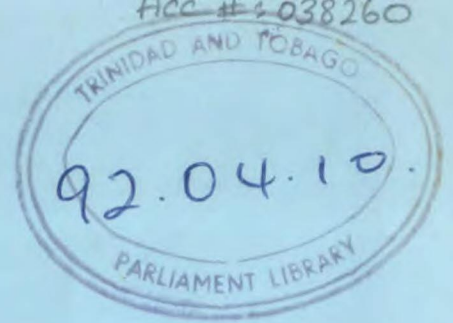
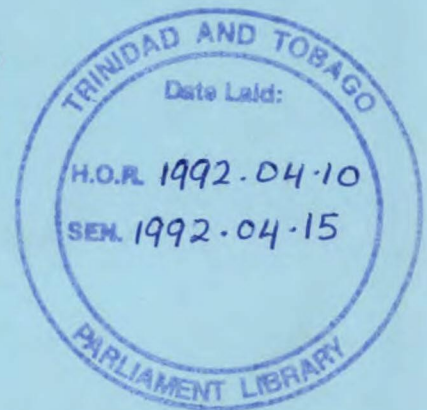




GOVERNMENT OF THE REPUBLIC OF
TRINIDAD AND TOBAGO



THE OMBUDSMAN THIRTEENTH ANNUAL REPORT



DECEMBER 06, 1989

TO

DECEMBER 31, 1990

Office of the Ombudsman,
St. Ann's Avenue,
St. Ann's.

10th December, 1991.

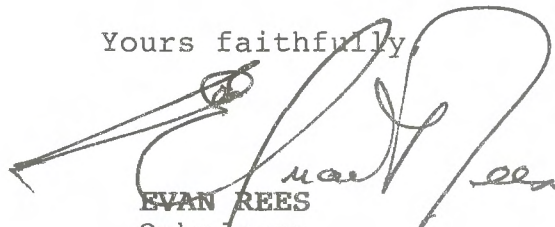
The Honourable Speaker,
Parliament,
Red House,
Port-of-Spain.

Dear Mr. Speaker,

I have the honour to present the Thirteenth Annual
Report of the Ombudsman for the period December 06, 1989
to December 31, 1990.

The report is submitted pursuant to subsection 5 of
Section 96 of the Constitution of the Republic of Trinidad
and Tobago Act, 1976.

Yours faithfully,



EVAN REES
Ombudsman
Trinidad and Tobago

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PART I
GENERAL
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I - GENERAL

INTRODUCTION

This is my Thirteenth and last year of being the Ombudsman of Trinidad and Tobago. It covers the period December 06, 1989 to December 31, 1990. I sincerely thank those who were responsible for affording me the opportunity to serve the Government and my fellow citizens in so rewarding and challenging a task. I should also like to express publicly my thanks to members of my staff and, more particularly, the Investigative Branch for their industry and dedication.

In 1977 when I assumed office, I was not unmindful of the difficulties that lay before me. I was entrusted with setting up an acceptable and effective institution in a small (multi-religious), multi-ethnic developing society. I was expected to serve the country, accommodating myself to the manners of all sections of the society and do a proper job.

I look back with a deep sense of satisfaction and fulfilment on this period of my life because of the several personal letters of thanks that I have received from people I have assisted, and what members of both Houses of Parliament had to say about my performance as Ombudsman on the two occasions when I was invited to the Senate and the House of Representatives, respectively, to say farewell.

I have included in this report what was said and thus as Ombudsman, an Officer of Parliament, have dutifully allowed Parliament to have the last word.

HOUSE OF REPRESENTATIVES
Thursday 13th December, 1990
The House met at 10:05 a.m.
PRAYERS
(MR. SPEAKER in the Chair)
OMBUDSMAN
(RETIREMENT)

Minister of Industry, Enterprise and Tourism, (Dr. the Hon. Bhoendradatt Tewarie): Mr. Speaker, let me, on behalf of this side of this honourable House, record the Government's gratitude for the service given to this country, Trinidad and Tobago, by **Justice Evan Rees**, in his capacity as Ombudsman.

Part 2, section 9(1) of the Constitution of Trinidad and Tobago provides that there shall be an Ombudsman for Trinidad and Tobago, who shall be an officer of Parliament.

On December 06, 1977, Mr. **Justice Evan Rees** became the first Ombudsman for Trinidad and Tobago.

We want to wish him well on his retirement due at the end of this year after serving in this capacity for thirteen years, following on a very distinguished career on the Bench as a Supreme Court Judge.

In accordance with constitutional provisions the Ombudsman has caused to be laid before Parliament, annual reports with the Twelfth Annual Report being laid at the first sitting of this House held on Monday November 05, 1990.

As you know, Mr. Speaker, under this administration, the reports of the Ombudsman were debated for the first time in the history of this country and that is principally because we had indicated to the country in our manifesto, that we considered this institution and this office, a vital and significant one and we made a commitment there, to strengthen that institution during our term of office. Not only did we debate the reports of the Ombudsman in 1987, 1988 and 1989, but under your guidance, Mr. Speaker, we were able to establish a parliamentary committee under the Chairmanship of the President of the Senate, in fact, looking at the Office of the Ombudsman with a view to strengthening it in keeping with the manifesto commitment and pledge.

During his term of office, the Ombudsman has ensured that all complaints of administrative injustices in this society received a reasonable opportunity to be heard and to seek redress and on so many occasions his intervention has been critical in determining, in fact, that justice was done, where justice needed to be done where administrative errors had occurred. This particular Ombudsman, **Justice Evan Rees**, went further than simply seeking justice for ordinary citizens. He decentralized his activities when he instituted regular visits to Tobago to facilitate persons residing there.

Mr. Speaker, he also made it a regular habit to visit communities, one might say, in the remote districts of Trinidad, to ensure not only that justice was done, but to give people a sense that someone, somewhere, was taking an interest in the problems of little people who felt that they had been sidelined.

The Ombudsman, as well, has represented Trinidad and Tobago at international conferences for Ombudsmen in other parts of the world and therefore, has kept the flag of Trinidad and Tobago flying as a place of democracy, where justice is an important part of the living existence of citizens and where institutions that administer justice are regarded as important institutions in our society. For all of these things we thank him and we pay tribute to him today.

He was the first Ombudsman and whatever we may do from 1991 on will be done and will be built on the strength which he has given to the institution and because of his own service to that institution. The life of this particular Ombudsman has been a life of service and commitment to the country.

We wish him well in his retirement, good health, long life and we wish always, that he knows that as a person of such experience and calibre, the Government always has a willing ear to any contribution he may wish to make. Thank you.

Mr. Patrick Manning (San Fernando East): Mr. Speaker, I too would like to add my sentiment on behalf of those of us on this side.

I have had the pleasure of being associated with **Mr. Justice Rees** while he was still a member of the Bench. Following a very distinguished career, he agreed to accept the appointment of the first Ombudsman of Trinidad and Tobago. He did so at a time when the institutions of the country were still evolving and the institution of Ombudsman was something that had just been put in place and which required in the context of institution building, somebody of a high calibre and above all of high moral standard and of great integrity. He fitted the bill exceedingly well.

As a Minister of Government, I have found myself in the past, on the wrong side of the Ombudsman and I am in a position to say that even when the task is an unpleasant one, he was able to discharge his functions with dignity and with decorum that was expected of the holder of an office as lofty as that one is.

Whatever is made of the office of Ombudsman today, has been shaped by **Mr. Justice Rees** and so he comes to retirement after a distinguished record in that office, as indeed in the Judiciary. I have no doubt that in due course this country is going to record its appreciation for the contribution he has made, both in that office and in others in his very long association with the public service and with democracy.

I wish him well and God's speed.

Mr. Trevor Sudama (Oropouche): Mr. Speaker, we too, on this side of the House, wish to extend to Mr. Rees, the Ombudsman, our congratulations for the honourable service which he has rendered this country and to tell him that we hope that his retirement will be very fruitful, and which is in fact, well deserved.

If the institution, which is a new institution introduced into our political and parliamentary system, was an attempt to deal with one aspect of the alienation which we have faced in this country, that is, the interaction with the relationship the average citizen has with the democracy and the administration, it was a novel introduction - a new thing in this parliamentary system and I cannot help but recount the difficulties and problems which the Ombudsman has faced in carrying out his tasks and dealing with the bureaucracy and administration. His own frustration has been recorded from time to time and I must say that we on this side have been very sympathetic to his experience.

Despite these difficulties, the Ombudsman has carried out his duties with commitment and with dignity and for that we wish to thank him. We do trust that the example which he has set will be followed by those who come after.

I have written on the subject of the Ombudsman in an academic way and the Ombudsman informed me that he has that as required reading for his staff at the Ombudsman's Office.

I think it is important that we in this Parliament look at this institution again and look at the record of the first Ombudsman and his pioneering work and attempt to build on that. **Mr. Speaker:** I am sure that we are going to miss **Justice Rees** because of the pioneering work that he has done and the foundation that he has laid.

Today, Trinidad and Tobago can boast of having had an Ombudsman for 13 years and as he retires at the end of this year, he would have been the longest serving Ombudsman in the world - which to my mind is not a mean achievement. While the appointment of Ombudsman is a Presidential appointment, **Justice Evan Rees** has had the distinction of serving under three separate Prime Ministers and since he is responsible to the Parliament, it goes to show the calibre and integrity of the person of **Justice Evan Rees**.

I join with honourable Members in wishing him all the best in his retirement and also **Mrs. Rees** and his family. We wish them all the best.

I thank you again for your kind words that you have expressed and put on record here today.

SENATE

Tuesday 18th December, 1990

The Senate met at 10:00 a.m.

PRAYERS

MR. PRESIDENT in the Chair

OMBUDSMAN

(RETIREMENT)

Mr. President: Mr. Rees has written me stating that he is retiring from the Office of the Ombudsman at the end of December, 1990.

He probably has had one of the longest careers of public service of which any citizen of this country could boast. I believe there were three distinct consecutive careers. After graduating from Queen's Royal College he joined the Civil Service.

Soon after, he went abroad to study law. When he was called to the Bar, he returned and served the public service again in the legal department for many years until he was appointed to the Bench as a High Court Judge and thereafter retired from the Judiciary as a Court of Appeal Judge.

The third part of his career started the day immediately after he retired as a Court of Appeal Judge and took up the appointment as the first Ombudsman of Trinidad and Tobago. "The Ombudsman" was a fairly new concept to us in this country, although it existed in the more developed countries for some time. The office is also referred to as the Parliamentary Commissioner.

I am sure you will agree that having to start something, any institution, department or business from scratch is quite a challenge, indeed, and this was the challenge that faced him when he took up this appointment.

I enjoyed the 13 years that I have had to work in close association with Mr. Rees. I think this country is very fortunate in having the forceful character that he was, to be the first person to assume duty in the Office of the Ombudsman. After 13 years he can look back with pride on the fact that he has established an institution on which anyone else can build in the future.

I would like to take this opportunity to thank him for the splendid work he has done in conjunction with the very dedicated staff that served him over the years, for all citizens that he has helped, and for all the grievances he has brought to the attention of Parliament. His has the very unique distinction of probably being the only department to have all its annual reports submitted up-to-date, which is quite an achievement.

Sir, we thank you very much for all that you have done. We wish you a long, peaceful retirement.

Of course, there is always the well-known tradition that no man functions without a good lady behind him or at his side, and in paying tribute to him, I would also like to associate Mrs. Rees with all the compliments that we have given him.

Thank you very much.

Senator Alloy Lequay : I want to join with you, Mr. President, in expressing the sincere and profound thanks of the Senate, and more particularly the Government benches, for the genuine service given by Mr. Rees our first Parliamentary Commissioner or Ombudsman of the Republic of Trinidad and Tobago. He has served with distinction and is leaving behind a tradition on which this parliamentary institution can be built upon in the years ahead.

He has had a long and distinguished career in the field of jurisprudence and he can now retire with the knowledge that this field of human activity which he cherishes is richer for his service and his commitment, and indeed for the dignified manner in which he attempted at all times to accomplish his onerous task.

As for myself, I have known him also as the Commissioner who enquired into the operations of cricket in Trinidad and Tobago some time in the mid-1970's, and whose recommendation for its present organizational structure has made cricket administration one of the most progressive and stable in Trinidad and Tobago. And for this, I crave your indulgence to take the opportunity on behalf of the cricketing fraternity to express publicly our special thanks to him.

On behalf of the Government benches I wish him, his dear wife and family, God's richest blessings and I trust that in some way God will grant him the strength and the health so that he continues to make even a small contribution to the development of this beautiful land of ours.

Senator Wade Mark: Mr. President, I think that even though the Office of the Ombudsman was not able to really acquire all the facilities and necessities that were requested, I believe that Mr. Rees has done his duty for his country and for the people generally of Trinidad and Tobago. A selfless person, he has persevered with commitment and dedication to duty and responsibility.

We on this side of the Senate would like to wish him well and ask that God's finest blessings would shower on him, his wife and his children as he retires from public life and public service.

Senator Louise Horne: Mr. President, during his career **Mr. Justice Evan Rees** saw justice as his paramount guide in any situation and he is known for his independence of thought.

He served at the Court of Appeal at a time when the fundamental rights enshrined in the Constitution were being developed in the country, and he was one of the early bench of judges who gave meaning to those provisions of the Constitution.

In short, some of his judgements in that regard were pioneered. Therefore it is not surprising that when he retired he was appointed as our first Ombudsman. He carried his quest for justice and his fearless independence to the job. He was never afraid to criticize the administration when he felt that a citizen was wrongly treated. His many reports tabled in Parliament bore testimony of that quality. Being the pioneer, he has set the tone of the office and whoever succeeds him will have to emulate his high standards.

His interest and dedication to the office caused him to participate in many international conferences of Ombudsmen, and while he has brought back that international experience to bear on his office, he has never forgotten the uniqueness of the Trinidad and Tobago multi-racial society and its multi-religious community. He has always demonstrated tremendous concern and care for the small man and the weak. In our society he understood - he really understood what was going on, and throughout his reports one can sense a firm desire on his part that small and weak people should not be disadvantaged.

His recent appointment as Chairman of a tribunal under **Section 137 of the Constitution** indicates the tremendous confidence and trust which His Excellency the President and indeed the whole country has in him, because that tribunal carries with it most onerous and grave responsibilities which affect the life and work of persons in some of our highest public office.

Some people know Mr. Rees as an Attorney, others as Ombudsman, and yet others as Chancellor of the Anglican Church of Trinidad and Tobago. He has given long and loyal service to both the church and the State.

Mr. President, on behalf of the Independent Senators I wish him good health, peace and happiness on his retirement.

Senator Fr. Winston Joseph: Mr. President, it is an honour and a privilege to pay tribute to **Justice Evan Rees** this morning. Most of you may not know but I share a very deep pastoral relationship with Mr. Rees, his wife and his dear family. You should also know that he is the Chancellor of the Anglican Church and has made a sterling contribution to the life of the Anglican community in Trinidad and Tobago as well as given yeoman service to the church in the province in the West Indies. There is not any major legal decision that is made in the Anglican Church in the Caribbean that he was not present at, and people have sought his godly wisdom. It is in that context that I wish to pay tribute to this Godly and Christian gentleman.

I stand here and say without fear of contradiction that Mr. Rees is an exemplar par excellence.

There are very few that I look at and tell my son " I want you to emulate that person."

I want to say here this morning that I have told my son that **Justice Evan Rees** is a person that he can emulate.

Mr. President, the greatest compliment anyone can pay another human being is to say that is a person of integrity. Mr. Rees is a man of integrity. Integrity stems from his deep spirituality, that sense of God's presence in his life. He will acknowledge without embarrassment that he sees himself as the instrument of the Almighty and everything that he says and all his life's work was anchored in that sense in the presence of God in his life.

We are here today to pay tribute to a great man who has given his life and service to his country, his God, his church and his nation.

We are looking at Mr. Rees as the first Ombudsman of this country, a man who brought dignity and respect to the office, a man who can walk the length and breadth of this land with his head held high. If we are to pay tribute to him, knowing the calibre of the man, we need to look seriously at his work, the kind of struggle he made, the pioneering work that he did and take seriously his recommendations. He has sowed a lot of seeds and I know from the calibre of the man he would like his successor to reap the benefits of the kind of planting he did.

I think Mr. Rees has struggled, understanding the nature and the administrative problems that he had and I feel that if we want to pay tribute, this term of this Parliament should try to implement the recommendations that he has made to this Parliament. I am convinced that Mr. Rees now in his retirement, can say like Paul "I have finished the race, I have fought the fight, I have kept the faith." A man who served his God, his church and his nation.

Senator Dr. Ramesh Deosaran: Mr. President, in ordinary circumstances I would have been content to sit and let others represent my views, but on this significant departure of the Ombudsman, **Justice Evan Rees**, I believe I cannot restrain myself.

If you will allow me a few minutes to express my own admiration for the work he has done, and as some of us might recall, I have had cause to make comments on the role and the constitutional provisions of the Ombudsman. More recently, I have had cause to look at several of the reports and I remain astounded at the meticulousness with which his office went about documenting certain cases. **Justice Rees** is among those few people who can properly call themselves "The conscience of the society". Not only because they tend to look after the destitute, the deprived and the dispossessed, but also because they have certain machinery with which they can use to rectify transgressions. It is in this particular light that I believe the best tribute we can pay to the honourable work of **Justice Evan Rees** is to construct a legacy of ensuring that what he has done so far is properly looked after.

I would like to take this opportunity, Sir to underline the need for us to take a careful look as a Parliament and pursue these matters to an effective conclusion.

I therefore take this opportunity to wish him and his family God's blessing and also a Merry Christmas.

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PART II

JURISDICTION ON PERSONNEL MATTERS

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II - JURISDICTION ON PERSONNEL MATTERS

In my **Seventh Annual Report**, I made special reference to Personnel matters.

The relevant portion reads as follows:

By Section 94(4) (b) of the Constitution it is provided that I shall not investigate the matters listed in the Third Schedule. Personnel matters fall under Paragraph 8 of the Third Schedule. Paragraph 8 of the Third Schedule reads:

"MATTERS NOT SUBJECT TO INVESTIGATION -

- "8. Action taken in respect of appointments or removals, pay, discipline, superannuation or other personnel matters in relation to service in any office or employment in the public service or under any authority as may be prescribed."**

On the face of it then, it would appear that the Ombudsman is precluded from investigating personnel related matters. However, in order to find out whether I have jurisdiction in a matter, I must first find out whether the competent authority has acted within the scope of its prescribed functions. If it has acted outside the scope of these functions, the Ombudsman has jurisdiction, even though the matter is a personnel related one.

I had included there, two cases which illustrated how my Office was instrumental in relieving citizens who had suffered injustices.

However, as stated in my **Twelfth Annual Report**, in 1989, the Solicitor General advised the Director of Personnel Administration that I ought not to interfere with Personnel matters. I therefore retained the services of eminent Senior Counsel to determine the issue - whether the prohibition contained in Section 94 (4) (b) of the Constitution against my dealing with the matters mentioned in the Third Schedule to the Constitution is absolute, or whether it is qualified by Section 94 (5) (a) and (b).

I reproduce hereunder the text of Counsel's opinion.

The prohibition contained in Section 94 (4) is in terms absolute. Section 94(5) however provides "Notwithstanding Sub-section (4) the Ombudsman (a) may if a certain condition is fulfilled, investigate a matter notwithstanding that the Complainant has or had a remedy in a court of law, and (b) is not precluded

from investigating any matter by reason only that the Complainant might have sought redress by a constitutional motion under Section 14 of the Constitution. In my view Sub-section (5) (a) is clearly intended to qualify the ban contained in sub-section (4) (i) against the Ombudsman investigating any action in respect of which the Complainant has or had a remedy by way of proceedings in a Court. The conjoint effect of the two provisions is that if the only objection to the Ombudsman intervening is that the Complainant has or had a remedy by way of proceedings in a Court, then the Ombudsman may investigate the matter if satisfied that it is not reasonable to expect the Complainant to take or to have taken such proceedings. Sub-section 5 (a) however, cannot be used to lift the prohibition against the Ombudsman investigating matters described in the Third Schedule. In other words, the fact that it was not reasonable to expect the Complainant to pursue a court remedy, may make the matter capable of investigation by the Ombudsman if the existence of such an alternative remedy was the only factor which would have taken the matter outside the purview of the Ombudsman. It cannot avail however, if the matter is on some other ground e.g. its inclusion in the Third Schedule, outside the jurisdiction of the Ombudsman.

Similarly, if a Complainant had both a Court remedy and a right of recourse to some tribunal, then even though it was not reasonable to expect him to pursue his Court remedy, the jurisdiction of the Ombudsman would still be ousted on the other ground. Sub-section (5) does not serve to extend the jurisdiction of the Ombudsman, it serves to limit the scope of the exceptions to that jurisdiction.

So far as Sub-section 5(b) is concerned, the use of the words "by reason only" makes it quite clear, that that provision only opens the way for the Ombudsman if what is barring him is the availability of a constitutional motion - but not if he is excluded on another ground e.g. that the matter falls within the Third Schedule.

In the face of such advice, I felt that I should cease intervention into all the complaints which fall within the purview of the **Third Schedule**. Thus as at **31st December, 1990**, all the Complainants falling into that class were informed of my decision to discontinue investigations into their complaints. A perusal of the statistics would show the number of persons affected.

I remain with the view, however, that if the Solicitor General and learned Senior Counsel are correct then I am strongly urging Parliament to amend the **Constitution** to exclude **Personnel matters** from the **Third Schedule**. I must mention here that, in 1989, I made similar representations before the **Hyatali Commission** which heard submissions on possible amendments to the **Constitution** of the **Republic of Trinidad and Tobago**, and in 1990 before a **Joint Select Committee** of Parliament.

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PART III
COMPLAINTS

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III - COMPLAINTS

In the year under review, I received a total of 1,223 new complaints. 904 or 75% were against government departments and agencies. Of these, 212 were outside my jurisdiction. I therefore proceeded with the investigation of 692 new complaints this year.

At the end of the year I had concluded investigation on 321 or 46.7% of these complaints. Table I shows the manner in which they were disposed.

TABLE NO. I

**Statistics on Complaints received
for the Year under review -
December 06, 1989 to December 05, 1990**

Total number of complaints received	...	...	1,223	
Total number of complaints without jurisdiction	...	...	531	43.4%
Total number of complaints proceeded with	...		692	56.6%
Total number of complaints concluded	...	...	321	46.7%
Sustained/Rectified	...	107		
Not Sustained	...	...	91	
Advised/Discontinued/ Withdrawn	...	...	123	
Total number of complaints under investigation	...	...	371	53.6%

I have included Table II in this report to show the comparative performance at my office this year with that of previous years.

TABLE NO. II

Year	Number of complaints within jurisdiction	Percentage of complaints within jurisdiction	Total number of complaints concluded	Percentage of complaints concluded
1977-1978	846	77.0	438	51.7
1978-1979	777	80.4	350	45.0
1979-1980	653	59.3	337	51.6
1980-1981	618	63.2	355	54.5
1981-1982	682	62.7	302	44.3
1982-1983	825	64.8	321	38.8
1983-1984	803	69.7	437	54.4
1984-1985	837	62.5	559	66.8
1985-1986	984	64.0	605	61.5
1986-1987	842	62.5	389	46.2
1987-1988	839	67.6	322	40.0
1988-1989	801	61.4	233	29.1
1989-1990	692	56.6	321	46.1

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PART IV

SELECTED CASE SUMMARIES

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III - SELECTED CASE SUMMARIES

Case No. 1

In 1989 a complaint was made to me by a resident of a private housing development stating that she was suffering an injustice as a result of a fault in the administration of the **Water and Sewerage Authority (WASA)** and the **Local Health Authority** of the County of St. George (**EAST**).

She said her dwelling house is situated next to the sewage treatment plant of that development and for several years the plant has been mal-functioning as a result of which raw effluent is flowing into her house and thereby causing a health hazard to herself and family.

I immediately wrote to both authorities and examined the files of the **Local Health Department** as it was a matter of a health nuisance. From the exchange of correspondence, it appeared to me that the County Medical Officer of Health and the Executive Director of the Water and Sewerage Authority were well aware of the problem.

My investigations disclosed that there are approximately 100 single unit houses connected to the sewage system serving a population of about four hundred (400) persons. The Development is located on hilly terrain with the sewage treatment plant at the lowest level which is adjacent to the Complainant's premises. The sewage treatment plant is abandoned and overgrown with bush.

An inspection of the Complainant's premises revealed that the waste water from the system, unable to flow towards the treatment plant, flows through a by-pass line across her property and empties on vacant lands west of her property creating a Public Health hazard liable to be injurious to the Community. The other residents in the vicinity of the mal-functioning plant are affected by pungent odours emanating from raw sewage.

The Ministry had made an effort to abate the nuisance by putting certain parties, who they allege were responsible for the **Bregon Park Development** before the Magistrate's Court. The matter was dismissed for want of prosecution. This meant that the whole process would have to be recommenced, that is to say, serving the notices on the proper parties, waiting for the statutory period to elapse and then bringing them to court again. In the meantime this serious nuisance continued to affect the health of persons in that community.

The procedure for the approval for laying out of land in housing developments is as follows:-

1. All proposals would be sent by the Owner/Developer to the Town and Country Planning Division where an 'Outline Approval' would be given.

2. In the case of WASA the designs of a Waste Water Treatment/Disposal System would be recommended and sent to the Local Health Authority.
3. The application and plans together with the recommendations from the various Government agencies would be submitted for provisional approval by the Local Authority.

The duty of WASA is to inspect the facilities and issue a Completion Certificate. A Certificate of Completion was issued in this case but WASA is not responsible for the maintenance of the plant after the issue of the Completion Certificate.

There seems to me to be an apparent lack of policy/guidelines on the part of WASA after these facilities are taken over by the Developers of the housing estate. There are statutory provisions for the Local Authority to prosecute persons responsible for a nuisance, that is, in this case the Developers; but many of the developers of housing estates, particularly in the east-west corridor and in the county of St. George, have either gone into receivership, abandoned the projects or have had the electricity to their plants disconnected by the Trinidad and Tobago Electricity Commission due to arrears of payment of rates.

This is a case that the question is basically one of making quick money by putting up houses for prospective home owners, getting in as much money as one can and abandoning the projects to the detriment of these citizens, who in some cases, have used their life savings to obtain a house. In most of these money making developments the problem of malfunctioning sewage treatment plants and the threat to the Community has now become a national issue.

It is for that reason that I think that the whole question of sewage treatment plants, creating a health hazard to the community should be taken up by the appropriate authority to formulate proposals with a view to WASA taking over these facilities.

As this complaint stemmed essentially from the absence of policy governing the maintenance and operation of sewage treatment plants in private developments, I submitted my recommendations to Parliament under **Section 96(2) of the Constitution.**

Case No. 2

During a routine visit to Carrera Island Prison on November 24, 1986 a prisoner, I.C., complained to me that he had been in prison for nearly two years as a convict serving a life sentence without having been tried for any offence.

I.C. stated that on June 17, 1980 he had struck R. with a stone on his head. R. was medically treated at the hospital and discharged on the same day. I.C. was charged for causing grievous bodily harm to R. and on January 03, 1985, he appeared before a Judge at the Criminal Assizes. Despite the fact that he had no previous convictions, he was sent to prison at the President's pleasure without a trial of his case.

I immediately called for and examined I.C.'s file. I observed that the warrant of commitment to the Keeper of the State Prison stated that I.C. was convicted in due form of law for causing grievous bodily harm to R. and should be imprisoned in the State Prison at the President's pleasure for such an offence. The warrant was signed by the Assistant Registrar of the Supreme Court.

It seemed to me that even if I.C. was tried and convicted, the sentence was unduly severe for an offence of such a comparatively trivial nature. However, the effectively decisive question was whether I.C. was serving a term of imprisonment as a convicted prisoner without having been tried for a criminal offence as he alleged.

From an examination of the court proceedings, I discovered that on January 08, 1985, I.C. appeared before a Judge of the Criminal Assizes charged with causing grievous bodily harm to R. contrary to section 16 of the Offences Against the Person Act, Chap. 4:09.

Defence Counsel raised the issue of I.C. fitness to stand trial on the grounds of his mental condition. That issue was heard and determined by the Judge and Jury under Section 64 of the Criminal Procedure Act, Chap. 12:02. The Jury returned a verdict that I.C. was insane and unfit to stand trial. Thereupon the Judge ordered that I.C. be detained at the State Prison at the President's pleasure. The Judge's order was not, however, entered in the warrant of commitment which erroneously stated that he had been convicted of the charge.

On the following day, in accordance with Section 69 of the Act, the Judge reported the findings of the Jury and the detention of I.C. to the President in order that I.C. should be dealt with as a mentally ill person or in any other manner he might think necessary.

On January 16, 1985, the Judge forwarded to the President a letter with representations from Defence Counsel who was suggesting that I.C. be released into the care and custody of his mother or be granted a free or conditional pardon. On the same day the Secretary to His Excellency the President replied that the Judge's letter had been noted by His Excellency.

On March 25, 1985, Defence Counsel wrote to the Minister of National Security asking that I.C. be transferred to the Mental Home and that recommendation be made for I.C. to be granted a free pardon.

By letter dated January 13, 1986 the Permanent Secretary replied that "after careful consideration it was decided that the petition on behalf of I.C. cannot be acceded to".

From these facts I formed the clear view that there was a serious fault in administration when the Assistant Registrar of the Supreme Court prepared the Warrant of Commitment and erroneously stated therein that I.C. was convicted in due form of the law for causing grievous bodily harm to R. and ordered therefore to be imprisoned in the State Prison at the President's pleasure.

On December 22, 1986 I wrote to the Chief Justice suggesting that he look into the matter as I was of the view that something was radically wrong and that if he found there was a fault in administration it would help if I.C. could be admitted to bail in his own recognizance.

On December 24, 1986, the Chief Justice wrote the President and sent me a copy of the letter. The effect of this letter was that he had no jurisdiction to entertain my request to admit I.C. to bail.

I considered that I.C. rights as a human being were being seriously violated. On December 30, 1986 I spoke to the President. I pointed out that this was an injustice to I.C. as a result of a fault in administration of the Registry of the Supreme Court. Further, that as the Chief Justice was the only Judge of the Supreme Court who was both a member of the High Court and the Appeal Court he had the jurisdiction to entertain my request of admitting I.C. to bail. The President agreed with me.

On leaving the President I spoke to an ailing Chief Justice who said he was now prepared to grant I.C. bail in his own recognizance at 9:30 a.m. on December 31, 1986 if I.C. was brought to his home. A proper Warrant of Commitment was prepared. I got in touch with the Acting Director of the St. Ann's Mental Hospital and requested him to carry out a psychiatric examination of I.C. at the prison and have the report available for the Chief Justice on December 31, 1986. I asked the Commissioner of Prisons to allow the Acting Director to examine I.C. This was done and I.C. was found not to be suffering from any form of mental illness.

On December 31, 1986, I.C. was admitted to bail in his own recognizance by the Chief Justice. On the same day, I wrote to the Acting Director of Public Prosecutions asking him whether in all the circumstances of this case he would exercise his discretion under Section 90(3)(c) of the Constitution.

An instrument of discontinuance in favour of I.C. was filed with the Registrar of the Supreme Court on February 06, 1987 by the Director of Public Prosecutions.

The quantum of damages for anguish, embarrassment and mental suffering endured by I.C. as a consequence of the negligence of the Assistant Registrar of the Supreme Court was the next question to be determined.

I.C. informed me that he was a motor car Spray Painter with average earning prior to his imprisonment in the vicinity of \$3,000.00 to \$4,000.00 per month. That since his release from prison it had become increasingly difficult for him to earn as much as he formerly did, as he and his family had now become the butt and foil of ridicule and contempt by persons in his district. He was now looked upon as a criminal. He asked that he be paid the sum of \$200,000.00 as compensation.

I.C. is a young man in good health who would be able to rehabilitate himself in society. In our country, memories are short and a stigma of incarceration would, no doubt, be soon forgotten. In any case, as I had every intention of submitting this matter to Parliament as one of sufficient public importance, any stigma would have been erased after publication of the report. I also hesitated to suggest a sum that would have entailed an inordinately long time for determining whether or not such a sum would be paid.

It is enough to say that I recommended that in all the circumstances of the case, I.C. should be given \$120,000.00 within six (6) weeks of the receipt of my memorandum. This recommendation was sent to the Honourable Attorney General and Minister for Legal Affairs with carbon copies to the Honourable Chief Justice and the Registrar of the Supreme Court.

On June 10, 1987, I received a letter dated June 05, 1987 from the Solicitor General informing me that my recommendations on the complaint had been referred to him for attention that he regretted that as the matter was still under consideration, he was unable to fulfil the time period expressed in my letter and that he wished to assure me that the matter was receiving attention.

As my major concern was that I.C. who had sustained a grave injustice as a result of a fault in administration should receive compensation, I delayed the laying of a Special Report before Parliament in accordance with the provisions of the Constitution.

On August 07, 1987, I received a communication from the Solicitor General to the effect that the Honourable Attorney General and Minister for Legal Affairs had accepted my recommendations that the matter be settled with the sum suggested.

On February 03, 1988 the Solicitor General informed me that Cabinet on September 03, 1987 had agreed that :-

- (a) the sum of \$120,000.00 be paid to I.C. as compensation in full and final settlement of his claim against the State for wrongful imprisonment;

- (b) the sum required to give effect to the decision recorded at (a) above be identified through consultation between the Ministry of Legal Affairs and the Ministry of Finance and the Economy.

On March 02, 1988 my office received a telephone call from the Registrar of the Supreme Court informing us that a cheque for \$120,000.00 was ready for collection by I.C. On March 03, 1988 I.C. collected the cheque and subsequently came and thanked me for all that we had done to remedy the injustice he had sustained.

Case No. 3

The Complainant, the victim of larceny of personal property in the form of jewellery valued at fifteen thousand, seven hundred dollars (\$15,700.00) complained to me that the Police had lost the recovered jewellery during the hearing of the attendant court matter.

My investigations revealed that on October 18, 1985 the Complainant reported the loss of the jewellery to the district Police Station. The jewellery was later found at the Pawned Jewellery Department of a local jewellery store. It was identified by the Complainant to the Investigating Police Officer, who took possession of the jewellery.

Upon returning to the Police Station, the Investigating Officer lodged these items in a John Tann Iron Safe at the Police Station where such exhibits are kept pending the hearing of the matter. The case against the accused was called upon at least five occasions and adjourned. On the sixth occasion, an adjournment was sought since the prosecution could not produce the exhibits.

By this time it was reported by the Custodian of the keys to the safe that the keys were missing. The safe was opened through the services of a lock-smith and the items of jewellery, inter alia were discovered missing.

I drew to the attention of the Permanent Secretary, Ministry of National Security the provisions of the **FINANCIAL REGULATIONS of the EXCHEQUER & AUDIT ACT**, Chapter 69:01 which reads as follows:

- "117 (1) Officers holding the keys to strongroom doors or safes are personally responsible for the safe custody thereof, and collectively responsible for the contents of the strongroom or safe.

- 119 (1) The officer responsible for losing a key to a safe or strong-room door may be called upon to meet the cost of altering the lock and the provision of new keys at the discretion of the Treasury."

The Permanent Secretary advised that steps were being pursued to initiate disciplinary action against the Custodian of the keys.

Mennwhile the larceny case was dismissed in the Magistrate's Court for non-appearance of the prosecutions's witnesses.

It was my opinion that the Complainant had suffered as a result of a fault in the administration of the Police Service. The Officers of the Police Station were responsible for the safety of the jewellery and I felt that the Complainant should not be made to suffer because of their dereliction of duty.

I therefore recommended that the Complainant be paid the sum of Fifteen thousand and seven hundred dollars (\$15,700.00), the value of the missing jewellery at the date of the larceny.

The Ministry of Justice and National Security referred my recommendation to the Solicitor General who agreed with my views. To the date of this report, the owner has received no compensation for his jewellery.

I hope that Parliament will do something about this injustice.

Case No. 4

The Complainant was delivered of a child at the General Hospital, San Fernando. Subsequently she suffered a certain measure of discomfort. Four (4) years elapsed and it was discovered that a foreign object was located in her pelvic region. The object was removed by a surgeon and found to be a surgical needle.

The Complainant complained to me that there was a fault in the administration of the San Fernando General Hospital as a result of which she suffered an injustice. She contended that she should be paid compensation for the pain and suffering she had undergone during the past four (4) years and her medical expenses incurred thereby.

I examined the records of the hospital and found a letter from a Consultant/Surgeon to the hospital Medical Director in which he explained the circumstances in which surgery was performed on the Complainant.

From his explanation it appears that he was consulted by the doctor attending to the Complainant as the doctor was having a difficult time.

The Consultant advised the doctor on the telephone what he should do during the operation. The doctor followed his instruction.

The Consultant claimed that he saw the Complainant sometime after when she visited him to show him an X-ray which indicated that a surgical needle was in her body. He promised to remove the needle but was unable to do so on the appointed day as the Complainant was indisposed. He never saw her again.

In my view there was negligence in the needle being left in the patient's body and this was supported by a Fellow of the Royal College of Surgeons whom I retained to give me his expert opinion on the matter.

This is his opinion :-

"In my opinion the needle left in her body did play a part in causing the pain, suffering and infection she (the Complainant) experienced. For this, it is my opinion that she should be compensated and reimbursed for the medical expenses incurred in her treatment and not having the diagnosis made and the needle removed."

Based on the facts in this case, pursuant to Section 96 (2) of the Constitution on February 22, 1989, I recommended to the Ministry of Health that the Complainant be compensated in the sum of Eighty thousand dollars (\$80,000.00). I received no reply in spite of a reminder dated April 28, 1989. I therefore made this complaint the subject matter of a Special Report to Parliament in accordance with Section 96(4) of the Constitution.

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PART V
STATISTICS OF CASES HANDLED

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VI - STATISTICS OF CASES HANDLED

AGRICULTURAL DEVELOPMENT BANK

Number of Complaints	03
Without Jurisdiction	03
Within Jurisdiction	00
Rectified/Sustained	00
Not Sustained	00
Advised/Discontinued/Withdrawn	00
Under Investigation	00

---Without Jurisdiction ---

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Unjust treatment meted out	Advised
2.	Assistance in having loan payments waived	Advised
3.	Assistance to have land conveyed	Advised

AIRPORTS AUTHORITY OF TRINIDAD AND TOBAGO

Number of Complaints	01
Without Jurisdiction	01
Within Jurisdiction	00
Rectified/Sustained	00
Not Sustained	00
Advised/Discontinued/Withdrawn	00
Under Investigation	00

--- Without Jurisdiction ---

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Termination of services	Advised

BRITISH WEST INDIAN AIRWAYS
(B.W.I.A.)

Number of Complaints	06
Without Jurisdiction	03
Within Jurisdiction	03
Rectified/Sustained	00
Not Sustained	00
Advised/Discontinued/Withdrawn	01
Under Investigation	02

British West Indian Airways - Continued

--- Within Jurisdiction ---

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Delay in receiving retirement benefits ...	Advised
2.	Failure to honour return ticket	Under Investigation
3.	Ill-treatment to passengers by Airline ...	Under Investigation

--- Without Jurisdiction ---

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Victimization in employment	Referred
2.	Assistance to be reinstated	Advised
3.	Assistance to be reinstated	Advised

CARONI (1975) LIMITED

Number of Complaints	03
Without Jurisdiction	02
Within Jurisdiction	01
Rectified/Sustained	00
Not Sustained	00
Advised/Discontinued/Withdrawn	00
Under Investigation	01

--- Within Jurisdiction ---

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Victimization by a superior officer ...	Under Investigation

--- Without Jurisdiction ---

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Unfair dismissal	Informed
2.	Failure to obtain promotion	Informed

CENTRAL BANK

Number of Complaints	07
Without Jurisdiction	05
Within Jurisdiction	02
Rectified/Sustained	00
Not Sustained	02
Advised/Discontinued/Withdrawn	00
Under Investigation	00

--- Within Jurisdiction ---

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Refusal to honour deposit insurance obligations	Not Sustained
2.	Refusal to compensate for injuries sustained	Not Sustained

--- Without Jurisdiction ---

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Assistance to recover deposits from failed financial institution	Advised
2.	Assistance to recover deposits from failed financial institution	Advised
3.	Assistance to recover deposits from failed financial institution	Advised
4.	Dissatisfaction with remuneration for services	Advised
5.	Dissatisfaction with deposit insurance	Advised

MINISTRY OF EDUCATION

Number of Complaints	20
Without Jurisdiction	06
Within Jurisdiction	14
Rectified/Sustained	01
Not Sustained	02
Advised/Discontinued/Withdrawn	04
Under Investigation	07

--- Within Jurisdiction ---

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Refusal to recognise medical certificates	Advised

Ministry of Education - Continued

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
2.	Application for post not favourably received	Not Sustained
3.	Demotion to a junior post	Discontinued
4.	Delay in receiving travelling benefits ...	Under Investigation
5.	Delay in receiving retirement benefits ...	Under Investigation
6.	Delay in receiving examination results ...	Discontinued
7.	Issuance of wrong certificate	Not Sustained
8.	Request for transfer of child not granted	Under Investigation
9.	Discrimination in employment	Under Investigation
10.	Failure to receive acting allowance ...	Under Investigation
11.	Irregularity in placement examination ...	Under Investigation
12.	Ill-treatment by Vice Principal	Advised
13.	Assistance to receive refund of money ...	Rectified
14.	Assistance to be reinstated	Under Investigation

--- Without Jurisdiction ---

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Assistance in receiving employment ...	Informed
2.	Assistance in receiving severance pay ...	Informed
3.	Consideration for award of national scholarship	Informed
4.	Delay in receiving transfer	Informed
5.	Lack of response to job application ...	Informed
6.	Discrimination in employment	Informed

MINISTRY OF ENERGY

Number of Complaints	02
Without Jurisdiction	00
Within Jurisdiction	02
Rectified/Sustained	00
Not Sustained	02
Advised/Discontinued/Withdrawn	00
Under Investigation	00

--- Within Jurisdiction ---

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Assistance to secure retail licence ...	Not Sustained
2.	Assistance to receive compensation for personal injury	Not Sustained

MINISTRY OF ENVIRONMENT AND NATIONAL SERVICE

Number of Complaints	03
Without Jurisdiction	00
Within Jurisdiction	03
Rectified/Sustained	01
Not Sustained	00
Advised/Discontinued/Withdrawn	00
Under Investigation	02

FORESTRY DIVISION

--- Within Jurisdiction ---

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Dissatisfaction with employment status	Rectified
2.	Dissatisfaction with terms of licence ...	Under Investigation
3.	Failure to grant permission to import gamebirds	Under Investigation

MINISTRY OF FINANCE

Number of Complaints	33
Without Jurisdiction	02
Within Jurisdiction	31
Rectified/Sustained	06
Not Sustained	08
Advised/Discontinued/Withdrawn	06
Under Investigation	11

BOARD OF INLAND REVENUE

--- Within Jurisdiction ---

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Delay in receiving tax refund	Rectified
2.	Excessive tax deductions	Advised
3.	Delay in receiving tax refund	Under Investigation
4.	Excessive tax deductions	Not Sustained
5.	Failure to receive income tax refund ...	Advised
6.	Failure to receive income tax refund ...	Under Investigation
7.	Incorrect deduction of Health Surcharge	Under Investigation
8.	Delay in receiving income tax refund ...	Under Investigation
9.	Assistance in receiving income tax refund	Under Investigation
10.	Assistance in receiving income tax refund	Under Investigation
11.	Assistance in receiving income tax refund	Under Investigation
12.	Reduction in tax liability	Not Sustained

--- Without Jurisdiction ---

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Review of decision ... ..	....

Ministry of Finance - Continued

COMPTROLLER OF ACCOUNTS

--- Within Jurisdiction ---

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Quantum of pension received incorrect ...	Discontinued
2.	Delay in receiving terminal benefits ...	Rectified
3.	Withholding of Cost of Living Allowance (COLA)	Not Sustained
4.	Delay in paying death gratuity	Rectified
5.	Assistance in receiving Widows' and Orphans' Pensions	Not Sustained
6.	Delay in paying death gratuity	Rectified
7.	Delay in receiving Widows' and Orphans' Pensions	Not Sustained
8.	Delay in receiving terminal benefits ...	Rectified
9.	Wrongful deductions from Pensions	Rectified
10.	Payment of COLA to Overseas Pensioners ...	Not Sustained
11.	Entitlement to Widows' and Orphans' Pension	Not Sustained
12.	Assistance in receiving retirement benefits	Withdrawn
13.	Assistance in receiving Widows' Pension...	Under Investigation
14.	Wrong deduction of income tax from Pension	Advised

CUSTOMS AND EXCISE DIVISION

--- Within Jurisdiction ---

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Delay in processing clearing of goods ...	Discontinued
2.	Assistance to secure refund of duty paid	Under Investigation
3.	Assistance to secure refund of duty paid	Under Investigation
4.	Assistance to secure release of walking stick	Not Sustained

Customs and Excise Division - Continued

--- Without Jurisdiction ---

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Assistance in securing employment ... ..	....

DISTRICT REVENUE OFFICE

--- Within Jurisdiction ---

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Wrong date of appointment ... ..	....

MINISTRY OF FOOD PRODUCTION AND MARINE EXPLOITATION

Number of Complaints	36
Without Jurisdiction	11
Within Jurisdiction	25
Rectified/Sustained	02
Not Sustained	01
Advised/Discontinued/Withdrawn	01
Under Investigation	21

--- Within Jurisdiction ---

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Delay in receiving salary	Under Investigation
2.	Delay in receiving wages	Under Investigation
3.	Assistance in receiving arrears of salary	Rectified
4.	Discrimination in employment	Under Investigation
5.	Delay in receiving approval for parcel of land	Discontinued
6.	Non-payment of overtime	Under Investigation
7.	Discrimination in employment	Under Investigation
8.	Wrong calculation of retirement benefits	Not Sustained
9.	Delay in receiving appointment to post ...	Under Investigation
10.	Discrimination in employment	Under Investigation

Ministry of Food Production and
Marine Exploitation - Continued

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
11.	Assistance in receiving parcel of land ...	Under Investigation
12.	Assistance in receiving parcel of land ...	Under Investigation
13.	Assistance in having agreement honoured	Under Investigation
14.	Assistance in receiving interest on compensation	Under Investigation
15.	Assistance in receiving tenancy agreement	Under Investigation
16.	Assistance in receiving tenancy agreement	Under Investigation
17.	Delay in receiving tenancy	Under Investigation
18.	Assistance in receiving death benefits ...	Under Investigation
19.	Unfair treatment	Under Investigation
20.	Compensation for destruction of property	Under Investigation
21.	Discrimination in employment	Under Investigation
22.	Assistance in obtaining tenancy agreement	Under Investigation
23.	Discrimination in obtaining tenancy agreement	Under Investigation
24.	Delay in getting lease	Rectified
25.	Assistance to receive transfer of tenancy	Under Investigation

--- Without Jurisdiction ---

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Assistance in obtaining Cabinet decision ... ..	....
2.	Assistance in having tenancy change lands ... ..	....
3.	Assistance in having eviction stayed ...	...
4.	Assistance to secure State lands	Advised

Ministry of Food Production and
Marine Exploitation - Continued

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
5.	Assistance to secure State lands	Advised
6.	Assistance in having tenancy regularised ... ..	....
7.	Assistance to receiving refund of monies ... ..	....
8.	Assistance to securing parcel of land ...	....
9.	Failure by officers to take action ...	Advised
10.	Assistance to secure State lands ... ..	....
11.	Assistance to secure State lands	Discontinued

MINISTRY OF HEALTH

Number of Complaints	37
Without Jurisdiction	04
Within Jurisdiction	33
Rectified/Sustained	04
Not Sustained	01
Advised/Discontinued/Withdrawn	08
Under Investigation	20

--- Within Jurisdiction ---

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Delay in receiving medical attention ...	Rectified
2.	Delay in receiving retirement benefits ...	Under Investigation
3.	Delay in receiving allowances	Under Investigation
4.	Waste water creating health hazard ...	Rectified
5.	Delay in receiving medical attention ...	Discontinued
6.	Assistance in receiving promotion	Not Sustained
7.	Negligence	Advised
8.	Assistance in receiving cash payment ...	Rectified
9.	Assistance in receiving retirement benefits	Under Investigation
10.	Delay in receiving termination benefits...	Discontinued

Ministry of Health - Continued

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
11.	Assistance in receiving terminal benefits	Under Investigation
12.	Failure of the Authority to give information on the death of a patient at the mental hospital	Under Investigation
13.	Discrimination in employment	Under Investigation
14.	Administration of wrong medicine	Under Investigation
15.	Creation of health nuisance	Rectified
16.	Assistance to obtain early appointment date	Under Investigation
17.	Wrong registration of drug	Under Investigation
18.	Compensation for injuries sustained ...	Under Investigation
19.	Failure to correct health nuisance ...	Under Investigation
20.	Assistance to get medical records from hospital	Discontinued
21.	Assistance to be admitted to hospital ...	Advised
22.	Delay in receiving terminal benefits ...	Under Investigation
23.	Creation of health nuisance	Under Investigation
24.	Assistance in having profession recognised	Advised
25.	Assistance in having profession recognised	Advised
26.	Whether years of service reconcilable for pension purposes	Under Investigation
27.	Assistance in having nuisance abated ...	Under Investigation
28.	Assistance in having nuisance abated ...	Under Investigation
29.	Assistance in having nuisance abated ...	Under Investigation
30.	Assistance in having medical report produced	Under Investigation
31.	Assistance in having nuisance abated ...	Under Investigation

Ministry of Health - Continued

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
32.	Assistance in obtaining study leave with pay	Under Investigation
33.	Unfair treatment by employers	Advised

--- Without Jurisdiction ---

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Wrong diagnosis by medical doctor	Advised
2.	Assistance to receive gratuity and pension ... ..	....
3.	Refusal to dispense proper medical care ... ..	....
4.	Bad treatment at mental institution ... ..	....

MINISTRY OF INDUSTRY ENTERPRISE AND TOURISM

Number of Complaints	01
Without Jurisdiction	00
Within Jurisdiction	01
Rectified/Sustained	00
Not Sustained	00
Advised/Discontinued/Withdrawn	00
Under Investigation	01

CO-OPERATIVE DIVISION

--- Within Jurisdiction ---

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Assistance to receiving reply from the Commissioner of Co-operatives	Under Investigation

MINISTRY OF JUSTICE AND NATIONAL SECURITY

Number of Complaints	266
Without Jurisdiction	119
Within Jurisdiction	147
Rectified/Sustained	16
Not Sustained	22
Advised/Discontinued/Withdrawn	14
Under Investigation	95

--- Within Jurisdiction ---

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Discrimination in employment	Under Investigation
2.	Delay in processing discharge from mental hospital	Under Investigation
3.	Delay in receiving compensation for court attendance	Under Investigation
4.	Non-payment of terminal benefits	Under Investigation
5.	Request for enquiry into conduct of police and soldiers	Under Investigation

--- Without Jurisdiction ---

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Assistance in having Citizenship Law amended	Advised
2.	Displeasure with exercise of power of pardon	Under Investigation

DEFENCE FORCE

--- Within Jurisdiction ---

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Ill-treatment by soldier	Under Investigation

--- Without Jurisdiction ---

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Assistance to be re-enlisted ... ..	....
2.	Unfair discharge from force ... ..	....

Defence Force - Continued

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
3.	Assistance to receive re-enlistment ...	Advised
4.	Assistance to stop eviction from Force ...	....
5.	Assistance to resume training	Advised
6.	Assistance to be re-enlisted	Advised
7.	Request for review of discharge order ...	....

FIRE SERVICES

--- Within Jurisdiction ---

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Delay in paying dental expenses	Under Investigation
2.	Assistance in re-instatement	Rectified
3.	Assistance in receiving death benefits ...	Under Investigation
4.	Assistance in receiving licence	Not Sustained
5.	Assistance in receiving death benefits ...	Under Investigation
6.	Assistance in receiving death benefits ...	Under Investigation

--- Without Jurisdiction ---

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Assistance to be enlisted in the Fire Services ... ..	....

IMMIGRATION DEPARTMENT

--- Within Jurisdiction ---

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Discrimination in allowing entry	Not Sustained
2.	Delay in receiving passport	Rectified
3.	Delay in deportation of prohibited immigrant	Under Investigation

Immigration Department - Continued

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
4.	Refusal to grant a passport	Advised
5.	Refusal to grant an extension	Not Sustained
6.	Delay in receiving renewed passport ...	Rectified
7.	Delay in deporting prohibited immigrant	Under Investigation

--- Without Jurisdiction ---

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Bad advice given resulting in cancellation of visa ... ..	....

JUDICIARY

--- Within Jurisdiction ---

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Delay in hearing of appeal	Under Investigation
2.	Status report on High Court Action ...	Rectified
3.	Status report on High Court Action ...	Advised
4.	Delay in trial date	Not Sustained
5.	Delay in obtaining trial date	Rectified
6.	Delay in hearing of matter	Under Investigation
7.	Delay in hearing of matter	Under Investigation
8.	Delay in obtaining trial date	Under Investigation
9.	Inordinate delay in commencing trial ...	Discontinued
10.	Assistance in getting documents	Under Investigation
11.	Assistance in obtaining information in Probate matter	Under Investigation
12.	Delay in obtaining trial date	Under Investigation

Judiciary - Continued

--- Without Jurisdiction ---

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Recovery of bail	Advised
2.	Request for early date of hearing ... ..	....
3.	Assistance in receiving bail ... ..	....
4.	Inaccuracies on Notes of Evidence ... ..	....
5.	Offset years in Remand against sentence...	Advised
6.	Assistance in commutations of sentence ...	Advised
7.	Offset years in Remand against sentence...	Advised
8.	Offset years in Remand against sentence...	Advised
9.	Unfair trial	Advised
10.	Offset years in Remand against sentence...	Advised
11.	Unfair hearing of appeal	Advised
12.	Offset time spent in Remand against sentence	Advised
13.	Failure of Marshall to serve Order ...	....
14.	Assistance in having matter placed before Appeal Court ... ..	....
15.	Waiver of time spent in Youth Trade Centre	....
16.	Dissatisfaction with court matter	Advised
17.	Dissatisfaction with conduct of court ...	Advised
18.	Unfair trial ... ..	....
19.	Unfair trial ... ..	....
20.	Request for separate trial ... ..	....
21.	Assistance in getting Notes of Evidence	....
22.	Unfair trial ... ..	....
23.	Failure to obtain fruits of judgment ...	Advised
24.	Unfair trial ... ..	....
25.	Assistance in receiving bail ... ..	....

Judiciary - Continued

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
26.	Assistance in receiving bail ... ..	....
27.	Assistance in being placed on bond ...	....
28.	Request for early trial date ... ..	....
29.	Unfair trial ... ..	....
30.	Assistance to secure early date for trial ... ..	....
31.	Request for early date of appeal ...	....
32.	Request for early trial date ... ..	....
33.	Assistance to secure bail ... ..	....
34.	Assistance in commutation of sentence ...	....
35.	Assistance in receiving bail ... ..	....
36.	Assistance to receive date for appeal ...	....
37.	Request for early date for hearing ...	....
38.	Request for information on matter ... ..	....
39.	Assistance in commutation of sentence ...	....
40.	Unfair trial ... ..	....
41.	Delay in setting date for trial ... ..	....
42.	Assistance in obtaining date for trial in civil court ... ..	....
43.	Assistance in obtaining early date for appeal ... ..	....
44.	Assistance in obtaining early date for trial	Advised
45.	Offset years in Remand against sentence ... ..	....
46.	Assistance to be granted bail ... ..	....

MAGISTRACY

--- Within Jurisdiction ---

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Error on Warrant	Not Sustained
2.	Assistance in obtaining date for hearing	Not Sustained
3.	Assistance in having matter concluded ...	Rectified

--- Without Jurisdiction ---

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Delay in supplying reasons for decision	Advised
2.	Wrongful citation on bench warrant ...	Advised
3.	Non-application for writ to attend court	Informed
4.	Dissatisfaction with Coroner's decision ... ..	....
5.	Failure to appoint new Magistrate	Informed
6.	Dissatisfaction with hearing	Informed
7.	Assistance to receive date for hearing ...	....
8.	Assistance to obtain early date ... ..	....
9.	Dissatisfaction with hearing ... ..	....

POLICE

--- Within Jurisdiction ---

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Failure to provide transportation to court	Under Investigation
2.	Wrongful seizure of items	Under Investigation
3.	Non acceptance of proffered sick leave certificates	Not Sustained

Police - Continued

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
4.	Lack of transport to prison	Advised
5.	Inaccurate Certificate of Character ...	Not Sustained
6.	Abuse of power	Under Investigation
7.	Dissatisfied with performance of police	Rectified
8.	Delay in proceeding with inquest ...	Rectified
9.	Delay in holding inquest	Not Sustained
10.	Failure to take appropriate action ...	Not Sustained
11.	Failure to provide transport to court ...	Rectified
12.	Abuse of power	Under Investigation
13.	Refusal to serve warrant on prisoner ...	Not Sustained
14.	Lack of transport to court from prison ...	Discontinued
15.	Dissatisfaction with actions of police ...	Not Sustained
16.	Police harassment	Under Investigation
17.	Delay in proceeding with trial	Advised
18.	Dissatisfaction with police action ...	Not Sustained
19.	Failure to provide transport to court ...	Under Investigation
20.	Failure to provide transport to court ...	Under Investigation
21.	Failure to provide transport to court ...	Under Investigation
22.	Dissatisfaction with actions of police ...	Discontinued
23.	Failure to receive retirement benefits ...	Discontinued
24.	Failure to provide transport to court ...	Under Investigation
25.	Failure to serve warrants	Not Sustained
26.	Delay in investigation	Under Investigation
27.	Delay in taking investigative action ...	Under Investigation
28.	Procrastination in bringing up matter ...	Under Investigation
29.	Delay by police in laying charges	Under Investigation

Police - Continued

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
30.	Discrimination by Police in investigating matter	Under Investigation
31.	Failure to serve warrant	Under Investigation
32.	Failure to produce exhibits in court ...	Under Investigation
33.	Failure to return exhibits to complainant	Under Investigation
34.	Delay by police in investigating	Under Investigation
35.	Delay to send matter to Assizes	Under Investigation
36.	Delay in processing warrants	Rectified
37.	Failure to provide transport to court ...	Under Investigation
38.	Failure to provide transport to court ...	Under Investigation
39.	Failure to execute warrant	Under Investigation
40.	Transfer of services unfairly done ...	Under Investigation
41.	Failure to provide transport to court ...	Rectified
42.	Delay in performing duties	Under Investigation
43.	Failure to provide transport to court ...	Under Investigation
44.	Failure to provide adequate protection ...	Under Investigation
45.	Stoppage of Pension while incarcerated ...	Not Sustained
46.	Inaction by the Police	Under Investigation
47.	Inaction by the Police	Rectified
48.	Failure to execute warrant	Not Sustained
49.	Failure to be transported to court ...	Under Investigation
50.	Failure to be transported to court ...	Discontinued
51.	Failure to be transported to court ...	Under Investigation
52.	Inaction by the Police	Under Investigation
53.	Failure to serve warrants	Under Investigation
54.	Harassment by police officers	Under Investigation

Police - Continued

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
55.	Death of relative caused by police officer	Under Investigation
56.	Assistance to recover stolen vehicle ...	Under Investigation
57.	Failure to provide transport	Under Investigation
58.	Failure to serve SUMMONS	Under Investigation
59.	Failure to provide transport to court ...	Under Investigation
60.	Compensation for wrongful search	Under Investigation
61.	Failure to be taken to court	Not Sustained
62.	Inaction by the Police	Under Investigation

--- Without Jurisdiction ---

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Dissatisfaction with Police investigation	Informed
2.	Request for police intervention ... ..	.....
3.	Delay by Police in bringing charges ...	.....
4.	Request for pension to be paid to family while incarcerated ... ..	.....
5.	Request for police intervention ... ..	.....
6.	Assistance in retrieving firearm	Informed
7.	Request for police protection	Advised
8.	Police harassment ... ..	.....
9.	Physical abuse by police ... ..	.....
10.	Conduct of case in court	Advised
11.	Ill treatment by Police	Advised
12.	Ill treatment by Police	Discontinued
13.	Reinstatement in office	Informed
14.	Failure to lay charges	Advised
15.	Inaction by the Police	Referred
16.	Ill treatment by Police	Advised

Police - Continued

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
17.	Inaction by the Police	Advised
18.	Retrieval of car from Police ... ..	....
19.	Inaction by the Police ... ..	....
20.	Inaction by the Police	Discontinued
21.	Inaction by the Police	Informed
22.	Unfair treatment by Police Authority ...	....
23.	Failure to lay charges	Advised
24.	Bad working conditions ... ..	....
25.	Inaction by the Police ... ..	....
26.	Inaction by the Police ... ..	....
27.	Inappropriate action by Police Officer ...	....
28.	Harassment by Police Officer ... ..	....
29.	Failure of Commissioner of Police to answer letter ... ..	....
30.	Inaction by Police	Discontinued
31.	Dissatisfaction with police investigation	Advised
32.	Inaction by Police	Advised
33.	Dissatisfaction with behaviour of Police ... ..	....
34.	Allegation of police brutality ... ..	....
35.	Improper action by Police ... ..	....
36.	Bad treatment received from Police Officers ... ..	....
37.	Dissatisfied with siting of new Police Headquarters ... ..	....
38.	Withdrawal of accusation by the Police ...	....
39.	Ill treatment by police officers ... ..	....
40.	Harassment by police officer	Informed

Police - Continued

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
41.	Refusal to intervene in family dispute ...	....
42.	Assistance to secure police certificate	Informed
43.	Inaction by police ... ..	....
44.	Inaction by police ... ..	....
45.	Dissatisfaction with police action ...	....
46.	Discrimination in employment ... ..	....

PRISONS

--- Within Jurisdiction ---

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Denial of proper medical attention ...	Under Investigation
2.	Ill treatment by prison officer	Under Investigation
3.	Difficulty in maintaining personal hygiene	Rectified
4.	Not being taken to hospital	Rectified
5.	Abuse by Prison Officer	Not Sustained
6.	Ill treatment by inmates	Not Sustained
7.	Abuse by prison officers	Discontinued
8.	Denial of medical attention	Not Sustained
9.	Lack of stationery	Rectified
10.	Lack of amenities	Not Sustained
11.	Request for speedy punishment	Under Investigation
12.	Lack of medical attention	Under Investigation
13.	Bad conditions in prison	Withdrawn
14.	Return of articles seized on admittance...	Advised
15.	Denial of proper medical attention... ..	Under Investigation
16.	Denial of proper medical attention	Discontinued

Prisons - Continued

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
17.	Ill treatment in prisons	Under Investigation
18.	Denial of proper medical care and ill treatment	Under Investigation
19.	Denial of stationery	Under Investigation
20.	Bad medical treatment	Under Investigation
21.	Ill treatment by officers	Under Investigation
22.	Ill treatment by officers	Not Sustained
23.	Overcrowding	Under Investigation
24.	Denial of proper medical attention ...	Under Investigation
25.	Denial of proper medical attention ...	Not Sustained
26.	Failure to be exposed to sunlight ...	Under Investigation
27.	Denial of proper medical attention ...	Under Investigation
28.	Lack of adequate fresh air	Under Investigation
29.	Ill treatment by prison officers	Under Investigation
30.	Denial of proper medical attention ...	Rectified
31.	Ill treatment by other prisoners	Under Investigation
32.	Delay in receiving report for court ...	Under Investigation
33.	Ill treatment by prison officers	Under Investigation
34.	Ill treatment by prison officers	Under Investigation
35.	Incarcerated among victims with infectious diseases	Under Investigation
36.	Ill treatment by prison officers	Under Investigation
37.	Unsanitary conditions in prisons	Under Investigation
38.	Ill treatment by Prison Officers	Under Investigation
39.	Denial of medication	Under Investigation
40.	Ill treatment by prison officers	Under Investigation
41.	Lack of airing and exercise for condemned prisoners	Under Investigation

Prisons - Continued

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
42.	Ill treatment from Prisoners	Under Investigation
43.	Denial of proper medical attention ...	Under Investigation
44.	Allegation of ill treatment by Prison Officer	Under Investigation
45.	Denial of visitors	Under Investigation
46.	Denial of medical attention	Under Investigation
47.	Victimization in the prison	Under Investigation
48.	Assistance to avoid haircut	Under Investigation
49.	Inhumane prison conditions	Under Investigation
50.	Denial of toiletries	Under Investigation
51.	Return of property	Under Investigation

--- Without Jurisdiction ---

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Unfair suspension from duty ... ..	....
2.	Request for legal advice ... ..	....
3.	Assistance in receiving permission to trim	Advised
4.	Assistance in being reinstated ... ..	....
5.	Harassment of family ... ..	....
6.	Delay in holding in-house tribunal ...	....
7.	Assistance in having nolle prosequi entered ... ..	....

**MINISTRY OF LABOUR EMPLOYMENT AND
MANPOWER RESOURCES**

Number of Complaints	09
Without Jurisdiction	04
Within Jurisdiction	05
Rectified/Sustained	01
Not Sustained	00
Advised/Discontinued/Withdrawn	02
Under Investigation	02

--- Within Jurisdiction ---

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Delay in having matter settled	Advised
2.	Delay in having matter settled	Rectified
3.	Delay in having matter settled	Advised
4.	Delay in having matter settled	Under Investigation

--- Without Jurisdiction ---

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Delay in having matter settled	Discontinued

INDUSTRIAL COURT

--- Within Jurisdiction ---

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Delay in hearing matter	Under Investigation

--- Without Jurisdiction ---

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Delay in obtaining judgement ... ..	....
2.	Non receipt of correct travel allowances ... ..	....
3.	Unfair decision ... ..	....

MINISTRY OF LEGAL AFFAIRS

Number of Complaints	49
Without Jurisdiction	06
Within Jurisdiction	43
Rectified/Sustained	05
Not Sustained	01
Advised/Discontinued/Withdrawn	04
Under Investigation	33

ATTORNEY GENERAL'S DEPARTMENT

--- Within Jurisdiction ---

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Request for information on estate	Under Investigation
2.	Delay by Public Trustee to pay funds ...	Not Sustained
3.	Delay by Administrator General to deal with estate	Under Investigation
4.	Conditions of work	Under Investigation
5.	Assistance in receiving birth certificate	Under Investigation
6.	Assistance in receiving waiver of State Rights	Under Investigation

--- Without Jurisdiction ---

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Assistance in receiving fruits of judgement	Advised
2.	Refusal to register a document ... ..	....
3.	Failure to effect transfer of land ...	Advised
4.	Assistance in obtaining Letters of Administration	Informed
5.	Assistance in obtaining early trial date	Advised
6.	Ill treatment by Justice of the Peace ...	Advised

DIRECTOR OF PUBLIC PROSECUTIONS

--- Within Jurisdiction ---

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Request for early date for appeal	Rectified
2.	Request for early trial date	Under Investigation
3.	Request for early trial date	Rectified
4.	Request for early trial date	Advised
5.	Request for early trial date	Rectified
6.	Assistance in obtaining indictment... ..	Rectified
7.	Delay in holding trial	Rectified
8.	Request for early trial date	Discontinued
9.	Request for early trial date	Under Investigation
10.	Request for status report	Advised
11.	Request for early date of hearing	Under Investigation
12.	Request for early date of hearing	Advised
13.	Request for early date of hearing	Under Investigation
14.	Request for early date of hearing	Under Investigation
15.	Request for early date of hearing	Under Investigation
16.	Request for early date of trial	Under Investigation
17.	Request for status report	Under Investigation
18.	Request for early trial date	Under Investigation
19.	Request for early trial date	Under Investigation
20.	Failure to send matter to Assizes	Under Investigation
21.	Request for early trial date	Under Investigation
22.	Request for early trial date	Under Investigation
23.	Request for early trial date	Under Investigation
24.	Request for early trial date	Under Investigation
25.	Request for early trial date	Under Investigation
26.	Request for early trial date	Under Investigation

Director of Public Prosecutions - Continued

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
27.	Request for early trial date	Under Investigation
28.	Request for early trial date	Under Investigation
29.	Request for early trial date	Under Investigation
30.	Request for early trial date	Under Investigation
31.	Request for early trial date	Under Investigation
32.	Charged twice for same offence	Under Investigation
33.	Assistance in obtaining early trial date	Under Investigation
34.	Request for early trial date	Under Investigation
35.	Request for early trial date	Under Investigation
36.	Request for early trial date	Under Investigation
37.	Request for early trial date	Under Investigation

OFFICE OF THE PRIME MINISTER

Number of Complaints	31
Without Jurisdiction	03
Within Jurisdiction	28
Rectified/Sustained	02
Not Sustained	03
Advised/Discontinued/Withdrawn	11
Under Investigation	12

CENTRAL TENDERS BOARD

--- Without Jurisdiction ---

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Improper tender procedures ... ..	.....

Office of the Prime Minister - Continued

CHIEF PERSONNEL OFFICER

--- Within Jurisdiction ---

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Wrong classification of leave	Discontinued
2.	Wrong classification of leave	Under Investigation

PERSONNEL DEPARTMENT

--- Within Jurisdiction ---

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Discrimination in employment	Advised
2.	Discrimination in employment	Under Investigation
3.	Discrimination in employment	Under Investigation
4.	Delay in receiving appointment	Under Investigation
5.	Assistance in receiving promotion	Not Sustained
6.	Delay in obtaining findings of tribunal	Under Investigation
7.	Misplacement of Record of Service	Rectified
8.	Discrimination in employment	Not Sustained
9.	Overlooked for promotion	Not Sustained
10.	Assistance in being placed on monthly- paid establishment	Discontinued
11.	Repayment of sums over-paid	Discontinued
12.	Reinstatement in job	Advised
13.	Unfair dismissal	Discontinued
14.	Delay in receiving payment	Rectified
15.	Delay in receiving retirement benefits	Discontinued
16.	Failure to obtain promotion	Under Investigation
17.	Failure to secure employment	Discontinued

Personnel Department - Continued

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
18.	Entitlement to increments	Under Investigation
19.	Request for transfer not entertained ...	Under Investigation
20.	Failure to secure promotion	Under Investigation
21.	Unjust treatment by the Commission ...	Advised
22.	Unfair treatment in employment	Under Investigation
23.	Assistance in having leave adjusted ...	Under Investigation
24.	Delay in securing employment	Under Investigation
25.	Discrimination in employment	Under Investigation
26.	Delay in being appointed	Discontinued

--- Without Jurisdiction ---

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Failure to obtain employment	Advised
2.	Assistance to secure leave ... ..	....

MINISTRY OF PLANNING AND MOBILISATION

Number of Complaints	22
Without Jurisdiction	01
Within Jurisdiction	21
Rectified/Sustained	01
Not Sustained	01
Advised/Discontinued/Withdrawn	01
Under Investigation	18

LANDS AND SURVEYS DIVISION

--- Within Jurisdiction ---

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Delay in receiving compensation for compulsory acquisition	Under Investigation
2.	Dispute over land occupation	Under Investigation
3.	Delay in receiving compensation for compulsory acquisition	Rectified

Lands and Surveys Division - Continued

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
4.	Delay in land acquisition	Under Investigation
5.	Compensation for land acquired delayed ...	Under Investigation
6.	Delay in acquisition of land	Under Investigation
7.	Delay in receiving compensation for land acquired	Under Investigation
8.	Delay in receiving compensation for land acquired	Under Investigation
9.	Assistance in having transfer stopped ...	Under Investigation

--- Without Jurisdiction ---

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Assistance in having demolition averted...	....

TOWN AND COUNTRY PLANNING DIVISION

--- Within Jurisdiction ---

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Reasons for granting permission to build	Under Investigation
2.	Flouting of refusal of planning permission by neighbour	Under Investigation
3.	Assistance in having illegal structure removed	Under Investigation
4.	Assistance in having illegal development stopped	Under Investigation
5.	Operating a factory to cause a nuisance...	Discontinued
6.	Failure to correct unauthorised addition	Under Investigation
7.	Assistance to have nuisance abated ...	Under Investigation
8.	Delay in replying to correspondence ...	Under Investigation
9.	Delay in having planning problem rectified	Under Investigation
10.	Assistance to have nuisance abated ...	Under Investigation

Ministry of Planning and
Mobilisation - Continued

VALUATIONS DIVISION

--- Within Jurisdiction ---

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Assistance in receiving terminal benefits	Not Sustained
2.	Delay in receiving valuation for land acquired	Under Investigation

MINISTRY OF SETTLEMENTS AND PUBLIC UTILITIES

Number of Complaints	90
Without Jurisdiction	10
Within Jurisdiction	80
Rectified/Sustained	18
Not Sustained	08
Advised/Discontinued/Withdrawn	11
Under Investigation	43

--- Without Jurisdiction ---

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Review of decision not to refund mortgage money ... ..	....

NATIONAL HOUSING AUTHORITY

--- Within Jurisdiction ---

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Nuisance caused by illegal construction...	Under Investigation
2.	Delay in transfer of tenancy	Not Sustained
3.	Delay in receiving deed of release ...	Rectified
4.	Assistance in receiving documents	Under Investigation
5.	Delay in receiving refund of money ...	Discontinued
6.	Delay in receiving title document	Rectified
7.	Delay in receiving severance benefits ...	Rectified
8.	Refusal to allow tenant to sub-let ...	Under Investigation

National Housing Authority - Continued

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
9.	Inaction to correct nuisance	Rectified
10.	Failure to obtain housing	Under Investigation
11.	Assistance in correcting health hazard ...	Under Investigation
12.	Assistance in having proper sanitary conveniences	Under Investigation
13.	Delay in obtaining a lease	Under Investigation
14.	Assistance to secure living accommo- dations	Under Investigation
15.	Unauthorised transfer of tenancy	Under Investigation
16.	Assistance in receiving refund	Under Investigation
17.	Assistance in having title regularised ...	Under Investigation
18.	Assistance in having nuisance abated ...	Under Investigation
19.	Assistance in having tenancy regularised	Under Investigation
20.	Assistance in receiving deed for property	Under Investigation
21.	Assistance in having rental reduced ...	Under Investigation
22.	Assistance in receiving statement of indebtedness	Under Investigation
23.	Assistance in receiving terminal benefits	Under Investigation
24.	Assistance in receiving balance on mortgage	Rectified
25.	Failure to receive mortgage statements ...	Under Investigation
26.	Failure to receive mortgage statements ...	Under Investigation

--- Without Jurisdiction ---

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Unbearable housing arrangements ... ..	....
2.	Assistance to receive housing	Advised
3.	Harassment by neighbours ... ..	....
4.	Delay by officers to correct error... ..	....

Ministry of Settlements and
Public Utilities - Continued

POST OFFICE

--- Within Jurisdiction ---

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Discrimination in employment as Postal Assistant	Not Sustained
2.	Failure to obtain house to accommodate mail service	Discontinued
3.	Assistance to receive correct terminal benefits	Under Investigation
4.	Non-delivery of mail to residents	Not Sustained
5.	Delay in receiving retirement benefit ...	Discontinued
6.	Assistance to receive terminal benefit ...	Not Sustained
7.	Tampering with mail	Under Investigation

PUBLIC TRANSPORT SERVICE CORPORATION
(P.T.S.C.)

--- Within Jurisdiction ---

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Delay in receiving compensation for injuries	Discontinued
2.	Alleged wrongful retirement	Under Investigation
3.	Delay in receiving terminal benefits ...	Rectified
4.	Wrongful retrenchment	Not Sustained
5.	Assistance in receiving advance	Rectified
6.	Assistance in receiving monies	Under Investigation
7.	Victimization in employment	Under Investigation
8.	Delay in receiving severance benefit ...	Under Investigation
9.	Delay in receiving compensation	Under Investigation

Public Transport Service
Corporation - Continued

--- Without Jurisdiction ---

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Reinstatement to former position ... ..	....
2.	Assistance in getting religious day off...	Advised
3.	Assistance in receiving compensation for personal injury	Premature

TRINIDAD AND TOBAGO ELECTRICITY COMPANY
(T&TEC)

--- Within Jurisdiction ---

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Incorrect billing	Rectified
2.	Delay in receiving severance benefits ...	Discontinued
3.	Request for refund of reconnection fee ...	Not Sustained
4.	Delay in receiving electrical connection	Discontinued
5.	Delay in removal of rotted poles	Rectified
6.	Assistance in receiving compensation for death	Under Investigation
7.	Failure to remove rotting light pole ...	Rectified
8.	Delay in removal of rotted poles	Rectified
9.	Failure to secure electrical connection	Rectified
10.	Assistance in receiving electrical connection	Under Investigation
11.	Assistance in receiving electrical connection	Rectified
12.	Assistance in receiving compensation ...	Not Sustained
13.	Delay in receiving response to query ...	Under Investigation
14.	Assistance in receiving electricity ...	Advised

Trinidad and Tobago Electricity
Company - Continued

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
15.	Delay in holding enquiry	Under Investigation
16.	Assistance to receive compensation for personal injury	Under Investigation

TRINIDAD AND TOBAGO TELEPHONE COMPANY LIMITED

--- Within Jurisdiction ---

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Inaccurate billing	Rectified
2.	Failure to receive a telephone service ...	Under Investigation
3.	Failure to receive telephone service ...	Under Investigation
4.	Failure to receive telephone service ...	Under Investigation
5.	Inaccurate billing	Under Investigation
6.	Failure to obtain deceased's benefits ...	Under Investigation

--- Without Jurisdiction ---

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Reinstatement in job ... ..	....

**WATER AND SEWERAGE AUTHORITY
(W.A.S.A.)**

--- Within Jurisdiction ---

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Assistance in receiving a regular water supply	Rectified
2.	Assistance in receiving pipe borne water supply	Rectified
3.	Delay in receiving service connection ...	Rectified
4.	Assistance in having premises reclassified	Rectified

Water and Sewerage Authority - Continued

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
5.	Overlooked for promotion	Discontinued
6.	Non receipt of salary	Discontinued
7.	Victimization on the job	Under Investigation
8.	Request for extended sick leave	Under Investigation
9.	Assistance in receiving water connection	Not Sustained
10.	Refusal to change name on bills	Under Investigation
11.	Refusal to fix leaking water main	Rectified
12.	Request for standpipe in the area	Withdrawn
13.	Assistance in receiving regular water supply	Under Investigation
14.	Assistance in receiving regular water supply	Under Investigation
15.	Inadequate water supply	Under Investigation
16.	Discrimination in employment	Under Investigation

--- Without Jurisdiction ---

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Reinstatement in job ... ..	....

MINISTRY OF SOCIAL DEVELOPMENT AND FAMILY SERVICES

Number of Complaints	37
Without Jurisdiction	06
Within Jurisdiction	31
Rectified/Sustained	11
Not Sustained	06
Advised/Discontinued/Withdrawn	03
Under Investigation	11

Ministry of Social Development and
Family Services - Continued

--- Within Jurisdiction ---

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Assistance in receiving public assistance	Rectified
2.	Assistance in receiving public assistance	Under Investigation
3.	Assistance in receiving retirement benefits	Under Investigation
4.	Assistance in receiving public assistance	Not Sustained
5.	Assistance in receiving old age pension...	Under Investigation
6.	Assistance in receiving public assistance	Rectified
7.	Assistance in receiving public assistance	Rectified
8.	Assistance in receiving public assistance	Discontinued
9.	Assistance in receiving old age pension	Rectified
10.	Assistance in receiving old age pension	Under Investigation
11.	Assistance in receiving old age pension	Rectified
12.	Assistance in receiving old age pension	Rectified
13.	Assistance in receiving old age pension	Not Sustained
14.	Failure to receive public assistance ...	Rectified
15.	Request for public assistance	Rectified
16.	Request for public assistance	Discontinued
17.	Failure to receive old age pension ...	Under Investigation
18.	Assistance in receiving old age pension	Under Investigation

Ministry of Social Development and
Family Services - Continued

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
19.	Assistance in receiving public help ...	Under Investigation
20.	Assistance in receiving old age pension...	Not Sustained
21.	Assistance in receiving public assistance	Under Investigation
22.	Assistance in receiving old age pension	Not Sustained
23.	Assistance in receiving old age pension	Under Investigation
24.	Assistance in receiving old age pension	Under Investigation
25.	Assistance in receiving old age pension	Under Investigation

--- Without Jurisdiction ---

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Assistance in placing a physically handicapped child	Informed
2.	Assistance in receiving old age pension	Advised
3.	Assistance in receiving old age pension	Advised
4.	Assistance in receiving public assistance when refused	Advised

LEGAL AID AND ADVISORY AUTHORITY

--- Within Jurisdiction ---

<u>No.</u>	<u>Subject of Complaint</u>	<u>Result</u>
1.	Refusal to appoint specified attorney ...	Not Sustained
2.	Refusal to appoint attorney	Rectified
3.	Assistance in obtaining an attorney ...	Discontinued
4.	Assistance in obtaining an attorney ...	Rectified

Legal Aid and Advisory Authority - Continued

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
5.	Delay in granting legal aid	Not Sustained
6.	Delay in granting legal aid	Rectified

--- Without Jurisdiction ---

<u>No.</u>	<u>Subject of Complaint</u>	<u>Result</u>
1.	Assistance in receiving legal aid	Advised
2.	Assistance to receive attorney of choice ... ..	....

TOBAGO HOUSE OF ASSEMBLY

Number of Complaints	67
Without Jurisdiction	03
Within Jurisdiction	64
Rectified/Sustained	15
Not Sustained	12
Advised/Discontinued/Withdrawn	31
Under Investigation	06

--- Within Jurisdiction ---

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Discrimination in receiving employment ...	Not Sustained
2.	Delay in receiving severance benefits ...	Rectified
3.	Delay in receiving retirement benefits ...	Advised
4.	Delay in receiving compensation for land acquired	Not Sustained
5.	Delay in receiving severance benefits ...	Rectified
6.	Delay in receiving terminal benefits ...	Discontinued
7.	Delay in receiving terminal benefits ...	Rectified
8.	Delay in receiving terminal benefits ...	Not Sustained
9.	Failure to receive full payment for vacation leave	Discontinued

Tobago House of Assembly - Continued

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
10.	Delay in receiving compensation for loss of earnings	Discontinued
11.	Loss of vacation leave	Discontinued
12.	Failure to be re-employed	Discontinued
13.	Delay in receiving payments re loss of earnings	Discontinued
14.	Unauthorised entry on private lands ...	Under Investigation
15.	Assistance to receive compensation for repairs	Under Investigation

--- Without Jurisdiction ---

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Request for transfer ... ..	....

AGRICULTURE DIVISION

--- Within Jurisdiction ---

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Unfair demotion	Advised
2.	Request for record of service	Discontinued
3.	Assistance to secure overtime payment ...	Discontinued
4.	Dissatisfaction with terminal benefits ...	Discontinued
5.	Assistance in having boundary regularised	Under Investigation

--- Without Jurisdiction ---

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Assistance to secure lease for State lands	Advised

Tobago House of Assembly - Continued

HEALTH DIVISION

--- Within Jurisdiction ---

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Delay in receiving terminal benefits ...	Rectified
2.	Delay in receiving treatment	Rectified
3.	Incorrect salary deduction	Discontinued
4.	Delay in receiving superannuation benefits	Rectified
5.	Discrimination in employment	Discontinued
6.	Delay in payment of sick leave bonus ...	Rectified
7.	Delay in payment of allowances	Rectified
8.	Delay in being permanently appointed ...	Discontinued
9.	Failure to abate nuisance	Under Investigation

--- Without Jurisdiction ---

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Assistance in receiving letter of appointment ... ..	....

WORKS DIVISION

--- Within Jurisdiction ---

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Delay in receiving terminal benefits ...	Rectified
2.	Discrimination in selection for employment	Not Sustained
3.	Wrong computation of retirement benefits	Discontinued
4.	Delay in receiving severance benefits ...	Rectified
5.	Discrimination in employment	Discontinued

Works Division - Continued

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
6.	Discrimination in employment	Discontinued
7.	Delay in receiving cost of living allowance	Not Sustained
8.	Discrimination in selection for employment	Discontinued
9.	Delay in receiving severance benefits ...	Rectified
10.	Delay in receiving severance benefits ...	Rectified
11.	Delay in receiving severance benefits ...	Rectified
12.	Non payment of wages	Not Sustained
13.	Non receipt of wages	Not Sustained
14.	Delay in receiving retirement benefits ...	Not Sustained
15.	Discrimination in employment	Discontinued
16.	Delay in receiving retirement benefits ...	Discontinued
17.	Delay in receiving wages	Discontinued
18.	Discrimination in employment	Discontinued
19.	Delay in processing death benefits ...	Advised
20.	Failure to obtain confirmation in post ...	Discontinued
21.	Failure to obtain gratuity	Not Sustained
22.	Discrimination in employment	Not Sustained
23.	Discrimination in employment	Discontinued
24.	Discrimination in employment	Discontinued
25.	Discrimination in employment	Discontinued
26.	Assistance in receiving deceased's retirement benefit	Discontinued
27.	Discrimination in employment	Discontinued
28.	Incorrect calculation of retirement benefit	Under Investigation
29.	Assistance in receiving compensation ...	Under Investigation

Works Division - Continued

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
30.	Inaccurate calculation of retirement benefits	Not Sustained
31.	Discrimination in selection for employment	Discontinued
32.	Discrimination in selection for employment	Not Sustained
33.	Assistance to receive benefits	Discontinued
34.	Assistance to receive benefits	Rectified

--- Without Jurisdiction ---

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Discrimination in selection for permanent employment	Informed

CENTRAL ADMINISTRATIVE SERVICES (TOBAGO)

Number of Complaints	03
Without Jurisdiction	00
Within Jurisdiction	03
Rectified/Sustained	01
Not Sustained	00
Advised/Discontinued/Withdrawn	02
Under Investigation	00

--- Within Jurisdiction ---

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Discrimination in employment	Rectified
2.	Delay in receiving appointment	Discontinued
3.	Assistance in receiving transfer	Discontinued

**MINISTRY OF WORKS INFRASTRUCTURE AND
DECENTRALISATION**

Number of Complaints	128
Without Jurisdiction	15
Within Jurisdiction	113
Rectified/Sustained	10
Not Sustained	14
Advised/Discontinued/Withdrawn	17
Under Investigation	72

--- Within Jurisdiction ---

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Discrimination in promotional opportunities	Advised
2.	Delay in receiving benefits	Rectified
3.	Delay in receiving salary	Rectified
4.	Delay in receiving retirement benefits ...	Rectified
5.	Assistance in receiving death benefits ...	Rectified
6.	Discrimination in employment	Under Investigation
7.	Assistance in receiving terminal benefits	Under Investigation
8.	Assistance in receiving allowances and salary	Not Sustained
9.	Discrimination in employment	Under Investigation
10.	Dissatisfaction with quantum of severance benefits	Not Sustained
11.	Dissatisfaction with quantum of severance benefits	Not Sustained
12.	Assistance in receiving full salary ...	Under Investigati
13.	Delay in paying salary arrears	Under Investigat
14.	Discrimination in employment	Under Investiga
15.	Delay in receiving bonus	Under Investig;
16.	Error in calculating terminal benefits ...	Under Investic
17.	Error in calculating terminal benefits ...	Under Investi
18.	Entitlement to severance pay	Not Sustaine

Ministry of Works Infrastructure and
Decentralisation - Continued

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
19.	Inconvenient location of taxi stand ...	Discontinued
20.	Fear of incorrect computation of benefits	Advised
21.	Failure to receive severance benefits ...	Under Investigation
22.	Delay in receiving promotion	Under Investigation
23.	Discrimination in employment	Under Investigation
24.	Damage to property	Discontinued
25.	Failure to pay for work done	Under Investigation
26.	Discrimination in employment	Under Investigation
27.	Delay in receiving terminal benefits ...	Under Investigation
28.	Error in computing retirement benefits ...	Not Sustained
29.	Error in computing retirement benefits ...	Not Sustained
30.	Error in computing retirement benefits ...	Under Investigation
31.	Delay in receiving severance benefits ...	Not Sustained
32.	Inaction by Drainage Division	Under Investigation
	Non-payment for sick leave not taken ...	Under Investigation
	Non-payment of benefits whilst imprisoned	Not Sustained
	Compensation for injuries sustained ...	Under Investigation
	Discrimination in employment	Under Investigation
	Non-receipt of backpay	Under Investigation
	Assistance in receiving monies	Under Investigation
	Assistance in receiving compensation ...	Under Investigation
	Assistance in receiving compensation for damage to house	Under Investigation
	Assistance in receiving compensation for damage to house	Under Investigation

Ministry of Works Infrastructure and
Decentralisation - Continued

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
42.	Damage to property by flooding	Under Investigation
43.	Damage to property by landslip	Under Investigation
44.	Assistance in having road repaired	Under Investigation
45.	Discrimination in employment	Discontinued
46.	Refusal fo application for voluntary separation	Discontinued
47.	Assistance to secure full retirement benefits	Under Investigation
48.	Dissatisfaction with severance benefits ..	Discontinued
49.	Assistance in receiving back pay	Under Investigation
50.	Damage to property	Under Investigation
51.	Assistance to have drainage problem corrected	Under Investigation
52.	Assostamce tp receive retirement benefits	Under Investigation
53.	Assistance in receiving terminal benefits	Rectified
54.	Delay in receiving compensation for damage to property	Advised
55.	Delay in having drain repaired	Under Investigation
56.	Irregularities at the Labour Intensive Development Programme	Under Investigation

--- Without Jurisdiction ---

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Discrimination in employment ....	....
2.	Dissatisfaction with benefits received ...	Advised
3.	Reinstatement in office ... ..	....
4.	Discrimination in employment	Referred

PORT-OF-SPAIN CITY CORPORATION

--- Within Jurisdiction ---

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Damage to vehicle	Rectified
2.	Failure to have nuisance abated	Under Investigation
3.	Delay in receiving retirement benefits	Under Investigation
4.	Delay in receiving retirement benefits	Under Investigation
5.	Assistance in having salary range adjusted	Discontinued
6.	Assistance in receiving severance pay	Discontinued
7.	Assistance to receive severance benefit... ..	Under Investigation
8.	Assistance to abate a nuisance	Under Investigation
9.	Assistance in having salary range adjusted	Under Investigation

--- Without Jurisdiction ---

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Allocation of grave site	Advised

SAN FERNANDO CITY CORPORATION

--- Within Jurisdiction ---

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Request for severance pay	Not Sustained
2.	Discrimination in employment	Discontinued
3.	Discrimination in employment	Rectified
4.	Discrimination in employment	Under Investigation
5.	Failure to abate nuisance	Under Investigation
6.	Assistance in receiving refund	Advised
7.	Assistance in receiving death benefits	Under Investigation
8.	Assistance in receiving severance pay	Advised

San Fernando City Corporation - Continued

--- Without Jurisdiction ---

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Request for reinstatement of job ... ..	....
2.	Difficulty in securing transfer ... ..	....
3.	Discrimination in employment ... ..	....

ST. ANDREW/ST. DAVID COUNTY COUNCIL

--- Within Jurisdiction ---

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Assistance in receiving regular employment	Under Investigation
2.	Assistance in receiving payment for extended sick leave	Advised
3.	Non maintenance of recreation ground	Under Investigation
4.	Non maintenance of drains	Under Investigation
5.	Delay in paving roadway	Under Investigation
6.	Assistance in receiving regular employment	Under Investigation

ST. GEORGE EAST COUNTY COUNCIL

--- Within Jurisdiction ---

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Encroachment on road reserve	Under Investigation

ST. GEORGE WEST COUNTY COUNCIL

--- Within Jurisdiction ---

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Blocked drains causing a nuisance	Rectified

National Insurance Board - Continued

--- Within Jurisdiction ---

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Assistance in receiving sickness benefit	Under Investigation
2.	Assistance in receiving injury benefit ...	Rectified
3.	Assistance in receiving statement	Under Investigation
4.	Assistance in receiving survivor's benefit	Not Sustained
5.	Assistance in receiving injury benefit ...	Rectified
6.	Delay in processing mortgage loan	Under Investigation
7.	Verification of National Insurance Scheme benefits	Under Investigation
8.	Assistance in receiving sickness benefit	Under Investigation
9.	Assistance to secure Survivor's Benefit...	Advised
10.	Assistance to secure Employment Injury Benefit	Under Investigation
11.	Assistance to secure pension	Under Investigation
12.	Assistance to secure correct benefits ...	Under Investigation
13.	Delay in receiving retirement benefit ...	Rectified
14.	Delay in receiving retirement benefit ...	Rectified
15.	Delay in receiving sickness benefit ...	Not Sustained
16.	Delay in receiving invalidity benefit	Rectified
17.	Delay in receiving retirement pension cheque book	Rectified
18.	Delay in receiving pension	Rectified
19.	Assistance in receiving Survivor's benefit	Advised
20.	Assistance in receiving more money from the National Insurance Board ...	Not Sustained

National Insurance Board - Continued

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
21.	Delay in receiving pension grant	Rectified
22.	Wants employer to take out tax and N.I.S. contributions	Sustained
23.	Assistance in receiving sickness benefit	Rectified

NATIONAL PETROLEUM COMPANY LIMITED

Number of Complaints	01
Without Jurisdiction	00
Within Jurisdiction	01
Rectified/Sustained	00
Not Sustained	00
Advised/Discontinued/Withdrawn	01
Under Investigation	00

--- Within Jurisdiction ---

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Dissatisfaction with severance benefit received	Advised

PORT AUTHORITY OF TRINIDAD AND TOBAGO

Number of Complaints	14
Without Jurisdiction	02
Within Jurisdiction	12
Rectified/Sustained	01
Not Sustained	03
Advised/Discontinued/Withdrawn	04
Under Investigation	04

--- Within Jurisdiction ---

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Delay in receiving terminal benefits ...	Not Sustained
2.	Request for compensation for injury ...	Under Investigation
3.	Delay in receiving compensation for injury	Rectified

Port Authority of Trinidad and Tobago - Continued

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
4.	Delay in receiving retirement benefits ...	Under Investigation
5.	Assistance in receiving employment ...	Not Sustained
6.	Entitlement to terminal benefits ...	Not Sustained
7.	Delay in receiving terminal benefits ...	Under Investigation
8.	Wrong medical assessment used ...	Under Investigation
9.	Delay in receiving compensation for damages to vehicle ...	Advised
10.	Delay in receiving compensation for damages to vehicle ...	Advised
11.	Termination of service ...	Discontinued
12.	Transfer of service ...	Discontinued

--- Without Jurisdiction ---

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Dismissal from employment ...	Advised
2.	Assistance to secure terminal benefits ...	....

TRINIDAD AND TOBAGO OIL COMPANY LIMITED

Number of Complaints	04
Without Jurisdiction	01
Within Jurisdiction	03
Rectified/Sustained	00
Not Sustained	02
Advised/Discontinued/Withdrawn	01
Under Investigation	01

--- Within Jurisdiction ---

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Assistance in receiving compensation ...	Not Sustained
2.	Dissatisfaction with calculation of terminal benefits ...	Under Investigation

Trinidad and Tobago Oil Co. Ltd. - Continued

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
3.	Delay in receiving President Fund Benefits	Not Sustained

--- Without Jurisdiction ---

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Insufficient terminal benefits	Informed

I N S T I T U T I O N S

Number of Complaints	02
Without Jurisdiction	00
Within Jurisdiction	02
Rectified/Sustained	02
Not Sustained	00
Advised/Discontinued/Withdrawn	00
Under Investigation	00

PRINCESS ELIZABETH CENTRE

--- Within Jurisdiction ---

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Failure to refund proceeds of closed pension fund	Rectified

ST. DOMINICS HOME

--- Within Jurisdiction ---

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Assistance in receiving correlative functions with experience	Rectified

INSTITUTE OF MARINE AFFAIRS

Number of Complaints	01
Without Jurisdiction	01
Within Jurisdiction	00
Rectified/Sustained	00
Not Sustained	00
Advised/Discontinued/Withdrawn	00
Under Investigation	00

--- Without Jurisdiction ---

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Assistance in receiving travelling payments	Advised

OTHER COMPLAINTS

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Refusal to refund money owed	Informed
2.	Medical negligence	Informed
3.	Request for legal advice	Discontinued
4.	Request for legal advice	Informed
5.	Request for legal advice	Advised
6.	Assistance in settlement of claim	Informed
7.	Assistance in receiving bail	Informed
8.	Assistance in receiving money from bank...	Informed
9.	Assistance in getting writ set aside ...	Informed
10.	Request for legal advice ... ..	....
11.	Assistance in receiving insurance monies ... ..	....
12.	Assistance in receiving compensation ...	Advised
13.	Assistance in obtaining a visa	No Intervention
14.	Assistance in obtaining severance benefits ... ..	....
15.	Assistance in receiving maintenance monies	Advised

Other Complaints - Continued

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
16.	Assistance in receiving insurance monies	Informed
17.	Request for legal advice	Referred
18.	Request for assistance regarding domestic situation	Referred
19.	Request for legal advice	Informed
20.	Request for legal advice	Advised
21.	Assistance in receiving settlement of claim	Informed
22.	Dissatisfaction with quantum received as compensation	Informed
23.	Assistance in receiving compensation ...	Advised
24.	Assistance in receiving employment ...	....
25.	Request for legal advice ... ..	....
26.	Request for legal advice ... ..	....
27.	Assistance in receiving fruits of judgment	Advised
28.	Assistance in obtaining a visa	Advised
29.	Request for legal advice ... ..	....
30.	Request for legal advice	Advised
31.	Request for legal advice	Referred
32.	Harassment from animals	Advised
33.	Assistance in receiving fruits of judgment ... ..	....
34.	Nuisance of noise ... ..	....
35.	Assistance in retrieving documents from court ... ..	....
36.	Request for legal advice	Advised
37.	Request for legal advice	Advised

Other Complaints - Continued

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
38.	Request for legal advice	Referred
39.	Request for legal advice	Referred
40.	Assistance in obtaining refund	Advised
41.	Assistance to obtain parcel of land ... ..	....
42.	Request for legal advice	Referred
43.	Request for legal advice	Advised
44.	Request for legal advice	Advised
45.	Request for legal advice ... ..	....
46.	Dissatisfaction with legal representation ... ..	....
47.	Request for legal advice	Advised
48.	Request for legal advice ... ..	....
49.	Complaint against a Judge	Informed
50.	Assistance in receiving insurance monies ... ..	....
51.	Assistance in receiving bail ... ..	....
52.	Assistance in receiving bail ... ..	....
53.	Assistance in having bank loan frozen ... ..	....
54.	Assistance in having bank repay monies ... ..	....
55.	Request for legal advice	Referred
56.	Assistance in receiving court documents ... ..	....
57.	Assistance in receiving court documents	Referred
58.	Assistance in receiving refund of premiums ... ..	....
59.	Assistance in receiving court order ... ..	....
60.	Request for legal assistance	Advised

Other Complaints - Continued

No.	Subject of Complaints	Result	No.
61.	Request for legal advice	Advised	87.
62.	Request for legal advice	Advised	88.
63.	Request for legal advice	Advised	89.
64.	Request for legal advice	Advised	90.
65.	Assistance in receiving money from bank...	Advised	91.
66.	Request for legal advice	Advised	92.
67.	Request for legal advice	Advised	93.
68.	Request for legal advice	Advised	94.
69.	Request for legal advice	Advised	95.
70.	Request for legal advice	Advised	96.
71.	Request for legal advice	Advised	97.
72.	Request for legal advice	Advised	98.
73.	Request for legal advice	Advised	99.
74.	Assistance in stopping encroachment on road	Advised	100.
75.	Request for legal advice	Advised	101.
76.	Request for legal advice	Advised	102.
77.	Assistance in receiving bail	Advised	103.
78.	Harassment in prisons	Advised	104.
79.	Assistance in receiving bail	Advised	105.
80.	Assistance in obtaining employment	Advised	106.
81.	Assistance in obtaining Notes of Evidence	Advised	107.
82.	Assistance in obtaining bail	Advised	108.
83.	Assistance in obtaining bail	Advised	109.
84.	Request for legal advice	Advised	110.
85.	Assistance in obtaining bail	Advised	111.
86.	Dissatisfaction with Attorney	Referred	

Other Complaints - Continued

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
87.	Assistance in receiving salary ... ..	....
88.	Assistance in receiving compensation ...	Advised
89.	Assistance in tracing relative ... ..	....
90.	Assistance in having proper land survey done	Advised
91.	Assistance in evicting persons	Advised
92.	Request for legal advice	Advised
93.	Request for legal advice	Advised
94.	Request for legal advice	Advised
95.	Assistance in locating Attorney	Advised
96.	Assistance in receiving employment... ..	Advised
97.	Request for legal advice	Advised
98.	Request for legal advice	Advised
99.	Request for legal advice	Advised
100.	Request for legal advice	Advised
101.	Request for legal advice	Advised
102.	Request for legal advice	Advised
103.	Request for legal advice ... ..	....
104.	Request for legal advice ... ..	....
105.	Assistance in receiving bail	Advised
106.	Request for legal advice	Advised
107.	Request for legal advice	Advised
108.	Wrong computation of retirement benefits ... ..	....
109.	Request for legal advice ... ..	....
110.	Request for legal assistance	Advised
111.	Request for legal assistance ... ..	....

Other Complaints - Continued

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
112.	Request for legal assistance ... ..	....
113.	Assistance in receiving certificate of good character ... ..	....
114.	Request for legal advice ... ..	....
115.	Request for legal assistance	Advised
116.	Assistance in receiving Notes of Evidence	Advised
117.	Request for legal advice	Advised
118.	Request for legal advice ... ..	....
119.	Request for legal advice ... ..	....
120.	Request for legal advice ... ..	....
121.	Request for legal advice	Advised
122.	Request for legal advice ... ..	....
123.	Request for assistance ... ..	....
124.	Assistance in receiving Notes of Evidence ... ..	....
125.	Unfair treatment during competition ...	Advised
126.	Assistance in retrieving monies from bank	Advised
127.	Failure to pay dividends to shareholders	Advised
128.	Assistance in obtaining bail ... ..	....
129.	Assistance in receiving Notes of Evidence ... ..	....
130.	Difficulty in settlement of insurance claim ... ..	....
131.	Refund of monies from bank	Advised
132.	Request for legal advice ... ..	....
133.	Request for legal advice	Advised

Other Complaints - Continued

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
134.	Request for legal advice	Advised
135.	Unfair treatment from bank ... ..	....
136.	Assistance in receiving employment... ..	....
137.	Request for legal advice	Advised
138.	Request for legal advice ... ..	....
139.	Request for legal advice ... ..	....
140.	Request for legal advice	Advised
141.	Request for legal advice	Advised
142.	Request for legal advice ... ..	....
143.	Request for legal advice ... ..	....
144.	Request for legal advice	Advised
145.	Request for legal advice	Advised
146.	Noise nuisance	Resolved
147.	Request for legal advice	Advised
148.	Request for legal advice	Referred
149.	Assistance in receiving employment	Advised
150.	Request for legal advice	Advised
151.	Request for legal advice ... ..	....
152.	Request for legal advice	Referred
153.	Delay in receiving fruits of judgment	Advised
154.	Request for legal advice	Advised
155.	Request for legal advice	Advised
156.	Request for legal advice	Referred
157.	Request for legal advice	Referred
158.	Delay in receiving fruits of judgments ... ..	....

Other Complaints - Continued

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
159.	Request for legal advice	Informed
160.	Request for legal advice ... ..	....
161.	Assistance in receiving dividends ... ..	....
162.	Assistance in receiving deposits ... ..	....
163.	Assistance in receiving bail ... ..	....
164.	Assistance in receiving release from prison ... ..	....
165.	Request for legal advice ... ..	....
166.	Request for legal advice	Advised
167.	Request for legal advice ... ..	....
168.	Request for legal advice ... ..	....
169.	Request for legal advice	Advised
170.	Request for legal advice ... ..	....
171.	Request for assistance ... ..	....
172.	Request for advice	Discontinued
173.	Assistance to obtain bail ... ..	....
174.	Assistance to secure court appearance ... ..	....
175.	Request for Notes of Evidence ... ..	....
176.	Assistance to secure employment ... ..	....
177.	Assistance in receiving a visa ... ..	....
178.	Assistance in receiving fruits of judgment ... ..	....
179.	Request for legal advice ... ..	....
180.	Assistance in receiving compensation for injuries ... ..	....
181.	Request for legal advice	Informed
182.	Request for legal advice	Informed

Other Complaints - Continued

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
183.	Assistance in receiving bail ... ..	....
184.	Assistance in getting appeal heard ...	....
185.	Assistance in getting bail ... ..	....
186.	Assistance in getting bail ... ..	....
187.	Request for legal advice	Advised
188.	Request for legal assistance	Resolved
189.	Request for legal assistance	Resolved
190.	Exercise of Power of Pardon ... ..	....
191.	Assistance in receiving apology ... ..	....
192.	Request for legal advice ... ..	....
193.	Assistance in receiving compensation ...	....
194.	Request for legal advice	Advised
195.	Request for legal advice ... ..	....
196.	Assistance to secure employment ... ..	....
197.	Request for legal advice ... ..	....
198.	Assistance in securing release of prisoner ... ..	....
199.	Request for legal advice ... ..	....
200.	Request for legal advice ... ..	....
201.	Assistance in receiving benefits ... ..	....
202.	Delay in receiving money ... ..	....
203.	Request for assistance to receive visa ...	....
204.	Assistance to receive legal representative ... ..	....
205.	Assistance to secure a pardon ... ..	....
206.	Assistance to receive legal representative ... ..	....

Other Complaints - Continued

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
207.	Request for legal advice ... ..	....
208.	Request for legal advice ... ..	....
209.	Request for legal advice ... ..	....
210.	Request for legal advice ... ..	....
211.	Request for legal advice	Advised
212.	Request for legal advice ... ..	....
213.	Request for assistance	Advised
214.	Request for legal advice	Advised
215.	Request for legal advice	Advised
216.	Request for legal advice ... ..	....
217.	Request for legal advice	Advised
218.	Request for legal advice	Advised
219.	Assistance to obtain pardon ... ..	....
220.	Request for legal advice	Advised
221.	Request for legal advice ... ..	....
222.	Request for legal advice ... ..	....
223.	Request for legal advice	Advised
224.	Request for legal advice ... ..	....
225.	Request for legal advice	Advised
226.	Request for legal advice ... ..	....
227.	Request for legal advice ... ..	....
228.	Request for legal advice ... ..	....
229.	Request for legal advice ... ..	....
230.	Request for legal advice ... ..	....
231.	Request for legal advice ... ..	....
232.	Request for legal advice ... ..	....

Other Complaints - Continued

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
233.	Request for legal advice ... ..	....
234.	Request for legal advice ... ..	....
235.	Request for social assistance ... ..	....
236.	Request for legal assistance ... ..	....
237.	Request for legal assistance	Advised
238.	Request for legal advice ... ..	....
239.	Request for legal assistance ... ..	....
240.	Request for legal assistance ... ..	....
241.	Request for legal assistance ... ..	....
242.	Request for legal assistance ... ..	....
243.	Request for legal assistance ... ..	....
244.	Request for legal assistance ... ..	....
245.	Request for legal assistance ... ..	....
246.	Request for legal assistance ... ..	....
247.	Request for legal assistance ... ..	....
248.	Request for legal assistance ... ..	....
249.	Request for legal assistance ... ..	....
250.	Request for legal assistance ... ..	....
251.	Request for legal assistance ... ..	....
252.	Request for legal assistance ... ..	....
253.	Request for legal assistance ... ..	....
254.	Assistance to receive employment ... ..	....
255.	Request for legal advice ... ..	....
256.	Request for legal advice ... ..	....
257.	Request for legal advice	Advised
258.	Request for legal advice ... ..	....

Other Complaints - Continued

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
259.	Request for legal advice	Advised
260.	Request for legal advice ... ..	.....
261.	Request for legal advice ... ..	.....
262.	Request for legal assistance ... ..	.....
263.	Request for legal assistance ... ..	.....
264.	Request for legal assistance ... ..	.....
265.	Request for legal assistance ... ..	.....
266.	Request for legal assistance ... ..	.....
267.	Request for legal assistance	Advised
268.	Request for legal assistance ... ..	.....
269.	Request for legal advice ... ..	.....
270.	Request for legal advice ... ..	.....
271.	Request for legal assistance ... ..	.....
272.	Request for legal advice ... ..	.....
273.	Request for legal advice ... ..	.....
274.	Request for legal assistance ... ..	.....
275.	Request for legal assistance ... ..	.....
276.	Request for legal advice ... ..	.....
277.	Request for legal advice ... ..	.....
278.	Request for legal advice	Advised
279.	Request for legal advice	Advised
280.	Request for legal advice ... ..	.....
281.	Request for legal advice ... ..	.....
282.	Request for legal advice ... ..	.....
283.	Request for legal advice ... ..	.....
284.	Request for legal advice ... ..	.....

Other Complaints - Continued

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
285.	Request for legal advice ... ..	....
286.	Request for legal advice ... ..	....
287.	Assistance in receiving visa ... ..	....
288.	Request for financial assistance ... ..	....
289.	Request for legal advice ... ..	....
290.	Request for legal advice	Withdrawn
291.	Request for legal assistance ... ..	....
292.	Assistance in receiving pension ... ..	....
293.	Assistance in receiving compensation ... ..	....
294.	Request for legal assistance ... ..	....
295.	Request for legal advice ... ..	....
296.	Request for legal advice ... ..	....
297.	Request for legal assistance ... ..	....
298.	Request for employment ... ..	....
299.	Request for legal assistance ... ..	....
300.	Request for legal assistance ... ..	....
301.	Request for legal assistance ... ..	....
302.	Request for legal assistance ... ..	....
303.	Request for legal assistance ... ..	....
304.	Request for legal advice ... ..	....
305.	Request for legal assistance	Advised
306.	Request for legal assistance	Advised
307.	Request for legal assistance ... ..	....
308.	Request for legal assistance	Discontinued
309.	Request for legal assistance ... ..	....
310.	Request for financial assistance ... ..	....
311.	Request for legal assistance ... ..	....

Other Complaints - Continued

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
312.	Request for employment ... ..	....
313.	Request for legal advice ... ..	....
314.	Request for legal advice ... ..	....
315.	Request for legal assistance ... ..	....
316.	Request for legal assistance	Advised
317.	Request for legal advice	Advised
318.	Request for legal advice	Advised
319.	Request for legal advice	Advised

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PART VI

APPENDICES

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**EXTRACT FROM THE CONSTITUTION OF TRINIDAD AND
TOBAGO ACT NO. 4 OF 1976**

Part 2

OMBUDSMAN

Appoint-
ment and
conditions
of office

91.(1) There shall be an Ombudsman for Trinidad and Tobago who shall be an officer of Parliament and who shall not hold any other office of emolument whether in the public service or otherwise nor engage in any occupation for reward other than the duties of his office.

(2) The Ombudsman shall be appointed by the President after consultation with the Prime Minister and the Leader of the Opposition.

(3) The Ombudsman shall hold office for a term not exceeding five years and is eligible for re-appointment.

(4) Subject to subsection (3) the Ombudsman shall hold office in accordance with section 136.

(5) Before entering upon the duties of his office, the Ombudsman shall take and subscribe the oath of office before the Speaker of the House of Representatives.

Appoint-
ment of
staff of
Ombudsman

92.(1) The Ombudsman shall be provided with a staff adequate for the efficient discharge of his functions.

(2) The Staff of the Ombudsman shall be public officers appointed in accordance with section 121(8).

Functions
of Ombuds-
man

93.(1) Subject to this section and to sections 94 and 95 the principal function of the Ombudsman shall be to investigate any decision or recommendation made, including any advice given or recommendation made to a Minister, or any act done or omitted by any department of Government or any other authority to which this section applies, or by officers or members of such a department or authority, being action taken in exercise of the administrative functions of that department or authority.

(2) The Ombudsman may investigate any such matter in any of the following circumstances-

- (a) where a complaint is duly made to the Ombudsman by any person alleging that the complainant has sustained an injustice as a result of a fault in administration;
- (b) where a member of the House of Representatives requests the Ombudsman to investigate the matter on the ground that a person or body of persons specified in the request has or may have sustained such injustice;
- (c) in any other circumstances in which the Ombudsman considers that he ought to investigate the matter on the ground that some person or body of persons has or may have sustained such injustice.

(3) The authorities other than departments of Government to which this section applies are-

- (a) local authorities or other bodies established for purposes of the public service or of local Government;
- (b) authorities of bodies the majority of whose members are appointed by the President or by a Minister or whose revenues consist wholly or mainly of moneys provided out of public funds;
- (c) any authority empowered to determine the person with whom any contract shall be entered into by or on behalf of Government;
- (d) such other authorities as may be prescribed.

Restric-
tions on
matters
for
investi-
gation

94.(1) In investigating any matter leading to, resulting from or connected with the decision of a Minister, the Ombudsman shall not inquire into or question the policy of the Minister in accordance with which the decision was made.

(2) The Ombudsman shall have power to investigate complaints of administrative injustice under section 93 notwithstanding that such complaints raise questions as to the integrity or corruption of the public service or any department or office of the public service, and may investigate any conditions resulting from, or calculated to facilitate or encourage corruption in the public service, but he shall not undertake any investigation into specific charges of corruption against individuals.

(3) Where in the course of an investigation it appears to the Ombudsman that there is evidence of any corrupt act by any public officer or by any person in connection with the public service, he shall report the matter to the appropriate authority with his recommendation as to any further investigation he may consider proper.

(4) The Ombudsman shall not investigate-

(a) any action in respect of which the complainant has or had

(i) a remedy by way of proceedings in a court; or

(ii) a right of appeal, reference or review to or before an independent and impartial tribunal other than a court; or

(b) any such action, or action taken with respect to any matter, as is described in the Third Schedule.

(5) Notwithstanding subsection (4) the Ombudsman-

(a) may investigate a matter notwithstanding that the complainant has or had a remedy by way of proceedings in a court if satisfied that in the

particular circumstances it is not reasonable to expect him to take or to have taken such proceedings;

- (b) is not in any case precluded from investigating any matter by reason only that it is open to the complainant to apply to the High Court for redress under section 14 (which relates to redress for contravention of the provisions for the protection of fundamengtal rights).

Discretion
of
Ombudsman

95. In determining whether to initiate, continue or discontinue an investigation, the Ombudsman shall, subject to sections 93 and 94 act in his discretion and, in particular and without prejudice to the generality of this discretion, the Ombudsman may refuse to initiate or may discontinue an investigation where it appears to him that-

- (a) a complaint relates to action of which the complainant has knowledge for more than twelve months before the complaint was received by the Ombudsman;
- (b) the subject matter of the complaint is trivial;
- (c) the complaint is frivolous or vexations or is not made in good faith; or
- (d) the complainant has not a sufficient interest in the subject matter of the complaint.

Report on
Investiga-
tion

96. (1) Where a complaint or request for an investigation is duly made and the Ombudsman decides not to investigate the matter or where he decides to discontinue an investigation of the matter, he shall inform the person who made the complaint or request of the reasons for his decision.

(2) Upon the completion of an investigation the Ombudsman shall inform the department of government or

the authority concerned of the results of the investigation and if he is of the opinion that any person has sustained an injustice in consequence of a fault in administration, he shall inform the department of government or the authority of the reasons for his opinion and make such recommendations as he thinks fit. The Ombudsman may in his original recommendations, or at any later stage if he thinks fit, specify the time within which the injustice should be remedied.

(3) Where the investigation is undertaken as a result of a complaint or request, the Ombudsman shall inform the person who made the complaint or request of his findings.

(4) Where the matter is in the opinion of the Ombudsman of sufficient public importance or where the Ombudsman has made a recommendation under sub-section (2) and within the time specified by him no sufficient action has been taken to remedy the injustice, then, subject to such provision as may be made by Parliament, the Ombudsman shall lay a special report on the case before Parliament.

(5) The Ombudsman shall make annual reports on the performance of his functions to Parliament which shall include statistics in such form and in such detail as may be prescribed of the complaints received by him and the results of his investigations.

Power to
obtain
evidence

97.(1) The Ombudsman shall have the powers of the High Court to summon witnesses to appear before him and to compel them to give evidence on oath and to produce documents relevant to the proceedings before him and all persons giving evidence at those proceedings shall have the same duties and liabilities and enjoy the same privileges as in the High Court.

(2) The Ombudsman shall have power to enter and inspect the premises of any department of government or any authority to which section 93 applies, to call for, examine and where necessary retain any document kept on such premises and there to carry out any investigation in pursuance of his functions.

Prescribed
matters
concerning
Ombudsman

98.(1) Subject to subsection (2) Parliament may make provision-

- (a) for regulating the procedure for the making of complaints and requests to the Ombudsman

and for the exercise of the functions of the Ombudsman;

- (b) for conferring such powers on the Ombudsman and imposing such duties on persons concerned as are necessary to facilitate the Ombudsman in the performance of his functions; and
- (c) generally for giving effect to the provisions of this Part.

(2) The Ombudsman may not be empowered to summon a Minister or a Parliamentary Secretary to appear before him or to compel a Minister or a Parliamentary Secretary to answer any questions relating to any matter under investigation by the Ombudsman.

(3) The Ombudsman may not be empowered to summon any witness to produce any Cabinet papers or to give any confidential income tax information.

(4) No complainant may be required to pay any fee in respect of his complaint or request or for any investigation to be made by the Ombudsman.

(5) No proceedings, civil or criminal, may lie against the Ombudsman, or against any person holding an office or appointment under him for anything he may do or report or say in the course of the exercise or intended exercise of the functions of the Ombudsman under this Constitution, unless it is shown that he acted in bad faith.

(6) The Ombudsman, and any person holding office or appointment under him may not be called to give evidence in any Court, or in any proceedings of a judicial nature, in respect of anything coming to his knowledge in the exercise of his functions.

(7) Anything said or any information supplied or any document, paper, or thing produced by any person in the course of any enquiry by or proceedings before an Ombudsman under this Constitution is privileged in the same manner as if the enquiry or proceedings were proceedings in a Court.

(8) No proceeding of the Ombudsman may be held bad for want of form, and, except on the ground of lack of jurisdiction, no proceeding or decision of an Ombudsman is liable to be challenged, reviewed, quashed or called in question in any Court.

THIRD SCHEDULE**MATTERS NOT SUBJECT TO INVESTIGATION**

1. Action taken in matters certified by the Attorney General to affect relations or dealings between the Government International Organisation.

2. Action taken in any country or territory outside Trinidad and Tobago by or on behalf of any officer representing or acting under the authority of the Government of Trinidad and Tobago.

3. Action taken under any law relating to extradition or fugitive offenders.

4. Action taken for the purposes of investigating crime or of protecting the security of the State.

5. The commencement or conduct of civil or criminal proceedings before any court in Trinidad and Tobago or before any international court or tribunal.

6. Any exercise of the power of pardon.

7. Action taken in matters relating to contractual or other commercial transactions, being transactions of a department of government or an authority to which section 93 applies not being transactions for or relating to-

- (a) the acquisition of land compulsorily or in circumstances in which it could be acquired compulsorily;
- (b) the disposal as surplus of land acquired compulsorily or in circumstances in which it could be acquired compulsorily.

8. Action taken in respect of appointments or removals, pay, discipline, superannuation or other personnel matters in relation to service in any office or employment in the public service or under any authority as may be prescribed.

9. Any matter relating to any person who is or was a member of the armed forces of Trinidad and Tobago in so far as the matter relates to-

- (a) the terms and conditions of service as such member; or
- (b) any order, command, penalty or punishment given to or affecting him in his capacity as such member.

10. Any action which by virtue of any provision of this Constitution may not be enquired into by any Court.

REPUBLIC OF TRINIDAD AND TOBAGO

Act No. 23 of 1977

AN ACT to make provision for giving effect to
Part 2 of Chap. 6 of the Constitution

(Assented to 24th May, 1977)

Enactment ENACTED by the Parliament of Trinidad and Tobago
as follows:-

Short 1. This Act may be cited as the Ombudsman
title Act, 1977.

Mode of 2. (1) All complaints to the Ombudsman and
complaint requests for investigation by him shall be made in
writing.

(2) Notwithstanding anything provided by or
under any enactment, where any letter written by any
person detained on a charge or after conviction of
any offence is addressed to the Ombudsman, it shall be
immediately forwarded, unopened to the Ombudsman by
the person for the time being in charge of the place
where the writer is detained.

Procedure 3. (1) Where the Ombudsman proposes to conduct
in respect an investigation under section 93(1) of the Constitution
of inves- set out in the Schedule to the Constitution of Trinidad
tigation and Tobago Act, 1976 (in this Act referred to as "the
No. 4 of Constitution") he shall afford to the principal officer
1976 of the department or authority concerned, an
opportunity to make, orally or in writing as the
Ombudsman thinks fit, representations which are relevant
to the matter in question and the Ombudsman shall not,
as a result of such an investigation, make any report
or recommendation which may adversely affect any person
without his having had an opportunity to make such
representations.

(2) Every such investigation shall be
conducted in private.

(3) It shall not be necessary for the Ombudsman
to hold any hearing and, subject as hereinbefore
provided, no person shall be entitled as of right to
be heard by the Ombudsman. The Ombudsman may obtain
information from such persons and in such manner, and
make such inquiries as he thinks fit.

(4) Where, during or after any investigation, the Ombudsman is of the opinion that there is evidence of any breach of duty, misconduct or criminal offence on the part of any officer or employee or any department or authority to which section 93 of the Constitution applied, the Ombudsman may refer the matter to the Authority competent to take such disciplinary or other proceedings against him as may be appropriate.

(5) Subject to this Act, the Ombudsman may regulate his procedure in such manner as he considers appropriate in the circumstances of the case.

(6) Where any person is required under this Act by the Ombudsman to attend before him for the purposes of an investigation, the Ombudsman shall cause to be paid to such person out of money provided by Parliament for the purpose, the fees, allowances and expenses, subject to qualifications and exceptions corresponding to those, that are for the time being prescribed for attendance in the High Court, so, however, that the like functions as are so prescribed and assigned to the Registrar of the Supreme Court of Judicature shall, for the purposes of this subsection, be exercisable by the Ombudsman and he may, if he thinks fit, disallow, in whole or in part, the payment of any amount under this subsection.

(7) For the purposes of section 93(2)(a) of the Constitution a complaint may be made by a person aggrieved himself or, if he is dead or for any reason unable to act for himself, by any person duly authorised to represent him.

(8) Any question whether a complaint or a request for an investigation is duly made under this Act or under Part 2 of Chap. 6 of the Constitution shall be determined by the Ombudsman.

Evidence

4. (1) The power of the Ombudsman under section 97 of the Constitution to summon witnesses and to compel them to give evidence on oath and to produce documents shall apply whether or not the person is an officer, employee, or member of any department or authority and whether or not such documents are in the custody or under the control of any department or authority.

(2) The Ombudsman may summon before him and examine on oath-

- (a) any person who is an officer or employee or member of any department or authority to which section 93 of the Constitution applies or any authority referred to in the Schedule and who in the Ombudsman's opinion is able to give any relevant information; or
- (b) any complainant; or
- (c) any other person who in the Ombudsman's opinion is able to give any relevant information, and for that purpose may administer an oath. Every such examination by the Ombudsman shall be deemed to be a judicial proceeding for the purposes of the Perjury Ordinance.

(3) Subject to subsection (4) no person who is bound by the provisions of any enactment, other than the Official Secrets Act, 1911 to 1939 of the United Kingdom in so far as it forms part of the law of Trinidad and Tobago, to maintain secrecy in relation to, or not disclose, any matter shall be required to supply any information to or answer any questions put by the Ombudsman in relation to that matter, or to produce to the Ombudsman any document or paper or thing relating to it, where compliance with that requirement would be in breach of the obligation of secrecy or non-disclosure.

(4) With the previous consent in writing of any complainant, any person to whom subsection (3) applies may be required by the Ombudsman to supply any information or answer any question or produce any document or paper or thing relating only to the complainant, and it shall be the duty of the person to comply with that requirement

(5) Except on the trial of any person for an offence under the Perjury Ordinance in respect of his sworn testimony, or for an offence under section 10, no statement made or answer given by that or any other person in the course of any inquiry or any proceedings before the Ombudsman under the Constitution or this Act shall be admissible in evidence against any person in any court or at any inquiry or in any other proceedings and no evidence in respect of proceedings before the Ombudsman shall be given against any person.

(6) No person shall be liable to prosecution for an offence against the Official Secrets Act, 1911 to 1939, or any enactment, other than this Act by reason of his compliance with any requirement of the Ombudsman under this section.

5. (1) Where the Attorney General certifies that the giving of any information or the answering of any question or the production of any document or paper or thing -

- (a) might prejudice the security, defence or international relationship of Trinidad and Tobago (including Trinidad and Tobago relationship with the Government of any other country or with any international organizations);
- (b) will involve the disclosure of the deliberation of Cabinet; or
- (c) will involve the disclosure of proceedings of Cabinet or any Committee of Cabinet, relating to matters of a secret or confidential nature, and would be injurious to the public interest,

the Ombudsman shall not require the information or answer to be given or, as the case may be, the document or paper or thing to be produced.

(2) Subject to subsection (1), no rule of law which authorises or requires the withholding of any document or paper, or the refusal to answer any question, on the ground that the disclosure of the document or paper or the answering of the question would be injurious to the public interest shall apply in respect of any investigation by or proceedings before the Ombudsman.

Secrecy of
information

6. A person who performs the functions appertaining to the Office of the Ombudsman or any office or employment thereunder

- (a) shall regard as secret and confidential all documents, information and things which have been disclosed to any such person in the execution of any of the provisions of sections 93 and 96 of the Constitution, so, however, that no disclosure made by any such person in proceedings for an offence under section 10, or under the Perjury Ordinance and by virtue of section 4(2) or which the Ombudsman considers it requisite to make in the discharge of any of his functions and for the purpose of executing any of the said provisions or the provisions of section 3(4) or section 9, shall be deemed inconsistent with any duty imposed by this paragraph; and

- (b) shall not be called upon to give evidence in respect of, or produce, any such documents, information or things in any proceedings mentioned in the proviso to paragraph (a).

Notice of
entry on
premises

7. Before entering upon any premises pursuant to section 97(2) of the Constitution the Ombudsman shall notify the principal officer of the department or the authority by which the premises are occupied.

Delegation of powers

8. (1) With the prior approval in each case of the Prime Minister, functions hereinbefore assigned to the Ombudsman may from time to time, by direction under his hand, be delegated to any person who is appointed to any office or to perform any function referred to in section 6.

(2) No such delegation shall prevent the exercise of any power by the Ombudsman.

(3) Any such delegation may be made subject to such restrictions and conditions as the Ombudsman may direct, and may be made either generally or in relation to any particular case or class of cases.

(4) Any person purporting to perform any function of the Ombudsman by virtue of a delegation under this section shall, when required to do so, produce evidence of his authority to exercise the power.

Reports

9. (1) The Ombudsman may from time to time in the public interest publish reports relating generally to the exercise of his functions or to a particular case or cases investigated by him, whether or not the matters to be dealt with in such reports may have been the subject of a report to Parliament.

(2) The form of statistics of complaints received by the Ombudsman and the results of his investigation required by section 96(5) of the Constitution to be included in the annual report to Parliament by the Ombudsman on the performance of his functions shall be prescribed by regulations made under section 12.

Offences

10. A person is liable on summary conviction to a fine of One thousand dollars or to imprisonment for six months who -

- (a) without lawful justification or excuse, wilfully obstructs, hinders or resists the Ombudsman or any other person in the exercise of his powers under this Act;
- (b) without lawful justification or excuse refuses or wilfully fails to comply with any lawful requirement of the Ombudsman or any other person under this Act;
- (c) wilfully makes any false statement to or misleads or attempts to mislead the Ombudsman or any other person in the exercise of his powers under this Act; or
- (d) in a manner inconsistent with his duty under section 6(a), deals with any documents, information or things mentioned in that paragraph.

Prescrip-
tion of
authori-
ties
subject to
the Ombuds-
man's
jurisdic-
tion

11. (1) The authorities mentioned in the Schedule are authorities to which section 93(3) (d) of the Constitution shall apply.

(2) The President may, by Order, amend the Schedule by the addition thereto or deletion therefrom of any authorities or the substitution therein, for any authorities or other authorities.

Regulations

12. The President may make regulations for the proper carrying into effect of this Act, including, in particular, for prescribing anything required or authorized to be prescribed.

SCHEDULE

(Section 11(1))

Additional Authorities subject to the
Ombudsman's jurisdiction

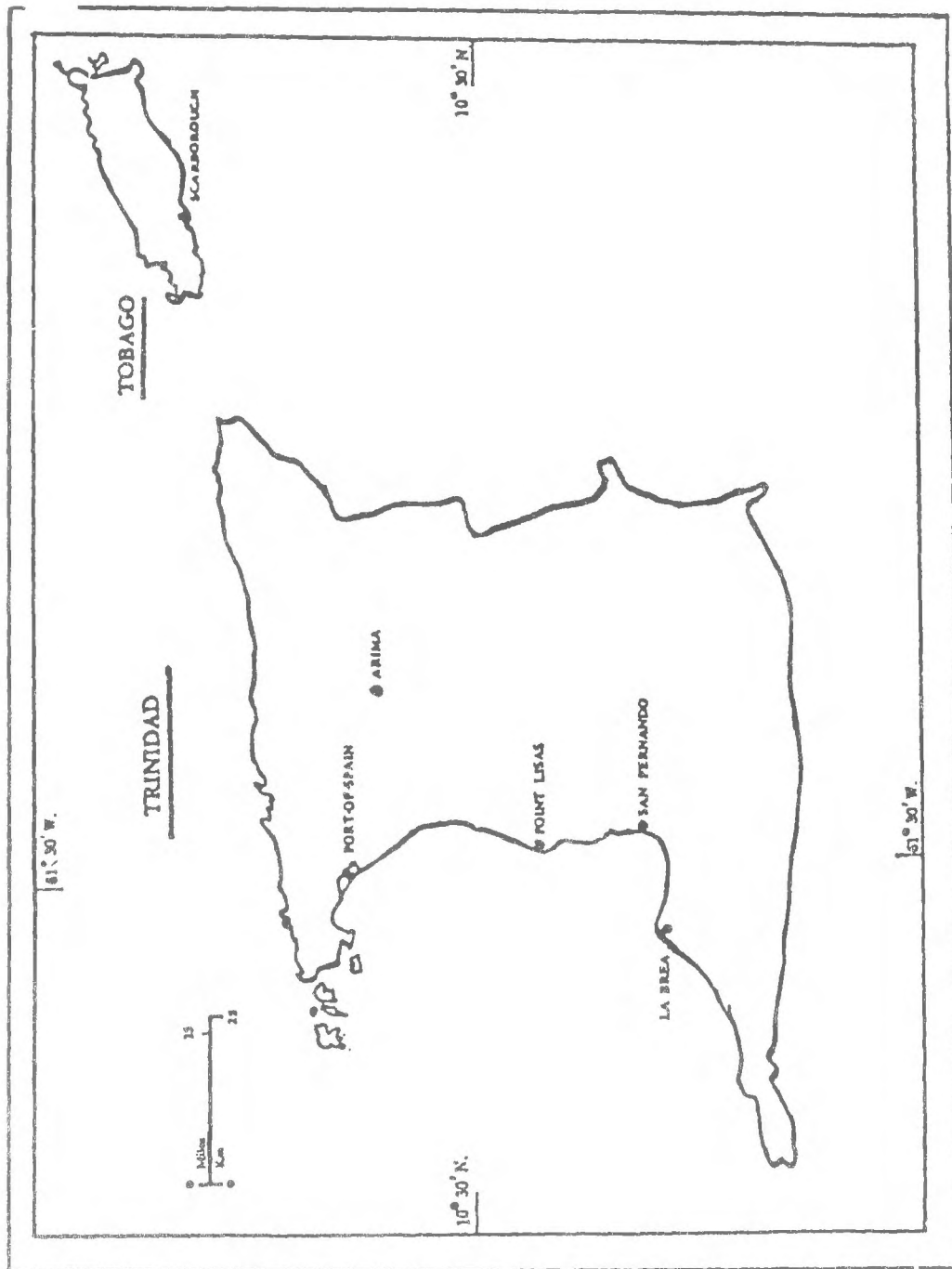
Trinidad and Tobago Telephone Company Limited

Passed in the House of Representatives this 13th day of May, 1977.

J.E. CARTER
Clerk of the
House

Passed in the Senate this 10th day of May, 1977.

R.L. GRIFFITH
Clerk of the
Senate



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