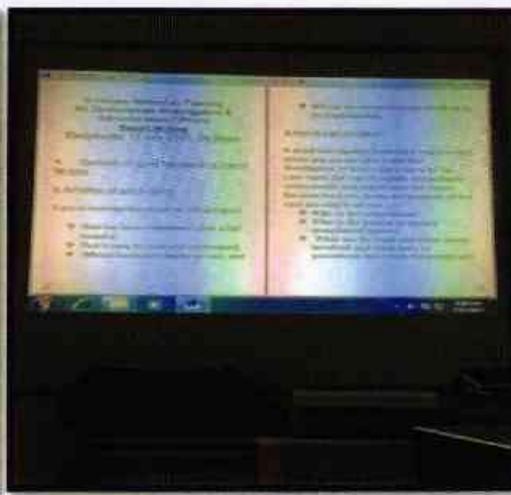


Photo Credit: Dorah L Samuel

Fig 5: Refresher training

In addition, four (4) senior staff members have obtained sponsorship through the SRBJS to boost their knowledge and skills in the area of Leadership and Management at the Australia Pacific Technical College (APTC) in Port Vila. Administration staff members have also had trainings at the VIPAM on

various courses. Furthermore, some staff members have personally sponsored their on-going studies at the USP to boost their legal skills.

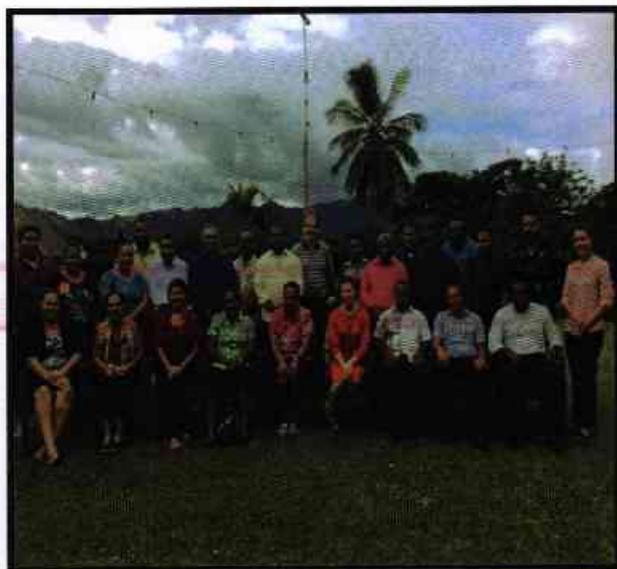


Photo Credit: Dorah L Samuel

Fig 6: Training participants for 'Conflict of Interests, Nadi, Fiji Nukualofa, Tonga.



Photo Credit: Dorah L Samuel

Fig 7: Participants for the 'Advanced Investigation

#### **2.0.4 Recruitment**

This year the Office had advertised for five (5) vacant posts on the Organizational Structure. These positions are Ombudsman (0900), Director Leadership Code Investigations (0902), Principal Investigator LCI (0909), Principal Corporate Services Officer (0905) and Investigator (0924). By year end, three (3) posts had been filled and two (2) were awaiting appointment by respective authorities.

#### **2.0.5 Retirement**

By year end, the Public Service Commission (PSC) had retired two (2) staff members of the Ombudsman's Office. It is the PSC requirement that staff members reaching the age of 55 must retire from the Service. Because the Office was yet to pay their severance entitlements, the relevant staff members were approved by the PSC to still serve the Office on 6 months contracts.

#### **2.0.6 Ombudsman term ends**

On 18 December 2017, the five (5) year term of Ombudsman Kalkot Mataskelekele came to an end and the Ombudsman post became vacant. In his honour, the Office hosted a party at the Irririki Island Resort to acknowledge his contributions towards the Ombudsman work and anti-corruption in Vanuatu. It was an honour to have had the Honourable Prime Minister, Charlot Salwai Tabimasmal and the Acting Director-General of Justice, Mr Pacco Siri, in attendance. The Prime Minister conveyed the Government's appreciation and acknowledgement to Ombudsman Mataskelekele.

#### **2.0.7 29<sup>th</sup> Australasian and Pacific Ombudsman Region Conference (APOR)**

The 29<sup>th</sup> APOR meeting was held in the beautiful city of Perth, Western Australia, and it was attended by Mrs Velma Karabani, Director for General Complaints Investigation. The APOR is a chapter of the International Ombudsman Institute (IOI). The IOI was established in 1978 and it is the global organisation for the cooperation of more than 170 independent Ombudsman institutions from more

than 90 countries worldwide.<sup>4</sup> Members of the APOR include Ombudsmen from the Commonwealth and every state and territory of Australia, the New Zealand Ombudsman, Hong Kong Ombudsman, the Control Yuan, Taiwan and Ombudsman from the Pacific Island nations of Cook Islands, Papua New Guinea, Samoa, the Solomon Islands, the Kingdom of Tonga and Vanuatu.<sup>5</sup> Attendance was made possible by the Western Australia Ombudsman and the Vanuatu Government.

### 2.0.8 Public, Special, and Annual Reports issued

In 2017, there were no public reports issued by the Office.

The Ombudsman, however, issued the *Special Report to Parliament Concerning The Observance of Multilingualism 2016*<sup>6</sup> on 17 August 2017. In his Findings, the Ombudsman stated that in observing the three official languages, the English language is the dominant language mostly used in writing official documents. In addition, important documents are translated into French and rarely in Bislama. He recommended that however difficult, the Government Administration must continue to issue every document, or provide all oral or electronic verbal communication in all three official languages, if not concurrently, then within a reasonable time.

Because of the late submission of his 2013 and 2014 annual reports, the Ombudsman had only submitted them this year 2017, copies of which can be obtained from the Office of the Ombudsman.

### 2.0.9 Legislative Review of the Ombudsman Act [CAP 252], Leadership Code Act [CAP 240]0.

The Ombudsman had determined to complete this review so according to the Organization's 2017 Business Plan, the Ombudsman completed the Policy Paper and drafting instructions and forwarded the Policy Paper to the DCO.

### 2.1.0 Student Placements

With its on-going support to Australia Pacific technical College (APTC), 2017 saw an increase in student placements with the Office of the Ombudsman. The Ombudsman accepted seven (7) APTC students and two (2) USP students on attachment with the Office. Their contributions to the Office are much appreciated.



Photo Credit: Dorah L Samuel

Fig 8: Meeting the APTC Students

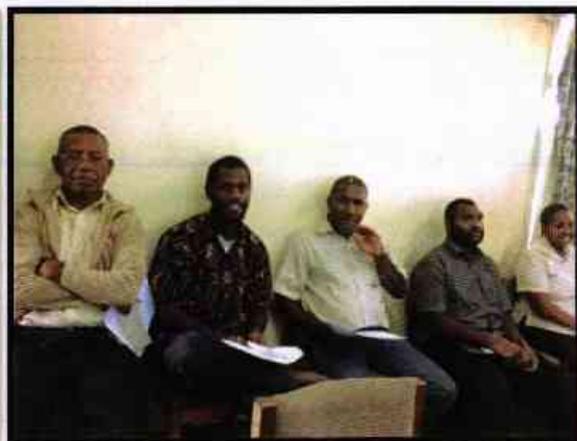


Photo Credit: George M Worworbu

Fig 9: Staff members and USP students at training.

<sup>4</sup> <http://www.theioi.org/ioi-news/current-news/western-australia-ombudsman-hosted-29th-australasian-and-pacific-ombudsman-region-conference>

<sup>5</sup> Ibid

<sup>6</sup> A full copy of the report can be obtained from the Office of the Ombudsman, Rue Pasteur, Port Vila.

### **2.1.1 Awareness Programs**

For 2017, an awareness talk has been conducted to more than 200 APTC students in Port Vila. It was realized from the questions raised that a lot of the students had little knowledge of the work of the Ombudsman.

The Ombudsman was also fortunate to receive funding from the Pacific Governance Association (PGA) through the Commonwealth Ombudsman of Australia a total of VT2 million for its awareness programme through radio and television. Ombudsman Mataskelekele, along with the senior officers of the Ombudsman's Office, held a Panel Discussion on Television Blong Vanuatu (TBV) to discuss the Ombudsman work and relevant issues affecting the Ombudsman. The TBV aired the recording about three (3) times on its local channel. Following on from this, a talk-back show was held on Radio Vanuatu. Radio Vanuatu can be accessed by listeners nation-wide. The talk-back show program was also recorded and replayed at other times. This was a boost for the Office as the target of reaching many people at once was met.

### **2.1.2 Other Duties – Appointments to Boards**

#### **(i) Public Service Disciplinary Board**

After receiving her appointment to become a member of the Public Service Disciplinary Board (PSDB) in 2016, Velma Karabani, our Director for General Complaints Investigations, continued to perform her duties as a member on the Board. For this year 2017, then Acting Director of Leadership Code Investigations, Mrs Dorah Samuel and Director Leadership Code Investigations were also alternate members of the PSDB when Mrs Karabani was away on other official engagements.

#### **(i) Vanuatu National provident Fund (VNPF) Taskforce**

Mrs Dorah Samuel, our then Acting Director for Leadership Code Investigations was nominated and appointed by the Minister for Justice as a member of the VNPF Taskforce following allegations of mismanagement and abusive conduct by past and present staff and Board members of the VNPF. The inquiry revealed misconduct and questionable practices by people, staff and the Board of VNPF. As such and after the Commission of Enquiry (COI) had made its submission to the Government, the Government through the Minister of Justice appointed a Criminal Task Force team which Mrs Samuel was part of to investigate leaders and others who may have mismanaged the funds of VNPF.

#### **(ii) PSC Commission of Enquiry**

Our then Acting Director for Leadership Code Complaints, Mrs Dorah Samuel was appointed by the PSC to a Panel to enquire into a complaint against the Secretary-General (SG) of the SANMA Provincial Council. The result of the enquiry saw the transfer of the SG to the SHEFA Provincial Council.

#### **(iii) RTI Committee**

Our Principal Investigator, Mr Darval Simon, was also nominated as member of the RTI Committee in which he continued to attend meetings and represent the Ombudsman Office on the Committee.

#### **(iv) National Integrity and Anti-Corruption Committee (NIACC)**

Mrs Velma Karabani, our Director for General Complaints Investigation was the Office's representative on the NIACC. She continued to attend meetings and contributed to the issues of the NIACC.

### **2.2.0 Santo office branch report**

Section 40 of the Ombudsman Act No.27 of 2018 clearly stipulates that "*Subject to finance being available, the Ombudsman must decentralize his or her activities by establishing branch offices in other regions of Vanuatu*".

In March 2000, the Office of the Ombudsman of the Republic of Vanuatu opened a regional office in the SANMA Province. In the frame of reaching as much as possible a big number of citizen of the country, there was a need to open regional offices in other five provinces. However, like in any other sector, challenges will always be due to the shape of the archipelago, for a better service delivery to the citizens. One of the main challenges was budget constraints.

#### **2.2.1 Office Structure**

Under the current Organizational Structure of the Ombudsman's Office, there should be a total of 6 Officers, however, in 2017 there were only 2 Officers, a Principal Investigator who is also the Officer In Charge and a Filing Clerical Officer who had been promoted to assist in investigations and obtained the title Assistant Investigator. Other positions were not filled due to budget constraints.

#### **2.2.2 Budget**

Over the last 10 years, the Office budget had been reduced tremendously and it always affected the efficient implementation of some activities related to the functions of the Ombudsman.

The budget management is done through the Corporate Services of the Ombudsman Office in Port-Vila. All the invoices and bills, when received by Santo Office, are sent to Port-Vila for payment executions, according to the financial regulations. A standing accountable imprest amounting ten (10,000 VT) thousand vatu can be accessed by one of the officers in order to meet the cost of minor items. However, this year no petty cash was made available to the officers due to the non-retiring of the last accountable imprest.

#### **2.2.3 Expenses 2017**

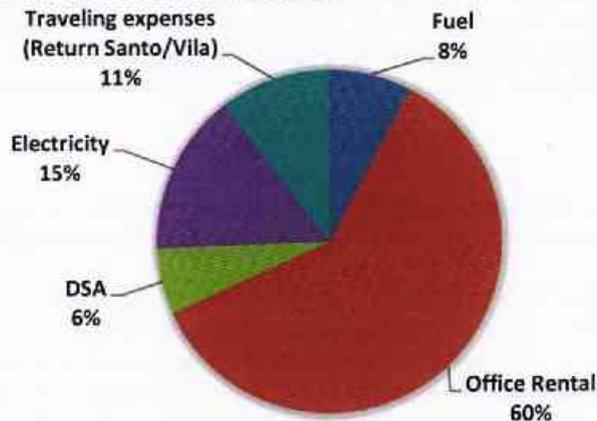
The expenses for 2017 incurred by Santo Office are as follows:

- As far as the salary is concerned, a total of VATU 3, 137, 371 has been spent for the two officers.
- The DSA which were paid to the two Officers amounted to a total of VATU 70,000.
- For the repair and maintenance of the Toyota Echo registered RV 14 a total of VATU 70, 582 has been spent.
- For electricity a total amount of VATU 169, 752 had been spent.
- For office rental through an agreement signed between the Ombudsman of the Republic of Vanuatu and the SANMA Provincial Government Council, a total amount of VATU 675, 000 had been spent.
- For fuel consumption, a total amount of VATU 87, 000 had been spent. Tremendous effort had been done which resulted in an agreement between Corporate Services and Santo Office to reduce the expenses and maintain it at a fix amount of VATU 10, 000 per month.
- For Return Ticket to Vila, a total of VT.116,446 was spend to cover both Santo officers to attend meeting and farewell of the Former Ombudsman Mr. Kalkot Mataskelekel in December 2017.

#### 2.2.4 Santo Office Major Expenses - 2017

Description	Cost
Fuel	87,000
Office Rental	675,000
DSA	70,000
Electricity	169,752
Traveling expenses (Return Santo/Vila)	116,446
<b>TOTAL</b>	<b>1,118,198</b>

#### 2017 SANTO OFFICE MAJOR EXPENSES



Summary of the expenses 2017 by Santo Office

#### 2.2.5 Administration

Santo Branch Office had been involved in many activities ranging from Investigations to Administration which impacted tremendously in several sectors in Luganville.

In 2017 activities involving the Office were:

- The Provincial Technical Advisory Commission, which is comprised of all Heads of Departments in Luganville, carried out a mid-term review consultation on the new Roadmap for SANMA Province and Luganville Municipality.
- The OIC Santo Office was also member of the Provincial Disaster Committee which contributed significantly in providing assistance to PENAMA Province in the Operation Voui (Lombenben) to evacuate 11,660 people from the island of Ambae to Maewo, Pentecost and Espiritu Santo and to repatriate them back to Ambae Island when Lombenben volcano activities decreased.
- The OIC Santo Office was also a member and chairman of Independent Neutral Recruitment Panel which had been appointed, to oversee the applications received for the five positions being advertised by the SANMA Provincial Government Council.
- The OIC Santo Office was officially the Secretariat for the 2018 National Agriculture Week which will be hosted for the first time by the SANMA Province. This event is headed by the Ministry of Agriculture, Livestock, Forestry, Fisheries and Biosecurity and will be held from the 16<sup>th</sup> to 22<sup>nd</sup> July 2018.

- e) The OIC Santo Office had officially requested the SANMA Provincial Government Council to renovate the Office premises in 2016 which was approved in 2017. The deteriorated floor mat was replaced by permanent tiles. A screen door was added and placed at the main entrance of the Office premises. It helped significantly to reduce entry of pests and insects. It also assisted greatly to reduce the invasion of mosquitoes which in the past led the Officers to light mosquito coils and placed them inside the premises. In 2017, 1 of the 2 Officers was infected and treated against the dengue fever.
- f) With regards to managing case files, a new program has been introduced by the Office to assist the Ombudsman of the Republic of Vanuatu to better manage and monitor all the case files opened, under investigation, reviewed and closed. The Visual Files program from the Lexis Nexis led a team from the Head Office in Port-Vila down to Luganville to review all the closed cases still appearing opened on the new Case Management System. It was also an opportunity to proceed with an inventory of the official assets.
- g) The 2 Officers of the Regional Office joined their colleagues of the Head Office for the farewell party of the Ombudsman Kalkot MATASKELEKELE at the Iririki Island Resort in the presence of the Honourable Prime Minister of the Republic of Vanuatu Charlot Salwai TABIMASMAS and the Acting Director General of the Ministry of Justice and Community Services, Mr Pacco Lionel Siri.

### **2.3.0 2017 Business Plan Evaluation**

#### **2.3.1 OUR OBJECTIVES AND ACTIVITIES**

According to the Ombudsman's Office Business Plan for 2017, there were five (5) main objectives that the Office planned to implement tasks under. The table below shows the objectives and the planned activities under the five objectives. Evaluation is also made as to whether or not the activities have been achieved:

<b>Objectives</b>	<b>Strategy</b>	<b>Activities</b>	<b>Achieved or not</b>
Effective and prompt investigation of complaints and reduction of backlog	Increase & increase staff capacity	Advertise positions of 1 Principal Investigator, 1 investigator, 1 legal officer, PCSO, Supervisor, & Director LCI	Recruited 1 Principal Investigator, PCSO, and Director LCI, 1 investigator.
	Reduce back-log cases (approx. by 50%)	Review back-log as priority cases & issue reports on outstanding cases	But some back-log have been reduced, but more to be done.
Monitoring and enforcement of 3 national languages	Promote awareness on multi-lingualism.	Conduct baseline survey on multi-lingualism	No baseline survey has been done in 2017.
		Conduct awareness campaigns	Awareness has been done on Radio Vanuatu and through television. A circular was also issued through the Government network.
		Seek donor support for surveys & pamphlet	Donor support has been sought with no positive response.
		Release of Multi-lingualism report.	2016 Report to

			Parliament has been released on 17 August 2017.
Progressing an effective outreach program to build a good working relationship with Govt agencies, state institutions, NGOs and general public	Continue with awareness programs	Awareness & courtesy meetings with govt agencies & state institutions	Television of Vanuatu awareness has been done. Awareness at APTC
	Publish and promote the Ombudsman's Office	Implement creation of website for Ombudsman's Office	Deferred as no funds available.
	Ensure timely reporting	Submit Annual Report for 2016 & Official Languages Report 2017	Annual Report for 2016 is still pending.  Official Languages Report completed and submitted, August 2017.
Improve management of the human, physical and financial resources of the Ombudsman's Office.	Prepare MBC 2018	Liaise with PMO to submit budget & budget narratives.	2018 Budget input done & submitted.
	Ensure staff members are appropriately trained.	Identify & undertake training for staff.	2 overseas short Investigation trainings were identified for investigators. 4 staff attended.  Refresher course was held for all staff in July 2017.  4 senior staff members were trained at APTC in Leadership & Management course.  On-going legal studies (part-time) for 3 staff at USP.
	Ensure staff are appropriately appraised.	Appraise staff when due.	Only one appraisal was done measuring 7% of total staff. 93% pending.
	Apply for funds for extension of office building.	Apply for project funding .	Project funding was sought through MBC but was rejected.
	Apply for compact shelving for archive.	Apply for project funding.	None
	Ensure severance package for retiring staff is catered for with the budget	Ensure funds are available in financial year.	Severance were sought through MBC via the NPP but were rejected.

Review of Ombudsman governing legislation	Improve governing legislation	Forward policy paper to DCO & CoM.	Policy Paper was drafted and forwarded to DCO.
		Forward Drafting Instructions to SLO.	Drafting instructions were completed and pending CoM decision, to forward to SLO.

### **2.3.2 Challenges faced in implementing the Business Plan 2017**

(i) Severance payments for retiring staff members

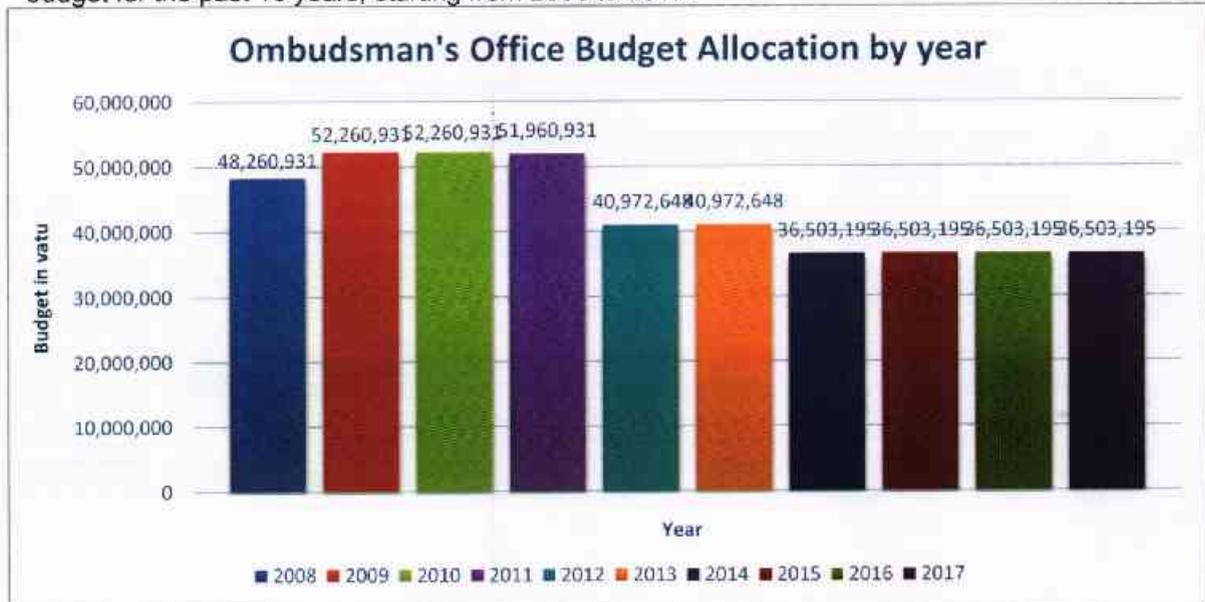
Because there were no budgeted funds for staff members retiring during the year, they were retained on contract whilst funds were sought through re-current budget.

(ii) Delayed recruitment Process

The appointment process for 4 new staff members did not happen until later on during the year. Although the Office had acquired savings for other items, it affected the productivity of the Office as well as some staff members have had to assume multiple roles within the Office.

## 3.0.1 FINANCIAL REPORT

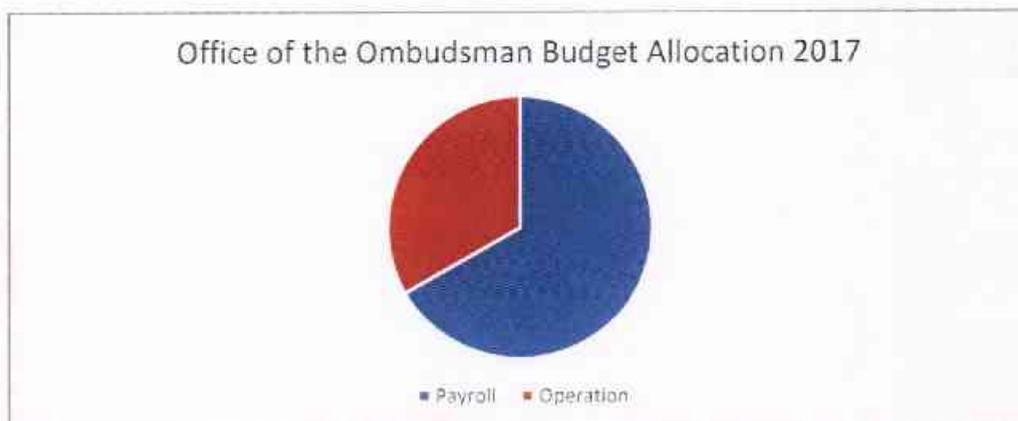
Since the establishment of the Office of the Ombudsman in Vanuatu in 1994, the office budget tend to decrease otherwise in the past three (3) years, it remains stable. The chart below shows the office budget for the past 10 years; starting from 2008 to 2017.



Similarly to year 2014 to year 2016, the total budget allocated to the Office of the Ombudsman in 2017 is **VT. 36,503,195**. This Budget was divided into two:

1. **Payroll Budget Allocation**
2. **Operation Budget Allocation**

The chart below shows a clear sharing of the allocated budget for this year 2017.



Only 33% of the overall allocated budget is used for the office daily operations and other related programs and the remaining 67 % is used for salaries and allowances.

The table below shows a detailed expenditure for the Office of the Ombudsman in 2017 for both payroll and operation.

Expenses Detail Report		Government of Vanuatu				
For transactions between 1 January 2017 and 31 December 2017		Extracted on 12/02/18 12:34				
Filters Applied to this Report						
Fund	2-Recurent Fund					
Ministry						
Dept	03-Office of the Ombudsman					
Cost Centre	03AA-Office of the Ombudsman					
Activity						
Job Code						
Currency	Vatu					
Book	Primary Book (vatu)					
Account	Description	Actual	Commitment	Total	Budget	Under(Over)
<b>Personnel Expenses</b>						
8AAA	Acting Allowances	1,894,239	-	1,894,239	-	(1,894,239)
8AAB	Responsibility Allowance	509,041	-	509,041	-	(509,041)
8AAF	Family Allowance	422,280	-	422,280	624,000	201,720
8AAG	Gratuitie Allowances	-	-	-	470,400	470,400
8AAH	Housing Allowances	1,869,848	-	1,869,848	3,000,000	1,130,152
8ASP	Provident Fund	799,133	-	799,133	1,015,624	216,491
8AWC	Contract Wages	77,040	-	77,040	-	(77,040)
8AWD	Daily Rated Wages	47,600	-	47,600	-	(47,600)
8AWO	Overtime Wages	31,438	-	31,438	-	(31,438)
8AWP	Permanent Wages	17,264,814	-	17,264,814	24,766,620	7,501,806
PAYR	Payroll expenses	-	-	-	(5,495,197)	(5,495,197)
	<b>Personnel Expenses</b>	<b>22,915,433</b>	<b>-</b>	<b>22,915,433</b>	<b>24,381,447</b>	<b>1,466,014</b>
<b>Operating Expenses</b>						
8CAB	Subsistence Allowances	200,000	-	200,000	100,000	(100,000)
8CBL	Local Accommodation	-	-	-	100,000	100,000
8COL	Local Courses	76,055	-	76,055	-	(76,055)
8CEM	Software Maintenance Fees	323,618	-	323,618	-	(323,618)
8CES	Security Services	50,000	-	50,000	-	(50,000)
8CFV	Vehicles Fuel	269,135	-	269,135	350,000	80,865
8CGO	Other Charges - Freight	6,268	-	6,268	20,000	13,732
8CHL	Local Medical Treatment	8,000	-	8,000	-	(8,000)
8CRO	Advertising - Communications	160,103	-	160,103	100,000	(60,103)
8CKP	Postage - Communications	7,334	-	7,334	20,000	12,666
8CKR	Printing - Communications	135,330	-	135,330	80,000	(55,330)
8CKS	Stationery - Communications	473,160	-	473,160	300,000	(173,160)
8CKT	Telephone / Fax - Communications	11,728	-	11,728	100,000	88,272
8CNO	Office Rental	600,000	-	600,000	540,000	(60,000)
8CNT	Other Rental	688,900	-	688,900	744,000	55,100
8COI	Incidentals	4,389,613	-	4,389,613	622,551	(3,767,062)
8COO	International Organisation Fees	-	-	-	200,000	200,000
8COP	Official Entertainment	20,000	-	20,000	-	(20,000)
8COT	Termination Payment	1,495,197	-	1,495,197	-	(1,495,197)
8COU	Uniforms	361,787	-	361,787	-	(361,787)
8CRE	Equipment Repairs & Maintenance	580,479	-	580,479	300,000	(280,479)
8CRV	Vehicles Repairs & Maintenance	189,705	-	189,705	250,000	60,295
8CSF	Food - Suppliers	10,492	-	10,492	50,000	39,508
8CTI	International Travel	-	-	-	300,000	300,000
8CTL	Local Travel	214,669	-	214,669	150,000	(64,669)
8CUE	Electricity Utilities	1,080,270	-	1,080,270	1,800,000	719,730
8CUW	Water Utilities	4,718	-	4,718	30,000	25,282
8CZV	Value Added Tax	1,120,249	-	1,120,249	500,000	(620,249)
8FCB	Bank Charges	650	-	650	-	(650)
OVER	Overhead expenses	-	-	-	5,495,197	5,495,197
	<b>Operating Expenses</b>	<b>12,477,463</b>	<b>-</b>	<b>12,477,463</b>	<b>12,121,748</b>	<b>(355,715)</b>
	<b>Total Expenditure</b>	<b>35,392,896</b>	<b>-</b>	<b>35,392,896</b>	<b>36,503,195</b>	<b>1,110,299</b>

Source: Vision Development Fund Report

There was a payroll saving of over 5 million recorded in December 2017 due to un-recruited positions and delay of recruitments. This savings was requested through a virement, which was later used to purchase a lot of new equipment and stationaries for the office.

The office also used VT. 420,000 of this requested funds to purchase VT. 30,000 worth of voucher at Au Bon Marche for its fourteen (14) staff members as approved by the Public Service Commission (Commission meeting No. 29 of 21<sup>st</sup> December 2017). A total of VT. 1,110,299 remain unspent and taken back by the Department of Finance and Treasury on 22 December 2017 after the LPO entry cut-off date.

### 3.0.2 Awareness Program and Capacity Re-Enhancement Project

Apart from the budget allocated by the Government of the Republic of Vanuatu, the Office of the Ombudsman was privileged to receive a funding of over 1.4 Million for its "Awareness Program and Capacity Re-Enhancement Project". This project was funded by the Australian Aid Program under the Commonwealth Ombudsman's office in Australia for a period of one year.

The project was coordinated by the Principal Investigator; Mr Darval Simon with the support of all the other staff members of the Office of the Ombudsman.

The table below is a detailed expenditure report for this project.

Development Fund Detail Report		Government of Vanuatu				
For transactions to 31 December 2017, Projects from to , Ministries from M01 to M01, Departments from 03 to 03, All Job Codes						Extracted on 07/03/18 13:41
Account	Description	Actual	Commitment	Total	Budget	Under/Over
Default Project Code						
	Remaining Balance for Project	-	-	-	-	-
<b>17K403 Ombudsman Awareness Program and Capacity Re-Enhancement Project</b>						
<b>Revenue</b>						
7QAU	Australia Contributions	1,412,316	-	1,412,316	1,688,206	275,889
	<b>Total Revenue</b>	<b>1,412,316</b>	<b>-</b>	<b>1,412,316</b>	<b>1,688,206</b>	<b>275,889</b>
<b>Expenses</b>						
BAWC	Contract Wages	30,000	-	30,000	-	(30,000)
BCKP	Postage - Communications	20,000	-	20,000	-	(20,000)
BCKR	Printing - Communications	832,881	-	832,881	-	(832,881)
BCKS	Stationery - Communications	258,018	-	258,018	-	(258,018)
BCKI	Incidentals	20,000	-	20,000	1,688,206	1,668,206
BCKO	Official Entertainment	177,778	-	177,778	-	(177,778)
BCKV	Value Added Tax	-	-	-	-	-
	<b>Total Expenses</b>	<b>1,338,677</b>	<b>-</b>	<b>1,338,677</b>	<b>1,688,206</b>	<b>349,529</b>
17K403	Remaining Balance for Project	73,639	-	73,639	-	73,639
<b>Remaining Balance for all selected projects</b>		<b>73,639</b>	<b>-</b>	<b>73,639</b>	<b>-</b>	<b>73,639</b>

Source: Vision Development Fund Report

During the budget submission in July, the office submitted 3 New Project Proposals:

1. Extension of Current Office Building – VT.10.100.000.
2. LexisNexis Annual CMS Maintenance Fee - VT.1.000.000
3. 2 New Office Vehicles - VT.6.100.000
4. Retirement Entitlement - VT.1.057.448

This is subject to the Ministerial Budget Committee (MBC) approval for year 2018.

The office of the Ombudsman would have conducted more awareness programs to communities in Efate and on other islands of Vanuatu, organised and taken part in capacity building trainings and workshops for its human resource, carried out exchange programs if its budget had increase this year.

### 3.0.3 Project proposal for the official residence of the Ombudsman as damaged by cyclone Pam.

On 13 March 2015 the whole country was facing a category five (5) Cyclone Pam which devastated many provinces including Shefa Province where in Port Vila the official residence of the Ombudsman is located. In fact, part of the house roofing was removed and damaged during that catastrophic event. To engage itself in recovery program, the government has established a Pam Recovery Committee to ensure that damaged properties of the Government such as houses are being replenished to an acceptable standard for re-use. As such, a project proposal for the renovation of the official residence of the Ombudsman will be prepared and submitted forthwith for consideration and approval by the Pam Recovery Committee.

For the purposes of Article 63(5) of the Constitution, section 35(1) of the Ombudsman Act No.27 of 1998 states that *the Ombudsman must give to the Prime Minister for presentation to Parliament at least once each year, a general report on the functions and workings of the Ombudsman's office, with such recommendations as to improvement as the Ombudsman thinks proper.* Furthermore, section 42 of the Ombudsman Act provides that *the Government must ensure that there is a sufficient budget allocated to the office of the Ombudsman to enable the Ombudsman to properly perform his or her functions and duties.*

#### 4.0.1 RECOMMENDATION 1:

In the exercise of his role and functions vis-à-vis the extraction or the marshalling of information and documentary evidence, the Ombudsman is endowed with powers. One of such powers is to have the court to summon a particular witness after a failure to appear before the Ombudsman for examination – that which since its establishment was never invoked for some reasons which were only known to each Ombudsman. The Office is determined to exercise that power which was left dormant for quite some time now.

Section 22(2) of the Ombudsman Act states that the Ombudsman may issue a notice in writing in the form contained in the Schedule to any person: (a) to appear before the Ombudsman for examination by him or her; or (b) to furnish any information or documentary evidence to the Ombudsman needed for an enquiry.

A failure to comply with the notice may lead to the Ombudsman applying<sup>77</sup> to the Court for the person to be summoned to appear before the Court or to furnish to the Court the information or documentary evidence requested in the notice.

That power to extract information and documentary evidence was not utilised – that which may have also contributed to additional backlog cases. As such, the Ombudsman is determined to exercise that power in the years to come.

#### 4.0.2 RECOMMENDATION 2:

Section 13 of the Ombudsman Act provides that as part of any enquiry conducted by him or her, the Ombudsman may mediate amongst the following persons: (a) the complainant (if any); (b) if the enquiry relates to the conduct of a government agency – the person in charge of that government agency; (c) if the enquiry relates to the conduct of a leader – the leader; (d) any other person directly affected by the enquiry. Having made a request for mediation under subsection (1) the Ombudsman must comply with it. However, if after receiving a request to mediate, the Ombudsman is of the opinion that it is not possible to do so, he or she must give the person who made the request a written statement setting out the reasons for his or her opinion.

Ever since the enforcement of the Ombudsman Act No.27 of 1998, no one has made a request pursuant to section 13 of this Act. It is simply so as the affected persons or complainants are not familiar with this process by which two or more individuals involved in a particular dispute may request to meet at the Ombudsman's Office to work out problems with the assistance of a trained mediator.

Despite the lack of mediative component in the process of investigating the facts of issues/cases before the Ombudsman – consequent to a purported ignorance of the process involved, this Office sees an urgent need to commit itself: (a) firstly for the progressing and enactment of a Mediation Act; and (b) secondly, for ensuring the introduction and inclusion of peer mediation in the Vanuatu curriculum as one of the subjects in both primary and secondary schools.

<sup>77</sup> Section 23 of the Ombudsman Act on failure to comply with notice

How can the public possibly know about this means of dispute resolution or process of mediation? One of the possible ways of knowing the process involved is through the introduction of peer mediation as part of the curriculum to be taught in schools. Peer mediation as introduced in schools in developed countries is a problem solving mechanism by youth with youth. It is a process by which two or more students being involved in a dispute meet in a private, safe and confidential setting to work out problems with the assistance of a trained student mediator. In fact, peer mediation reduces:

- (i) staff time spent on discipline;
- (ii) suspensions, expulsions and fights; and finally
- (iii) it empowers students as future members of the workforce to learn at an early age how to solve disputes themselves.

Having these advantages, it is now recommended that: (a) a Mediation Act be progressed and enacted by Parliament; and (b) peer mediation be introduced as one of the subjects in the Vanuatu curriculum in both primary and secondary schools as well as in vocational schools.

#### **4.0.3 RECOMMENDATION 3:**

Section 11 of the Ombudsman Act No.27 of 1998 and section 34 of the Leadership Code Act No.2 of 1998 give power to the Ombudsman to administer, enforce and supervise the Leadership Code.

In addition to the leaders referred to in Article 67 of the Constitution, section 5 (a) to (y) of the Leadership Code Act provides a list of identified and declared leaders of the Republic of Vanuatu. . We are also conscious of the upcoming laws which would identify certain persons as leaders in addition to the lists in Article 67 of Constitution and section 5 of the Leadership Code Act Since the enforcement of the Leadership Code Act the Ombudsman was not able to accurately and correctly list all leaders each year for the purpose of awareness reminding each of them of their duties and obligations in general as well as in relation to the submission of the annual return pursuant to sections 31-33 of the Leadership Code Act, the breaches and the procedures involved in both investigation and prosecution of leaders when they breach the Leadership Code Act and other laws.

At any time after a municipal, provincial or national election or after each appointment, the Ombudsman may be able to easily reach out to each:

- respective authority to explain the Ombudsman's role and functions in relation to the Leadership Code Act, the Constitution and other laws affecting the area or role of each authority under which a particular leader or group of leaders are serving this country.
- Individual leader to explain the laws that affect the area or role of his or her leadership among other things.

It may be difficult sometimes to have an update record or list of leaders coming to the forefront by way of elections and appointments, or getting out of the scene by way of terminations, dismissals, resignations, disqualifications and deaths. In order to properly administer, enforce and supervise the Leadership Code Act, there is a need to have a leadership code register of leaders at the Ombudsman's office. The requirement of such registration or de-registration of leaders is that upon each/all appointments and elections, and upon each/all terminations, dismissals, resignations, disqualifications, deaths and in case of re-shuffle(s) or changes of political advisors/officials in a particular ministry, appropriate copies of relevant documents including letters explaining the situations must be forwarded to the Ombudsman for an update of the leaders' registry. In so doing, the Prime Minister under section 51 of the Leadership Code Act is to make a regulation, not inconsistent with this Act, for all matters required or necessary to give effect to this Act. As such, the State Law Office would be requested to draft a regulation to give effect to the leadership code register of leaders for the purposes of their registrations and de-registrations either by way of a regulation; or by insertion in the Leadership Code amendment. In fact, this regulation will make it mandatory for each government ministry, department, agency or institution, statutory authorities, institutional boards, companies or other bodies corporate wholly owned by the Government to update the Ombudsman on the respective leaders.

#### 4.0.4 RECOMMENDATION 4:

Section 40 of the Ombudsman Act No.27 of 2018 clearly stipulates that "*Subject to finance being available, the Ombudsman must decentralize his or her activities by establishing branch offices in other regions of Vanuatu*". Thus, in 2000 the regional branch of the Ombudsman's office was established.

This year 2017 the regional branch was given a special status by briefly reporting on some of the activities being carried therein but the payments of bills and invoices were executed back at the Port Vila headquarter. Having given certain recognition, it is envisaged or recommended that in the future this regional branch could have its own cost centre so as to facilitate its budget reporting in the annual report.

#### 4.0.5 RECOMMENDATION 5:

As the government has established a Pam Recovery Committee in order to ensure that damaged government properties such as houses are replenished to a standard for re-uses, it is only proper that the Ombudsman's Office submits a project proposal to that effect or purpose. The official residence of the Ombudsman is located at Colardeaux Area in Port Vila and it requires funding for its renovation.

#### 4.0.6 RECOMMENDATION 6:

The bureaucratic or functional organizational structure of the Ombudsman's Office as approved by the Public Service Commission on 17 October 2003, outlines 36 positions altogether and is to be updated. Despite having that structure which defines how activities such as task allocation, coordination and supervision are directed towards the achievement of the organizational aims, it is necessary and compulsory to review it:

- ✓ in clearly defining new positions as needed such as forensic investigator/financial investigators
- ✓ in order to combine duties for inclusion in the job descriptions; and
- ✓ in terms of proper salarial determinations;

In the 2013 organizational structure there is a post for a Legal Counsel. In 1999 a Canadian national did occupy that position through the Commonwealth Secretariat Aid Assistance Program. As such, the Ombudsman is to request another Legal Counsel from the same program or from any other international bodies.

#### 5.0.0 CONCLUDING REMARK

Further inquiries on the report should be addressed to contact person specified on page 3 of this Report.

Until the next Report, I take this opportunity to thank the various Ministries, Departments and other Government Agencies for the good and co-operative working relationship with the Office of the Ombudsman.

  
Alain Wai MOLGOS  
ACTING OMBUDSMAN  
OFFICE OF THE OMBUDSMAN OF THE REPUBLIC OF VANUATU

