



THE REPUBLIC OF TRINIDAD AND TOBAGO

THE OMBUDSMAN
FOURTEENTH
ANNUAL REPORT



JANUARY 31, 1991 TO DECEMBER 31, 1991



Office of the Ombudsman of Trinidad and Tobago

St. Ann's Avenue

St. Ann's

P.O. Box 886

25th August, 1992.

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

Dear Madam Speaker,

I have the honour to present the Fourteenth Annual Report of the Ombudsman for the period January 1, 1991 to December 31, 1991.

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

Yours faithfully,

A handwritten signature in black ink, appearing to read 'G. A. Edo'.

GEORGE A. EDOO

Ombudsman

Trinidad and Tobago.

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P A R T I

G E N E R A L

GENERAL

INTRODUCTION

On the 14th December, 1990, I was appointed Ombudsman of Trinidad and Tobago as from the date of my assumption of duty. My predecessor, Mr. Justice Evan Rees, had retired on the 31st December, 1990, having served as Ombudsman for a period of thirteen years, he being the first Ombudsman appointed to the Office.

Due to circumstances beyond my control, I was unable to take up the appointment until 18th February, 1991, having retired as a Justice of Appeal on 15th February, 1991.

Except for a period of two years when I was in private practice I had served the Government of Trinidad and Tobago for a number of years, first as a clerical officer and then as an administrative and legal officer from which latter post I had retired to go into private practice. I then served in the Judiciary as a High Court Judge and lately as a Justice of Appeal. I believe that the experience I have gained in performing the duties and various functions of the Offices which I have held has given me a good insight into the operations of the Public Service and its interaction with the public. Moreover, the knowledge which I have acquired with respect to the law and its application especially with regard to rules and regulations as they relate to the Public Service and to Governmental operations has been of immense value to me in the performance of my duties as Ombudsman.

HISTORICAL PERSPECTIVES; CONCEPTS

As this is my first report, I have considered it necessary to trace a brief history of the Ombudsman institution and my impressions as to its operations and functions. The Ombudsman concept originated in Sweden in 1713. In that year a Chancellor of Justice was appointed by the King to exercise a general supervision over his officials and to protect citizens from injustice.

In 1809, with the introduction of a parliamentary system of government in Sweden, the first Ombudsman was appointed as an Officer of Parliament. He was charged with ensuring that the laws were adhered to by the administrative authorities and the courts. Since that time the Office has been introduced in Finland in 1919, in Denmark in 1953 and in Norway in 1962. Hence, it was considered to be a Scandinavian institution.

In 1962, New Zealand became the first Commonwealth country to adopt the Ombudsman concept and the United Kingdom followed its lead in 1967. In both of these countries, the Office is designated Parliamentary Commissioner. At present count, there are over 100 Ombudsman offices or Ombudsman-type institutions established throughout the world. The Office was introduced in Trinidad and Tobago by the Republican Constitution, 1976.

Although the extent of the jurisdiction of the Ombudsman varies from country to country, by and large his jurisdiction is confined to investigating faults in administration and where he finds injustices, he seeks to remedy them.

But the Ombudsman has a more useful and sensitive role to play in that he has to provide a cheap, quick and simple avenue for redress. As one writer has observed:

"Not everybody may need the help of the Ombudsman. Many can use alternative avenues of redress. They can employ or use lawyers, politicians and distinguished public figures to intercede for them. But within every society there are the disadvantaged, under-privileged, the poor, the weak, and the frightened who do not understand the ways of public bureaucracy, or are afraid to deal with public officials or are reluctant to complain. They need the expertise of an Ombudsman and his staff who can formally express their grievances and who can represent them. They need to understand reasons for decisions which affect them and surely if the Office of the Ombudsman is expanded and potentiated, the business of the public can be made more personal and humane."

A Canadian federal report has made the following observation:

"Ombudsmen speak for the elusive entity, the average citizen. They do not deal with broad affairs of state or policy. Rather they deal with a host of administrative complaints and injustices, many of which seem comparatively unimportant - except to the affected individual."

Not all complaints can be investigated by me. Certain matters (which I will refer to hereafter) are outside my jurisdiction. Many of them relate to matters in which some form of assistance or advice is sought. In the spirit of the quotations referred to above, my staff and I try to render as much assistance and advice as possible to these complainants. In doing so, we follow a trend which was initiated by my predecessor and in keeping with the tradition of Ombudsmen the world over.

JURISDICTION

Section 93 of the Constitution sets out 'inter alia' the jurisdiction of the Ombudsman. My principal function is 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, or by officers or members of such department or authority in the exercise of their administrative functions.

The authorities over which my jurisdiction extends include local and statutory authorities.

Excluded from my investigations though not from my enquiries are actions or decisions in respect of which a complainant has or had a remedy by way of proceedings in a court or in respect of which he has a right of appeal, reference or review.

Also excluded from my investigations are actions taken with respect to matters described in the Third Schedule to the Constitution.

These can broadly be categorised as follows:

(1) Matters concerning dealings with foreign Governments and international organisations.

(2) Matters relating to contractual or commercial transactions entered into by a Government department or with a statutory or local authority except transactions relating to the compulsory acquisition of land.

(3) Matters relating to appointments, removals, pay, discipline, superannuation (pensions) or other personnel matters in relation to the Public Service. These are matters which come within the exclusive jurisdiction of the Public Service Commission, the Statutory Authorities Service Commission, the Police Service Commission, the Teaching Service Commission and the various statutory authorities which are authorised to deal with such matters by law. I am precluded from investigating matters where a decision or recommendation has been made or any action has been taken by a commission or authority.

(4) Matters relating to members of the armed forces with respect to terms and conditions of service or with respect to any order, command, penalty or punishment affecting such a member. These matters are covered by statutory rules and regulations.

(5) Any action which by virtue of any provision of the Constitution may not be enquired into by any court.

By Section 94(5) (b) of the Constitution I am not precluded from investigating any matter in which the complainant alleges a contravention of his human and fundamental rights specified under Sections 4 and 5 of the Constitution; this, notwithstanding the absolute prohibition against investigating matters which fall within the Third Schedule to the Constitution.

I receive many complaints from public officers and employees and from employees of statutory and local authorities alleging discrimination in employment practices such as preferment for acting appointments or promotions which it is alleged, contravene the Public Service Regulations and established departmental policies and procedures.

If I decide to investigate a complaint, then I am required to do so in accordance with Section 97 of the Constitution and the Ombudsman Act Chap. 2:52. These provisions give the Ombudsman the power to summon witnesses, compel them to give evidence on oath and to produce documents. My functions in respect of investigations carried out under the provisions of the Act cannot be delegated except in certain circumstances and only with the prior approval of the Prime Minister.

Formal investigations had been carried out by my predecessor on two occasions. So far I have had no cause or occasion to carry out any formal investigations since I receive the assistance and cooperation of the departments and authorities involved.

INDEPENDENCE OF OMBUDSMAN

The Supreme Court of Canada has defined the status and independence of the Ombudsman in the following terms:

"The position of ombudsman (a word borrowed from the Swedish meaning "Procurator for civil affairs" but loosely translated as "public protector") is typically provided for by a legislative body and headed by an independent public official with the power to receive complaints about, inquire into and report on governmental abuses affecting members of the public."

[1984 S.C.R. 447, p. 450]

One of the principal characteristics required for an Ombudsman, therefore, is his independence since this quality is closely linked to his credibility and to the trust which members of the public should have in him.

It is for this reason that my predecessor had in his Fourth Annual Report commented:

"27. In my view the Office of the Ombudsman of Trinidad and Tobago can improve its effectiveness and image if it were not totally dependent for its goods and services on Government departments, which from time to time may possibly be under investigation.

28. It becomes more difficult for an Ombudsman to make an objective examination of decisions by public officers or feel free to censure government departments when his office is solely dependent on these public officers and Government departments for its operation and services."

It was for the purpose of preserving the independence of the Office of the Ombudsman that my predecessor had proposed to a joint select committee of Parliament appointed to review legislation to strengthen the Office (referred to later in this Report) that a block vote be provided for the purposes stated above. At present the vote for expenditure relating to the Office of the Ombudsman appears under the Head **PARLIAMENT** in the Estimates of Expenditure. This comes under the control of the Clerk of the House of Representatives who is the Accounting Officer under the Exchequer and Audit Act Chap. 69:01.

I had represented before the Committee that an independent accounting unit be set up and placed under the control of the most senior public officer in my Office, the Secretary to the Ombudsman. He would be responsible for the disbursement of funds from the block vote in accordance with the Exchequer and Audit Act. This, however, did not find favour with certain members of the Committee due, no doubt, to the fact that they were unaware that all monies voted by Parliament had to be expended for the purpose for which it was voted and that the Accounting Officer can be surcharged for misuse of public funds. Indeed, one member was under the impression that the Ombudsman required control of the vote so that he could expend the money on overseas travel.

As I believed that my Office would not be seriously compromised with respect to its independence, I did not pursue the proposal for the establishment of the block vote. I expressed the hope, however, that the Office of the Ombudsman would not suffer a low priority rating in respect of the disbursement of funds allocated to the Office having regard to the fact that the Accounting Officer was primarily concerned with Parliament.

STAFF

The staff structure provides for three main branches: legal services, administrative services and investigative services. The details are outlined in the organisational chart which is an appendix to this Report.

Under Section 92(2) of the Constitution it is provided that staff of the Ombudsman shall be public officers and under Section 121(8) it is provided that before the Public Service Commission makes an appointment to the staff or transfers a member of the staff it shall first consult with the Ombudsman.

The most senior public officer in the Office is designated Secretary to the Ombudsman. He is, in effect, my assistant and in overall charge of the staff and operational functions of the Office. Steps are being taken to change the designation of this officer in order to avoid confusion with the post of Executive Secretary to the Ombudsman.

On February 7, 1991, Mrs. Angela Solomon assumed duty as Administrative Officer II and has since established the administrative services on a sound footing.

The investigative services comprise a senior investigator and four investigators. They are university graduates trained in various disciplines and some have had experience in administration in the Public Service.

Because of the number of complaints requiring investigation, the present complement of investigators is inadequate to sufficiently cope with the work involved. In this respect, I have to refer to complaints from prisoners at the various penal institutions who are constantly complaining of alleged abuses of their human and fundamental rights, in addition to complaints about their welfare and court matters. Because of their inability to move freely it is necessary for the investigative staff to treat many of these matters with priority, some with urgency. A considerable length of time is devoted to carrying out investigations in this area to the detriment of other well-deserving areas. Previous reports of my predecessor have drawn attention to this fact and to the necessity of increasing the present complement of investigators.

It is my intention in the not too distant future to call in the appropriate authority with a view to reviewing the staff position and making recommendations thereon.

Senior personnel as at 31st December, 1991 were as follows:

<u>Name</u>	<u>Position</u>
Mr. Michael Almandoz, Barrister-at-Law	Secretary to the Ombudsman
Mrs. Charmaine Carrington Llb(Hons.)L.E.C.	Head, Legal Department
Mr. Hugh Clarke, B.A.,M.A. (Political Science, Public Admin., International Relations)	Senior Investigator
Ms. Joy Henry, B.Sc. (Hons.) Sociology	Investigator
Mr. Stephen Creese, B.Sc. (Hons.) (Public Admin.), Cert. in proj. preparation & appraisal	Investigator
Mrs. Yvette Crichlow, B.Sc. (Bus. Admin.)	Investigator
Ms. Martina Phillip, B.A. (Public Admin.)	Investigator
Mrs. Angela Moe-Solomon, Cert. in Public Admin.	Administrative Officer II

I wish to place on record my gratitude for the unstinting service rendered by the staff and for the able and competent manner in which they have performed and continue to perform the various duties assigned to them.

ACCOMMODATION

The Office is located at St. Ann's, Port of Spain, Trinidad and it is open to the public from 8.00 a.m. to 4.00 p.m. from Monday to Friday.

Because of its location, it is not easily accessible to the public some of whom travel from all parts of the Country in order to see me personally, notwithstanding the fact that they can put their complaints in writing and forward them to me.

Representations will be made shortly to have the Office more centrally located so that it can better serve complainants.

I or senior members of the staff continue to attend at the office established in Tobago at least one day per month for the purpose of interviewing complainants and conducting investigations into complaints.

In March 1991, I procured the use of the Chamber at City Hall, San Fernando through the kind courtesy of the Mayor and the City Clerk on one day per month, i.e. the second Tuesday, for the purpose of interviewing complainants who wish to see me personally. There, advice is given to complainants and complaints requiring investigation are put into writing and dealt with at a later stage.

In March 1992, I also procured the use of a room at the administrative offices of the Arima Borough Corporation through the kind courtesy of the Mayor and the Town Clerk and my attendance there is for a like purpose as at San Fernando. I or senior members of the staff attend on one day per month, i.e. the last Thursday.

The average number of persons who attend to seek advice or file complaints are as follows:

Tobago:	20
San Fernando:	25
Arima:	25

Shortage of staff prevents me at the present time from extending these services to other parts of the Country.

SITE VISITS

I have continued the practice of site visits initiated by my predecessor. The Office has developed into a highly personalised one as many complainants are

not satisfied unless they are allowed to discuss their complaints with me personally. As far as practicable, I try to facilitate them. Where I find it necessary, I arrange a site visit in order to get first-hand information of the complaint. I invite representatives of the department or authority concerned to accompany me. In this way I am able to inspect the subject matter of the complaint and obtain the expert opinion of experienced and qualified departmental officers. The problem is aired and a solution is arrived at in most cases. This method of dealing with a complaint also reduces the volume of paperwork and avoids delay in dealing with the problem.

I have had a fair measure of success in obtaining relief for complainants in this way. In a number of cases, the complaint relates to damage to property and inconvenience and hardship due to the conditions of roads, drains, bridges, watercourses, pipeline systems and other general infrastructural deficiencies. In many of these cases the problem is acknowledged by the department of Government or authority concerned but due to lack of public funds the remedial work cannot be expeditiously carried out. Some of these complaints are put on a priority list by the department or authority concerned to be dealt with at some future time. In urgent cases I have been encouraging complainants to remedy their problems by a cooperative effort involving the department or authority concerned whereby they provide the materials and the department or authority provides the technical expertise, labour and supervision. Some of the complainants have obtained funds from the National Self-Help Commission. In this way, many complainants have obtained some form of relief.

INTERNATIONAL OMBUDSMAN INSTITUTE

On 21st November, 1991, I obtained membership of the International Ombudsman Institute. Membership of the Institute had been accorded to my predecessor for many years previously but had lapsed at the time I had assumed Office. The Institute is incorporated as a non-profit organisation and its objects include:

1. Promotion of the concept of ombudsman and the encouragement of its development throughout the world.
2. Encouragement and support for research and study into the office of the ombudsman.
3. Development and operation of educational programmes for ombudsmen, their staff and other interested people.

4. Collection, storage and dissemination of information and research data about the institution of the ombudsman.
5. Development and operation of programmes to enable an exchange of information and experience between ombudsmen throughout the world.
6. The organisation of the international ombudsmanship conferences.
7. Provision of scholarships, fellowship grants and other types of financial support to individuals throughout the world to encourage the development of the ombudsman concept and to encourage study and research into the institution of ombudsman.

In previous annual reports my predecessor who had served as a Board member of the Institute, had outlined the benefits he had derived from liaising with the Institute, in meeting with his counterparts from different countries and in attending conferences promoted by the Institute.

In his sixth report covering the period 6th December, 1982 to 5th December, 1983, he reported as follows:

"It is my opinion that our country should continue to foster and strengthen the ties with Ombudsmen of other countries and the International Ombudsman Institute to date is the best medium for doing so.

The benefits I have derived from such meetings and conferences have been invaluable to my office and I have sought in the past and will continue to seek Government's approval to allow Investigators from my office the opportunity of widening their knowledge through similar interaction with their colleagues abroad."

It is pertinent to note that there are over 100 Ombudsmen throughout the world who are members of the Institute. Annual and periodical reports of many of these Ombudsmen are sent to this Office regularly for our information and edification. In like manner, my annual reports are forwarded to many Ombudsmen overseas.

JOINT SELECT COMMITTEE OF PARLIAMENT

Under Section 96(2) of the Constitution, it is provided that where the Ombudsman has completed an investigation and comes to the conclusion that the complainant has suffered an injustice, he shall inform the department of Government or authority of the reasons for his opinion and make such recommendation as he thinks fit. Under Section 96(4) where his recommendations have not been acted upon within the time specified, he shall lay a special report on the case before Parliament.

A number of special reports had been laid before Parliament by my predecessor, all of which had been dealt with in a cursory manner before a sitting of Parliament. The result was that in a number of cases complainants did not get the relief or remedy which was recommended.

On the 1st December, 1989, the House of Representatives agreed to the following resolution:

"BE IT RESOLVED: that this House consider that it is expedient that a Committee of both Houses be appointed to review legislation establishing the Office of the Ombudsman in order to strengthen that office so that it may provide more effective resolution of the citizens' grievances and curb bureaucratic abuses."

The Senate agreed to this resolution on 16th January, 1990.

In pursuance of this resolution, a joint select committee under the chairmanship of the President of the Senate was established. The Committee met on three occasions during 1990 at which my predecessor was present and finally on 27th May, 1991 at which I was present.

The following recommendations were made to Parliament by the Committee.

(1) That the Office of the Ombudsman should continue to be serviced by Parliament in respect of financial matters.

(2) That the Standing Orders of both Houses of Parliament be suitably amended to provide for the

establishment of, and procedure for, a Joint Parliamentary Committee to consider and report on all Reports submitted to Parliament by the Ombudsman in accordance with the Constitution. This Committee should have power to send for persons, papers and records.

That Parliament went out of office before the recommendations were implemented.

I have since taken up the matter with the President of the Senate with a view to having the recommendations implemented by the present Parliament.

Since the Ombudsman cannot enforce his recommendations, a failure on the part of an officer or a department to act upon them has often resulted in hardship to complainants and a compounding of the injustice.

It is hoped that the recommendations made to Parliament for the setting up of a joint select committee to handle special reports will bear fruit.

SAN JUAN OMBUDSMAN CONGRESS

The First San Juan Ombudsman Congress was held in the Commonwealth of Puerto Rico from May 8 to May 10, 1991. Having recently taken up my appointment as Ombudsman it was not possible for me to attend. My Office was however represented by Mrs. Charmaine Carrington, Head, Legal Department and Miss Joy Henry, Investigator.

The Conference focused on two principal themes:

- (1) The necessity and viability of instituting a Judicial Ombudsman; and
- (2) Methods of strengthening the Ombudsman's place in the democratic order;

and took the form of the presentation of papers and ensuing panel and floor discussions.

I have been informed by these officers that the Conference was well attended and stimulating as it brought together Ombudsmen from several different jurisdictions and other persons with an interest in the Ombudsman concept.

I have since been sent a Report of the Congress. I refer particularly to Professor Donald C. Rowat's presentation with which I agree to some extent since Trinidad and Tobago like most of the Commonwealth countries has a constitutional government comprising three separate branches in accordance with the doctrine of the separation of powers.

One of the proposals made by Professor Rowat was that the ombudsman be given a more explicit power to supervise the administration of justice and court personnel other than judges. I may point out that my jurisdiction already extends to such personnel in the exercise of their administrative functions.

I also noted with much interest, the report of Mr. Stephen Owen, Director of the International Ombudsman Institute with respect to the finalisation of plans for the Latin American Ombudsman Institute and the proposed training programmes for personnel in the ombudsman environment.

I look forward to establishing further contact with my international colleagues and international institutions.

P A R T I I

A R E A S O F C O N C E R N

AREAS OF CONCERN

(a) Delay

In his first annual report published in 1978, my predecessor had complained about the tardiness in answering correspondence by some government departments and authorities. He made the point that if a request for certain information is not treated with the courtesy of a prompt reply, the effectiveness of the Office could be undermined. He continued to complain about this state of affairs in successive reports.

There is a public perception which, I believe, is shared by many Government departments that the Office of the Ombudsman is an office within the Public Service established for the purpose of handling complaints from members of the public. It is not often realised that the Office is an independent one and outside the Public Service.

When I took up Office I was surprised at the number of complaints which had remained unresolved for a number of years mainly due to the fact of delay in replying to requests for information and in coming to decisions on simple issues of fact on the part of the department of Government or Authority concerned. Complaints which should take only a short time to be resolved, in many cases drag on for years.

I will illustrate this by referring to two complaints which were dealt with during the year under review:

(1) On 14th February, 1976, one Mrs. P. was delivered of a child at the General Hospital, San Fernando. During post delivery surgery, a surgical needle was left in her body. Four years later the needle was discovered by a doctor in private practice and was removed on 30th May, 1980. The complaint was brought to my predecessor's attention by letter dated 20th July, 1984.

On enquiring into the complaint, a specialist medical officer attached to the General Hospital, San Fernando admitted that the fault was due to negligence on the part of the Hospital authority. Then ensued a spate of correspondence between the Office of the Ombudsman, the Ministry of Health and

the Solicitor-General's Office in which various issues were raised by the Ministry of Health and the Solicitor-General. In the light of the admission of fault, these issues were irrelevant to the settlement of the claim for compensation. On 22nd February, 1989, the Ombudsman recommended that for her pain and suffering and for the expenses incurred by her in seeking medical attention locally and abroad, the complainant be compensated in the sum of \$80,000.00. This was accepted by Government and that sum of money was paid to the complainant on 29th January, 1992.

This was more than seven years after the complaint had been lodged with the Ombudsman and sixteen years since the complainant had suffered damage and loss as a result of the negligence of an employee of the Ministry of Health.

(2) On 22nd June, 1984, Mr. K. L. brought into the country a stereo set for which he had no import licence. It was retained by the Customs Department pending his obtaining a licence. When the complainant returned with the licence six days afterwards, the stereo set could not be found. The complaint was lodged at the Office of the Ombudsman on 12th September, 1984. Then followed enquiry by investigators of this Office. Instead of admitting liability for the loss of the stereo set and seeking to compensate the complainant, the department denied liability and continued to do so, relying upon legal defences which were, in the main, misconceived. Finally, on 16th January, 1992 Cabinet, acting on the advice of the department concerned, agreed to compensate the complainant for his loss and for his expenses, time and trouble in pursuing the complaint. This was almost eight years after the loss suffered by the complainant.

When a complaint is referred to a department of Government or to an authority, invariably at some stage it is referred to the department of the Solicitor-General or to the department's or authority's legal adviser. When a reply is eventually received, and this may be many months afterwards, it is usually to the effect that the department or authority is relying upon a legal defence. Invariably this is so whether the department or authority admits or acknowledges fault or maladministration.

In many cases too, bureaucratic delays are caused by a faulty system within the department or authority itself.

I have found that there is a complete misconception in some cases by the department or authority concerned as to the nature of what is required. Only factual issues are involved at this stage of enquiry, and depending on the nature of the reply, an investigation may not be necessary at all.

Many departments and authorities fail to realise that the Ombudsman operates within an extra legal jurisdiction so that legal defences which may be invaluable in a court of law will have little effect on his jurisdiction. My main concern is to find a remedy for persons who suffer an injustice as a result of decisions or recommendations made or as a result of acts done or omitted by any department or authority in the exercise of their administrative functions. An injustice, nevertheless remains an injustice whether or not a department or authority has a legal defence in a court of law. Delay in remedying the injustice only compounds it.

In an effort to obviate delay, constant reminders are being sent and investigators have visited and are continuing to visit the departments or authorities concerned in cases where replies have been long outstanding. In some cases, I call meetings at which officers of the department or authority concerned and the complainant attend. I have achieved a fair measure of success in avoiding delay by these methods.

(b) Accounting Procedures

In several complaints made by public officers to my predecessor and to myself, it was alleged that Accounting Officers were acting in contravention of the Financial Regulations in seeking to recover alleged overpayments or unauthorised payments.

This led me to an examination of the relevant legislation which governs such matters viz. The Exchequer and Audit Act Chap. 69:01 and the Financial Regulations made thereunder.

The Financial Regulations were passed in order to guide Accounting Officers in the performance of their duties with respect to their handling of public funds. It

imposes liability on them but also affords them protection in certain cases. If, through their negligence there is a loss of public funds, they become accountable and can be surcharged.

The relevant regulations which govern overpayments and unauthorised payments are as follows:

83. Every unauthorised payment and overpayment of salary, pension, allowance, wages or other moneys constitutes a debt which is recoverable in full from the payee.

84.(1) When an unauthorised payment or overpayment is discovered, the person overpaid shall be informed and the incorrect rate of payment shall be stopped immediately.

(2) Steps shall be taken to determine liability, if any, of the person responsible for the payment when the sum paid cannot be recovered from the payee.

(3) Where expenditure votes are involved, these shall be adjusted immediately.

85.(1) The accounting officer shall state in his report concrete proposals for the repayment of the unauthorised payment or overpayment.

(2) The officer paid shall be informed and steps shall be taken to commence recovery of the amounts due from the officer's salary when the proposals have been examined by the Treasury and the repayment terms fixed.

(3) The accounting officer may accept repayment immediately or may, with the written consent of the officer paid, make deductions from the officer's salary pending the fixing of repayment terms by the Treasury.

(4) In fixing repayment terms, the Treasury shall take cognisance of any voluntary repayments.

In my opinion these regulations relate to obvious cases of unauthorised payments or overpayment of salary, pension etc. as stated in Regulation 83. As such they relate to public servants or those in Government employ.

Regulation 84 deals with such payments to any person, whether public officer or not, for the Accounting Officer may be responsible for the payment of goods and services supplied by persons outside the Public Service.

According to Regulation 84(2), steps shall be taken to determine liability. Liability is not automatically imposed. I have discovered in a number of cases that although the public officer was informed of the alleged unauthorised payment or overpayment, steps were taken immediately to recover it whether or not he disputed it. In some cases repayment terms were fixed without consulting the complainant.

The public officer is in the same position as any other member of the public with respect to overpayments or unauthorised payments. A member of the public can dispute his liability and rely upon all the defences which are open to him, e.g. that the matter had become statute-barred or that the payment made to him was neither an overpayment nor an unauthorised payment but a payment legitimately due to him. In some cases, deductions had been made from public officers' salaries or from their gratuity in respect of alleged overpayments or unauthorised payments, recovery of which had become statute-bared, and this was done without consulting them.

In fixing repayment terms in some cases, the officer had not been consulted. An arbitrary amount was fixed and deducted from the officer's salary. The consequent result was that the officer suffered hardship.

If a member of the public was the recipient of an unauthorised payment or an overpayment, it would be necessary for the Accounting Officer to recover such payment in accordance with legal procedure, i.e. if the recipient disputed the alleged overpayment or unauthorised payment, in the absence of agreement he would have to be taken to court in order to determine his liability and as to the manner in which the debt should be recovered. A public servant is in no less invidious position.

I have written to the Comptroller of Accounts under whose jurisdiction Accounting Officers fall, pointing out to him the necessity of having them adhere to the provisions of the Financial Regulations which pertain to overpayments and unauthorised payments by public officers. I have no doubt that if Accounting Officers were to deal with public officers in the manner laid down by the Regulations, there will be little room for complaint and the consequent injustice which now follows from their action will be alleviated to some extent.

(c) Remand Prisoners

Since my assumption of duty I have received numerous complaints from prisoners who have been on remand at the State Prisons for considerable lengths of time and who claim that they are either not being provided with transport to attend court on the dates their matters are called or that they are not given trial dates.

Even though my predecessor in his Eleventh Annual Report had highlighted the transportation issue the position remained unchanged. I have noticed, however, articles appearing in the press that forty-three (43) prisoners have filed constitutional motions against the Commissioner of Police and the Attorney General alleging that their fundamental human rights and freedoms have been contravened. They are contending that there are no adequate vehicles to transport them to and from court resulting in justice being delayed.

In the circumstances, I am precluded from taking any further action on this matter.

With respect to the delay in obtaining trial dates, I have referred some of these matters to the Secretary of the Legal Aid and Advisory Authority where the inmates are in need of legal representation.

Others, I have referred to the Director of Public Prosecutions. I intend to hold further discussions with the Director of Public Prosecutions on this matter.

In other cases where the progress of the matter in court depends on the Police, my enquiries reveal that the officers in question are either on vacation or extended sick leave or have retired or migrated and as a result the matters are delayed.

In the end, justice is not served.

I have begun a comprehensive review of conditions in the penal institutions and will, in due course, bring my findings and recommendations to the attention of the appropriate authorities.

(d) Oil and Water Board

I have to refer to a number of complaints which I have received with respect to damage to property, crops and livestock as a result of pollution caused by the operations of oil companies in the southern region of the country.

Prior to the enactment of the Petroleum Act Chap. 62:01 in 1969, persons who suffered oil and water damage as a result of oil mining operations had recourse to the Oil and Water Board established under the Oil and Water Board Ordinance Chap. 26 No. 6. Since the coming into force of the Petroleum Act, the Oil and Water Board has not been appointed. It appears that the Oil and Water Board Ordinance providing for its appointment had been repealed by the Petroleum Act.

However, there is a saving provision in Section 39 of the Petroleum Act providing for the continuance of the Oil and Water Board Ordinance until it is repealed by Regulations made under Section 29. Section 29 provides, 'inter alia' that the President may make any such Regulations as he considers necessary or expedient for carrying out the purposes of the Act - "(j) for the prevention of pollution of land, water or air and for compensation therefor." No regulations in respect of this provision have been made.

As a result of complaints made to the Ombudsman by several complainants since 1978 of oil pollution at Clarke Road, Penal, causing damage to crops and livestock, my predecessor had embarked on an investigation of the matter.

In a memorandum dated 23rd March, 1984 from the Minister of Energy and Natural Resources, he was informed that Cabinet had by Minute No. 1446 dated 3rd July, 1981 agreed that necessary steps be taken to create the Pollution Arbitration and Compensation Board recommended under the Petroleum Act to replace the Oil and Water Board. However, up to the present time no regulations have been made and it seems that no steps have been taken to create the Pollution Arbitration and Compensation Board despite the Cabinet Minute of 3rd July, 1981.

In the meantime, persons who suffer damage due to oil mining operations have had to take their matters to the High Court in order to obtain relief. On the 18th December, 1991, I received a complaint from several persons outlining their plight.

I have since investigated the matter and discovered that in an action brought by the complainants against Trinidad and Tobago Oil Company Limited for damage caused to their crops by oil pollution, the latter raised a defence that the High Court had no jurisdiction in the matter. This was upheld by Mr. Justice Razac in the San Fernando High Court.

Section 48 of the Oil and Water Board Ordinance which is still in operation, having been saved by Section 39 of the Petroleum Act, provides:

"A court of justice (including a Judge or Magistrate acting as arbitrator under the Mining and Compensation Ordinance) shall not award compensation for any damage for which compensation can, under the provision of this Ordinance, be awarded by the Board."

Unless persons who suffer damage as a result of pollution can come to some arrangement with the oil companies involved, it seems that they are left without any recourse.

The Chief Parliamentary Counsel had advised my predecessor some time ago of the failure of the Permanent Secretary, Ministry of Energy, despite numerous reminders, to furnish comments on the draft bill.

Accordingly, I have since suggested to the Minister as a matter of urgency pending the establishment of the Pollution Arbitration and Compensation Board, that an Oil and Water Board be appointed so that complainants who have been suffering for the past twenty years may be able to obtain relief for damage caused to property, crops and livestock by oil and water pollution.

(e) Land Acquisition

My predecessor in his second annual report stated that he had undertaken an investigation into the plight of those citizens who have had their lands compulsorily acquired and had not been paid compensation. His investigation disclosed that the acquisition machinery was inefficient and manifestly unjust having regard to the fact that claimants whose lands were compulsorily acquired were being deprived of their property without the expeditious payment of compensation. My predecessor held the opinion, and rightly so that payment of compensation should be concurrent with acquisition. My investigations have confirmed that in nearly every case claimants experienced extreme hardship and inordinate delays in obtaining compensation for land compulsorily acquired. The situation has not changed.

Land is compulsorily acquired for public purposes in accordance with the provisions of the Land Acquisition Ordinance Chap. 27:10. The State enters the land of the private individual in accordance with Section 3 of the said Ordinance and the land is vested in the State by virtue of Section 5.

The acquisition procedure involves at least three government departments/ministries viz: Lands and Surveys Department, Ministry of Planning and Development, Chief State Solicitor, Valuation Division and the Ministry of Finance. In addition, other departments/ministries may become involved because the particular public purpose for which the land is acquired is one in which they have an interest. The acquisition of a parcel of land for the building of a highway would naturally involve the Highways Division, Ministry of Works and Transport.

The Lands and Surveys Department, which one could describe as the co-ordinating agency of the land acquisition machinery, has over the years suffered from lack of adequate accommodation and at one time its records were destroyed by fire but its major problem is the shortage of trained and experienced staff, particularly surveyors.

A survey plan is an essential requirement of the acquisition of land by the State. Once the actual survey has been completed the plans have to be checked; a function that is undertaken by the more experienced surveyors who are also engaged in other duties. As a consequence delays are not uncommon.

Title searches are required to verify the claimant's title to the land in question, an exercise that is undertaken by the Chief State Solicitor's Department. The title searches are done from the records of the Registrar General's Office. Invariably, further delays are encountered here.

The Valuation Department is involved in determining the amount of compensation to be paid in accordance with the provisions of the Land Acquisition Ordinance. The Commissioner of Valuations, acting in an advisory capacity, works closely with the Chief State Solicitor, the Director of State Lands and other state agencies involved in the acquisition procedure. The Commission negotiates with claimants when an offer is made.

Notwithstanding the shortage of staff which plagues every department of government involved in the exercise, I am convinced that there is a lack of sensitivity on the part of Government officials in this matter. To deprive a citizen of his property without the expeditious payment of compensation is to infringe his constitutional rights.

My investigations have revealed that in some cases it takes more than ten (10) years before compensation is paid. The following case illustrates the situation.

On 24th February, 1986 a resident of Tobago reported that the State had acquired a portion of his land at Hillsborough in 1975 to be included in the Hillsborough Catchment area where a dam was to be constructed, and he was informed that he would be compensated for it but had, up to the time of making his complaint, received no compensation. Eleven years had elapsed since the fact of acquisition.

On receipt of the complaint, my predecessor informed the Sub-Intendant of State Lands of the allegations made by the complainant.

Investigations revealed that in 1983 the Director of Surveys had informed the Permanent Secretary, Ministry of Agriculture, Lands and Food Production that a voucher in the sum of Four Thousand, Eight Hundred and Twenty-eight dollars and Ninety-five cents (\$4,828.95) in favour of the complainant had been prepared for processing. The sum represented the payment for the land compulsorily acquired, interest then due on the sum awarded, and reimbursement of valuation fees and out of pocket expenses. The complainant, however, had never received the amount awarded.

By memorandum dated 19th May, 1988 the Director of Surveys informed the Permanent Secretary, Ministry of Planning and Mobilisation as follows:

"The remaining portion of (complainant's) land has been deprived of access as a result of the acquisition and has also been injuriously affected by the project.

The affected owner would accordingly be entitled to compensation for the severed parcel and the recommendation of the Director, Town and Country Planning is supported as are those of the Commissioner of Valuations..."

It was subsequently revealed that the acquisition of the severed portion of the complainant's land had not yet been made. The severed portion comprised an area of 2.727 acres. The Commissioner of Valuations commenced negotiations with the complainant and an agreement was reached in respect of compensation payable for the purchase by private treaty of the severed portion of the land in the sum of Six Thousand Two Hundred and Twenty-one dollars and Fifty-six cents (\$6,221.56).

By letter dated 22nd May, 1991 the Acting Director of Surveys advised that he had received the cheque and wished that my office would deliver it to the complainant. This sum represented compensation in full and final satisfaction for the unencumbered freehold interest in the parcel of land comprising 2.15 acres compulsorily acquired and the severed portion comprising 2.727 acres. The sum also included interest and the reimbursement of valuation fees and out-of-pocket expenses.

It took approximately sixteen (16) years for the entire procedure to reach that stage. However, before delivery of the cheque could have been made, I was informed that the claimant had died. His next of kin has applied for a grant of Letters of Administration.

At present there are ten complaints outstanding in respect of land acquired by Government for public purposes for which no compensation has been paid.

P A R T I I I

S E L E C T E D C A S E S U M M A R I E S

Case No. 1

In January 1984 the owner of a dwelling house at Iere Village, Princes Town complained to the Ombudsman that as a result of construction work undertaken by the Ministry of Works on the Naparima/Mayaro Road, which abutted his premises, a severe landslip had developed which had resulted in considerable damage to his dwelling house. He claimed that he had sought compensation from the Ministry for the damage but his claims had been ignored by the Ministry.

On 16th February, 1990 my predecessor visited the site with representatives of the Ministry of Works. The house was essentially a wooden structure standing on concrete pillars. It was evident that a major landslip had occurred and the complainant had been very badly affected.

As the soil in this part of the island is generally known to be unstable, it was difficult to determine the cause of the earth movement in the specific instance. However, as the complainant was financially unable to take this matter to court, my predecessor exercised his discretion in his favour and undertook to conduct a formal investigation into his complaint.

Consequently, he requested a detailed report on the matter from the Ministry of Works and he also retained the services of a company of private engineers in order to obtain an independent opinion on the cause of the landslip. In addition and in accordance with Section 97(2) of the Constitution he called for and examined the files on this matter held at the Ministry of Works.

From both the files at the Ministry and the report from the private firm of engineers to the Ombudsman, the experts were agreed on the fact that work done on the road had contributed to the damage of the complainant's dwelling house. In fact, the private engineer estimated the liability of the Ministry at 80%. The Ministry, while admitting responsibility, remained undecided with regard to the extent of its liability.

By letter of 30th July, 1987 the Ombudsman informed the Ministry of Works that he was satisfied that the complainant had sustained an injustice as a result of a fault in administration (of the Ministry) both in arriving at a decision with respect to its liability and

in implementing remedial works and he concluded that the Ministry should come to a decision on the matter within eight (8) weeks of the date of the letter.

Following the recommendation of the Ombudsman, the Solicitor General advised the Ministry of Works to have its engineers provide an estimate of the extent to which the earth excavated was responsible for damage to the complainant's house and also seek a valuation of the property and an evaluation in terms of money of the damage caused as a result of such road works.

The Director of Highways then informed his Permanent Secretary that he had since reviewed the situation and was of the view that the Ministry was responsible for 20% of the damage caused to the complainant's property. The complainant had set the value of his house at \$100,000.00. This meant that if the Ministry of Works' evaluation was adhered to, he would have been entitled to \$20,000.00.

It was, however, the view of the Ombudsman that this was not a fair settlement as it did not seem feasible that \$20,000.00 would have placed the complainant in the same position he had enjoyed before the damage occurred. The Ombudsman finally accepted a proposal from the Ministry of Works that an alternative building site be identified and that the Ministry undertake the erection of a suitable dwelling house for the complainant. This proved a futile exercise.

Because the issue of liability was not conclusively determined the Ombudsman continued to discuss this matter with the Ministry of Works. However, it was not until June 1991 that the Ministry offered compensation to the complainant in the sum of \$60,636.50 which in fact represented the entire value of the dwelling house and which sum the complainant accepted.

Case No. 2

On 7th February, 1985 a complainant informed my predecessor that her residence at Old Southern Main Road, Couva was being flooded whenever rain fell because of the lack of adequate roadside drains.

By letter dated 21st May, 1985 the matter was referred to the Chief Administrative Officer, Caroni County Council who advised that the matter was investigated and major problems did in fact exist, but that the remedying of these problems was the responsibility of the Ministry of Works, Maintenance and Drainage.

The complaint was referred to the Permanent Secretary, Ministry of Works. A site investigation revealed that because of the lack of roadside drains, not only did rain water enter the complainant's property but the waste water of the complainant's neighbours also flowed onto her property due to the low level of the road abutting her premises.

The issue was further compounded when it appeared that the boundary drain on the southern side of the complainant's premises had been diverted by her neighbour and this contributed to the flooding. This particular part of the problem was eventually resolved but the lack of adequate drainage on the roadway continued to cause flooding on the complainant's property. In spite of letters and telephone discussions with officers of the Ministry of Works, no action was taken to resolve the major problem.

By this time the complainant's premises was in a swampy condition and my predecessor had cause to inform the Chief Medical Officer of Health, Caroni of the matter.

On 4th April, 1991 I made a site visit with an officer of the Ministry of Health, Caroni who recognised the potential health hazard being created.

On 29th April, 1991 the Permanent Secretary, Ministry of Works, Infrastructure and Decentralisation advised that the estimated cost of drainage necessary to remedy the fault would be approximately \$25,000.00 and that the work would be done in accordance with the normal maintenance programme scheduled for the year. However, I was subsequently informed that due to the other urgent works which were programmed for earlier this year, it was not possible to have the work completed at the scheduled time.

The complainant subsequently advised me that the work had been completed.

It took approximately six (6) years to have this matter resolved.

Case No. 3

In the Thirteenth Annual Report my predecessor had made mention of a complaint against the Ministry of Health which he had referred to Parliament, as a result of the failure of the Ministry to implement his recommendation that the complainant be paid compensation for an undisputed claim of negligence on the part of the General Hospital, San Fernando. The recommendation was made on 22nd February, 1989 and the matter was referred to Parliament on 31st December, 1990.

According to the provisions of the Constitution the referral of a matter to Parliament by the Ombudsman is the last action which the Ombudsman can take in any matter. However, by letter of 14th March, 1991 I received a memorandum from the Solicitor-General's Department, which informed me that this complaint had been referred by the Ministry of Health with regard to advice on liability and quantum of compensation in response to the recommendation made by the Ombudsman. Of significance in this memorandum was the question of the Ombudsman's exercise of his discretion to investigate a matter which was within the jurisdiction of the court but in which the Ombudsman had concurrent jurisdiction if he was satisfied that in the particular circumstances it was not reasonable to expect the complainant to have taken court proceedings.

In my reply of 13th May, 1991 I had set out in detail the reasons for my decisions in exercising my discretion. It was clear to me that while the initial incident had taken place in 1976 and the needle was discovered in the complainant's body and removed in 1980, it was not until 1984 that the complainant had requested the intervention of the Ombudsman in the matter. It was also clear to me that the undisputed evidence of the X-Ray showing a needle in the complainant's body did not require determination of negligence by a court of law. The Ministry of Health had, in effect, admitted liability.

I therefore strongly endorsed the recommendation of my predecessor that the Ministry of Health pay the complainant compensation in the sum of Eighty Thousand dollars (\$80,000.00) for the pain and suffering she had undergone. The Solicitor General accepted my position in the matter and so did the Ministry of Health.

[This case has been reported under **AREAS OF CONCERN** for the purpose of demonstrating the effect which delay has in the remedying of injustice.]

Case No. 4

This case demonstrates how my Office was able to ensure that a public servant receive the just rewards for her endeavours.

A school teacher sought my assistance in having her period of absence from the Teaching Service classified as no pay study leave with the consequent restoration of annual increments and retirement benefits.

She complained that she had received the firm assurance of an officer of the Ministry of Education that her application for nine (9) months no pay study leave had been approved. In fact she claimed that the said officer had shown her a written instruction to the paysheet department for the cessation of salary from the purported date of approval. She then proceeded on leave from her position as Teacher I.

When she had completed her studies and had resumed duties at the school, she was informed that her application for no pay study leave had not been approved. She was to be treated as a new appointee and remunerated accordingly. Her years of prior service were also not to be reckoned for pension purposes.

My investigations revealed that the complainant was a victim of the relevant department's tardiness in processing her request for no pay study leave.

In September 1979 she had indicated to the authorities that she was pursuing a course of study as a part time student at the University of the West Indies and required no pay leave to prepare for her second year examination. She had not been advised until March 1980 of the proper course of action to be followed in obtaining no pay study leave for the completion of her studies.

As directed, she submitted an application for no pay study leave from 15th October, 1980 to 31st August, 1981. This application was, however, not forwarded by the Ministry of Education to the competent authority until 2nd November, 1981. She was then forced to submit a fresh application for nine (9) months leave from 2nd November, 1981. When this application was received, the Ministry of Education ceased payment of her salary as from that date.

The complainant completed her course of studies in June 1982. The Public Service Training Committee rejected her application on 29th November, 1982. The Committee advised that their decision was based on the comments which the Principal of the school had made, that her absences during school hours for the period October, 1979 to November, 1981 had affected the school programme.

It is noteworthy that during the period of the complainant's leave of absence the school functioned without a replacement teacher. The Principal complained on many occasions about the delay in receiving a decision on the complainant's application.

Given the sequence of events, it was my view that both the school and the complainant had suffered as a result of the sluggishness of the authorities in giving a decision.

The complainant was penalised because the competent authority did not act in time to alleviate the circumstances which ensued.

Since the complainant had been promoted to the post of Teacher II in 1985, her employer was enjoying the benefits of the acquired higher education and I believed that her period of absence should be justly classified for pension purposes.

Accordingly, I recommended that in all the circumstances, her application should be reviewed.

The Chief Personnel Officer subsequently conveyed approval for the relevant period to be classified as no pay study leave and directed the Ministry of Education to restore all benefits.

Case No. 5

On 13th May, 1991 G.W. complained to me that on 1st November, 1990 a police corporal of the City Police, City Hall, Knox Street, Port of Spain had seized her carrier bicycle and nuts pan and charged her for obstruction. On 1st May, 1991 the matter was heard in the Port of Spain Magistrate's Court. She was reprimanded and discharged and it was ordered that the bicycle and nuts pan be returned to her.

On her attempt to recover the bicycle and nuts pan, she discovered that two tyres and tubes were missing.

I requested the complainant to produce an estimate of the cost of replacing the tyres and tubes.

She subsequently submitted an estimate which represented the cost of motorcycle tyres. She claimed that she was experiencing difficulty in obtaining foreign tyres which she had on the bicycle originally.

I forwarded the estimate to the City Clerk, Port of Spain City Corporation and requested that he look into the matter with a view to compensating the complainant for her loss. I also pointed out to him that the complainant had been prevented from pursuing her occupation for a considerable length of time.

On 15th August, 1991 I received a letter from the City Clerk stating that the matter had been investigated and the complainant's claim had been taken before the Finance Committee at its monthly session. The Committee had recommended that the required tyres and tubes be purchased and the wheels be restored to their normal condition.

I was asked to advise the complainant about the decision taken and to request her to contact the Assistant Superintendent of the Port of Spain City Police on the matter.

After discussions with the Assistant Superintendent of Police on the matter, the complainant then reported to me that the Police had refused to purchase the motorcycle tyres because they were too costly. However, the Assistant Superintendent decided to check all bicycle shops in the country to see if regular tyres could be obtained.

My view on the matter was that if cheaper tyres could not be obtained then motorcycle tyres which were available should be purchased and fitted as delay would have prevented the complainant from pursuing her means of livelihood.

I kept in contact with the Assistant Superintendent of the City Police until he finally informed me that the rims of the bicycle were changed and that regular tyres and tubes were purchased.

I wrote the complainant and asked her to visit the Port of Spain City Police to collect her carrier bicycle.

She eventually sent a message informing me that her matter was finalised to her satisfaction.

Case No. 6

The complainant, an officer of the Trinidad and Tobago Fire Services Department sought my assistance in obtaining redress for an injustice he alleged that he had sustained.

In 1981 he had taken the Joint Promotion examination for promotion to the ranks of Fire Sub Officer and Fire Sub Station Officer, respectively. His name, however, did not appear on the passlist released by the Examination Section of the Service Commissions Department. When he subsequently enquired into the matter, it was discovered that contrary to the record of released results he had, in fact, passed the examination. This circumstance caused him a loss of seniority among the ranks of the Fire Service and concomitantly a considerable loss of income.

The officers whose names appeared on the passlist were interviewed and promoted to the rank of Fire Sub Officer on 23rd February, 1983 and subsequently to the rank of Fire Sub Station Officer on 16th July, 1984. On 30th November, 1984 the Director of Personnel Administration informed the complainant that he had passed the examination. In order to correct the error the Public Service Commission ruled on 20th May, 1985 that the complainant's name should be placed on the 1983 Order of Merit List for promotion to the grade of Fire Sub Officer between the names of the two officers whose names were

specified in the decision. A literal rendering of this ruling, however, could not cure the injustice suffered by the complainant since the officers in question were already established in the higher rank of Fire Sub Station Officer.

The complainant had only been promoted to this rank on 1st January, 1988. His other colleagues who had passed the 1981 examination are highly placed on the seniority list of Fire Sub Station officers and have been assessed by the Promotion Advisory Board for appointment to the rank of Fire Station Officer. The complainant was not considered for promotion to this rank because of his displaced seniority.

It was my opinion that the complainant had suffered an injustice which ought to have been remedied by the restoration of his seniority among the ranks of the Fire Service in such a manner that he would neither suffer a loss of status nor remuneration nor a consequent loss in pension and gratuity when he retires.

I have conveyed my views to the Service Commissions Department and requested that the matter be placed before the Commission for their review and further consideration.

No action has been taken to date. The complainant remains aggrieved that he has not been equitably treated as a result of the administrative error made. However, the matter is being pursued.

Case No. 7

Ms X, a student nurse, complained to my predecessor by letter dated 28th February, 1978 that as a result of two injuries suffered by her on the compound of the San Fernando General Hospital and on the floor of the Nurses' Hostel, San Fernando, respectively, she had become a paraplegic. Both injuries occurred during her employment as a nurse. The first occurred on 25th December, 1963 and the second in January, 1965. She alleged that there was an inordinate delay in the procedure by which compensation was to be paid to her. By letter dated 8th May, 1978 a report was requested from the Permanent Secretary, Ministry of Health.

The Permanent Secretary, by letter dated 23rd May, 1978, indicated that the Ministry was in the process of recommending to Cabinet that an 'ex gratia' award be

made. Further investigation revealed that they had been so advised since August 1977 by the Solicitor-General.

By letter dated 14th April, 1980 the complainant indicated that she was offered a mere \$2,520.00.

It appeared that Cabinet in its assessment of the 'ex gratia' award used the formula laid down under the Workmen's Compensation Ordinance. My predecessor submitted to the Ministry of Health on 31st October, 1980 that this was not a proper basis for assessment, pointing out that it appeared that Cabinet had been wrongly advised.

It appears that the matter was reopened and referred to the Supervisor of Insurance who by letter dated 1st September, 1981 recommended that the sum of \$86,129.00 be paid. This amount was based purely on an estimated loss of earnings and did not include considerations in respect of pain, suffering and loss of amenities. On 3rd October, 1990 some nine years after the receipt of the recommendation of the Supervisor of Insurance the matter was referred to the Solicitor-General by the Ministry of Health and has since remained outstanding.

By letter dated 26th June, 1991 after a careful review of the situation, I recommended that the sum of One Hundred and Fifty Thousand dollars (\$150,000.00) be paid to the complainant in respect of damages for pain, suffering and loss of earnings. This recommendation is still receiving the attention of the Ministry of Health. I consider that the complainant has suffered a grave injustice and it is time that the Ministry of Health brings this matter to a reasonable conclusion. The complainant has been in a wheelchair since January, 1965, a period of twenty-seven years having elapsed since then.

Case No. 8

On 2nd May, 1986, D.S. complained to the Ombudsman that as a result of the failure of the Ministry of Health to compensate her for their negligence in the management of, the delivery of and post partum care of her infant son who was born on 23rd February, 1985 she had suffered an injustice.

D.S. contended that in November 1984 she was given a blood test at the Point Fortin Area Hospital and the classification RH negative was placed on her pre-

natal records at the Point Fortin Health Centre. She gave birth to the child on 23rd February, 1985 and was discharged on the same day.

On 25th February, a nurse from the Health Centre visited her at home and ordered that the child be hospitalised as he appeared to be jaundiced. The child was rushed to the Point Fortin Area Hospital and then transferred to the San Fernando General Hospital.

In September, 1985 a paediatrician advised her that her son had suffered brain damage.

A report was requested from the Permanent Secretary, Ministry of Health on 31st July, 1986. Due to the delay in submitting the report, my predecessor directed a formal investigation of the matter. Examination of the documents at the Ministry revealed the following:

1. An internal investigation had only commenced on 4th March, 1987;
2. The investigating officer concluded that given the mother's medical history, the entire antenatal and post partum care were ineptly handled;
3. There was scepticism as to the veracity of some test results allegedly taken at Point Fortin Area Hospital (contrary results being given for the same test done at the San Fernando General Hospital);
4. The internal investigator had filed his report on 31st March, 1987;
5. The Permanent Secretary, Ministry of Health sought permission to refer the above report to the Solicitor-General on 4th December, 1987;
6. On 20th September, 1988 the matter was forwarded to the Solicitor-General for his advice.

By memorandum dated 18th April, 1989 the Solicitor-General concluded that there was negligence in the management of the pregnancy and advised that consideration be given as an interim measure to the payment of an 'ex gratia' award to defray expenses

incurred in providing care for the child. The Solicitor-General also requested that the Ministry of Health assign personnel to liaise with the Solicitor-General so that compensation could be assessed.

Up to November, 1989 no such liaison had taken place. My predecessor then summoned all parties concerned to a meeting to facilitate the finalisation of the matter. After a series of meetings during 1990 he sought the assistance of a medical referee so as to ensure that adequate provision would be made for the child's welfare.

On 31st December, 1990 he made the following recommendations:

1. That the sum of Forty-seven Thousand, One Hundred and Five dollars (\$47,105.00) be refunded to the complainant for out of pocket expenses incurred by her.
2. That the State undertake to bear the expense of maintaining the child at a suitable institution.

On my assumption of Office, the complainant by letter dated 22nd March, 1991, requested a review of the case and indicated a preference for a lump sum settlement 'in lieu' of the provision for maintenance of the child at an institution. It appears that the complainant had taken the child to the United States of America for further medical attention.

On 10th May, 1991, the Solicitor-General was advised accordingly. By letter dated 3rd June, 1991, the Solicitor-General informed me that the Attorney General had agreed to recommend the sum of Two Hundred Thousand dollars (\$200,000.00) in addition to a refund of the out of pocket expenses in the amount of Forty-seven Thousand, One Hundred and Five dollars (\$47,105.00) in full and final settlement.

As of 8th April, 1992, I am advised that the matter has not yet been placed before Cabinet.

The child is now seven years old.

Case No. 9

The complainant had purchased a parcel of land on an undulating slope in central Trinidad. She complained to me that as a result of improper drains on the premises of her neighbour's property, her property had become subject to land slippage, resulting in the collapse of her concrete dwelling house.

She was in the process of constructing another dwelling house about 50 yards from the former and this house too had begun to develop cracks indicating evidence of shifting earth.

I informed the County Medical Officer of Health responsible for the area to ensure that the complainant's neighbour had complied with the existing public health regulations regarding the drainage of his property. I was assured by the County Medical Officer of Health that the neighbour had done all that he ought to have done.

My concern was to ensure that no government authority was responsible for the damage and inconvenience suffered by the complainant. I therefore made a personal visit to the site with representatives of the County Medical Officer of Health, the County Council and the Ministry of Works, the latter being responsible for public drainage.

From my visit to the site it seemed to me that the problem of land slippage was not confined to the complainant. Two houses in the area had collapsed recently and there had been a history of other structures which had also collapsed. This suggested to me that the problem might lay in more fundamental factors such as the quality of the soil in the area. I therefore requested the Chief Technical Officer, Ministry of Works to undertake a soil test to determine the cause of the land slippage affecting the complainant.

He concluded that the damage suffered by the complainant had been caused as a result of the general soil type and topography of the area and any liability for damage would rest with the developer. He also recommended that a comprehensive drainage programme be implemented for the entire area. I was guided in my decision on the matter by his conclusion.

In the face of these facts, the complainant could not have been assisted directly. However, I considered the report and recommendation of the Ministry of Works on the matter to be of immense significance for any future development in the area. I therefore circulated it to all government departments connected with development planning in the area.

It is unfortunate that development planning does not always take sufficient cognisance of matters such as soil conditions in laying down structural requirements. Most home owners are persons of very modest means who are apt to comply only with the minimum standards set down by the planning authorities. I believe that the planning authorities would be failing in their duty if they did not lay down proper structural requirements suitable to the area in which persons intend to build their homes and ensure compliance with such requirements.

Case No. 10

By letter dated 3rd October, 1990 the complainant wrote the Ombudsman alleging that the Ministry of Energy had unreasonably refused his application for a retail marketing licence to operate a service station. The matter was brought to the attention of the Permanent Secretary, Ministry of Energy who replied as follows:

1. In 1974, National Petroleum Marketing Company (NPMC) leased the said service station to Mr. B.
2. In 1983, the complainant claimed that he had bought the 'rights' to the service station from Mr. S. who had bought the station from Mr. B. without the knowledge or consent of NPMC.
3. In 1984, NPMC stopped delivery of supplies to the station as the complainant did not possess a retail marketing licence.
4. In 1984, the complainant sued Mr. B. for a declaration that he was entitled to possession of the station. The matter is still before the High Court.
5. Mr. B's lease expired in November 1985 and in 1985 NPMC took the position that the vacancy should be advertised.

6. However, in January 1990, NPMC entered into a lease agreement with the complainant before the issue of the advertisement.

7. In January 1990, the complainant applied for the issue of a retail marketing licence and in May 1990 he paid the sum of \$350.00 which represented a proportion of the application fees payable. It is to be noted that the fees were increased to \$500.00 with effect from January, 1989.

8. On receipt of this application, the Ministry of Energy sought to ascertain from NPMC whether all the necessary criteria had been met in order that the complainant would qualify for the issue of a licence to operate the service station.

9. Consequent on the response from NPMC and a subsequent meeting between the Ministry of Energy and NPMC, it was determined by the Ministry of Energy that the availability of the dealership for the station should be advertised.

10. NPMC had since advertised the availability of the dealership of the service station but to date the Ministry had no information as to whether the matter of appointment of a dealer had been finalised.

Consequent on the response of the Permanent Secretary, Ministry of Energy I ascertained from the complainant that a licence to operate a service station had been granted to a person other than the complainant on the site leased to the complainant by NPMC. This was not disputed.

I then sought clarification from the Trinidad and Tobago National Petroleum Marketing Company Limited pointing out to them that a most curious and anomalous situation had arisen whereby one person held the lease of the premises while another was in receipt of the licence to operate the service station. The complainant had further informed me that he had spent a considerable sum of money on the premises preparatory to his expected operation of the service station. I offered to mediate in the matter provided that I received the cooperation of both the Ministry of Energy and NPMC.

NPMC further advised that they had complied with the Ministry's stipulation that the dealership be advertised. The complainant applied but was not selected. Consequently, he was not able to satisfy one of the terms of his lease that he obtain a licence to operate a service station.

I informed the complainant of NPMC's reply and drew his attention to the relevant section of his lease agreement which placed the onus on him to obtain the relevant licence.

However, in the light of the reply of the Chief Executive Officer of NPMC, I decided to discontinue my investigation (which I am empowered to do under Section 95 of the Constitution) and leave the complainant to pursue his remedy in Court as it seemed that neither the Ministry nor NPMC accepted my offer to mediate in the matter.

I concluded that this was one of the matters which I was precluded from investigating by virtue of Section 94(4)(a) of the Constitution being a matter in respect of which the complainant had a remedy by way of proceedings in a court. It was not a matter in which action had been taken either by the Ministry of Energy or NPMC in the exercise of their administrative functions.

The complainant was so informed.

This state of affairs would not have arisen had there been proper co-ordination between the Ministry and a state corporation which came under its control.

PART IV

1. STATISTICAL OVERVIEW

2. STATISTICS OF CASES HANDLED

><< STATISTICAL OVERVIEW ><<

During this year I received **967** new complaints, **199** of which were against private organizations and hence outside my jurisdiction. Of the **768** complaints against government ministries/departments and agencies, **67** were outside my jurisdiction. This gives a total of **266** new complaints without jurisdiction. I therefore proceeded with investigations on **701** or **72.5%** of the new complaints.

At the end of the year I had concluded investigations on **273** or **38.9%** of such complaints. **428** or **61%** were carried forward to the next year.

Table I shows the number of new complaints received during the year and the manner in which they were disposed.

TABLE NO. I

**STATISTICS ON COMPLAINTS RECEIVED FOR THE YEAR
UNDER REVIEW - DECEMBER 30TH, 1990
TO DECEMBER 31ST, 1991**

Total number of complaints received	...	...	...	967	
Total number of complaints without jurisdiction	...	...	...	266	
Total number of complaints proceeded with		...	...	701	72%
Total number of complaints concluded	...	...	...	273	38.9%
Sustained/Rectified	...	...	...	155	
Not Sustained	...	...	...	111	
Advised/Discontinued					
Withdrawn	...	...	...	7	
Total number of complaints under investigation	...	...	...	428	61%

I have included Table II in this report to show the performance of the office this year, relative to previous years on the numbers and percentages of complaints within jurisdiction and those concluded at the end of the year.

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
1990-1991	701	72.0	273	38.9

The distribution of new complaints this year did not show much deviation from that of preceding years. The highest number recorded was against the Ministry of Justice and National Security which included complaints against the Police and Prisons. A total of **349** complaints were recorded against this Ministry.

The second highest number of complaints recorded (**82**) was against the Ministry of Works. **60** complaints were recorded against the Ministry of Settlements. The number of complaints recorded against the Ministry of National Security is somewhat higher than in preceding years and is directly related to an increase in the number of complaints recorded against the Prison Authorities.

These complaints against Prisons are mainly request for assistance to obtain early dates of hearing for trials or appeals or request for assistance to get medical attention.

In all instances where complaints fell outside my jurisdiction, I have sought to render assistance to the Complainant by referring him to the relevant department or agency or I have given advice and information where necessary.

In addition to the new complaints received this year, **2,589** complaints were brought forward from preceding years. Table III shows the manner in which those complaints were disposed.

TABLE NO. III

Total number of complaints brought forward	...	...	...	2,589
Total number of complaints concluded	...	...	...	2,132
Sustained/Rectified	...	...	...	1,283
Not Sustained	...	...	...	245
Advised/Discontinued/ Withdrawn	...	...	...	604
Total number under investigation	...	...	...	457

----- STATISTICS OF CASES HANDLED -----

AGRICULTURAL DEVELOPMENT BANK

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

--- Within Jurisdiction ---

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Delay in receiving loan	Under Investigation
2.	Assistance to have loan rescheduled ...	Under Investigation

AIRPORTS AUTHORITY OF TRINIDAD AND TOBAGO

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

--- Within Jurisdiction ---

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Discrimination in employment	Under Investigation

CENTRAL BANK

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

--- Without Jurisdiction ---

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Assistance in receiving reinstatement ...	
2.	Request for advice	

CARONI (1975) LIMITED

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

--- Without Jurisdiction ---

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Assistance in a private matter	
2.	Assistance in receiving monies	
3.	Assistance in receiving possessions ...	
4.	Assistance in a private matter	
5.	Assistance in receiving employment ...	

ELECTIONS AND BOUNDARIES COMMISSION

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

--- Within Jurisdiction ---

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Delay in receiving Identification Card 	Rectified
2.	Delay in receiving Identification Card 	Under Investigation

MINISTRY OF EDUCATION

Number of Complaints	11
Without Jurisdiction	00
Within Jurisdiction	11
Sustained/Rectified	03
Not Sustained	01
Advised/Discontinued/ Withdrawn/Referred	00
Under Investigation	07

---Within Jurisdiction ---

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Incorrect computation of gratuity ...	Under Investigation
2.	Delay in receiving reimbursement ...	Under Investigation
3.	Incorrect deductions from salary ...	Under Investigation
4.	Assistance in repairing toilet facilities at school 	Under Investigation

Ministry of Education - Continued

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
5.	Delay in receiving letter of confirmation	Rectified
6.	Delay in receiving ex gratia award ...	Rectified
7.	Assistance in receiving Personnel File	Rectified
8.	Wrongful dismissal	Not Sustained
9.	Assistance to gain admission to classes	Under Investigation
10.	Assistance to obtain recognition of qualifications	Under Investigation
11.	Assistance in regularisation of appointment	Under Investigation

MINISTRY OF FINANCE

Number of Complaints	29
Without Jurisdiction	02
Within Jurisdiction	27
Sustained/Rectified	06
Not Sustained	06
Advised/Discontinued/ Withdrawn/Referred	00
Under Investigation	15

--- Within Jurisdiction ---

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Assistance in linking service	Rectified
2.	Delay in receiving severance pay and vacation leave	Rectified
3.	Assistance in receiving retirement benefits	Rectified

Ministry of Finance - Continued

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
4.	Assistance in removal of Value Added Tax (V.A.T.)	Not Sustained
5.	Assistance in receiving early pension	Rectified
6.	Assistance in regularising entry on Assessment Roll... ..	Rectified

BOARD OF INLAND REVENUE

--- Within Jurisdiction ---

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Assistance in having taxes reduced ...	Not Sustained
2.	Incorrect deduction of Health Surcharge	Not Sustained
3.	Assistance in obtaining reduction in taxes	Under Investigation
4.	Delay in obtaining tax refund	Under Investigation
5.	Delay in determining ex gratia award ...	Under Investigation
6.	Assistance in defence in garnishee proceedings	Not Sustained
7.	Delay in receiving Income Tax Refund ...	Rectified
8.	Assistance in receiving Income Tax Refund	Under Investigation
9.	Assistance in obtaining reduction in taxes	Not Sustained
10.	Assistance in obtaining correct tax computation	Under Investigation
11.	Regularisation of tax computation ...	Under Investigation

Board of Inland Revenue - Continued

<u>No.</u>	<u>Subject of Complaint</u>	<u>Result</u>
12.	Assistance to recover over-payment of taxes	Under Investigation
13.	Assistance to receive tax refund ...	Under Investigation
14.	Assistance in obtaining re-assessment of property	Under Investigation
15.	Dissatisfaction with taxes	Not Sustained

--- Without Jurisdiction ---

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Delay in receiving tax receipt	
2.	Assistance in obtaining variation in taxes	

CUSTOMS AND EXCISE DIVISION

--- Within Jurisdiction ---

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Discrimination by Customs' Brokers Board	Under Investigation

PENSIONS DIVISION

--- Within Jurisdiction ---

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Incorrect computation of gratuity ...	Under Investigation
2.	Assistance in receiving Widows' Pension	Under Investigation

Pensions Division - Continued

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
3.	Delay in obtaining gratuity	Under Investigation
4.	Assistance in securing Widows' and Orphans' Benefits	Under Investigation

VALUATION DIVISION

--- Within Jurisdiction ---

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Assistance in obtaining correct assessment	Under Investigation

MINISTRY OF FOOD PRODUCTION AND MARINE EXPLOITATION

Number of Complaints	14
Without Jurisdiction	00
Within Jurisdiction	14
Sustained/Rectified	02
Not Sustained	01
Advised/Discontinued/ Withdrawn/Rectified	00
Under Investigation	11

--- Within Jurisdiction ---

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Delay in preparation of lease	Under Investigation
2.	Assistance in receiving lease for lands	Under Investigation
3.	Delay in having lease regularised ...	Under Investigation
4.	Assistance in receiving lease for land	Under Investigation
5.	Assistance in receiving vacation leave	Under Investigation

Ministry of Food Production and
Marine Exploitation - Cont'd

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
6.	Victimization in employment	Under Investigation
7.	Assistance in having the Ministry respond to a report	Rectified
8.	Discrimination in employment	Not Sustained
9.	Impropriety of staff	Under Investigation
10.	Delay in receiving lease	Under Investigation
11.	Assistance to obtain terminal benefits	Under Investigation

STATE LANDS DEPARTMENT

--- Within Jurisdiction ---

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Assistance in having cost to subdivide land reduced	Rectified
2.	Assistance in regularizing tenancy ...	Under Investigation
3.	Harassment by squatters	Under Investigation

MINISTRY OF HEALTH

Number of Complaints	31
Without Jurisdiction	01
Within Jurisdiction	30
Sustained/Rectified	03
Not Sustained	05
Advised/Discontinued/ Withdrawn/Referred	01
Under Investigation	21

Ministry of Health - Continued

--- Within Jurisdiction ---

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Harassment by co-workers	Under Investigation
2.	Failure to obtain registration as medical practitioner	Under Investigation
3.	Delay in rectifying drainage problem ...	Under Investigation
4.	Delay in receiving medical report ...	Under Investigation
5.	Delay in abating nuisance	Under Investigation
6.	Assistance in obtaining investigation into death	Under Investigation
7.	Assistance to abate a nuisance	Under Investigation
8.	Incorrect pension deductions	Under Investigation
9.	Assistance in receiving compensation ...	Under Investigation
10.	Assistance to abate a nuisance	Rectified
11.	Assistance in receiving medical records	Rectified
12.	Delay in receiving remuneration	Rectified
13.	Delay in receiving acting allowance ...	Under Investigation
14.	Delay in receiving compensation	Under Investigation
15.	Failure to secure proper termination of service	Under Investigation
16.	Delay in receiving increments	Not Sustained
17.	Assistance in receiving relief from harassment	Not Sustained
18.	Assistance to abate a nuisance	Not Sustained

Ministry of Health - Continued

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
19.	Incorrect hospitalisation	Not Sustained
20.	Assistance to abate a nuisance	Under Investigation
21.	Incompetence of Pharmacy Board	Advised
22.	Incorrect hospitalisation	Under Investigation
23.	Negligence in hospital	Under Investigation
24.	Assistance to abate a nuisance	Under Investigation
25.	Assistance to abate a nuisance	Under Investigation
26.	Assistance to abate a nuisance	Under Investigation
27.	Assistance to abate a nuisance	Under Investigation
28.	Assistance to obtain compensation for negligence	Under Investigation
29.	Discrimination in employment	Under Investigation
30.	Assistance in abatement of nuisance ...	Not Sustained

--- Without Jurisdiction ---

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

MINISTRY OF JUSTICE AND NATIONAL SECURITY

Number of Complaints	349
Without Jurisdiction	42
Within Jurisdiction	307
Sustained/Rectified	52
Not Sustained	65
Advised/Discontinued/ Withdrawn/Referred	02
Under Investigation	188

Ministry of Justice and National
Security - Continued

--- Within Jurisdiction ---

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Delay in receiving increment	Rectified
2.	Discrimination in employment	Under Investigation

DEFENCE FORCE

--- Within Jurisdiction ---

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Delay in receiving death benefit	Under Investigation

--- Without Jurisdiction ---

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Unfair dismissal	

IMMIGRATION DEPARTMENT

--- Within Jurisdiction ---

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Assistance in obtaining citizenship	Under Investigation
2.	Assistance to recover passport	Rectified

JUDICIARY

--- Within Jurisdiction ---

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Delay in forwarding bail bond	Under Investigation
2.	Assistance in receiving judgement	Under Investigation

Judiciary - Continued

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
3.	Assistance in receiving judgement ...	Under Investigation
4.	Assistance in securing date for appeal	Under Investigation
5.	Delay in hearing of Inquest	Under Investigation
6.	Delay in receiving application for bail	Under Investigation
7.	Faulty record keeping	Under Investigation
8.	Delay in having matter called	Rectified
9.	Delay in having court matter investigated	Rectified
10.	Assistance in securing date for appeal	Rectified
11.	Assistance in receiving notes of evidence	Rectified
12.	Assistance in receiving date for appeal	Rectified
13.	Assistance in having matter called ...	Not Sustained
14.	Assistance in having matter called ...	Not Sustained
15.	Claims of being harshly treated in Court	Not Sustained
16.	Failure to be summoned to Court	Not Sustained
17.	Assistance in being taken to Court ...	Rectified
18.	Variation of sentence	Under Investigation
19.	Failure to be summoned to Court	Under Investigation
20.	Assistance in having matter started ...	Rectified
21.	Assistance in obtaining notes of evidence	Under Investigation
22.	Assistance in having matter heard ...	Under Investigation

Judiciary - Continued

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
23.	Assistance in having appeal heard ...	Under Investigation
24.	Assistance in receiving compensation ...	Under Investigation
25.	Assistance in having matter concluded	Under Investigation
26.	Assistance in receiving reinstatement	Under Investigation
27.	Request for early trial date	Under Investigation
28.	Dissatisfaction with judgement	Under Investigation
29.	Delay in having matter completed ...	Not Sustained
30.	Wrongful arrest	Under Investigation
31.	Variation of sentence	Not Sustained
32.	Delay in obtaining date for hearing ...	Not Sustained
33.	Variation of Sentence	Not Sustained
34.	Assistance in obtaining refund of money	Not Sustained
35.	Delay in matter being called	Not Sustained
36.	Assistance in having matter called ...	Not Sustained
37.	Wrongful arrest	Not Sustained
38.	Assistance in obtaining hearing	Under Investigation
39.	Delay in hearing of inquest	Withdrawn
40.	Delay in having matter started	Under Investigation
41.	Delay in receiving probate	Under Investigation
42.	Assistance in obtaining Notes of Evidence	Under Investigation
43.	Assistance for securing monies	Under Investigation
44.	Assistance in obtaining judgement ...	Under Investigation

Judiciary - Continued

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
45.	Request for early trial date	Under Investigation
46.	Assistance to obtain Judge's notes ...	Under Investigation
47.	Assistance to obtain Judge's notes ...	Under Investigation
48.	Assistance to obtain a fair appeal hearing	Under Investigation
49.	Delay in receiving trial	Under Investigation
50.	Assistance in obtaining a date for hearing	Under Investigation
51.	Assistance in obtaining an early trial date	Under Investigation
52.	Assistance in obtaining an early trial date	Under Investigation
53.	Assistance in obtaining a fair trial ...	Under Investigation
54.	Assistance in obtaining trial	Under Investigation
55.	Request for legal advice	Advised

--- Without Jurisdiction ---

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Request for legal advice	
2.	Request for legal advice	
3.	Variation of sentence	
4.	Unfair trial	
5.	Assistance to secure bail	
6.	Assistance to receive compensation ...	
7.	Assistance to receive bail	

Judiciary - Continued

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
8.	Assistance in obtaining bail	
9.	Request for Judge's summing up	
10.	Assistance in receiving copy of Judge's decision	
11.	Delay in having judgement delivered ...	
12.	Unfair treatment by Attorney-at-Law ...	

POLICE

--- Within Jurisdiction ---

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Assistance in being taken to Court ...	Under Investigation
2.	Assistance in being taken to Court ...	Under Investigation
3.	Assistance in retrieving stolen vehicle	Under Investigation
4.	Delay in serving warrant	Under Investigation
5.	Delay in serving summons	Under Investigation
6.	Delay in executing warrant and serving summons	Under Investigation
7.	Dissatisfaction with judgement	Under Investigation
8.	Delay in being taken to Court	Under Investigation
9.	Delay in having inquest heard	Under Investigation
10.	Delay in being taken to Court	Under Investigation
11.	Assistance in serving warrant	Under Investigation
12.	Inaction by the Police	Under Investigation

Police - Continued

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
13.	Delay in having Court matter heard ...	Under Investigation
14.	Assistance in recovering stolen vehicle	Under Investigation
15.	Assistance in recovering stolen vehicle	Under Investigation
16.	Dissatisfaction with Police investigation	Under Investigation
17.	Delay in being taken to Court	Under Investigation
18.	Delay in being taken to Court	Under Investigation
19.	Delay in being taken to Court	Under Investigation
20.	Delay in being taken to Court	Under Investigation
21.	Police harassment	Under Investigation
22.	Delay in being taken to Court	Under Investigation
23.	Delay in being taken to Court	Under Investigation
24.	Delay in being taken to Court	Under Investigation
25.	Delay in being taken to Court	Under Investigation
26.	Loss of jewellery during Police search	Under Investigation
27.	Loss of evidence whilst in Police custody	Under Investigation
28.	Wrongful revocation of precept	Under Investigation
29.	Delay in receiving report on cause of death	Under Investigation
30.	Assistance in receiving reinstatement	Under Investigation
31.	Failure to receive commendation	Under Investigation

Police - Continued

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
32.	Delay in receiving death benefit ...	Under Investigation
33.	Assistance in having chattel retrieved	Under Investigation
34.	Delay in taking action on a report ...	Under Investigation
35.	Assistance in being taken to Court ...	Under Investigation
36.	Delay in serving warrant	Under Investigation
37.	Inhumane treatment by Police	Under Investigation
38.	Delay in responding to a report	Under Investigation
39.	Assistance in receiving salary	Under Investigation
40.	Delay in laying charges	Under Investigation
41.	Assistance in recovering stolen vehicle	Not Sustained
42.	Delay in responding to report	Not Sustained
43.	Unfair treatment	Not Sustained
44.	Delay in investigating matter	Under Investigation
45.	Assistance in being taken to Court ...	Rectified
46.	Delay in receiving items seized	Sustained
47.	Assistance in receiving salary	Under Investigation
48.	Assistance in receiving salary	Under Investigation
49.	Delay in receiving increase in salary	Under Investigation
50.	Delay by Police in appearing in Court	Under Investigation
51.	Delay in investigating stolen vehicle	Under Investigation
52.	Delay in holding inquest	Under Investigation
53.	Harassment by Police Officers	Under Investigation

Police - Continued

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
54.	Assistance in obtaining record	Under Investigation
55.	Delay in investigating report	Under Investigation
56.	Delay in serving summons	Rectified
57.	Wrongful arrest	Not Sustained
58.	Failure to take action on accident report	Not Sustained
59.	Delay in responding to report	Not Sustained
60.	Delay in responding to report	Under Investigation
61.	Assistance in receiving fan	Rectified
62.	Assistance in having parking ticket refunded	Not Sustained
63.	Harassment by Police Officers	Not Sustained
64.	Delay in preparing report	Not Sustained
65.	Assistance in receiving allowance	Rectified
66.	Victimization by Police Officer	Not Sustained
67.	Assistance in receiving terminal benefits	Rectified
68.	Harassment by Police Officers	Not Sustained
69.	Assistance in being taken to Court	Rectified
70.	Harassment by Police Officers	Under Investigation
71.	Harassment by Police Officers	Not Sustained
72.	Assistance in having the Police investigated	Not Sustained
73.	Assistance in having jewellery retrieved	Not Sustained
74.	Assistance in being taken to Court	Rectified
75.	Assistance in obtaining reinstatement	Not Sustained

Police - Continued

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
76.	Assistance in obtaining a precept ...	Not Sustained
77.	Assistance in receiving compensation ...	Under Investigation
78.	Police brutality	Not Sustained
79.	Delay in receiving compensation	Rectified
80.	Delay in receiving compensation	Rectified
81.	Delay by Police in investigating matter	Rectified
82.	Regularization of pension payment ...	Under Investigation
83.	Failure to obtain transport	Under Investigation
84.	Failure to respond to a report	Under Investigation
85.	Failure by Police to return stolen items	Under Investigation
86.	Failure to recover monies held by Police	Under Investigation
87.	Non-appearance by Police at trial ...	Under Investigation
88.	Failure to obtain transport	Under Investigation
89.	Failure to obtain transport	Under Investigation
90.	Delay in ascertaining cause of death ...	Under Investigation
91.	Assistance to recover confiscated property	Not Sustained

--- Without Jurisdiction ---

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Inaction by Police	
2.	Victimization of son	

Police - Continued

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
3.	Delay by police in resolving matter ...	
4.	Improper investigation	
5.	Assistance in receiving compensation ...	
6.	Delay in having matter called	
7.	Assistance in receiving employment ...	

PRISONS

--- Within Jurisdiction ---

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Claim of victimization	Under Investigation
2.	Assistance in receiving medical attention	Under Investigation
3.	Persecution in prison	Under Investigation
4.	Delay in receiving medical attention ...	Under Investigation
5.	Delay in receiving medical attention ...	Under Investigation
6.	Assistance in receiving notes of evidence	Under Investigation
7.	Assistance in receiving letters	Under Investigation
8.	Assistance in receiving medical attention	Under Investigation
9.	Assistance in receiving medical attention	Under Investigation
10.	Assistance in receiving medical attention	Under Investigation
11.	Assistance in receiving letters	Under Investigation

Prisons - Continued

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
12.	Ill-treatment by other prisoners ...	Under Investigation
13.	Victimization by prison officers ...	Under Investigation
14.	Assistance in receiving medical attention	Under Investigation
15.	Inhumane prison conditions	Under Investigation
16.	Assistance in receiving medical attention	Under Investigation
17.	Assistance in receiving medical attention	Under Investigation
18.	Assistance in receiving medical attention	Under Investigation
19.	Assistance to avoid hair cut	Under Investigation
20.	Assistance in receiving a bed	Under Investigation
21.	Assistance in receiving medical attention	Under Investigation
22.	Assistance in receiving medical attention	Under Investigation
23.	Assistance in receiving medical attention	Under Investigation
24.	Assistance in being retreated	Under Investigation
25.	Assistance in receiving letters	Under Investigation
26.	Claims the Prison Authorities wants to read letters sent to the Ombudsman	Under Investigation
27.	Assistance in receiving medical attention	Under Investigation
28.	Victimization on religious grounds ...	Under Investigation

Prisons - Continued

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
29.	Assistance in receiving medical attention	Under Investigation
30.	Assistance in being allowed to see family	Under Investigation
31.	Assistance in receiving medical attention	Under Investigation
32.	Assistance to secure release	Under Investigation
33.	Dissatisfaction with meals	Under Investigation
34.	Assistance in being taken to Court ...	Under Investigation
35.	Assistance in receiving medical attention	Under Investigation
36.	Variation of sentence	Under Investigation
37.	Assistance in receiving medical attention	Under Investigation
38.	Unsafe environment	Under Investigation
39.	Harassment by Prison Officers	Under Investigation
40.	Failure to receive the correct diet ...	Under Investigation
41.	Assistance in writing the department of their choice	Under Investigation
42.	Assistance in receiving medical attention	Under Investigation
43.	Assistance in finding out the exact time of sentence	Under Investigation
44.	Assistance in receiving medical attention	Under Investigation
45.	Assistance in locating missing items ...	Under Investigation

Prisons - Continued

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
46.	Assistance in receiving medical attention	Under Investigation
47.	Assistance in receiving medical attention	Under Investigation
48.	Assistance in receiving medical attention	Under Investigation
49.	Assistance in receiving medical attention	Under Investigation
50.	Assistance in receiving medical attention	Under Investigation
51.	Assistance to practice trade in prison	Under Investigation
52.	Assistance in receiving medical attention	Rectified
53.	Variation of sentence	Not Sustained
54.	Assistance in receiving financial help	Not Sustained
55.	Ill-treatment by Prison Officer	Not Sustained
56.	Variation of sentence	Rectified
57.	Victimization by Prison Officer	Not Sustained
58.	Variation of sentence	Not Sustained
59.	Assistance in having matter dismissed	Not Sustained
60.	Unfair trial	Not Sustained
61.	Assistance in having other matters heard	Rectified
62.	Assistance in obtaining Notes of Evidence	Rectified
63.	Assistance in locating witness	Not Sustained
64.	Variation of sentence	Not Sustained

Prisons - Continued

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
65.	Delay in being released	Under Investigation
66.	Assistance in obtaining stationery ...	Rectified
67.	Variation of sentence	Rectified
68.	Assistance in receiving monies from employers	Rectified
69.	Assistance in obtaining notes of evidence	Rectified
70.	Claims to be wrongfully charged ...	Rectified
71.	Unfair trial	Not Sustained
72.	Assistance in obtaining variation of sentence	Not Sustained
73.	Variation of sentence	Rectified
74.	Unsafe environment	Under Investigation
75.	Incompetence of Prison Authority ...	Not Sustained
76.	Assistance in being allowed to practice trade	Not Sustained
77.	Assistance in obtaining legal representation	Under Investigation
78.	Assistance in receiving bail	Sustained
79.	Claims his house is constantly being broken into	Not Sustained
80.	Assistance in obtaining stationery ...	Rectified
81.	Disorderly conduct by Prison Officer ...	Not Sustained
82.	Assistance in obtaining an early release	Sustained
83.	Disorderly conduct by Prison Officer ...	Not Sustained
84.	Wrongful arrest	Sustained

Prisons - Continued

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
85.	Disorderly conduct by Prison Officer ...	Not Sustained
86.	Assistance in obtaining an early trial date	Under Investigation
87.	Ill-treatment by Prison Officers ...	Not Sustained
88.	Wrongful arrest	Sustained
89.	Variation of sentence	Sustained
90.	Assistance in obtaining notes of evidence	Under Investigation
91.	Variation of sentence	Under Investigation
92.	Delay in being taken to Court	Rectified
93.	Assistance in being taken to Court ...	Rectified
94.	Assistance in being relocated	Sustained
95.	Assistance in receiving notes of evidence	Rectified
96.	Assistance in being taken to Court ...	Rectified
97.	Assistance in obtaining notes of evidence	Under Investigation
98.	Assistance in obtaining legal representation	Rectified
99.	Assistance in being relocated	Not Sustained
100.	Assistance in securing deportation ...	Under Investigation
101.	Assistance in receiving medical attention	Rectified
102.	Assistance in being taken to Court ...	Rectified
103.	Unsafe environment	Not Sustained
104.	Unfair dismissal	Not Sustained

Prisons - Continued

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
105.	Assistance in being taken to Court ...	Rectified
106.	Assistance in receiving medical attention	Not Sustained
107.	Assistance in obtaining medical attention	Rectified
108.	Assistance in receiving stationery ...	Rectified
109.	Assistance in receiving medical attention	Not Sustained
110.	Assistance in receiving toiletries ...	Rectified
111.	Variation of sentence	Not Sustained
112.	Assistance in obtaining bail	Not Sustained
113.	Assistance in being relocated	Not Sustained
114.	Assistance in securing a date for appeal	Rectified
115.	Poor prison conditions	Sustained
116.	Unsafe environment	Not Sustained
117.	Assistance in receiving medical attention	Not Sustained
118.	Assistance in receiving medical attention	Rectified
119.	Victimization by Prison Officer	Not Sustained
120.	Unsafe environment	Not Sustained
121.	Variation of sentence	Not Sustained
122.	Variation of sentence	Not Sustained
123.	Victimization by Prison Officer	Not Sustained

Prisons - Continued

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
124.	Assistance in having a court matter settled	Not Sustained
125.	Assistance in being taken to Court ...	Rectified
126.	Inhumane treatment	Under Investigation
127.	Request for relocation	Under Investigation
128.	Request to be taken to Court	Under Investigation
129.	Request for correspondence	Under Investigation
130.	Request for medical attention	Under Investigation
131.	Request for medical attention	Under Investigation
132.	Victimization by Prison Officers ...	Under Investigation
133.	Victimization by Prison Officers ...	Under Investigation
134.	Ill-treatment in prison	Under Investigation
135.	Unsatisfactory prison conditions ...	Under Investigation
136.	Request for medical attention	Under Investigation
137.	Ill-treatment in prison	Under Investigation
138.	Denial of correspondence	Under Investigation
139.	Ill-treatment in prison	Under Investigation
140.	Denial of correspondence	Under Investigation
141.	Request for medical attention	Under Investigation
142.	Unsatisfactory living condition	Under Investigation
143.	Request for medical attention	Under Investigation
144.	Ill-treatment in prison	Under Investigation
145.	Unsatisfactory living conditions ...	Under Investigation
146.	Unsatisfactory living conditions ...	Under Investigation

Prisons - Continued

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
147.	Unsatisfactory living conditions ...	Under Investigation
148.	Request for medical attention	Under Investigation
149.	Request for medical attention	Under Investigation
150.	Request for medical attention	Under Investigation
151.	Unsatisfactory living conditions ...	Under Investigation
152.	Victimization in prison	Under Investigation
153.	Unhealthy living conditions	Under Investigation
154.	Request for visit	Under Investigation
155.	Victimization by Prison Officer	Not Sustained
156.	Victimization by Prison Officer	Under Investigation

---Without Jurisdiction ---

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Request for advice on Court matter ...	
2.	Variation of sentence	
3.	Request for early appeal	
4.	Variation of sentence	
5.	Assistance in receiving an early date for appeal	
6.	Victimization by Prison Officers ...	
7.	Assistance in securing bail	
8.	Delay in having appeal heard	
9.	Unfair trial	
10.	Unfair trial	

Prisons - Continued

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
11.	Unfair trial	
12.	Unfair trial	
13.	Assistance in being transferred	
14.	Assistance in receiving employment	
15.	Wrongful arrest	
16.	Request for legal advice	
17.	Request for legal advice	
18.	Assistance in having judicial review	
19.	Assistance in obtaining an Attorney-at-Law	
20.	Assistance in appeal to Privy Council...	
21.	Variation of sentence	
22.	Assistance in being relocated	

MINISTRY OF LABOUR EMPLOYMENT & MANPOWER RESOURCES

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

--- Within Jurisdiction ---

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Assistance in receiving status report	Under Investigation
2.	Assistance in receiving retirement benefits	Under Investigation

MINISTRY OF LEGAL AFFAIRS

Number of Complaints	22
Without Jurisdiction	03
Within Jurisdiction	19
Sustained/Rectified	13
Not Sustained	00
Advised/Discontinued/ Withdrawn/Referred	00
Under Investigation	06

ATTORNEY GENERAL DEPARTMENT

--- Within Jurisdiction ---

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Assistance in obtaining a Birth Certificate	Rectified

--- Without Jurisdiction ---

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Delay in preparation of legislation ...	

DIRECTOR OF PUBLIC PROSECUTIONS

--- Within Jurisdiction ---

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Delay in obtaining a hearing	Under Investigation
2.	Assistance in obtaining hearing	Under Investigation
3.	Assistance in securing a date for hearing	Under Investigation
4.	Request for early trial date	Under Investigation
5.	Assistance in having matter called ...	Under Investigation
6.	Request for early trial date	Rectified

Director of Public Prosecutions - Cont'd

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
7.	Request for early trial date	Rectified
8.	Request for early trial date	Sustained
9.	Assistance in receiving warrant	Rectified
10.	Request for early date for appeal	Rectified
11.	Request for early trial date	Rectified
12.	Assistance in securing an early date for Appeal	Rectified
13.	Request for early trial date	Rectified
14.	Request for early trial date	Rectified
15.	Request for early trial date	Rectified
16.	Assistance in receiving an indictment	Rectified
17.	Assistance in receiving an indictment	Rectified
18.	Request for early trial date	Under Investigation

--- Without Jurisdiction ---

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Request for legal advice	
2.	Request for early trial date	

MINISTRY OF PLANNING AND MOBILISATION

Number of Complaints	16
Without Jurisdiction	00
Within Jurisdiction	16
Sustained/Rectified	02
Not Sustained	00
Advised/Discontinued/ Withdrawn/Referred	00
Under Investigation	14

LANDS AND SURVEYS DEPARTMENT

--- Within Jurisdiction ---

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Assistance in ascertaining boundaries	Under Investigation
2.	Delay in receiving refund	Under Investigation
3.	Assistance in receiving deed	Under Investigation
4.	Delay in receiving lease	Under Investigation
5.	Assistance in having matter settled ...	Under Investigation
6.	Assistance to receive compensation for land acquisition	Under Investigation
7.	Assistance in resolving boundary dispute	Under Investigation
8.	Delay in receiving compensation for land acquired	Under Investigation

TOWN AND COUNTRY PLANNING DIVISION

--- Within Jurisdiction ---

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Assistance in having nuisance abated ...	Under Investigation
2.	Delay in obtaining approval	Under Investigation
3.	Assistance in having nuisance abated ...	Sustained
4.	Delay in receiving approval	Under Investigation
5.	Assistance in having nuisance abated ...	Rectified
6.	Assistance in having nuisance abated ...	Under Investigation
7.	Dissatisfaction with drainage	Under Investigation
8.	Assistance in obtaining planning approval	Under Investigation

MINISTRY OF SETTLEMENTS AND PUBLIC UTILITIES

Number of Complaints	71
Without Jurisdiction	04
Within Jurisdiction	67
Sustained/Rectified	15
Not Sustained	07
Advised/Discontinued/ Withdrawn/Referred	02
Under Investigation	43

NATIONAL HOUSING AUTHORITY

--- Within Jurisdiction ---

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Assistance in averting notice to quit...	Under Investigation
2.	Assistance in receiving rental accommodation	Not Sustained
3.	Assistance in receiving tenancy	Under Investigation
4.	Assistance in obtaining housing	Under Investigation
5.	Assistance in receiving accommodation for family	Under Investigation
6.	Delay in receiving deed of ownership ...	Under Investigation
7.	Delay by the National Housing Authority to respond to letter ...	Under Investigation
8.	Delay in obtaining transfer to a ground unit	Rectified
9.	Delay in receiving deed	Under Investigation
10.	Delay in receiving compensation for damages and medical expenses	Under Investigation
11.	Assistance in receiving accommodation	Under Investigation
12.	Assistance in having house repaired ...	Under Investigation
13.	Delay in receiving transfer	Under Investigation
14.	Assistance in obtaining accommodation	Under Investigation

National Housing Authority - Continued

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
15.	Assistance in obtaining larger accommodations	Rectified
16.	Assistance in receiving housing	Rectified
17.	Assistance in receiving housing	Rectified
18.	Assistance in receiving housing	Rectified
19.	Assistance in being re-employed	Under Investigation
20.	Assistance in receiving housing	Under Investigation
21.	Assistance in receiving housing	Under Investigation
22.	Assistance in receiving housing	Under Investigation
23.	Assistance to receive compensation for demolition	Not Sustained
24.	Request for legal advice	Advised
25.	Assistance in securing housing accommodation	Referred
26.	Delay in effecting maintenance work	Under Investigation
27.	Delay in preparing formal agreement	Under Investigation
28.	Assistance in obtaining an apartment	Under Investigation

POST OFFICE

--- Within Jurisdiction ---

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Delay in retrieving package from Post Office	Under Investigation

Post Office - Continued

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
2.	Assistance in being appointed	Sustained
3.	Assistance in receiving mail	Rectified

PUBLIC TRANSPORT SERVICE CORPORATION

--- Within Jurisdiction ---

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Assistance to receive Death Certificate	Under Investigation

TRINIDAD & TOBAGO ELECTRICITY COMMISSION

--- Within Jurisdiction ---

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Assistance in obtaining compensation ...	Under Investigation
2.	Assistance in having electrical connection	Rectified
3.	Delay in having meter checked	Rectified
4.	Assistance in having pole repaired ...	Rectified
5.	Assistance in having poles repaired ...	Rectified
6.	Assistance in having electrical connection	Rectified
7.	Assistance in receiving compensation ...	Under Investigation
8.	Delay in receiving electricity connection	Rectified
9.	Assistance in receiving compensation ...	Under Investigation

Trinidad & Tobago Electricity
Commission - Continued

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
10.	Assistance in receiving compensation ...	Not Sustained
11.	Assistance in receiving electrical connection	Under Investigation
12.	Assistance in receiving electricity ...	Under Investigation

--- Without Jurisdiction ---

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Assistance to obtain reinstatement ...	

**TELECOMMUNICATION SERVICES OF
TRINIDAD AND TOBAGO**

--- Within Jurisdiction ---

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Assistance in receiving correct billing	Under Investigation
2.	Wrongful termination of service	Under Investigation
3.	Wrongful dismissal	Under Investigation
4.	Assistance in receiving compensation for injury sustained	Under Investigation
5.	Discrimination in employment	Not Sustained

WATER AND SEWERAGE AUTHORITY

--- Within Jurisdiction ---

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Assistance in receiving water supply ...	Under Investigation

Water and Sewerage Authority - Continued

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
2.	Assistance in receiving regular water supply	Under Investigation
3.	Assistance in having water rates reduced	Under Investigation
4.	Assistance in having leaking main repaired	Under Investigation
5.	Assistance in having main repaired ...	Under Investigation
6.	Assistance in having water rates reduced	Under Investigation
7.	Assistance in receiving Cost of Living Allowance	Not Sustained
8.	Assistance in receiving remuneration ...	Under Investigation
9.	Assistance in having water main installed on premises	Under Investigation
10.	Assistance in receiving pipe-borne water supply	Under Investigation
11.	Assistance in receiving pipe-borne water	Under Investigation
12.	Assistance in receiving pipe-borne water	Under Investigation
13.	Assistance in receiving severance benefit	Not Sustained
14.	Assistance in having road reserve accessible	Rectified
15.	Assistance in receiving retirement benefits	Rectified
16.	Assistance in receiving gratuity benefits	Not Sustained
17.	Incorrect billing	Under Investigation
18.	Assistance to avert Sale of property ...	Under Investigation

Water and Sewerage Authority - Continued

--- Without Jurisdiction ---

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Assistance in receiving water supply ...	
2.	Request for advice	
3.	Request for advice	

MINISTRY OF SOCIAL DEVELOPMENT AND FAMILY SERVICES

Number of Complaints	34
Without Jurisdiction	03
Within Jurisdiction	31
Sustained/Rectified	15
Not Sustained	06
Advised/Discontinued/ Withdrawn/Referred	00
Under Investigation	10

LEGAL AID AND ADVISORY AUTHORITY

--- Within Jurisdiction ---

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.,	Assistance in receiving Legal Aid ...	Rectified
2.	Delay in obtaining legal assistance ...	Rectified
3.	Delay in obtaining legal assistance ...	Rectified
4.	Request for legal advice	Sustained
5.	Delay in receiving acknowledgment ...	Not Sustained
6.	Assistance in obtaining an Attorney-at-Law	Not Sustained
7.	Assistance in receiving legal aid ...	Not Sustained

SOCIAL WELFARE DIVISION

--- Within Jurisdiction ---

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Assistance in receiving Old Age Pension	Not Sustained
2.	Assistance in receiving Public Assistance	Rectified
3.	Assistance in receiving Retirement Benefits	Rectified
4.	Assistance in receiving public assistance for children	Rectified
5.	Assistance in receiving Public Grant to build	Rectified
6.	Assistance in receiving Pension	Rectified
7.	Assistance in receiving Public Assistance	Rectified
8.	Assistance in receiving Public Assistance	Under Investigation
9.	Assistance in receiving Pension	Under Investigation
10.	Assistance in placement of a child	Under Investigation
11.	Assistance in receiving Public Assistance	Under Investigation
12.	Assistance in receiving Old Age Pension	Rectified
13.	Assistance in receiving Old Age Pension	Not Sustained
14.	Assistance in receiving Old Age Pension	Not Sustained
15.	Assistance in receiving Old Age Pension	Under Investigation
16.	Assistance in receiving public assistance	Under Investigation

Social Welfare Division - Continued

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
17.	Assistance in receiving Public Assistance for children	Under Investigation
18.	Assistance in receiving Public Assistance	Under Investigation
19.	Assistance in receiving Public Assistance	Rectified
20.	Assistance in receiving Old Age Pension	Rectified
21.	Assistance in receiving Public Assistance	Rectified
22.	Assistance in receiving Old Age Pension	Rectified
23.	Assistance in receiving Public Assistance	Under Investigation
24.	Assistance in receiving Old Age Pension	Under Investigation

--- Without Jurisdiction ---

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Request for public assistance	
2.	Request for public assistance	
3.	Request for public assistance	

MINISTRY OF THE ENVIRONMENT AND NATIONAL SERVICE

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

Ministry of The Environment and
National Service - Continued

--- Within Jurisdiction ---

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Request in rectifying programmes ...	Not Sustained

MINISTRY OF WORKS INFRASTRUCTURE AND DECENTRALIZATION

Number of Complaints	96
Without Jurisdiction	03
Within Jurisdiction	93
Sustained/Rectified	28
Not Sustained	09
Advised/Discontinued/ Withdrawn/Referred	00
Under Investigation	56

--- Within Jurisdiction ---

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Assistance in receiving compensation ...	Under Investigation
2.	Compensation for damage to property ...	Under Investigation
3.	Assistance in reconstructing drain ...	Under Investigation
4.	Assistance in receiving refund of money	Under Investigation
5.	Assistance in having house repaired ...	Under Investigation
6.	Assistance in having building repaired	Under Investigation
7.	Assistance in having property repaired	Under Investigation
8.	Delay in effecting remedial works ...	Under Investigation
9.	Assistance in receiving compensation for damage to property	Under Investigation

Ministry of Works Infrastructure and
Decentralization - Continued

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
10.	Delay in having problem rectified ...	Under Investigation
11.	Assistance in receiving compensation for injury	Under Investigation
12.	Victimization in employment	Under Investigation
13.	Delay in having river cleared	Under Investigation
14.	Discrimination in employment	Under Investigation
15.	Assistance in receiving accumulated leave	Under Investigation
16.	Discrimination in employment	Under Investigation
17.	Delay in effecting road repairs	Sustained
18.	Discrimination in employment	Rectified
19.	Discrimination in employment	Rectified
20.	Discrimination in employment	Rectified
21.	Discrimination in employment	Rectified
22.	Assistance in obtaining gratuity and cost of living allowance	Rectified
23.	Assistance in obtaining gratuity and severance benefits	Not Sustained
24.	Discrimination in employment	Rectified
25.	Assistance in obtaining retirement benefits	Rectified
26.	Discrimination in employment	Sustained
27.	Discrimination in employment	Under Investigation
28.	Assistance in receiving employment ...	Sustained
29.	Assistance in receiving sick leave benefit	Sustained

Ministry of Works Infrastructure and
Decentralization - Continued

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
30.	Assistance in receiving cheque	Under Investigation
31.	Assistance in receiving record of service	Under Investigation
32.	Assistance in being re-employed	Under Investigation
33.	Assistance in having a drain built	Under Investigation
34.	Assistance in receiving employment	Not Sustained
35.	Delay in receiving retirement benefits	Not Sustained
36.	Assistance in obtaining approval	Under Investigation
37.	Assistance to recovery of money	Under Investigation
38.	Discrimination in employment	Under Investigation
39.	Discrimination in employment	Under Investigation
40.	Compensation for damage to land	Under Investigation
41.	Assistance in having road repaired	Under Investigation
42.	Assistance to have drain repaired	Under Investigation
43.	Assistance to receive wages	Under Investigation
44.	Assistance to obtain approval for Sick Leave	Under Investigation
45.	Assistance in regularising terminal benefits	Under Investigation

--- Without Jurisdiction ---

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Assistance in having Seniority List corrected	
2.	Discrimination in employment	

Ministry of Works Infrastructure and
Decentralization - Continued

FACTORY INSPECTORATE

--- Within Jurisdiction ---

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Delay in submitting report	Under Investigation

METEOROLOGICAL SERVICES

--- Within Jurisdiction ---

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Discrimination in employment	Under Investigation
2.	Discrimination in employment	Under Investigation

ARIMA BOROUGH COUNCIL

--- Within Jurisdiction ---

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Assistance in having road repaired	Under Investigation
2.	Discrimination in employment	Sustained
3.	Assistance in obtaining retirement benefits	Rectified

CARONI COUNTY COUNCIL

--- Within Jurisdiction ---

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Delay in constructing roadway	Under Investigation

Caroni County Council - Continued

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
2.	Assistance in having drain cleared ...	Under Investigation
3.	Assistance in clearing roads and drains	Under Investigation
4.	Assistance in obtaining retirement benefits	Sustained
5.	Discrimination in employment	Rectified

NARIVA/MAYARO COUNTY COUNCIL**--- Within Jurisdiction ---**

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Failure to have nuisance abated	Under Investigation
2.	Discrimination in employment	Rectified
3.	Delay in receiving record of service ...	Rectified
4.	Delay in receiving travelling allowance	Rectified
5.	Assistance in receiving gratuity and severance benefit	Rectified
6.	Discrimination in employment	Rectified

PORT-OF-SPAIN CITY CORPORATION**--- Within Jurisdiction ---**

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Assistance in receiving retirement benefits	Rectified

Ministry of Works Infrastructure and
Decentralization - Continued

ST. ANDREW/ST. DAVID COUNTY COUNCIL

--- Within Jurisdiction ---

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Assistance to receive compensation ...	Under Investigation

ST. GEORGE EAST COUNTY COUNCIL

--- Within Jurisdiction ---

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Assistance in obtaining a transfer ...	Rectified
2.	Assistance in being re-employed ...	Under Investigation

ST. GEORGE WEST COUNTY COUNCIL

--- Within Jurisdiction ---

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Assistance to have playing field restored	Under Investigation
2.	Delay in having nuisance abated ...	Under Investigation

ST. PATRICK COUNTY COUNCIL

--- Within Jurisdiction ---

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Assistance in having broken cylinder repaired	Under Investigation
2.	Assistance in having broken cylinder repaired	Under Investigation
3.	Assistance in receiving compensation ...	Under Investigation

St. Patrick County Council - Continued

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
4.	Assistance in having a retaining wall constructed	Rectified
5.	Assistance in receiving retirement benefits	Rectified
6.	Discrimination in employment	Under Investigation
7.	Assistance to obtain access to property	Not Sustained
8.	Assistance to abate a nuisance	Under Investigation

SAN FERNANDO CITY CORPORATION**--- Within Jurisdiction ---**

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Discrimination in recruitment	Not Sustained
2.	Discrimination in recruitment	Not Sustained
3.	Discrimination in recruitment	Not Sustained
4.	Discrimination in recruitment	Not Sustained
5.	Unfair promotion practices	Sustained
6.	Assistance in being re-employed	Not Sustained
7.	Unfair promotion practiced	Under Investigation
8.	Assistance in receiving retirement benefits	Rectified
9.	Assistance in receiving employment	Under Investigation
10.	Assistance to receive salary	Under Investigation
11.	Assistance to obtain transfer	Under Investigation

San Fernando City Corporation - Continued

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
12.	Assistance to receive compensation ...	Rectified
13.	Victimization in employment	Under Investigation

--- Without Jurisdiction ---

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Assistance to expel a tenant	

VICTORIA COUNTY COUNCIL

--- Within Jurisdiction ---

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Assistance in effecting road repair ...	Under Investigation
2.	Delay in repairing broken drain	Under Investigation
3.	Discrimination in employment	Sustained
4.	Delay in effecting repairs caused by landslip	Under Investigation

MINISTRY OF YOUTH SPORT CULTURE AND THE
CREATIVE ARTS

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

Ministry of Youth Sport Culture and
the Creative Arts - Continued

--- Within Jurisdiction ---

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Assistance in obtaining playground ...	Under Investigation

NATIONAL INSURANCE BOARD

Number of Complaints	22
Without Jurisdiction	00
Within Jurisdiction	22
Sustained/Rectified	02
Not Sustained	02
Advised/Discontinued/ Withdrawn/Referred	00
Under Investigation	18

--- Within Jurisdiction ---

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Assistance in receiving Retirement Benefits	Under Investigation
2.	Assistance in receiving Sickness Benefits	Under Investigation
3.	Assistance in receiving Retirement Benefits	Under Investigation
4.	Delay in receiving Survivor Benefits ...	Under Investigation
5.	Delay in receiving Retirement Benefits	Under Investigation
6.	Assistance in receiving Retirement Benefits	Under Investigation
7.	Assistance in receiving Retirement Benefits	Under Investigation

National Insurance Board - Continued

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
8.	Assistance in receiving Retirement Benefits	Under Investigation
9.	Assistance in receiving Sickness Benefits	Under Investigation
10.	Assistance in having benefits to pensioners increased	Under Investigation
11.	Delay in receiving National Insurance Benefits	Under Investigation
12.	Assistance in obtaining Sickness Benefits	Under Investigation
13.	Assistance in receiving benefits ...	Under Investigation
14.	Assistance in receiving benefits ...	Under Investigation
15.	Assistance in receiving Retirement Benefits	Rectified
16.	Assistance in receiving Invalidity Benefits	Rectified
17.	Delay in receiving Retirement Benefits	Under Investigation
18.	Incorrect computation of Retirement Benefits	Not Sustained
19.	Delay in receiving benefits	Under Investigation
20.	Assistance to obtain refund of contributions	Under Investigation
21.	Assistance to receive benefits	Under Investigation
22.	Assistance to recover Sickness Benefit	Not Sustained

PORT AUTHORITY OF TRINIDAD AND TOBAGO

Number of Complaints	07
Without Jurisdiction	00
Within Jurisdiction	07
Sustained/Rectified	01
Not Sustained	01
Advised/Discontinued/ Withdrawn/Referred	00
Under Investigation	05

--- Within Jurisdiction ---

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Assistance in receiving compensation ...	Under Investigation
2.	Assistance in receiving pension	Under Investigation
3.	Delay in receiving permanent appointment	Under Investigation
4.	Assistance in receiving pension	Rectified
5.	Assistance in receiving salary	Under Investigation
6.	Assistance in being re-employed	Not Sustained
7.	Incorrect computation of terminal benefits	Under Investigation

SERVICE COMMISSIONS DEPARTMENT

Number of Complaints	22
Without Jurisdiction	00
Within Jurisdiction	22
Sustained/Rectified	04
Not Sustained	03
Advised/Discontinued/ Withdrawn/Referred	02
Under Investigation	13

Service Commissions Department - Continued

--- Within Jurisdiction ---

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Assistance in receiving employment ...	Under Investigation
2.	Assistance in receiving employment ...	Under Investigation
3.	Assistance in receiving employment ...	Under Investigation
4.	Assistance in receiving employment ...	Under Investigation
5.	Discrimination in employment	Under Investigation
6.	Assistance in receiving a scholarship	Rectified
7.	Assistance in receiving employment on a regular basis	Rectified
8.	Delay in being appointed	Rectified
9.	Assistance in receiving employment ...	Rectified
10.	Unfair treatment	Under Investigation
11.	Assistance in receiving Students Revolving Loan	Advised
12.	Assistance in being interviewed	Under Investigation
13.	Assistance in being reinstated	Under Investigation
14.	Assistance in receiving employment ...	Under Investigation
15.	Discrimination in employment	Under Investigation
16.	Assistance in receiving employment ...	Not Sustained
17.	Assistance in regularizing remuneration	Not Sustained
18.	Assistance in receiving employment ...	Advised
19.	Discrimination in employment	Not Sustained

Service Commissions Department - Continued

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
20.	Assistance in receiving transfer ...	Under Investigation
21.	Regularization of Retirement Benefit ...	Under Investigation
22.	Assistance to receive employment ...	Under Investigation

TOBAGO HOUSE OF ASSEMBLY

Number of Complaints	23
Without Jurisdiction	01
Within Jurisdiction	22
Sustained/Rectified	08
Not Sustained	04
Advised/Discontinued/ Withdrawn/Referred	00
Under Investigation	10

--- Within Jurisdiction ---

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Assistance in receiving compensation for injuries	Not Sustained
2.	Assistance in obtaining disposal of refuse	Under Investigation
3.	Discrimination in employment	Under Investigation
4.	Assistance in receiving employment ...	Under Investigation
5.	Assistance in receiving employment ...	Under Investigation
6.	Assistance in receiving gratuity ...	Under Investigation
7.	Discrimination in employment	Under Investigation
8.	Dissatisfaction with retirement benefits	Rectified
9.	Assistance in receiving salary	Under Investigation

Tobago House of Assembly - Continued

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
10.	Assistance in receiving retirement benefits	Rectified
11.	Discrimination in employment	Rectified
12.	Assistance in receiving travelling allowance	Rectified
13.	Delay in receiving appointment	Rectified
14.	Assistance in obtaining employment	Rectified
15.	Assistance in receiving rate increases	Rectified
16.	Assistance in receiving correct salary	Under Investigation
17.	Discrimination in employment	Sustained
18.	Assistance in receiving Cost of Living Allowance	Not Sustained
19.	Assistance in receiving Retirement Benefits	Not Sustained
20.	Discrimination in employment	Not Sustained
21.	Assistance in recovering earnings	Under Investigation
22.	Assistance to abate a nuisance	Under Investigation

--- Without Jurisdiction ---

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Assistance in receiving severance benefits	

**TRINIDAD AND TOBAGO OIL COMPANY LIMITED
(TRINTOC)**

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

--- Within Jurisdiction ---

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Assistance in receiving compensation ...	Under Investigation
2.	Assistance in implementing medical plan	Under Investigation
3.	Assistance to receive compensation for damage	Under Investigation

--- Without Jurisdiction ---

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Assistance to secure terminal benefits	

**TRINIDAD AND TOBAGO PETROLEUM COMPANY LIMITED
(TRINTOPEC)**

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

--- Within Jurisdiction ---

<u>No.</u>	<u>Subject of Complaint</u>	<u>Result</u>
1.	Assistance to receive compensation for damage to crops	Under Investigation

OTHER COMPLAINTS

<u>No.</u>	<u>Subject of Complaints</u>
1.	Assistance in receiving employment.
2.	Assistance in having case settled.
3.	Assistance in receiving reply.
4.	Request for legal advice.
5.	Request for legal advice.
6.	Request for legal advice.
7.	Request for legal advice.
8.	Request for legal advice.
9.	Request for legal advice.
10.	Delay in receiving reply from Supervisor.
11.	Assistance in receiving Retirement Benefit.
12.	Request for legal advice.
13.	Request for legal advice.
14.	Assistance in receiving Letters of Administration.
15.	Request for legal advice.
16.	Request for legal advice.
17.	Assistance to secure appointment.
18.	Assistance in receiving employment.
19.	Assistance in receiving a parcel of land.
20.	Assistance in receiving fruits of judgement.
21.	Dissatisfaction with Court judgement.
22.	Request for legal advice.
23.	Assistance in obtaining maintenance allowance.
24.	Assistance in receiving Severance Benefit.

Other Complaints - Continued

<u>No.</u>	<u>Subject of Complaints</u>
25.	Assistance in receiving benefit.
26.	Assistance in obtaining housing.
27.	Request for legal advice.
28.	Request for legal advice.
29.	Assistance in obtaining documents from Attorney.
30.	Request for legal advice.
31.	Assistance in receiving a Deed.
32.	Request for legal advice.
33.	Request for legal advice.
34.	Request for legal advice.
35.	Request for legal advice.
36.	Assistance in recovering monies from Insurance Company.
37.	Request for legal advice.
38.	Assistance in receiving fruits of judgement.
39.	Request for legal advice.
40.	Assistance in recovering monies from Insurance Company.
41.	Assistance in obtaining a United States of America visa.
42.	Assistance in obtaining money for a piece of land.
43.	Assistance in receiving bail.
44.	Request for variation of sentence.
45.	Request for legal advice.

Other Complaints - Continued

<u>No.</u>	<u>Subject of Complaints</u>
46.	Assistance in having claim settled with Insurance Company.
47.	Assistance in receiving compensation.
48.	Assistance in recovering monies from Insurance Company.
49.	Request for legal advice.
50.	Request for legal advice.
51.	Request for legal advice.
52.	Request for legal advice.
53.	Request for legal advice.
54.	Assistance in receiving benefits from private company.
55.	Request for legal advice
56.	Request for legal assistance.
57.	Assistance in securing benefits.
58.	Assistance in receiving employment.
59.	Assistance in receiving monies from Attorney-at-law.
60.	Request for legal advice.
61.	Assistance in ensuring that tenants pay electricity bill.
62.	Assistance in having divorce matter settled.
63.	Assistance in having Court matter settled.
64.	Assistance in being reinstated.
65.	Request for legal advice.
66.	Assistance in receiving date for hearing of Court matter.

Other Complaints - Continued

<u>No.</u>	<u>Subject of Complaints</u>
67.	Request for legal advice.
68.	Assistance in obtaining a Visa.
69.	Request for legal advice.
70.	Assistance in receiving monies from Attorney-at-Law.
71.	Request for legal advice.
72.	Request for legal advice.
73.	Request for legal advice.
74.	Request for legal advice.
75.	Request for legal advice.
76.	Request for legal advice.
77.	Assistance in receiving Retirement Benefits.
78.	Request for legal advice.
79.	Request for legal advice.
80.	Request for legal advice.
81.	Delay in having house demolished.
82.	Assistance in abating nuisance.
83.	Request for legal advice.
84.	Request for legal advice.
85.	Assistance in Court matter.
86.	Assistance in securing employment.
87.	Delay in receiving monies from Attorney-at-Law.
88.	Request for legal advice.

Other Complaints - Continued

<u>No.</u>	<u>Subject of Complaints</u>
89.	Assistance in receiving monies from insurance company.
90.	Request for legal advice.
91.	Request for legal advice.
92.	Request for legal advice.
93.	Request for legal advice.
94.	Assistance in receiving employment.
95.	Assistance in receiving monies from insurance company.
96.	Assistance in receiving Visa.
97.	Request for legal advice.
98.	Request for legal advice.
99.	Assistance in receiving monies from Attorney-at-Law.
100.	Request for legal advice.
101.	Assistance in being reinstated.
102.	Assistance in securing maintenance allowance.
103.	Assistance in receiving monies from employers.
104.	Request for legal advice.
105.	Request for legal advice.
106.	Request for legal advice.
107.	Assistance in obtaining Deed from bank.
108.	Request for legal advice.
109.	Request for legal advice.
110.	Assistance in receiving benefits from company.

Other Complaints - Continued

<u>No.</u>	<u>Subject of Complaints</u>
111.	Request for assistance.
112.	Assistance in getting tenants to vacate premises.
113.	Request for legal advice.
114.	Request for legal advice.
115.	Request for legal advice.
116.	Request for legal advice.
117.	Assistance in receiving monies from Insurance Companies.
118.	Assistance in receiving compensation.
119.	Request for legal advice.
120.	Delay in receiving dividends.
121.	Request for legal advice.
122.	Request for legal advice.
123.	Request for legal advice.
124.	Request for legal advice.
125.	Assistance in receiving compensation.
126.	Assistance in receiving refund of deposit.
127.	Request for legal advice.
128.	Request for legal advice.
129.	Request for legal advice.
130.	Request for legal advice.
131.	Assistance in receiving pension.
132.	Request for legal advice.
133.	Request for legal advice.

Other Complaints - Continued

<u>No.</u>	<u>Subject of Complaints</u>
134.	Assistance in recovering monies from Insurance Company.
135.	Request for legal advice.
136.	Request for legal advice.
137.	Assistance in recovering compensation from Insurance Company.
138.	Request for legal advice.
139.	Request for legal advice.
140.	Request for legal advice.
141.	Assistance in receiving severance benefits.
142.	Assistance in impounding animals.
143.	Dissatisfaction with Court decision.
144.	Request for legal advice.
145.	Request for legal advice.
146.	Request for legal advice.
147.	Request for legal advice.
148.	Request for legal advice.
149.	Request for legal advice.
150.	Assistance in obtaining a Visa.
151.	Request for legal advice.
152.	Request for legal advice.
153.	Request for information.
154.	Request for legal advice.
155.	Request for legal advice.

Other Complaints - Continued

<u>No.</u>	<u>Subject of Complaints</u>
156.	Assistance in receiving redress for dismissal.
157.	Assistance in receiving monies from employers.
158.	Request for legal advice.
159.	Assistance in receiving compensation.
160.	Request for legal advice.
161.	Request for legal advice.
162.	Request for legal advice.
163.	Request for legal advice.
164.	Request for legal advice.
165.	Request for legal advice.
166.	Assistance in receiving redress for dismissal.
167.	Assistance in receiving monies from financial institution.
168.	Assistance in receiving monies from financial institution.
169.	Assistance in receiving Legal Aid.
170.	Request for legal advice.
171.	Request for legal advice.
172.	Request for legal advice.
173.	Request for legal advice.
174.	Request for legal advice.
175.	Request for legal advice.
176.	Request for legal advice.
177.	Request for legal advice.

Other Complaints - Continued

<u>No.</u>	<u>Subject of Complaints</u>
178.	Request for legal advice.
179.	Request for legal advice.
180.	Request for legal advice.
181.	Request for legal advice.
182.	Request for legal advice.
183.	Request for legal advice.
184.	Request for legal advice.
185.	Request for legal advice.
186.	Request for legal advice.
187.	Request for legal advice.
188.	Request for legal advice.
189.	Request for legal advice.
190.	Request for legal advice.
191.	Request for legal advice.
192.	Request for legal advice.
193.	Assistance in being reinstated.
194.	Request for legal advice.
195.	Request for legal advice.
196.	Request for legal advice.
197.	Request for legal advice.
198.	Request for legal advice.
199.	Request for legal advice.

P A R T V

A P P E N D I C E S

EXTRACTS FROM THE CONSTITUTION
OF
TRINIDAD AND TOBAGO
CHAPTER I

The Recognition and Protection of Fundamental
Human Rights and Freedoms

Rights enshrined

Recognition and
 declaration of
 rights and
 freedoms.

4. It is hereby recognised and declared that in Trinidad and Tobago there have existed and shall continue to exist, without discrimination by reason of race, origin, colour, religion or sex, the following fundamental human rights and freedoms, namely -

(a) the right of the individual to life, liberty, security of the person and enjoyment of property and the right not to be deprived thereof except by due process of law;

(b) the right of the individual to equality before the law and the protection of the law;

(c) the right of the individual to respect for his private and family life;

(d) the right of the individual to equality of treatment from any public authority in the exercise of any functions;

(e) the right to join political parties and to express political views;

(f) the right of a parent or guardian to provide a school of his own choice for the education of his child or ward;

(g) freedom of movement;

(h) freedom of conscience and religious belief and observance;

(i) freedom of thought and expression;

(j) freedom of association and assembly; and

(k) freedom of the press.

Protection
of rights
and
freedoms

5. (1) Except as is otherwise expressly provided in this Chapter and in section 54, no law may abrogate, abridge or infringe or authorise the abrogation, abridgment or infringement of any of the rights and freedoms hereinbefore recognised and declared.

(2) Without prejudice to subsection (1), but subject to this Chapter and to section 54, Parliament may not -

(a) authorise or effect the arbitrary detention, imprisonment or exile of any person;

(b) impose or authorise the imposition of cruel and unusual treatment or punishment;

(c) deprive a person who has been arrested or detained -

(i) of the right to be informed promptly and with sufficient particularity of the reason for his arrest or detention;

(ii) of the right to retain and instruct without delay a legal adviser of his own choice and to hold communication with him;

(iii) of the right to be brought promptly before an appropriate judicial authority;

(iv) of the remedy by way of habeas corpus for the determination of the validity of his detention and for his release if the detention is not lawful;

(d) authorise a court, tribunal, commission, board or other authority to compel a person to give evidence unless he is afforded protection against self-incrimination and, where necessary to ensure such protection, the right to legal representation;

(e) deprive a person of the right to a fair hearing in accordance with the principles of fundamental justice for the determination of his rights and obligations;

(f) deprive a person charged with a criminal offence of the right -

(i) to be presumed innocent until proved guilty according to law, but this shall not invalidate a law by reason only that the law imposes on any such person the burden of proving particular facts;

(ii) to a fair and public hearing by an independent and impartial tribunal; or

(iii) to reasonable bail without just cause;

(g) deprive a person of the right to the assistance of an interpreter in any proceedings in which he is involved or in which he is a party or a witness, before a court, commission, board or other tribunal, if he does not understand or speak English; or

(h) deprive a person of the right to such procedural provisions as are necessary for the purpose of giving effect and protection to the aforesaid rights and freedoms.

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

PART 2

OMBUDSMAN

Appointment
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.

Appointment
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
Ombudsman

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 or bodies the majority of whose members are appointed by the President or by a Minister or whose revenue 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.

Restrictions
on matters for
investigation

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. 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 fundamental rights).

95. In determining whether to initiate, continue or discontinue an investigation, the Ombudsman shall, subject to section 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 -

Discretion of Ombudsman

- (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 vexatious or has not been made in good faith; or
- (d) the Complainant has not a sufficient interest in the subject matter of the complaint.

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. Report on investigation

(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 investigation.

Power to
obtain
evidence

97. (1) The Ombudsman shall have the powers of the High Court to summon witnesses 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 SCHEDULEMATTERS NOT SUBJECT TO INVESTIGATION

1. Action taken in matters certified by the Attorney General to affect relations or dealings between the Government of Trinidad and Tobago and any other Government or any International Organization.
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 required compulsorily;
 - (b) the disposal as surplus or 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 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 Chapter 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 Act, 1977.
Title

Mode of 2. (1) All complaints to the Ombudsman and requests
complaint 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 an
in res- investigation under section 93(1) of the Constitution set
pect of out in the Schedule to the Constitution of Trinidad and Tobago
inves- Act, 1976 (in this Act referred to as "the Constitution") he
tigation shall afford to the principal officer of the department or
No.4 authority concerned, an opportunity to make, orally or in
of writing as the Ombudsman thinks fit, representations which are
1976 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 applies, 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 authorized 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 Chapter 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 document 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 to 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.

Disclosure
of certain
matters
not to be
required

(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, 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 thing to be produced.

(2) Subject to subsection (1), no rule of law which authorities 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, other than 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.

Prescription
of authori-
ties subject
to the
Ombudsman'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 authorised to be prescribed.

SCHEDULE

(Section ii(i))

Additional Authorities subject to the
Ombudsman's jurisdiction

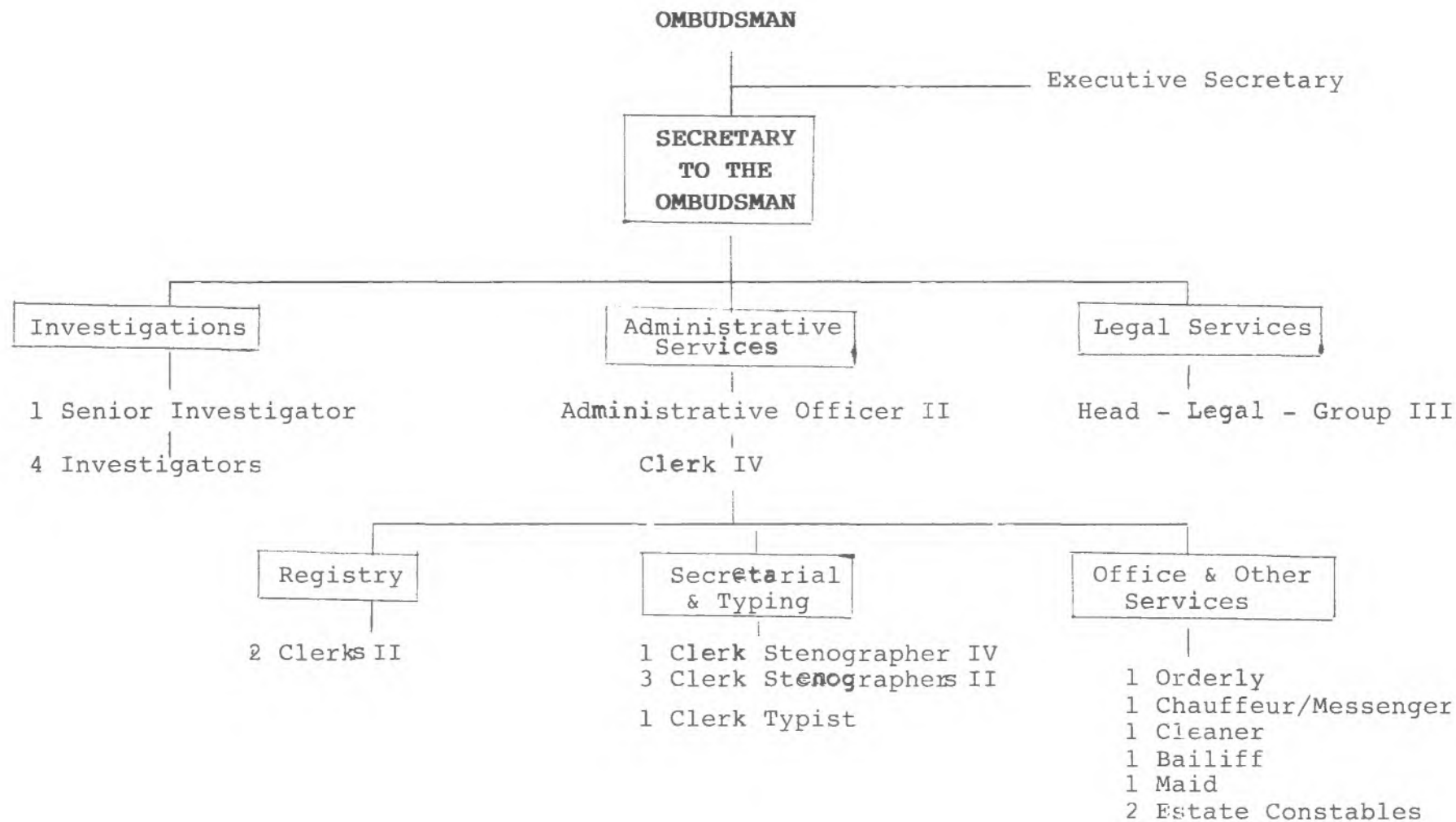
Trinidad and Tobago Telephone Company Limited

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



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

PART 2

OMBUDSMAN

Appointment
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.

Appointment
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
Ombudsman

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 or bodies the majority of whose members are appointed by the President or by a Minister or whose revenue 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.

Restrictions
on matters for
investigation

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. 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 fundamental rights).

95. In determining whether to initiate, continue or discontinue an investigation, the Ombudsman shall, subject to section 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 -

Discretion
of
Ombudsman

- (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 vexatious or has not been made in good faith; or
- (d) the Complainant has not a sufficient interest in the subject matter of the complaint.

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. Report on investigation

(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 investigation.

Power to
obtain
evidence

97. (1) The Ombudsman shall have the powers of the High Court to summon witnesses 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 SCHEDULEMATTERS NOT SUBJECT TO INVESTIGATION

1. Action taken in matters certified by the Attorney General to affect relations or dealings between the Government of Trinidad and Tobago and any other Government or any International Organization.

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 required 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 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 Chapter 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 Act, 1977.
Title

Mode of 2. (1) All complaints to the Ombudsman and requests
complaint 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 an
in res- investigation under section 93(1) of the Constitution set
pect of out in the Schedule to the Constitution of Trinidad and Tobago
inves- Act, 1976 (in this Act referred to as "the Constitution") he
tigation shall afford to the principal officer of the department or
No.4 authority concerned, an opportunity to make, orally or in
of writing as the Ombudsman thinks fit, representations which are
1976 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 applies, 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 authorized 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 Chapter 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 document 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 to 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.

Disclosure
of certain
matters
not to be
required

(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, 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 thing to be produced.

(2) Subject to subsection (1), no rule of law which authorities 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, other than 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.

Prescription
of authori-
ties subject
to the
Ombudsman'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 authorised to be prescribed.

SCHEDULE

(Section ii(i))

Additional Authorities subject to the
Ombudsman's jurisdiction

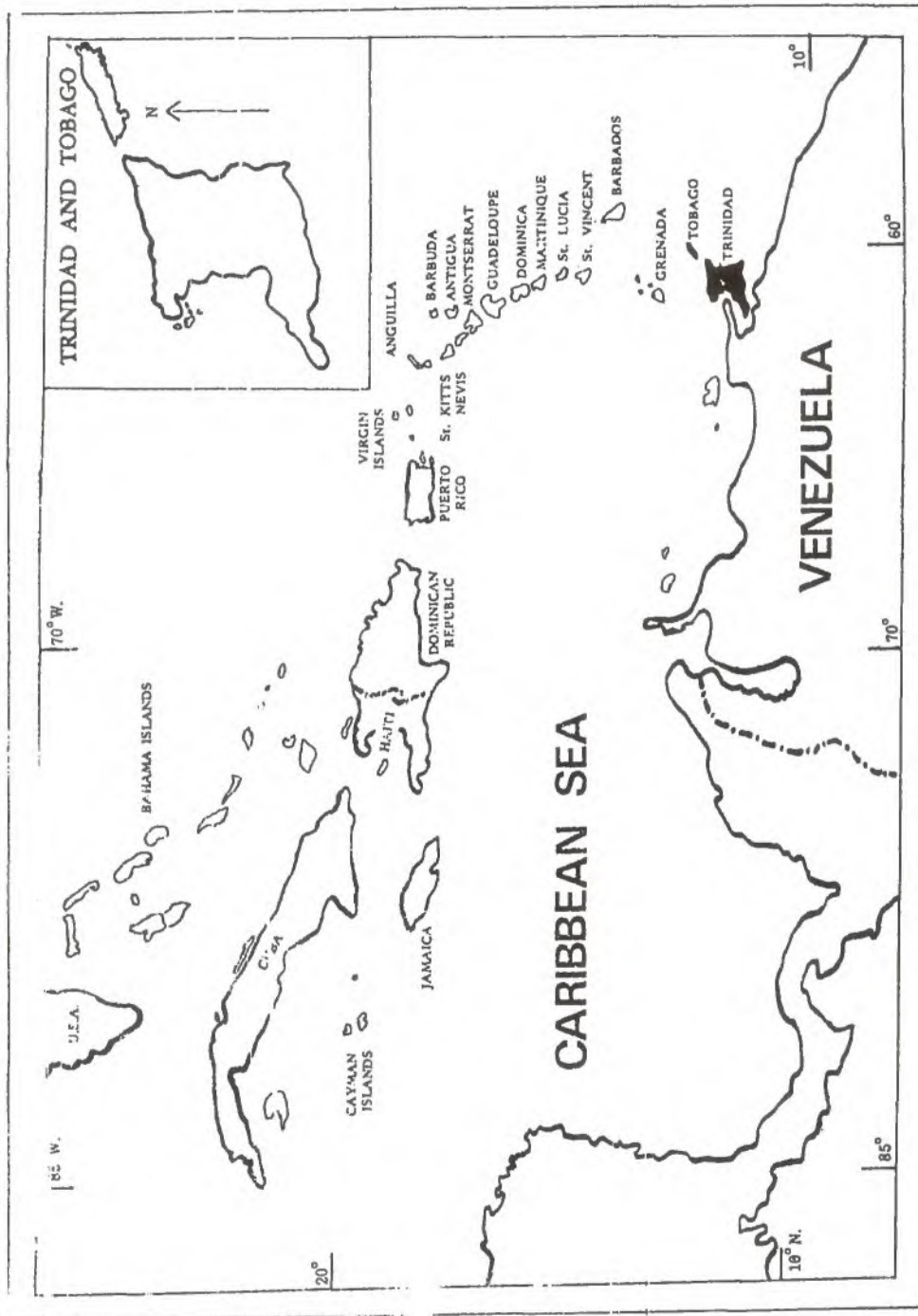
Trinidad and Tobago Telephone Company Limited

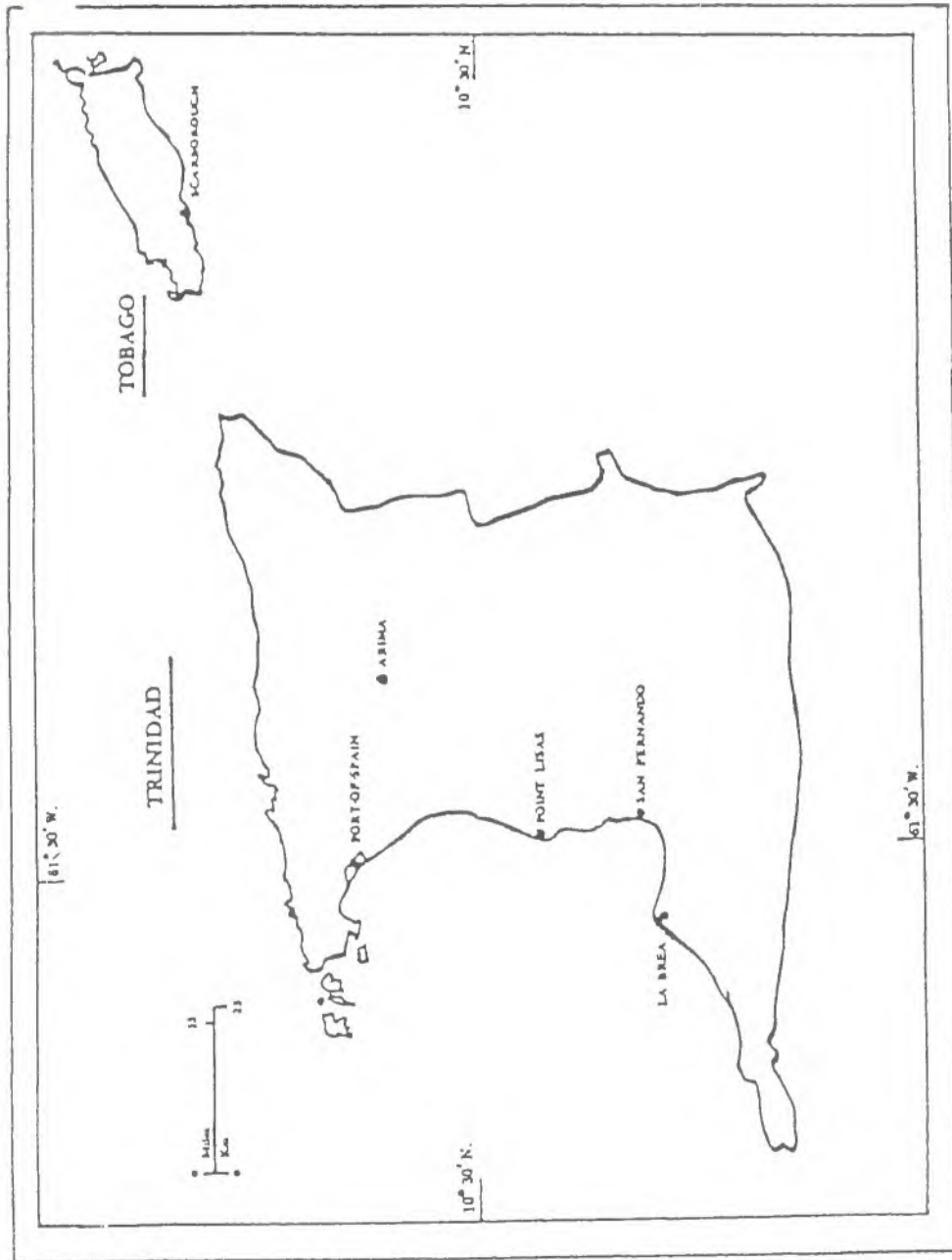
Passed in the House of Representatives this 13th day of May, 1977.

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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