

PARLIAMENTARY OMBUDSMAN



Annual Report 2015

FOR THE PERIOD JANUARY - DECEMBER 2015

Presented to the House of Representatives Malta
pursuant to Section 29 of the Ombudsman Act, 1995

20th
ANNIVERSARY
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July 2016

The Honorable Dr Angelo Farrugia
President of the House of Representatives
Parliament of Malta
Republic Street
Valletta



Mr Speaker

In terms of Section 29 of the Ombudsman Act 1995, I am hereby submitting the Annual Report concerning the performance of the Office for the period January to December 2015.

The report includes an oversight of the activities of my Office during that year, in which the Office of the Ombudsman celebrated its 20th Anniversary. The report outlines relevant data regarding the conduct of the investigation of complaints. It also includes reports by the Commissioners for Education, Health and Environment and Planning covering the same period.

Yours sincerely



Anthony C. Mifsud
Parliamentary Ombudsman

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MISSION ACCOMPLISHED

ANNUAL REPORT BY THE
PARLIAMENTARY OMBUDSMAN



Mission accomplished

Coming of Age

2015 marks the last year of the second term of tenure of the former Ombudsman. His successor was sworn in office on 21 March 2016. For the last ten years the outgoing Ombudsman has had the honour and the privilege to serve his country as the constitutional authority with the function of promoting and ensuring the right of the individual to a good public administration.

It has been for him a satisfying and enriching experience. Following in the footsteps of his predecessor, he has throughout the years offered his services to thousands of citizens who sought his help to secure a just and fair treatment from the public administration. He did his best to promote and ensure openness and transparency in the management of public affairs.

In most cases his efforts to mediate between aggrieved individuals and public administrators were successful. Identified injustice was in many cases redressed through his timely intervention. He believed the Office was an effective shield of citizens against maladministration, injustice, improper discrimination and abuse of power. Under his guidance, the exercise of the primary function of the Ombudsman as the defender of citizens' rights, was further enhanced and strengthened.

Moreover, during this period the Ombudsman increasingly assumed the secondary but not less important role of acting as the conscience of the public administration. When conducting an investigation not only on the complaint of an aggrieved person but also on his own initiative, the Ombudsman is not only enjoined by law to formulate an opinion on whether the act or omission, that was the subject matter of the investigation, appears to have been contrary to law or based wholly or partly on a mistake of law or fact or was unreasonable, but is also expected to make an assessment whether such act or omission was unjust, oppressive or improperly discriminatory or was simply wrong.

That assessment is essentially a subjective appreciation of the facts under review that expresses an ethical opinion on the correctness of the conduct of

the public administration, guided by the accepted norms of justice, fairness and equity and the established principles that govern the conduct of good public administration.

Much has been achieved. More could have been done. Even more needs to be done to strengthen and improve the institution to provide a better service to citizens in the future.

Reviewing what has been achieved by the end of the year under review, one can safely be satisfied that the main targets set out by the Ombudsman on taking Office in 2006 were generally reached. The Ombudsman had from the outset set out a number of objectives he hoped to realise within a road map that was to encompass his term of office. These included:

- i. the recognition by the House of Representatives of the Ombudsman as a constitutional authority.
- ii. highlighting the role of the Ombudsman as a defender of fundamental human rights, raising public awareness on the need to set up an independent, national institution to promote and adequately protect them.
- iii. ensuring that the Office of the Ombudsman acquires the necessary expertise to competently and authoritatively investigate complaints on actions or omissions of the public administration in specialised areas of social and economic activity.
- iv. strengthening the investigative structures of the Office, putting more emphasis on their role as mediators between the citizen and the public administration, making greater use of own initiative investigations to highlight systemic failures and recommend appropriate remedial action.
- v. radically reform the administration of the Office to streamline its operations as an effective support to the services offered by the Ombudsman.

The Office pursued these objectives with a sense of purpose and developments that took place throughout these years and progress made show that the aims proposed in the Ombudsman's vision have been generally achieved.

What has been achieved

I. Constitutional entrenchment

During his address in the debate in the House Business Committee of the House of Representatives when presenting his first Ombudsplan on 18 January 2006, the Ombudsman said that the Office of the Ombudsman should enjoy the status of a constitutional authority as had been already proposed by his predecessor. He queried whether the time has come to re-examine the legislation governing the Office of the Ombudsman now that ten years have passed since it was set up.

Law is organic and live. It needs to be reviewed and revised from time to time to ensure that it was adequate to meet the needs of society. Both as Chief Justice and

as Chairman of the Broadcasting Authority, the Ombudsman has had occasion to note that in his opinion, the time was ripe for a detailed study to be carried out of those parts of the Constitution that do not sufficiently and adequately satisfy the country's social and political reality.

The Maltese citizen is becoming ever more conscious of his right to have a clean, open and transparent public administration. He is feeling much less a servant of the State subject to its authority. He is rightly expecting, as of right, to be given a just and proper service from those he elected to represent him and from those whom he entrusted with the public administration. In other words the citizen rightly expects more and more good value for money.

It was in this context that the Ombudsman from the very start requested that his Office should enjoy Constitutional status. He had absolutely no doubt that, had the concept of the audit of administrative actions been adequately evolved at the time when the Constitution was drafted, the Office of the Ombudsman would have been entrenched in it. That message was well received. In fact, the House of Representatives unanimously approved Act XIV of 2007 of the Constitution of Malta (Amendment) Act that constitutionally establishes the Office of the Ombudsman. This Act ensures that there would at all times be an independent and autonomous authority to audit the actions of the public administration and to defend citizens against acts of maladministration and abuse of power.

Not a mere cosmetic change

It is important to emphasise that this is not a mere cosmetic change in the status of the Ombudsman. It is much more than that. It expresses the unanimous will of the representatives of the people in Parliament that all actions of the public administration should be subject to the scrutiny of the Ombudsman who would, as an Officer of Parliament, determine whether an act or omission of a government authority or entity respects the norms of good administrative practice. The Constitutional entrenchment not only guarantees the continued existence of the institution at all times, but also raises the status and recognises the Office of the Ombudsman as the ultimate arbiter on the correctness of the actions or inactions of public authorities and whether citizens were justly and equitably treated.

Public authorities cannot therefore today lightly and without good reasons, ignore the Final Opinions and recommendations made by the Ombudsman and his Commissioners. More importantly Constitutional recognition emphasises the link between the Office of the Ombudsman and Parliament, its role as a guardian of citizens' rights and as an effective instrument at Parliament's disposal to constantly monitor the conduct of the Executive and public authorities. Consequently, Parliament itself was bound to take note of opinions referred to it by the Ombudsman and to consider what appropriate action needs to be taken.

Undoubtedly, recognition of the Ombudsman as a constitutional authority, and as an Officer of Parliament emphasises the independence and autonomy of

the institution. It is also a first major step to effectively unhinge it from a restrictive vision as a valid tool at the service of the Executive to help it improve the public administration through investigating complaints and recommending redress to identify injustice. It promotes its functions to a higher plane of acting as an auditor of the administrative acts of the public administration and arbiter of the correctness of its actions. The Executive should be held accountable to Parliament at all times and not only at the end of its terms of Office when it has to face the judgement of the electorate.

II. The Ombudsman as a defender of fundamental human rights

Throughout the year the Ombudsman continued to highlight his role as a defender of fundamental rights, raising public awareness on the need to set up an independent national institution to promote and adequately protect them. Last June the Ombudsman published his reflections on a White Paper issued by Government on the setting up of a Human Rights and Equality Commission. This is a detailed document that attempts to give flesh to the Government's proposals, suggesting ways and means how these can be realised to create an effective institution that promotes human rights. That document is a follow up of a previous publication by the Ombudsman in October 2013 setting out his proposal on the creation of a national human rights institution (NHRI).

In this new document the Ombudsman maintains that there is general consensus in principle, on the way forward and that the proposals set out in the White Paper were a step in the right direction. However, care should be taken to ensure that existing structures are not weakened or demotivated. It was the opinion of the Ombudsman that any new mechanism needs to take into account the existing legal order. If it is to be effective the Human Rights and Equality Commission (HREC) proposed by Government, has to integrate with and complement existing institutions.

On the proposed Equality Act, the Ombudsman said that over simplification should be avoided at all costs. Allowing for wide areas of interpretation in the hands of judicial or quasi-judicial bodies and even more in the hands of monitoring authorities, can often lead to conflicts of jurisdiction, counterproductive litigation and contrasting decisions. He recommends that national authorities, entrusted with the protection of specific human rights enjoyed by vulnerable persons, are fully consulted when drafting provisions that could affect their functions.

On the proposed Human Rights and Equality Commission, the Ombudsman reiterates that the issue to be debated and determined is whether the suggested model was suitable for Malta's needs, considering its level of democratic development, its observance of human rights generally and the quality and efficacy of its judicial, quasi-judicial and institutional authorities that have a specific or non-specific mandate to promote, monitor and enforce human rights. In his reflections the Ombudsman makes a number of recommendations on how the Human Rights

and Equality Commission could be set up in line with the objectives of the White Paper his proposal, submitted to Government in October 2013 mentioned above.

The Ombudsman suggests that the NHRI model most suitable for Malta, would be a supranational commission on which all major stakeholders would be invited to sit and participate. Such a Commission would be able to draw on the experience and the expertise of these institutions and others. It would also be able to coordinate activities to promote and protect human rights generally and to device and execute common policies and initiatives. The Ombudsman strongly advises that the new Commission, to be set up in line with the White Paper, should at all costs like his Office, satisfy the stringent criteria of the Paris Principles for it to qualify for accreditation by the International Coordinating Committee on national institutions for the promotion and protection of human rights (ICC).

Indeed the Office of the Ombudsman in Malta itself should have no obstacle to seek and obtain ICC recognition on the strength of its conformity to the Paris and indeed the Belgrade Principles, as well as its positive record. It has to be ensured that the new Commission would operate within a similar framework that would guarantee that it would achieve the highest accreditation possible. The Government expects to publish a draft bill for consultation in the coming months before submitting it for the approval of the House of Representatives.

Fundamental right to Good Public Administration

Throughout the year the Ombudsman continued to stress his belief that the citizens' right to a good public administration should be recognised as a fundamental right in the Constitution. This proposal is essentially a necessary corollary of the recognition of the Ombudsman as a constitutional authority. It proclaims the right of every individual to have his/her affairs managed by the institutions and organs of the State, in an impartial and just manner and within a reasonable time. It also introduces the principle of accountability of the public administration and its duty to redress damage caused by the actions or inactions of its officials.

These are principles that are being recognised and enforced by Courts of Law. They are finding their way in domestic laws and regulations, and are also enshrined in international conventions including the Charter of Fundamental Rights of the European Union. It is positive to note that this proposal is being favourably received. In fact, the Opposition Party in Parliament, in a policy document setting out its proposals for good governance, has declared its intention to propose the introduction in the Constitution of the right of citizens to a good public administration and that this right should be judicially enforceable. That document makes a number of very positive proposals on how the Office of the Ombudsman could be strengthened and developed, including giving the Ombudsman a specific human rights mandate.

This policy document makes a detailed analysis of the different facets of the public administration and its impact on society, emphasising the need for

increased transparency and accountability. It makes many valid proposals on how good governance could be secured. These include a number of proposals that would help strengthen the Office of the Ombudsman and improve the service it provides.

Interestingly that document proposes the setting up of a consolidated fund to provide for an *ex gratia* payment in compensation for moral or real damages identified by the Ombudsman suffered as a result of maladministration by public authorities. A similar proposal was put forward by the Ombudsman in his address to the House Business Committee in 2006. It is comforting to note that similar ideas, sown in the right environment, to which there is initially apparently no reaction, take time to mature but will then flower after years when they are finally accepted and adopted by those in authority.

The many proposals made in this document are generally positive and objectively sound and should not be controversial. They cover common ground and are welcome at a time when there is a growing awareness on the need to secure the individual's right to a good public administration through the enforcement of the accepted norms of good governance by Parliament and strong independent and autonomous institutions like the Ombudsman and the Auditor General. Hopefully, a common approach on these issues vital for the country's economic development, is the way forward.

III. Acquiring the necessary expertise

It was immediately obvious to the Ombudsman on taking Office in 2005, that the major social and economic developments that were taking place would impact on the nature and quality of complaints filed with his Office. Indeed, during last year there has been a marked change in the merits of complaints being received. They are becoming more complex and require more in-depth investigation.

A number address relatively new areas of social and economic activity. These include for example immigration issues with a strong human rights content; complaints regarding e-gaming regulated by highly technical legislation; complex issues relating to environmental planning; complaints relating to an ever expanding tertiary and higher education sector, as well as the management of public health services.

The Ombudsman was also concerned at the apparent policy of fragmenting of the Ombudsman services to provide redress to aggrieved persons, by the setting up, throughout the years, of internal audit mechanisms in various sectors. These included the University Ombudsman and the Audit Officer of the Malta Environment and Planning Authority. These mechanisms did not enjoy the independence, autonomy and authority that the Parliamentary Ombudsman had. Such a proliferation of internal audit mechanisms of various types and structures could only lead to a weakening of the protection to which aggrieved citizens were entitled.

It was for this reason that the Ombudsman proposed amendments to the

Ombudsman Act to empower him to provide administrative and investigative services through specialised Commissioners for Administrative Investigations. A proposal that was incorporated in the 2010 amendments of the Ombudsman Act that received the unanimous approval of the House of Representatives. These Commissioners, designated as Officers of Parliament, enjoy the same status, independence and autonomy as the Ombudsman. They work with him in an integrated Office and utilise its investigative and administrative services.

The policy of fragmentation has been, to some extent, reversed. Today the Commissioners for Education, for Health and for Environment and Planning have settled down and are having a positive effect on the areas falling under their jurisdiction. Through their expertise and experience, the opinions of the Office on specialised and often highly technical issues investigated by them, have obtained authority and gravitas. The system is functioning well. The Commissioners enjoy the trust of citizens and respect of the public authorities. It is a system that has attracted the attention of other jurisdictions that have followed and are following it closely with a view to implementing similar mechanisms.

This year the Commissioners have consolidated their position, have been functioning as an integrated team and felt confident enough to take important initiatives within the exercise of their functions.

Important initiatives

The wealth of experience and expertise that the Office acquired through their appointment together with the major restructuring exercise of human resources undertaken during the last months, led to a number of important initiatives that have had a very positive effect on the quality of service being provided to aggrieved citizens. These initiatives include:

- a) **Coordination between the Ombudsman and Commissioners.** Regular meetings have been held monthly between the Ombudsman, the three Commissioners and the Director General to discuss policy strategy, coordination between the various departments of the Office and outreach programmes. These meetings are proving to be very useful to exchange technical information and expertise in investigations that require an input from different Commissioners. The Commissioners also have the opportunity to contribute through their experience, towards the improvement of the investigative and the administrative services put at their disposal by the Ombudsman. It is felt that these meetings are essential for the smooth and efficient running of a small but unified and integrated structure that provides a one stop shop service for the investigation of complaints.

- b) **Outreach programmes.** The Office has this year embarked on a multi-faceted outreach programme meant to make the public more aware of the services it can offer. The programme, that was planned by the Research and Communications Officer, made extensive use of the media. It also emphasised the need for the personal involvement of the Ombudsman and the Commissioners through direct contact with other players involved in the public administration and their clients. Such outreach programmes were practically non-existent in previous years. Though sporadic initiatives had been taken to bring the Office in closer contact with the public, there have never been professionally programmed media events targeted to reach specific sectors of the population.

Planned outreach events became imperative also with the advent of Commissioners who required that their specialised services be brought to the attention of their clients. Such a programme was possible and was put into effect following the appointment of a Research and Communications Officer who showed that he had the required initiative, drive and competence. As a result, the Commissioner for Education for example held meetings with student organisations and the Office had a stand at Freshers' week on the University campus at the start of the academic year. The Commissioner for Environment and Planning held meetings with NGOs to discuss their concerns on matters of environment and excessive development that had of late become very topical subjects in the country. The Commissioner for Health held regular meetings with the health authorities to try and resolve issues that cause pain and suffering and that needed to be addressed.

Another important outreach initiative was the decision to hold regular monthly sessions in Gozo to receive complaints from the residents of the sister island. The Bishop of Gozo wholeheartedly supported the initiative and the Ministry for Gozo provided suitable premises.

The Ombudsman, Commissioners and Investigating Officers during the year participated periodically in television and radio programmes aimed at explaining how the Office worked, what services were available and how best to make use of them. These programmes, that included media coverage, policy interviews and short interviews in popular magazine programmes sometimes with a phone-in, proved to be very informative and have been very well received. Similar initiatives were being planned for the future.

- c) **Customer surveys.** Another major initiative, innovative to this Office, undertaken by the Research and Communications Officer during the year were customers' surveys intended to assess the level of awareness of the general public on the services offered by the Ombudsman and the Commissioners, as well as the level of satisfaction of users regarding the method of investigation, the quality of final opinions and effectiveness of recommendations. One

of these surveys, that was concluded during the year, was among persons who have actually made use of the services of the Office. It has produced interesting results that showed a positive trend in the level of trust of users in the service provided and correct awareness of the functions of the Office as a defender of their rights. Another survey was conducted among the general public who had not made use of the services of the Office. More information about these surveys is being given in another section (Pages 162 and 176) of this report.

Throughout the year further improvements have been made in the format of our website, its accessibility and interactivity. The website is today undoubtedly one of the best available in the ombudsman world. It has become a major tool in bringing to the attention of the general public the wide areas of specialised service that the Ombudsman provides today.

IV. Strengthening the investigative structures

Reference has already been made to the fact that during the year there had been a marked change in the quality of complaints being received. To a certain extent this was also due to the radical reforms that took place in the Office and the added focus brought about on specific areas of social and economic activity falling under the purview of the Commissioners.

These developments inevitably necessitated a review of the investigative services available to the Ombudsman and Commissioners. These services form the backbone support required for a proper and efficient functioning of the Ombudsman service. It was therefore clear that the investigation department had to be strengthened. The reform recommended by the PricewaterhouseCoopers report was implemented last year. During the year, measures have been taken to beef up the new structure that put in place a Head of Investigations to oversee and coordinate the work of the section.

Investigating Officers at the Office are professional officers of experience and are allowed freedom to investigate complaints under the direction of the Ombudsman or Commissioners. They are encouraged to discuss identified areas of concern that require special attention so that a common approach on matters of interpretation and procedure can be arrived at, to ensure uniformity in the investigation of cases. What is still lacking is an efficient monitoring of individual cases to ensure that better time frames are secured and that cases are concluded in the least possible time depending on the nature of their merits. That system needs to be fine-tuned and though some efforts were made during the year, more has to be done in the future. This requires coordination between the Ombudsman, the Commissioners, the Head of Investigations and the Investigating Officers themselves.

The Commissioners as Investigators

Interestingly, the appointment of these specialised commissioners markedly increased the investigative capacity of the Office since they themselves not only investigate complaints referred to them by the Ombudsman but also initiate, with his authority, investigations on their own initiative, often utilising the services of investigating officers. These Commissioners are much better placed to act as mediators between the citizens and the public administration in those areas falling under their remit. They could and have indeed made, greater use of own initiative investigations, to highlight systemic failures and recommend appropriate remedial action in opinions that carried the full weight of their authoritative considerations.

The Commissioners during the year were ideally placed to engage in discussions with Ministries, departments and public authorities falling under their jurisdiction. Thus for example, the Commissioner for Health had, during the year, done sterling work in solving individual complaints in helping citizens to access medical care and treatment that were not readily available. He had however found it difficult to convince the authorities to accept his recommendations that existing legislation, under the National Security Act, entitled patients suffering from certain conditions to free treatment as of right. He published his final opinion on this issue and when no positive reaction was forthcoming from the authorities, he asked the Ombudsman to forward his report to the House of Representatives. This was duly done. It was hoped that the report would now be discussed by the appropriate Parliamentary Committee dealing with Health. Meanwhile, negotiations between the Ombudsman, the Commissioner, the Parliamentary Secretary for Health and the health authorities took place to try and find solutions to these issues. Progress was registered but problems to provide free treatment to persons who were entitled to it still persist in certain cases.

On the other hand, relations between the Commissioner for Education and the University of Malta have improved greatly during the year. The investigation of complaints in this area, that have noticeably increased following the participation of the Commissioner in the Freshers' week in October of the previous year, was proceeding smoothly. During the Freshers' week, the Commissioner actively engaged with students' associations that showed their willingness to promote the services that the Commissioner for Education could provide to students and academic staff alike.

The Commissioner for Environment and Planning was rightly concerned about environmental issues. The country is at present experiencing an increasing number of applications before the competent authorities for major infrastructural projects and building development. There was considerable concern on the effect of such development on Outside Development Zones (ODZ). The attention of the Commissioner was engaged throughout the year on the need to find the right balance between the environment and development. This issue arose not only while investigating individual complaints of alleged abuse, but also and perhaps

more importantly, while investigating the way planning authorities were applying existing regulations. He was required to opine on whether proposed or enacted amendments to these regulations and laws and their interpretation favoured sustainability and whether they were enacted for the common good rather than to advance private interests. Moreover, the Commissioner enquired into the proposed demerger of the planning and environment into two separate authorities. He made his position public, pointing out what in his opinion were shortcomings that could negatively affect the efficacy and autonomy of the authority charged with the protection of the environment.

V. Radical administrative reform

During the year the Office could reap the full benefit of the radical administrative reform carried out in the previous months meant primarily to relieve the Ombudsman from the task of managing the day to day administration of the Office. The Ombudsman continued to oversee all operations. However, the management of and cooperation among the various departments was delegated to a Director General directly accountable to him.

A reform that put in place a small but efficient structure that could plan and execute the management policies required to provide the Ombudsman and Commissioners with the investigative and administrative support necessary to exercise their functions. Emphasis was placed on the need for team work, flexibility and multi-tasking to ensure a smooth and efficient operation. All members of the staff deserve credit for responding positively and enthusiastically to the new changes, even when these involved the introduction of new work practices and in some cases assuming new roles and responsibilities.

The new setup is undoubtedly a great improvement on the situation obtaining before the appointment of a Director General. There is greater transparency and accountability. A professional management structure has led to the setting up of an element of middle management within the administration that has greatly contributed not only to the efficient provision of services and cost savings but also to better management of human resources, work ethics and discipline. Key figures in this set up are the newly created posts of Office Administrator and the Finance Manager.

The Secretariat remains the heart of operations in an institution that requires an efficient registry, correct processing of complaints, quality production of all correspondence, reports and final opinions and regular follow up of their outcome. The Secretariat is made up of a small complement, that has along the years developed into a reliable and efficient team, that was able to adapt itself to the changes that were taking place and the restructuring of the institution. They willingly took on additional duties as required, including acting as personal assistants to the Commissioners, manning the front desk to receive complaints and carrying out interviews for customer's surveys. The reception desk is now

being manned regularly by clerks on a shift basis, who are also required to perform secretarial work when necessary. Flexibility has been put in practice and willingly accepted by all. It has been a major factor in guaranteeing an all-round improvement in the service provided.

Undoubtedly the change from the previous setup has been dramatic. Progress has been registered in all departments. Work is proceeding smoothly and serenely and the service being provided to citizens has improved. There will, of course, always remain room for improvement and change. However what has been achieved so far undoubtedly justifies the implementation of the reform on the lines recommended by the PricewaterhouseCoppers Report.

In this respect the Ombudsman is satisfied that he will be leaving an Office to his successor that is administratively in a much better shape than how it was. His predecessor, the top civil servant, had built the foundations of a setup that was adequate for the needs of the Office as it was then organised. A setup that continued to serve its purpose for some time. The radical change made was necessary to meet the needs of an expanding Office that was assuming new functions and responsibilities. It is to the credit of staff that the major reform to a modern and streamlined administrative structure has taken place smoothly, efficiently and without the need of any major increase in human resources.

Mission not yet accomplished

International Ombudsman Law Institute

The setting up of an International Ombudsman Law Institute in Malta is one major project that the outgoing Ombudsman would have failed to realise before his second term elapses.

This project was first launched in 2014 during a meeting in Tirana of the Association of Mediterranean Ombudsmen. The proposal was very well received and at the end of that meeting a resolution expressing support and encouragement for the project was unanimously approved. Representatives of the Venice Commission for Democracy through Law and the European Commission attended that meeting. They enthusiastically welcomed the proposal and pledged that they would recommend that it merited full technical and material support.

Essentially, the project entails the setting up of an institute of higher learning to train graduates in Ombudsman legislation and its relevance to the advancement of good governance and fundamental human rights. It would provide advanced and comparative teaching in these disciplines, during a post-graduate course spread over one academic year, that would lead to an MA and eventually a Ph.D. degree. The course would be opened to graduates who have a first degree in law or public administration and it would be aimed primarily though not exclusively, to graduates hailing from developing Mediterranean countries. The institute would be administered by the University of Malta and would have its full academic backing and consequent recognition of degrees.

The project continued to garner messages of support from all quarters. It was generally recognised that such a project would not only have the beneficial effect of promoting a better understanding of the values that should govern and underpin good public administration and the role of the Ombudsman in safeguarding those values but also contained a significant political content as a contributor to peace and stability in the region.

The latter aspect was emphasised by the Prime Minister in his letter of 7 October 2014 expressing his support to the project. He said *inter alia* “*In principle*

the government approves this initiative as it will be a means whereby the position of the Ombudsman in the Mediterranean countries could be strengthened - a matter which is considered as a priority for Malta. Apart from this, I believe that this idea will further strengthen Malta's position as a supporter in the promotion of democracy in the Mediterranean."

Encouraged by these messages of support, the Ombudsman carried on with the project. He negotiated the terms for the setting up of the Foundation to manage the Institute that would be completely independent, and fully autonomous from the Office of the Ombudsman, the Malta Ombudsman, the Association of the Mediterranean Ombudsmen and the Government of Malta would be its founder members. The curriculum of the course was drafted with the valuable help of the Dean of the Faculty of Laws. Work was started to identify members of the academic staff to teach different modules that would include a considerable international component, including past and present personalities from the ombudsman world.

Suitable premises were identified. With the considerable financial investment by the Government of Malta, all structural works have been concluded and spacious modern facilities where the Institute could be housed are at the disposal of the Ombudsman. The Government of Malta has therefore lived up his promise. There is however one major obstacle that is preventing further progress.

It is the conviction of the Ombudsman that the project could only have a meaningful start if the backbone of its annual graduate intake is based on a scholarship fund capable of attracting graduates from developing countries that should be the major beneficiaries of such an initiative. Considering that a minimum number of 20 students is required to ensure a feasible and sustainable project, it is estimated that a recurrent budget of €750,000 for three years should be sufficient to cover both these scholarships and administrative expenses.

This is by no means an exorbitant or unreachable amount. The Ombudsman believes that it should be forthcoming if the right sources are tapped. Unfortunately to date the only material contribution towards the centre was made by the International Ombudsman Institute, that will finance the equipment required to set up a small conference centre within the Institute. The Government of Malta has informally indicated that it would be prepared to contribute towards the scholarship fund but understandably, it made it clear that the fund had to receive support from other sources as well if the Institute was to really be an international one.

The Ombudsman is of the opinion that a final concerted effort should be made to try and obtain the required funding to set up the scholarship scheme, failing which the project would have to be abandoned. It is certainly an effort worth trying.



NOTES FROM THE 2015 DIARY

20th
ANNIVERSARY
1995 - 2015



Notes from the 2015 Diary

2015 was in many ways a momentous year. It coincided with the last full year of the second term of the current Ombudsman, the twentieth anniversary of the institution and the year in which major structural works to provide new, modern offices were completed. They were very hectic months during which the Office had to carry on and indeed increase its normal activities in the exercise of its statutory functions. This at a time when the Office was not only in a state of permanent upheaval due to the extensive works being carried out but also because it had to tackle difficult issues that had arisen with government as well as investigate complaints in novel areas that seem to have peaked up during that period.

As expected, there has been during the year a marked increase in the number of complaints. This can be attributed to a number of factors. The new government, now in its mid-term, had settled down. It had been in office for over two years and it was to be expected that the number of aggrieved persons, who required help to seek redress against alleged injustice, was bound to increase.

The Commissioners too were having a greater impact on the areas falling within their jurisdiction. Moreover, the outreach initiatives carried out during the year highlighted the role of the Ombudsman and the Commissioners as defenders of citizens' rights. The positive response to these initiatives led to a welcome increase in their workload.

Meanwhile, the Office continued to remain a point of reference as an institution that could provide authoritative opinions on the level of observance of fundamental rights and on how they could best be promoted and protected. This not only for national authorities but also for international organisations, including European Union institutions, that from time to time required to be updated on developments. Throughout the year the Office continued its active participation in international fora, maintaining a high profile in the Association of Mediterranean Ombudsmen of which it was a founder member and current treasurer. Similarly, the Office continued to be active as a member of the Public Sector Ombudsman Group of the United Kingdom and in European Ombudsman institutions.

It is with a sense of pride that one can affirm that the Office of the Maltese Ombudsman is held in high regard in all these institutions. Its support and contribution are appreciated and valued.

The following comments on a sample of activities taken from the 2015 Diary illustrate the varied agenda undertaken by the Ombudsman and Commissioners throughout the year to promote good governance, an open, transparent and accountable public administration, fundamental rights and freedoms and democracy in general. An agenda that goes beyond the basic functions of investigating complaints by aggrieved persons and recommend redress.

January 9, 2015



Ombudsman meets Maltese MEP Roberta Metsola

The Ombudsman met Maltese MEP Dr Roberta Metsola ahead of the European Parliament plenary session discussing the European Ombudsman's Annual Report 2013. The Ombudsman stressed the excellent relations that exist between his Office and the European Ombudsman, Ms Emily O'Reilly both on a personal basis and on an institutional level. The Office was a regular contributor and collaborator in initiatives taken by the European Ombudsman to further fundamental rights especially in the field of irregular migration; issues that were of particular interest to Malta and on which European institutions and agencies require regular feedback from Member States.

January 23, 2015

The Ombudsman meets the Data Protection Commissioner

The Parliamentary Ombudsman met the Data Protection Commissioner, Mr Saviour Cachia. During this courtesy meeting the Ombudsman and the Commissioner discussed matters of common interest and the relationship between the two institutions. The discussion focussed on matters of concern that are negatively affecting transparency and accountability in the public administration and that were attracting the Ombudsman's attention. These included repeated calls for the publication of government documents and agreements that were of public interest, the right of the citizen to be informed and the limits of the State's duty to disclose.

The Ombudsman together with the Commissioner for Environment and Planning meet MEPA Chairman and CEO

The Parliamentary Ombudsman together with the Commissioner for Environment and Planning, Perit David Pace met the Malta Environment and Planning Authority (MEPA) Chairman, Perit Vincent Cassar and CEO, Mr Johann Buttigieg.

During the meeting both sides discussed the procedures governing investigations and how the relationship between the Parliamentary Ombudsman and MEPA could be strengthened.

The Commissioner for Environment and Planning would continue to follow up the matters discussed during his regular meetings with MEPA. It was agreed that these regular meetings could lead to a speedier and in some cases amicable resolution of complaints. They would also undoubtedly promote a better understanding of the way the planning authorities function and how complex rules and regulations are interpreted and enforced.

January 26, 2015

Ombudsman meets Ministry's officials on proposed amendments to the Local Council Act

The Ombudsman, met a delegation of policy coordinators within the Office of the Parliamentary Secretariat for Local Government, led by Mr Michael Cohen, Advisor to the Office who had requested a meeting to discuss proposed amendments to the Local Councils Act. The Ombudsman was informed of these developments and his advice was sought on certain aspects of the proposed bill and their conformity with the principles of good governance and the rules of due process.

It was agreed that a further meeting would be held once the Ombudsman reviews the proposals drafted by the Ministry officials to implement undertakings in the electoral manifesto. During the meetings views were exchanged on how to

improve relations between the Office of the Ombudsman and local councils to ensure speedier determination of complaints against local councils that represent a considerable percentage of the number of complaints received. Stress was made on the role of the Ombudsman as an efficient mediator in the resolution of many of these complaints.

January 27, 2015



Parliamentary Ombudsman meets Ambassador of Spain

The Parliamentary Ombudsman, had a courtesy visit by H.E. Josè Pons, Ambassador of Spain.

During the meeting, the Ombudsman and the Ambassador discussed several issues of bilateral interest and matters related to the functions of the Ombudsman and the *Defensor del Pueblo* who enjoys the same status, autonomy and powers in the defence of citizens' rights.

The Ombudsman reaffirmed the high value of cooperation between the Maltese and the Spanish Ombudsman, both founding members of the Association of the Mediterranean Ombudsmen. He also referred to issues relating to irregular immigration and a case in which the Spanish Ombudsman had requested him to intervene to help solve a delicate issue of jurisdiction relating to irregular immigrants saved by a vessel flying the Spanish flag.

February 2, 2015

Ombudsman's opinion on the definition of commercially sensitive information in agreements signed between the government and private companies

The Ombudsman released an opinion on the definition of commercially sensitive information in agreements signed between the government and public authorities and private companies. The Ombudsman received a number of queries from The Malta Today regarding the definition of commercially sensitive information in such agreements. This issue had of late become very topical because of the reluctance of public authorities to divulge the contents of contracts between them and private companies on these grounds.

The issue was being hotly debated. It was held that the refusal of public authorities to disclose information that journalists and others considered to be in the public interest, was not conducive to good, open and transparent administration. The Ombudsman's answers to the questions put to him by this journalist were his first public reaction to this delicate issue that directly impinged on the right to good governance. Since the matter was one of substantial public interest the Office of the Ombudsman published the full text of his reply. It is being reproduced elsewhere in this publication (Page 130).

Public interest in this matter was bound to escalate. The Ombudsman continued to promote and participate in the public debate. Specific reference was made to this issue in the Ombudsplan for 2016 that was submitted to Parliament. The State's duty to inform was eventually chosen by the Ombudsman as a theme for discussion in the Roundtable, during the meeting of the Public Sector Ombudsman Group held at the House of Representatives in November.

February 9, 2015

Facebook and LinkedIn Pages launched

As part of its online outreach campaign, the Office of the Ombudsman launched its official social media platforms, Facebook and LinkedIn.

The aim of these platforms is to give the institution greater visibility and openness.

Citizens are encouraged to get in touch through these pages to enquire about services offered by the Ombudsman. They are invited to ask general questions, make suggestions and highlight bad practices in the public administration that the Office of the Ombudsman might consider investigating.

February 19, 2015

Ombudsman attends the AOM Executive meeting in Albania

The Parliamentary Ombudsman, attended the Executive meeting of the Association of the Mediterranean Ombudsmen in Tirana, Albania. He was accompanied by the Director General, Mr Paul Borg.

Participants at the meeting discussed current and future initiatives to make the association more relevant to its members. The financial sustainability of the group was discussed. This included a review of members' participation and payment of annual subscriptions. Malta is the Treasurer of the Association. During the meeting it was agreed that the 9th AOM General Conference and Assembly would be held in Malta in March next year. This will coincide with the 20th Anniversary of the setting up of the Ombudsman Institution in Malta.

February 27, 2015

The Commissioner for Health concluded an Own Initiative Investigation on difficulties faced by people with Hearing Problems

The Ombudsman authorised the Commissioner for Health to carry out this investigation following contributions appearing in local media highlighting the need to address these problems. The Commissioner proposed the setting up of an *ad hoc* committee to address the various difficulties and challenges encountered by people with hearing problems. Among other things the Commissioner recommended specifically that all new born children should be screened so that those having hearing impairments could be diagnosed at the earliest possible stage. He also recommended that the educational authorities should explore the feasibility of grouping all hearing impaired students in one school.

April 27, 2015



The Ombudsman attended the 10th National Seminar of the European Ombudsman

The Parliamentary Ombudsman participated in the 10th National Seminar of the European Network of Ombudsmen held in Poland.

The theme of the seminar was '*Ombudsman against Discrimination*'. The Ombudsman took the opportunity to exchange views on matters of mutual interest with his European colleagues, including the new Polish Ombudsman. He updated the European Ombudsman, Ms Emily O'Reilly, on developments regarding the proposed International Ombudsman Law Institute. She expressed full support for the project and augured that it would soon be realised.

May 5, 2015



Participation in a NATO workshop on Gender Related Complaints in the Armed Forces

The Office of the Ombudsman was invited to participate in a workshop organised by the Swiss Centre for Security Development and the Rule of Law under the auspices of the NATO Science for Peace and Security Programme Advanced Research.

The workshop discussed Gender-Related Complaints in the Armed Forces and was organised as part of the process of finalising the Handbook for Prevention, Response and Monitoring of gender-related complaints in the armed forces of the participant states. Dr Brian Said, Senior Investigating Officer, represented the Ombudsman who contributed by presenting a paper on the effective and fair investigation of complaints of sexual discrimination, harassment and abuse in the Maltese context.

In the sphere of armed forces regulation, the Ombudsman Act specifically states that the Ombudsman has jurisdiction to investigate complaints which relate to “...appointments, promotions, pay and pension rights of officers and men of the force”. Though this may seem to limit the Ombudsman’s jurisdiction in other areas, gender-related grievances could give rise to complaints connected with matters specifically related to issues falling under the Ombudsman’s jurisdiction. During the workshop, standards for investigation of complaints involving discrimination, harassment and abuse were discussed.

The workshop was attended by representatives of the Parliamentary and Military Ombudsman as well as officials tasked to investigate gender-related complaints in the armed forces of the Member States of NATO and partner countries like Malta. This was the first time that the Ombudsman decided to accept an invitation to a meeting at which Military Ombudsmen were invited. The invitation came in the wake of a dispute with government on the extent of the Ombudsman’s jurisdiction under the Ombudsman Act. Malta’s participating

is considered useful since it not only gave the Ombudsman an opportunity to bring this delicate issue to the attention of other Military Ombudsmen but also the Office gained first-hand information on international Ombudsmen organisations that specifically target complaints from members of the Armed Forces. A matter that was very relevant in the light of the proposal made to have a Commissioner within the Ombudsman's Office to deal with complaints from the members of the security forces mainly the army and the police, as well as from persons in places of detention.

June 8, 2015

Public Sector Ombudsman Group agrees to hold its meeting in Malta in November

The Parliamentary Ombudsman participated in the Public Sector Ombudsmen (PSO) Group (PSOG), of which the Office has been a member for many years. The meeting was held in Dublin and was hosted by the Ombudsman of the Irish Republic.

During the meeting own initiative investigations and standard complaints processes were discussed. Member countries shared their experiences and gave an update on initiatives taken by them during the year.

The PSO Group agreed that the next meeting would be held in Malta in November. It would coincide with the activities marking the 20th Anniversary of the Ombudsman institution.

June 14, 2015



The Parliamentary Ombudsman pays a courtesy call on the Speaker

On the occasion of the inauguration of the new Parliament House, the Ombudsman paid a courtesy visit to the Speaker of the House, the Hon. Angelo Farrugia. The Speaker and the Ombudsman spoke on the strengthening of the relations between both institutions.

June 24, 2015



The Ombudsman receives UN Working Party on Arbitrary Detention

The Ombudsman, received the UN Working Party on Arbitrary Detention that was in Malta to follow up recommendations it had made in 2009 on issues related to detention and deprivation of liberty generally.

The Working Group on Arbitrary Detention was established by a resolution of the UN High Commission for Human Rights and has the mandate to investigate cases of deprivation of liberty.

The Parliamentary Ombudsman was accompanied by Dr Monica Borg Galea, Head of Investigations, and the UN delegation was led by Mr Mads Andenas, former Chair-Rapporteur of the Working Group. The Ombudsman remains an important point of reference to this working party that seeks to obtain objective information from independent authorities that can help it reach a correct and balanced opinion on issues related to detention and the observance of fundamental human rights in the treatment of detainees.

June 26, 2015



The President of the House of Representatives and the Ombudsman addressed an information session for the newly appointed Liaison Officers

The Speaker of the House, the Hon. Anglu Farrugia and the Parliamentary Ombudsman, addressed an information session for newly appointed liaison officers from different Ministries, Departments and Public Entities. Liaison officers serve as a link between the Office of the Ombudsman and the ministry, department or public entity to which they are assigned.

The meeting that was held at a Committee Room of the new House of Representatives, was also addressed by Dr Monica Borg Galea, Head of Investigations at the Office. The meeting was well attended and presentations were followed by a debate on the role of liaison officers and the conduct of investigations by the Ombudsman. Many of the participants, some new to their role as liaison officers, actively participated.

June 2015

Ombudsman authorises Commissioner for Environment and Planning to conduct Own Initiative Investigation

This month the Office of the Ombudsman received a complaint alleging incorrect processing and determination of a development application on a site in Rabat. The Parliamentary Ombudsman referred the case to the Commissioner for Environment and Planning for investigation. Eventually it transpired that the Parliamentary Secretary, Dr Ian Borg had a personal interest in the merits of the case.

Following a review of the complaint, it emerged that complainant did not have the required personal interest for his complaint to be investigated in terms of Article 17(2) of the Ombudsman Act. However, the issues raised in the complaint were considered by the Ombudsman and the Commissioner to be of general public interest and already in the public domain. The Commissioner was of the opinion that the complaint raised issues on the interpretation and application of planning regulations that merited an own initiative investigation since its merits were not limited to the facts of the case itself.

Meanwhile the Office of the Ombudsman was made aware that the Commission Against Corruption was also investigating the same complaint in which it was being alleged that the Parliamentary Secretary could be held accountable for corruptive acts. Following discussion between the Office of the Ombudsman and the Commission Against Corruption it transpired that the latter lacked the necessary resources to investigate the technical issues relating to building and planning regulations.

It was therefore agreed that the Commissioner for Environment and Planning could proceed with his own initiative investigation, focussing solely on technical aspects of the issues raised, namely the application of the policies and procedures during the processing and determination of the permit application. It was also agreed that once the investigation was concluded, the report of the Commissioner for Environment and Planning would be made available to the Commission Against Corruption for its information and guidance. The Ombudsman considered this development to be a positive exercise in collaboration between two institutional authorities.

July 10, 2015



Presidents of the Regional and International Networks of Institutional Mediation Institutions support the setting up of an International Ombudsman Law Institute in Malta

The Ombudsman attended a meeting of the Presidents of the Regional and International Networks of Institutional Mediation Institutions on the implementation of the Marrakech Declaration. The meeting was a follow up of the World Human Rights Forum. It was convened to consider the progress made in the implementation of the recommendations made during that Forum held the previous year and what further practical measures could be taken to realise the projected aims of that global meeting.

The meeting of Presidents considered the proposal of the Maltese Parliamentary Ombudsman on the setting up of an International Ombudsman Law Institute (IOLI). There was consensus that this initiative falls within the parameters of the Marrakech Declaration that emphasises education as a vital and consistent element in promoting worldwide, the culture of mediation and Ombudsmanship in the defence of others.

In their final resolution, the Presidents of the Regional and International Networks of Institutional Mediation Institutions declared their support for the setting up of the IOLI in Malta that would further academic studies in the field of Ombudsman for the benefit of Mediators and Ombudsmen.

The meeting was attended by the President Ombudsman from the African Ombudsman and Mediators Association (AOMA), the Arab Ombudsman

Organisation, the Asian Ombudsman Association (AOA), Association of Ombudsmen and Mediators of La Francophonie (AOMF), Association of Mediterranean Ombudsmen (AOM), European Ombudsman Institute (EOI), International Ombudsman Institute (IOI) and the Organisation of the Islamic Cooperation Ombudsman Association.

August 5, 2015

Ombudsman to hold regular meetings with citizens in Gozo

Following a cordial meeting between the Parliamentary Ombudsman and the Permanent Secretary in the Ministry for Gozo, Mr John Borg, it was agreed that the Office of the Ombudsman would hold regular meetings with citizens and complainants in Gozo.

The initiative is aimed at facilitating the accessibility of the Office to those residing in Gozo. The Ombudsman intended to hold monthly meetings. The Ministry agreed to put facilities at the Ombudsman's disposal for this purpose. More details would be announced later but it was hoped that the first sessions would be held later on this year.

During the meeting, the Ombudsman and the Permanent Secretary of the Ministry discussed current issues and outstanding complaints.

August 13, 2015



Ombudsman submits two reports to Parliament

The Parliamentary Ombudsman presented two reports to the President of the House of Representatives, the Hon Anglu Farrugia.

The Ombudsman requested Mr Speaker to lay these reports on the Table of the House for its consideration.

A. Denying patients with free entitlement of medicines is causing an injustice that needs to be remedied.



The first report refers to four cases of patients suffering from Diabetes and Hepatitis C, who, in the opinion of the Commissioner for Health, are entitled to free medicines under the Social Security Act. Contrary to what the health authorities maintain, the Commissioner for Health is of the opinion that the four complainants in these cases were eligible for free medical aid in terms of the Social Security Act. Denying them their entitlement is causing them an injustice that needs to be adequately remedied. The Ombudsman and the Commissioner recommend that a review of applicable legislation is carried out to ensure clarity and legal certainty on the right of persons entitled to receive free medical aid. A review that should ensure that regulations/policies/protocols made by the competent authorities, that determine, limit or condition the right of households

or persons to receive free aid to which they are entitled, have the necessary vires in terms of the law under which they are issued.

Moreover, and more importantly, these regulations must reflect not only the word but also the spirit of the Social Security Act, as expressed by the people's representatives in Parliament. That Act justly imposes on society a compulsory, contributory insurance for the benefit of the common good. It creates a social contract. It entitles eligible persons to receive benefits listed in the Act, but it also imposes on the State a corresponding obligation to deliver them. Fiscal and economic considerations in the management of available funds should primarily be aimed at securing essential treatment to indigent households and/or persons suffering from serious, life-threatening diseases or conditions - the most vulnerable sections of society.

The Ombudsman and the Commissioner for Health requested the Speaker to refer this report to the Standing Committee of the House for Health for its attention and consideration in terms of its powers under Standing Order 1203.

B. Ombudsman's reflections on the White Paper - *'Towards the establishment of the Human Rights and Equality Commission'*.



The second report presented to the Speaker was a publication by the Parliamentary Ombudsman containing his reflections on the government's White Paper *'Towards the establishment of the Human Rights and Equality Commission'*. The Ombudsman described the setting up of another National Human Rights Institution (NHRI) in Malta as an important instrument that would further consolidate what has been achieved so far in promoting and protecting human rights in the country.

The Ombudsman said that there is general consensus in principle on the way forward and the proposals made in the White Paper are a step in the right direction. However, care should be taken to ensure that existing structures are not weakened or demotivated. It is the opinion of the Ombudsman that any new mechanism needs to take into account the existing legal order. If it is to be effective, the Human Rights and Equality Commission (HREC) has to integrate with and complement existing institutions.

On the proposed Equality Act, the Ombudsman said that oversimplification should be avoided at all costs. Allowing for wide areas of interpretation in the hands of judicial or quasi-judicial bodies, and even more in the hands of monitoring authorities, can often lead to conflicts of jurisdiction, counter-productive litigation and contrasting decisions. He recommends that national authorities entrusted with the protection of vulnerable persons or specific human rights are fully consulted when drafting provisions that could affect their functions.

On the proposed Human Rights and Equality Commission, the Ombudsman reiterated that the issue to be debated and determined is whether the suggested model is suitable for Malta's needs, considering its level of democratic development, its observance of human rights generally and the quality and efficacy of its judicial, quasi-judicial and institutional authorities that have a specific or non-specific mandate to promote, monitor and enforce them.

The Ombudsman continued that his Office, that satisfies the stringent criteria of the Paris Principles, is generally recognised as an NHRI and qualifies for accreditation by the International Coordinating Committee on National Institutions for the Promotion and Protection of Human Rights (ICC). In fact there is no obstacle for the Office of Malta's Parliamentary Ombudsman to seek ICC recognition on the strength of its conformity to the Paris and indeed the Belgrade Principles as well as on its positive record.

In his reflections the Ombudsman makes a number of recommendations on how the Human Rights and Equality Commission could be set-up in line with his proposal submitted to Government in October 2013. The Ombudsman had suggested that the NHRI model most suitable for Malta would be a supra-institutional commission on which all major stakeholders would be invited to sit and participate. Such a commission would be able to draw on the experience and expertise of these institutions and others. It would be able to coordinate activities to promote and protect human rights generally and to devise and execute common policies and initiatives.

September 9, 2015

The Commissioner for Environment and Planning communicates his reaction to the proposed demerger of MEPA to the Prime Minister and Leader of the Opposition

The Commissioner for Environment and Planning in the Office of the Ombudsman, Perit David Pace, sent his reaction to the draft Bills that are being proposed for the demerger of the Malta Environment and Planning Authority (MEPA) as well as his proposals thereto, to the Prime Minister, the Leader of the Opposition as well as to the Permanent Committee of the House for Environment and Planning. The text of this document is being published as an annex (Page 134) in this publication.

In it the Commissioner shares his concern on what has been interpreted by NGOs and civil society generally to be a severely retrograde step in the level of transparency, accountability and accessibility to public scrutiny of the proposed new entities. The Commissioner highlights -

- It is essential that in the proposed demerger of MEPA, transparency had to be ensured in the workings of both authorities that would allow for scrutiny and participation of the public at all levels, while the necessary checks and balances in the administrative and procedural structures of both authorities are put in place.
- The Bill of the Planning Authority was proposing to concentrate too much powers in the hand of a few persons instead of the present board, composed of a number of persons that could contribute towards a debate. Moreover, the Minister responsible would retain very wide powers over the proposed council. He was of the opinion that this council, or at least its executive Chairman, should be appointed by the President after consultation between the Prime Minister and the Leader of the Opposition.
- The Bill sets up the Environment and Resources Authority, that will be responsible for the laying down of the national strategy on environment, together with a number of subsidiary policies, in a structure that was similar to that provided for the drafting of the spatial strategy for environment and development by the Planning Authority as proposed. It was clear that there will be considerable overlapping in the management of these two national strategies.
- The appointment of the members of the Review Tribunals and the members of the authorities should be made by the President after consultation with the Prime Minister and Leader of the Opposition, or alternatively, with the approval of the Permanent Committee for Environment and Planning of the House of Representatives. They should be fulltime and should not be allowed to engage in private practice. Experience had shown that only fulltime tribunals provide the necessary guarantees to instil trust in citizens that justice was being done and was seen to be done.

September 30, 2015



Participation at University of Malta's Freshers' week

The Parliamentary Ombudsman together with the Commissioner for Education, Professor Charles Farrugia, visited the KSU Freshers' Week at University and met students from various faculties. This week has become an annual event organised by students' organisations and others, who introduce new students to life on the University campus. It has become a major event in the University's calendar with a high level of participation from students and support groups.

This was the second year in which the Office of the Ombudsman and the Education Commissioner participated. Student organisations greatly appreciated the fact that the Office was this year more visible on campus with a prominent stand manned throughout by its staff who willingly introduced students to their right to have recourse to the Commissioner for Education when needed. The positive response encouraged the Office to continue to participate in such events both at University and other institutions of higher learning.

October 12, 2015

The Ombudsman notes the judgement delivered by the First Court of the Civil Hall in a case contesting his jurisdiction to investigate complaints by officers of the Armed Forces of Malta

The First Hall Civil Court, presided over by the Honourable Mr Justice Lawrence Mintoff, delivered judgement in a court case instituted by the Parliamentary Ombudsman against the Ministry for Home Affairs and National Security that had raised the plea of lack of jurisdiction of the Ombudsman to investigate complaints lodged with his Office by officers of the Armed Forces of Malta. The Ministry was and is still maintaining that aggrieved officers should in terms of the Armed Forces Act, seek redress through their Commanding Officer and the President of the Republic prior to having recourse to the Ombudsman. The Ombudsman maintains that the Ombudsman Act gives all officers of the Armed Forces a specific and unconditional right to seek redress through his Office on matters relating to appointments, promotions, salaries and pension rights. It was unreasonable to expect these officers not to exercise that right unless they had previously sought redress from the President of the Republic who, in any case, is constitutionally bound to act on the advice of the Prime Minister. Moreover, the Ombudsman Act itself expressly excludes the President from the jurisdiction of the Ombudsman.

In its judgement the Court rejected all the pleas of defendant bar the twelfth plea which it accepted. It then accepted all the demands of plaintiff except the fourth one and decided as follows:

- “1. Declares that the Ombudsman has the jurisdiction to investigate complaints of officers and men of the Armed Forces of Malta only in respect of appointments, promotions, salaries and pension rights;*
- 2. Declares that it is the Ombudsman himself who decides whether he has jurisdiction, even in those cases where the complainant had adequate means of redress under other laws;*
- 3. Declares that once the Ombudsman states that, given the particular circumstances of the complaint, it would not be reasonable for the complainant to have recourse to the President of Malta as a means of redress, the Ombudsman may continue with the investigation into the complaints of the officers;*
- 4. Orders the plaintiffs to provide all the information that the Ombudsman requested or might request regarding the complaints in question to appear before him if so summoned.”*

The judgement was generally well received. However, government has since decided to appeal and the Ombudsman must await the outcome of that appeal before proceeding with the investigations of complaints he has received. Even at this late stage the Ombudsman has shown his willingness to reach an amicable

solution to what was in his opinion an unnecessary confrontation. It was the first time in 20 years that the Ombudsman was forced to seek a judicial definition of an issue with government to ensure that the jurisdiction he has at law to investigate complaints against a public authority is respected. He is not however prepared to accept solutions that would deprive officers from their acquired right under the Ombudsman Act to seek redress for injustice through his services.

Parliament is free to amend existing legislation but the Ombudsman would not freely consent to any diminution of rights acquired by officers of the Armed Forces to protect their interests.

October 13, 2015

Parliamentary Ombudsman meets Ambassador of France

The Parliamentary Ombudsman had a courtesy visit from Her Excellency Beatrice Le Fraper du Hellen. During the meeting the Ombudsman referred to the excellent relations that existed with the French *Défenseur des droits* who for a number of years has been the Honorary Secretary of the Association of Mediterranean Ombudsmen (AOM). The Ombudsman praised the drive and initiative of the last *Mediateur de la Republique* who was an enthusiastic promoter of proactive collaboration among the Ombudsmen and mediators of all Mediterranean countries. The Office of the French Ombudsman has been providing secretarial services for the association since its inception while Malta was also functioning as its Treasurer.

The Ambassador showed keen interest in the work of the Association to promote good governance in the region and expressed her wish to attend its 9th General Conference to be held in Malta later on that year.

5-6 November 2015



Public Service Ombudsman Group (PSOG) meeting.

On the occasion of the 20th Anniversary from the setting up of the Ombudsman institution in Malta, the Parliamentary Ombudsman hosted a meeting of the United Kingdom Public Service Ombudsman Group. The meeting was attended by Mr Peter Tyndall, Ombudsman and Information Commissioner of the Republic of Ireland and Vice-President of the International Ombudsman Institute, Mr Jim Martin,

Ombudsman of Scotland, Dr Tom Frawley CBE, Ombudsman of Northern Ireland, Ms Denise Fowler, United Kingdom Housing Ombudsman, Dr Jane Martin, United Kingdom Land Government Ombudsman, Mr Mick Martin, Managing Director United Kingdom Parliamentary and Health Ombudsman, Mr Nick Bennett, Ombudsman of Wales and Mr Mario Hook, Ombudsman for Gibraltar.

The Agenda followed the usual pattern with a discussion on a topic of common interest in the afternoon on the first day, and on the next, a meeting during which country updates and issues relating to the day to day conduct of business and how the service the Ombudsman provides could be improved, were discussed. Meetings were held in one of the Committee Rooms of the new Renzo Piano House of Representatives through the courtesy of the Honourable Mr Speaker Dr Angelo Farrugia who gave his full support to the event.

November 5, 2015



The inauguration of the new offices by the President of the Republic on the occasion of the 20th Anniversary of the setting up of the Office of the Ombudsman in Malta.

Her Excellency Marie-Louise Coleiro Preca President of the Republic inaugurated the new offices of the Ombudsman in the presence of the Prime Minister, the Hon Dr Joseph Muscat and the Hon Leader of the Opposition, Dr Simon Busuttil. The President addressed the gathering and unveiled a commemorative plaque.

November 6, 2015



PSOG Meeting

The Public Service Ombudsman Group held its regular meeting, chaired by Mr Peter Tyndall, in one of the Committee rooms in the Parliament House kindly put at its disposal by Mr Speaker. The meeting considered and discussed updates sent in by participants that highlighted progress registered and difficulties faced in their respective jurisdictions. The group continued to discuss the issue of principles of remedy, including financial redress, to try and iron out a common approach to this complex, delicate matter. It was decided the topic required further in-depth consideration if consensus was to be achieved. All participants had words of praise for the organisation and the hospitality extended to them by the Office of the Malta Ombudsman during the visit.

November 16, 2015



Regular monthly meetings in Gozo

Agreement was reached with the Ministry for Gozo to make available facilities to the Office of the Ombudsman to hold regular monthly meetings with citizens and complainants in Gozo. This initiative was aimed at facilitating accessibility to the Office to those residing in the sister island. It was hoped that the meetings would be held every first Saturday of the month, starting from 5 December 2015. The Ministry put facilities at the NGO Centre in Xewkija at the disposal of the Ombudsman.

Advance notice of the meetings would be publicised through Gozo Local Councils and Parish Centres.

November 23, 2015



Ombudsman meets the President of the International Ombudsman Institute

The Parliamentary Ombudsman, met Adv. John Walters, President of the International Ombudsman Institute and Ombudsman of Namibia.

During the meeting, matters of common interest were discussed including the proposal to set up of the International Ombudsman Law Institute (IOLI) in Malta and matters related to Human Rights.

Mr Walters reaffirmed that IOI would fully support Malta's initiative to establish such an institute and would help to promote it among IOI members. He was conducted on a tour of the new offices and of the premises intended to house the institute. Mr Walters was in Malta to participate in workshops within the People's Forum preceding the Commonwealth Head of States meeting (CHOGM) later on that month.

December 4, 2015

Developments on the treatment to patients suffering from Hepatitis C.

Last August the Ombudsman had referred to the Speaker of the House of Representatives a report prepared by the Commissioner for Health on complaints by individuals suffering from Hepatitis C and who were being refused free treatment by the Department of Health. The Ombudsman and the Commissioner had considered such failure to be in breach of the Social Security Act and had requested the Speaker to forward the report for the consideration of the House Health Committee.

Meanwhile the Office continued to keep in touch with the Department of Health the Ombudsman and the Commissioner had a meeting this week with the Hon Chris Fearne, Parliamentary Secretary for Health and officials of the department. The Parliamentary Secretary informed the Ombudsman that the new treatment had been approved and the medicines would be procured so that those patients who fall within specific criteria and are declared to be urgent would be given this treatment by the Government Health Service. He assured that henceforth patients who become eligible under the set criteria would be given the treatment straight away.

The Ombudsman and Commissioner stated that they understood that the established criteria for treatment with the newly available medicines had been drawn up in agreement with specialists involved in the treatment of such patients and that assessment procedures would be fair and transparent. During the meeting the Ombudsman and Commissioner reminded the Parliamentary Secretary for Health on other pending issues regarding the availability of free medicines to which patients were entitled under the Social Security Act and that needed to be addressed. They welcomed the new development that augured well for better resolution of issues as they arise from time to time.

December 4, 2015

Press conference on Own Initiative Investigation by the Commissioner for Environment and Planning Commissioner.

The Ombudsman and the Commissioner for Environment and Planning addressed a press conference during which it was announced that the Commissioner had concluded an own initiative investigation focussing on the application of policies and procedures during the processing of an application by MEPA that had a bearing on allegations that involved Parliamentary Secretary Dr Ian Borg. The Commissioner had been authorised by the Ombudsman to investigate the merits of the complaint on his own initiative the previous June. The Ombudsman declared that the technical report had been concluded and had now been sent to the Commission Against Corruption. The Ombudsman said that while the investigation was an enquiry of the Commissioner that stands on its own merits, it had been conducted to provide the Commission Against Corruption with an authoritative opinion on the interpretation and application of policies by MEPA generally.

In the case under review the opinion would enable the Commission to investigate the allegations of corruption. It had in fact been agreed that the Commissioner in the Office of the Ombudsman would investigate the technical part of the complaint and the responsibility of the Malta Environment and Planning Authority (MEPA) if any, and that his report would then be passed on to the Commission Against Corruption for its information and guidance.

In his final opinion the Commissioner had *inter alia* concluded that there were serious omissions and variations in the text of the planning application that cannot be put down to human error but point to a deliberate attempt to remove the one remaining obstacle potentially blocking approval of the application. The Commissioner was of the opinion that this grave error on the part of the MEPA should be sufficient to justify the review of the permit and that the application should be reassessed by applying existing policies, in the same manner as has been done in a similar application on the same site.

The Commission Against Corruption endorsed the report of the Commissioner. It however, came to the conclusion that the allegations of corruption against the junior Minister were not substantiated in terms of the relevant provisions of the Criminal Code. Both the Parliamentary Secretary as well as the MEPA strongly disagreed and contested the conclusions in the Commissioner's Own Initiative Investigation. As expected, there was also a mixed reaction to this final opinion with the Opposition claiming that the junior Minister should resign while the Government insisted that he had been cleared of all charges levelled against him.

It was however safe to say that the close collaboration between the Office of the Ombudsman and the Commission Against Corruption was a welcome experiment that could lead to fine tuning of existing mechanisms to ensure more transparency and accountability in the public administration.

December 14, 2015



The President of the House of Representatives visits the Office of the Ombudsman

The Speaker of the House of Representatives visited the Office of the Ombudsman on the occasion of the 20th Anniversary of the setting-up of the Office.

The Speaker thanked the Parliamentary Ombudsman, the Commissioners and staff for the years of service they had given to citizens in the defence of their rights. He stressed the active cooperation that existed between the Office and Parliament and augured that that cooperation would be strengthened and further developed.

The Speaker met all members of the staff and toured the new offices. The Ombudsman presented him with a copy of the publication of the records and proceedings of the Round Table on “*The State’s duty to inform*” held during the PSOG Meeting the previous month. The publication was a joint initiative of the Office of the Ombudsman and the Office of the House of Representatives. The Speaker noted that this was the first time that such a practical, tangible initiative between the two offices had taken place on a theme that was highly relevant to ensure transparency in the public administration and to hold it accountable. The Speaker stressed the importance of providing timely and correct information to the citizen as an effective tool against corruption.

The Ombudsman spoke about the three main themes dealt with in the publication, namely truth, transparency and accountability. He said that truth is relevant to good public administration because the Executive and public administrator cannot be held accountable for their actions and inactions unless they are transparent in how they manage public affairs. On the other hand,

transparency could not be achieved unless correct knowledge of the facts and what led to them are known and in the public domain. Such knowledge is essential to ensure proper accountability.

December 15, 2015



The Leader of the Opposition visits the Office of the Ombudsman

The last event of the year was a visit made by the Leader of the Opposition to mark the 20th Anniversary of the Institution. Dr Simon Busuttil expressed his appreciation of the valid contribution that the Ombudsman has given throughout these years when providing services in the defence of aggrieved citizens and ensuring an open, transparent and accountable public administration. He emphasised the need to further strengthen the institution to make it more relevant and effective. He made a short presentation on a recently published document by the Nationalist Party entitled “Building new trust in politics” (*Nibnu fiduċja ġdida fil-politika*) setting out its proposals for good governance.

The document specifically deals with the Office of the Ombudsman and includes proposals to give the Ombudsman a direct human rights mandate; to ensure that the Executive would, as a rule, implement recommendations made by the Ombudsman, that it would have to refer the case to Parliament when this was not possible and to set up a common fund to compensate aggrieved individuals for damages suffered through maladministration.

The Ombudsman expressed his satisfaction that the proposals contained in the document, a copy of which was presented to him, reflected the correct way forward and were in line with what he himself had been proposing. He also noticed with satisfaction that both sides of the House, were, as they always have been, in agreement on the need to strengthen the Ombudsman institution to make it an effective tool for Parliament to conduct a proper audit of the administrative actions of the public administration. The institution needed to be strengthened and given the means for it to provide a more effective safeguard of citizens’ rights and also allow it to function as the conscience of the public administration.



AN ANNIVERSARY REMEMBERED



OMBUDSMAN

- OMBUDSMAN PARLAMENTARI
- KOMISIJA ZA ZAŠTITU PRAVA
- KOMISIJA ZA ZAŠTITU PRAVA
- KOMISIJA ZA ZAŠTITU PRAVA

Adresa: ...
Telefon: ...
E-pošta: ...

An anniversary remembered

This year marked the 20th Anniversary since the setting up of the Ombudsman institution in Malta. By a law unanimously approved by the House of Representatives in 1995, the people's representatives recognised the need to have an autonomous and independent institution to safeguard the rights of citizens and to contribute towards the betterment of the public administration. That unanimous support, that continued to be shown throughout the years and notably when the Ombudsman was recognised as a Constitutional Authority and when the Ombudsman was given the authority to appoint specialised Commissioners to investigate specific areas of the public administration, was instrumental to achieve and maintain a high level of trust of citizens in the institution.

This anniversary was marked with suitable, even if modest, events that included the inauguration of the new offices, a Roundtable on the State's duty to inform organised during the Public Service Ombudsman Group meeting and a Thanksgiving Anniversary Mass celebrated by His Grace the Archbishop early in 2016. Later on next year these commemorative events will be brought to a fitting close when the 9th Meeting of the Association of the Mediterranean Ombudsman (AOM) will be held in Malta.

The President inaugurates new Offices

The main event marking this anniversary was the inauguration of the new offices of the Ombudsman by the President of Malta, Her Excellency Marie-Louise Coleiro Preca on 9 November 2015. The premises were declared open by the President, in the presence of the Prime Minister and the Leader of the Opposition, Members of Parliament, the first Malta Ombudsman Mr Joe Sammut, the vice-President of the International Ombudsman Institute and all the Ombudsmen, members of the Public Service Ombudsman Group who had been invited to hold a meeting in Malta to coincide with this event. The Commissioners and all staff participated.

In his welcoming address the Ombudsman thanked all those involved in the realisation of this major project. He praised all the staff who had to face the challenge to carry on day to day activities to provide an effective service, even when the Office was in a permanent state of upheaval, often with disruption in their work and even physical discomfort.

Credit was due to all staff for rising up to the challenge. The execution of the project required constant supervision from the administration of the Office who had to liaise not only with the architects responsible for the works, but also with the various contractors to ensure that the various phases of the project would be completed on time.

The Ombudsman said that this was by no means an easy task but the end result fully justified the effort and sacrifice contributed by all concerned in the realisation of the project. Now that it had been completed the Office could boast



that the Ombudsman, Commissioners and staff had decent offices, that were modern and well equipped to enable to efficiently provide the best possible service to the citizen. A building that would provide a one stop shop to aggrieved citizens who wished to seek redress against injustice, that was not only finished to the highest standards and fully accessible but also allowed for future expansion if necessary. He then asked the President to inaugurate the premises.

Address by the President of Malta

The President, Marie-Louise Coleiro Preca then delivered this address:

“It is with pleasure that I accepted the kind invitation from the Office of the Ombudsman to inaugurate your new offices, as you celebrate the twentieth anniversary of the founding of this crucial institution in Malta.

I extend a warm welcome to the foreign delegates who came to Malta specifically for this occasion.

I do hope that you are allowed some time to visit the beautiful historic and natural sites of our island, and be able to take with you happy recollections of your visit.

The enactment of Ombudsman Act (Act 21 of 1995) and the establishment of the Office of the Ombudsman was indeed a major step forward in the history of the administration of our country.

For the first time, persons were given the opportunity to seek redress against maladministration if they believed that it affected them personally.

The law empowered people to take action, and the Office of the Ombudsman provided them with the mechanism to be able to do so.

The institution of the Ombudsman in any democracy is of utmost importance, as is the responsibility to foster good governance in the interest of the general public, autonomously, and independent of the Executive.

In fact, the Office of the Ombudsman in Malta responds directly to the House of Representatives, and encourages and supports, the proper behaviour of public administration.

It therefore seeks and demands the accountability, of the State, and the public service, in the proper execution of its mandate.

Every country needs a public service that is dedicated to its mission, fair in its proceedings, accountable and committed to the people. The Office of the Ombudsman in Malta is there to ensure the proper functioning of the public service, for the people, and to ensure, good governance.

I believe that, furthermore, the Office of the Ombudsman needs sufficient resources, whether human or otherwise, in order to function properly and efficiently.

I also believe that the concept of democracy has changed drastically, since the creation of the Office of the Ombudsman.

The predominant ideas in a democracy are the rule of law, equality before the law, and equal protection of law. Attainment of justice, and in particular redistributive justice, is another pivotal concept in a liberal democracy. Neglecting or not properly maintaining such concepts, has serious implications.

No matter how rigorously such democratic concepts are upheld by the state, the ordinary citizen, has no control over government and administration.

Negligence of public administration or wrong policy of the government leads inherently to the victimisation of the ordinary man in the street.

Hence, through the Ombudsman, the government unconditionally respects the rules of the national and international order particularly human rights, and strives to fulfil its responsibilities properly, in the service of the general public, free of corruption.

It is my belief that in the span of twenty years, people of Malta and Gozo have continued to change and evolve into more mature and active citizens, a more learned society, demanding to be heard and be reckoned with, and boasting a rich array of professionals and services addressing the needs of a modern society.

I believe also that throughout the twenty years of the existence of the Office of the Ombudsman, it also has evolved.

I consider a major advancement is the specialisation created within it. We have

witnessed the appointment of Commissioners in various areas of need within our society, including the Commissioner for Health, the Commissioner for Education and the Commissioner for the Environment.

The Office of the Ombudsman now is to look to the future. So I ask: is there scope for further specialisation? Is there scope for strengthening the Office of the Ombudsman, to enhance its status and give more voice to the citizen?

Lately, there has been some debate on the setting up of a Human Rights Body.

I believe that the individual should be central to the Human Rights issue, especially as we mark the 60th anniversary, of the signing of the European Convention on Human Rights.

In the process of this debate, I continue to ask, to stimulate further thought.

How can we ensure that a Human Rights body functions to its fullest potential? What does past experience tell us about the need for autonomy and independence?

To what extent does the relationship between Human Rights bodies and the Executive affect their performance, and subsequently, the public's trust in them?

Would the independence of Human Rights bodies promote a better relationship with the people for whom they are often the last resort?

Are Human Rights bodies also intended to promote a culture of human rights?

I put these questions forward as food for thought, to encourage further healthy debate and learned contributions, to the discussions currently taking place, so that, finally, any decisions taken are based on solid scientific evidence as well as popular thought.

I augur the Office of the Ombudsman further success in its endeavours for the benefit of our citizens, with the aim of enhancing democracy."

After her address, the President unveiled a commemorative plaque that includes the motto - *"The Ombudsman is the defender of the citizen and the conscience of the public administration"*. The President, the Prime Minister and the Leader of the Opposition were then conducted on a brief tour of the premises and a reception followed.

5th November - Roundtable on the State's duty to inform

The first event marking the 20th Anniversary, held in the precincts of the new Parliament Building, took the form of a Roundtable on the theme *"The State's duty to inform - essential to the right to good governance"*, within the context of the values of truth, transparency and accountability that should permeate the public administration. The Roundtable organised as part of the PSOG meeting, was attended by all members of the group. It was chaired by Mr Speaker who gave his full support to the event. In an introductory comment the President of the House of Representatives stressed that the theme chosen was of great interest to Malta where the limits of the citizens' rights to be informed about matters involving the conduct of public affairs have for years been controversial and debated. It was also



the subject of a number of rulings given by him on the access to information in the context of answers to parliamentary questions. He stressed the urgent need for the issue to be debated because it concerned a matter of vital importance not only to the democratic environment in the country but also to ensure continuously a transparent and accountable public administration.

Key note speeches were made by the Information and Data Protection Commissioner of Malta, Mr Saviour Cachia, the Ombudsman and Information

Commissioner of Ireland, Mr Peter Tyndall and Judge Giovanni Bonello former judge of the European Court of Human Rights. Both sides of the House were invited to participate in the debate. Government was represented by the Minister of Justice, Culture and Local Government, the Hon Dr Owen Bonnici, and the Hon Dr Deborah Schembri, Chairperson of the Social Affairs Committee. The Opposition was represented by the Hon Carmelo Mifsud Bonnici former Minister of Justice and the Hon David Agius Opposition Whip. Professor Kevin Aquilina, Dean of the Faculty of Laws at the University of Malta, acted as rapporteur and drew the most important conclusions from the debate.

The Round Table was a very positive experience. Participants frankly exchanged views on a very important and highly topical subject because of the perceived reluctance of the public administration to disclose correct and timely information on matters of public interest. The Round Table provoked a healthy debate on a matter that the Ombudsman considered to be essential to the democratic life of the country. He intended to continue to pursue his initiative to focus public opinion on the need to act to stimulate the authorities to ensure that binding legislation is put in place to regulate the disclosure of correct and timely information. The publication of the records of the event on the website of the Office and in book form was a further step to increase public awareness on such an important topic.

It was hoped that the interest aroused would contribute to convince government and public authorities on the need to be more forthcoming in disclosing information to which the public was fully entitled.

17 February 2016 - Mass of the 20th Anniversary of the Ombudsman's Office

His Grace Archbishop Charles J Scicluna graciously accepted an invitation to celebrate a thanksgiving mass on the occasion of the 20th Anniversary of the setting up of the Ombudsman institution. The mass was said within the new offices. The Hon Censu Galea, Deputy Speaker and Mr Raymond Scicluna, Clerk of the House were present together with the Ombudsman, Commissioners as well as present and former staff. It was satisfying to note that except for one or two exceptions all former employees appreciated the invitation extended to them and honoured the Office with their presence.

Archbishop Scicluna delivered the following homily, that is being reproduced in the original text because it underlines the significance of the role of the Ombudsman in a modern democratic society and the correct values that should guide him in his work in the defence of citizens against arbitrariness and injustice.

"The sign that Jesus gives in the Gospel we have just heard (Lk 11:29-32) is a paradoxical one for he says that no other sign will be given to this generation other than the sign of Jonah. From the very beginning, the Christian community strove to



understand precisely what the Lord meant by these words. At one point Jesus says that just as Jonah spent three days in the belly of a fish, and then was spat out from it, even the Son of Man spent three days in the womb of the earth and then was resurrected.

If we visit the archaeological sites of the early Christian era, that are rightly called paleochristian, we find that wherever there is the memory of death and resurrection, we also find the story of Jonah who emerged from the mouth of a fish, that is the sign of the resurrection of the Lord. This is also the sign that is given to our generation.

First of all, in this Gospel passage, the Lord compares himself to Jonah and to

Solomon. Jonah is the prophet that insists on a change in our mentality – meaning, conversion. In Scripture texts, most notably those translated into Greek, we find the concept of *metanoia* – which means that one goes beyond one's current mentality. Solomon, on the other hand, was called to be King and to exercise civil authority while, at the same time, having the necessary humility to pray for wisdom and knowledge when the Lord demands from him certain tasks, in order to lead his people with justice. The Lord says to Solomon that since he asked for wisdom, he will therefore bestow on him all the riches that he needs (2Chr 1:11-12).

I believe that these two important persons that Jesus mentions can also help us to understand how you could better carry out your mission of the Parliamentary Ombudsman that you represent and support. Why is that, you ask? First of all, because you are all called to be the prophetic voice of this country by calling for a change of mentality of how the people perceive civil authority. To frame it in historical terms: alas, it seems to me at times, that the people still follow the colonial model in how they view the government. We do not have the Queen, we have the President of the Republic, but we still reason things out in the same manner as 'It's the Queen that foots the bill' or 'Isn't this from the Queen's coffers' – so if there is a cake, I can take a slice of it because the Queen can afford it. We still do not realize that this is an out-dated model that must change, that instead we should have one that reflects our Independence and democratic process, which ensures that the citizen himself is the owner of his dwelling. This is the fundamental achievement of Independence. When I view the government as a benefactor from which I receive benefits because it looks upon me favourably, then I have yet not understood that the government represents the Maltese people and therefore it is not a means through which I become a beneficiary, but rather, as a citizen, I too have a responsibility to bear. If I damage public property, I am damaging my own property and that of future generations because I am denying them the same advantages I enjoyed before the thing that I damaged broke down.

Therefore, the first important role of the Ombudsman, while protecting the citizen from the arbitrary exercise of authority, is to call and strive for a change in mentality in order that we, the people, acquire a truly democratic mindset that does not look upon the government as the benefactor before which we fall to our knees in order to obtain something for ourselves. Neither should whichever party is in government act as if it has won the lottery by doing what it wants with the people's resources until the next election. Even this attitude is a feudal mentality that is anti-democratic. Therefore, the Ombudsman, who in a colonial mentality is ineffective, must promote a truly democratic mentality where the people are sovereign, not only during elections, but also when they are being governed by democratically-elected representatives. This is Jonah's role.

It is interesting to note that Jonah was a little more fortunate than the Ombudsman because at Jonah's command, the king of Nineveh went on a fast. The Prophet created a movement that contained an urgent message and Jonah was fortunate enough

that the person in authority heeded his words. Not everyone enjoys the same good fortune, though, for there is none so deaf as those who will not hear. Hence, the Ombudsman thrives where there is a democratic will and the necessary humility that allows for the discretion of authority to be submitted to a truly independent and autonomous scrutiny. The great tragedy would be if the Ombudsman, due to some flaw in his or her selection, submits to the powers that be, and consequently invalidates the Office. At this Eucharistic celebration, I pray that this Office, which was founded two decades ago, will have a future of truth, and thus will never be just a façade that simply serves as a rubber stamp for the authorities. This would only lead to the suppression of the authentic democratic spirit of the country and subsequently, also of the common good.

Solomon is the second person mentioned by Jesus in the Gospel passage. Jesus recommends him for his wisdom during a happy time in his reign. Solomon was in high demand for even the Queen of Sheba travelled from Ethiopia to listen to his words. What is fascinating about Solomon is that even though he was celebrated for his wisdom, he still prayed to have it. He prayed for wisdom so that he would be fair in his dealings. We are then regaled with the story of the two mothers who were fighting over a baby. We all know the story of how the wise king realized who the true mother was when she objected to the king cutting the baby in half with his sword. The maternal instinct of the mother in question was confirmed because she preferred that the baby live. The Ombudsman has a similar approach whereby every citizen enjoys the same dignity in the eyes of the authorities. Furthermore, every citizen has the right to a fair hearing when an arbitrary or discriminatory decision has been taken that has impacted negatively on his or her life. The citizen, then, also has the right to seek the intervention of the Ombudsman, since the Office has the authority to conduct a thorough investigation and subsequently suggest a just remedy.

I believe that these three roles of the Office of the Ombudsman should be facilitated by an attitude of cooperation from all State entities: that the citizen's dignity is upheld, that he or she feels empowered to lodge a complaint, that the Ombudsman enjoys the possibility to investigate without being hindered by government. Whoever hinders such a role is the enemy of the common good. Additionally, when the Ombudsman, in an autonomous manner, arrives at the conclusion that the law, either was not respected, or the judgement of the authority in question was not exercised correctly, he or she must have the option to suggest remedies that are not hollow promises that are left to rot in a drawer. Today we pray so that this service be a shield of the citizen, the conscience of authority, and moreover serves to hold the government accountable to the public. Only in this way, can the Ombudsman be an important institution that works justly and correctly.

I am aware that everything must come to an end, even roles, and therefore I thank everyone who has worked in this place. In a special way, I thank you Your Honour Chief Justice Emeritus Said Pullicino, your colleagues, everyone who works in this area of expertise, and I pray so that what the country has achieved in Independence,

and then twenty years ago with the role of the Ombudsman, would be truly a valid contribution for the common good.”

✠ **Charles J. Scicluna**

Archbishop of Malta



THE OMBUDSMAN'S OFFICE RESTORATION PROJECT

PERIT NICHOLAS MALLIA





A Historical Note

The Ombudsman's office is actually two separate properties that were adjoined some time before this restoration project commenced. The part of the building that is closest to Auberge de Castille, with front door no 11, was reconstructed extensively post WWII, so much so that only the façade and ground floor level retained the original building fabric.

On the other hand, the building with front door No12, was saved from such a treatment and retained most of the original building fabric albeit the numerous additions and accretions that masked its underlying beauty.

Some architectural elements that are found on the façade and on some internal doorways have a Medieval treatment, indicative of the early days of Valletta, possibly pre 1600's. These features were a reminder that the building has survived some 500yrs to the present day and that it was our responsibility to protect it as best we possibly can.

Restoration approach

From a very early stage it was clear that No 12, St. Paul's Street would be the focus of the project with a priority to reinstate the original volumes particularly in the central courtyard that was completely occupied with extensions, toilets, ac units and others as shown in the pictures below. The plan layout was prepared so that the original volume of the courtyard was retained on all floors and all the services were diverted away from the courtyard. That extra effort was well worth while.





The Additional Floor

The brief included the construction of an additional floor to bring the built volume of 12 St. Paul's street to the level of the adjacent building, effectively adding a whole floor across the footprint. The exercise allowed the remodelling of the facades on St. Paul's street and Melita Street so that all the apertures were brought in line with the underlying 1st floor or 'Piano Nobile'. The result is shown in Pictures 1-3 here below.

All new roof structures were left in exposed concrete, this treatment allows the visitor to easily distinguish the original fabric from the latest addition, this will give historic contextualisation moreover it also allows the use of all the headroom available, which invariably adds value.

A similar principle was applied to a new staircase that was needed to connect the top floors with the Piano Nobile. The design is clearly distinguishable as contemporary; the Iroko stairs soften the finish and allow them to blend effortlessly with the travertine floors.

Finishes

All the building has been gypsum plastered and painted white. It is worth noting that historically speaking, it was undesirable to leave any internal wall or ceilings of a habitable room fair faced (fuq il-fil). This would have been indicative of lack of funds and status and it is fair to assume that this would not have been the case here, consequently the decision to plaster and white wash all surfaces.



Previously the floor finishes consisted of an ungainly mix of terrazzo tiles, cement tiles, laminate parquet and fitted carpets, clearly the result of piecemeal additions and improvements made over the years. Unfortunately none of the original floors survived, however, when considering what originally could have been, it was thought appropriate to replace all the existing floors with lightly polished travertine flagstones, which are elegant, timeless and superior to the Limestone floors (cangatura tal-franka) that could have originally been fitted.

Acknowledgments

I believe the project was a resounding success, the finished product is testimony to that. It was only possible thanks to the previous Ombudsman, Chief Justice Emeritus Joseph Said Pullicino that had the vision of the project and the faith in the skills of the undersigned, the Engineer Owen Vassallo who was always available to revise systems as necessary, the contractors that delivered a quality product, the staff at the Ombudsman offices that patiently endured the two year duration of the project, the Director General Mr Paul Borg and last but certainly not least Mr Gordon Fitz who, as the project co-ordinator, put it all together brilliantly.





PERFORMANCE REVIEW 2015

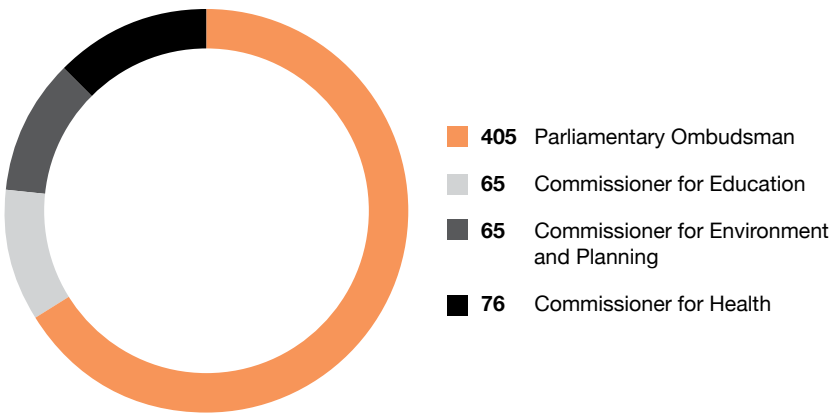


Cases handled by the Office of the Ombudsman

Table 1.1 – Cases handled by the Office of the Ombudsman
2014 - 2015

Sector	2014	2015
	No of cases	No of cases
Parliamentary Ombudsman	352	405
Commissioner for Education	60	65
Commissioner for Environment and Planning	49	65
Commissioner for Health	77	76
Total	538	611

Diagram 1.2 – Cases handled by the Office of the Ombudsman
2015



For the second consecutive year, in 2015, the Office of the Ombudsman experienced an increase in the complaints received. This positive result is mainly attributed to the continuous outreach efforts the Office undertook during the year in review. Table 1.1 and Diagram 1.2 show that during 2015, the Office of the Ombudsman handled 611 cases, an overall increase of 13.5% over 2014. Of the 611 cases, 405 were investigated by the Parliamentary Ombudsman; 76 by the Commissioner for Health, 65 by the Commissioner for Environment and Planning and 65 by the Commissioner for Education.

Incoming Complaints

Total Case Load

During the year in review, apart from the written complaints, the Office handled 554 enquiries, a drop of 4.5% when compared to 2014 (581) whereas the number of written complaints handled by the Parliamentary Ombudsman, during 2015 increased by 15% (53) from 352 in 2014 to 405 in 2015. Table 1.3 and Diagram 1.4 show the number of enquiries and written complaints received by the Office since its establishment in 1995.

Table 1.3 – Complaints and enquires received
1996 – 2015

Year	Written complaints	Enquiries
1996	1112	849
1997	829	513
1998	735	396
1999	717	351
2000	624	383
2001	698	424
2002	673	352
2003	601	327
2004	660	494
2005	583	333
2006	567	443
2007	660	635
2008	551	469
2009	566	626
2010	482	543
2011	426	504
2012	443	462
2013	329	475
2014	352	581
2015	405	554

Diagram 1.4 – Office of the Ombudsman – workload
1996 – 2015

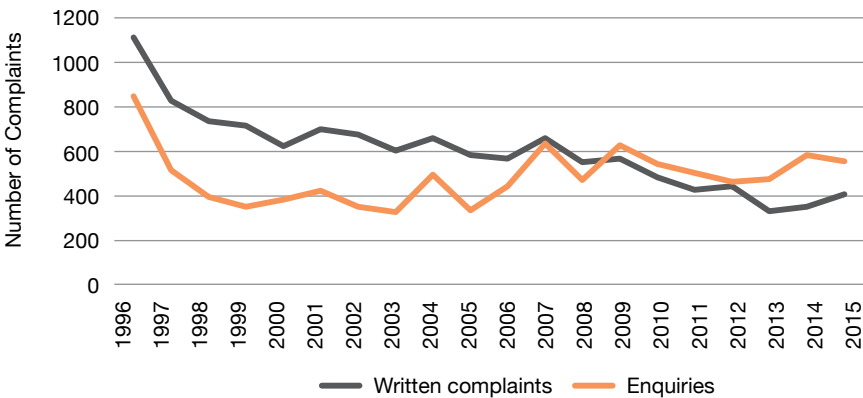


Table 1.3 and Diagram 1.4 also show that the downward trend in written complaints has been reversed. During 2014 and 2015, the institution has embarked on an intense outreach programme aimed at raising the institution’s public profile and explaining its functions to the citizens. However, as explained in previous annual reports, this can be attributed to the General Election euphoria, which sees many citizens seeking direct access to the Government to seek redress. Table 1.5 shows that the same trend was experienced during the past years whenever a General Election was held.

Table 1.5 – General Elections Trend
1997 – 2015

Year	No of Cases
1997	829
1998 (GE)	735
1999	717
2002	673
2003 (GE)	601
2004	660
2007	660
2008 (GE)	551
2009	566
2012	615
2013 (GE)	493
2014	538
2015	611

Table 1.6 – Complaints Statistics by month
2013 – 2015

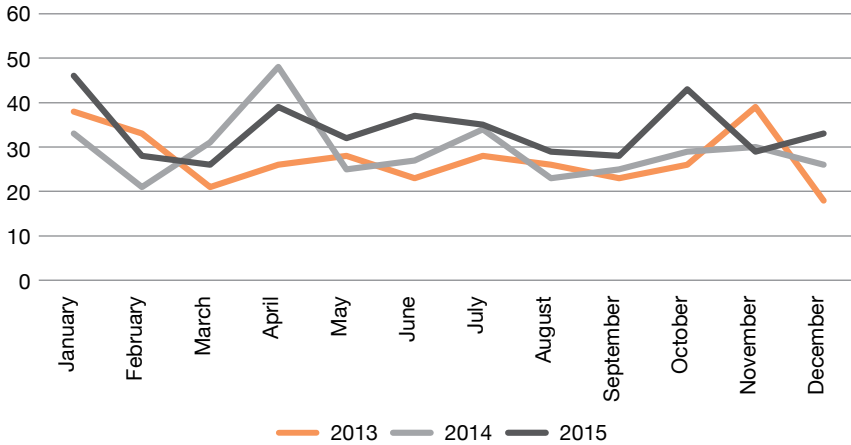
	2013			2014			2015		
	Incoming	Closures	In hand	Incoming	Closures	In hand	Incoming	Closures	In hand
Brought forward from previous year			263			184			225
January	38	42	259	33	23	194	46	24	247
February	33	33	259	21	21	194	28	24	251
March	21	50	230	31	11	214	26	38	239
April	26	42	214	48	41	221	39	27	251
May	28	42	200	25	30	216	32	29	254
June	22	27	195	27	27	216	37	24	267
July	29	23	201	34	33	217	35	29	273
August	28	28	201	23	27	213	29	21	281
September	21	56	166	25	21	217	28	21	288
October	26	18	174	29	19	227	43	41	290
November	39	28	185	30	27	230	29	38	281
December	18	19	184	26	31	225	33	38	276
Total	329	408		352	311		405	354	
Enquiries	475			581			554		

Monthly complaints intakes and closures

Between January and December 2015, the number of completed investigations increased by 14% from the previous year, from 311 in 2014 to 354 in 2015. As regards to the pending cases, at the end of the year, the pending caseload stood at 276, an increase of 23% from the previous year.

Diagram 1.7 - Complaints statistics by month

2013 – 2015



Distribution of public service sectors and authorities subject to investigation in 2015

Table 1.8 – Complaint numbers by type of public service sector

2013 - 2015

Sector	2013	2014	2015
ARMS Ltd	13	26	32
Outside Jurisdiction	17	26	29
Transport Malta	9	12	24
Public Service Commission	12	16	22
Department of Social Security	14	21	21
Office of the Prime Minister	10	8	20
Housing Authority	8	13	18
Inland Revenue Department	11	14	18
Local Council	20	21	18
Armed Forces of Malta	36	11	16
Air Malta	7	6	11
Citizenship and Expatriate Affairs	6	3	11
Management and Efficiency Unit	-	-	11
Directorate Educational Services	15	8	10
I D Cards	1	-	9
Police	11	17	9

Sector	2013	2014	2015
Courts of Justice	6	8	7
Government Property Division	4	1	7
Employment and Training Corporation	6	9	6
P A H R O	8	3	6
Foreign Affairs	6	3	5
Health	4	1	5
Malta Competition and Consumer Affairs Authority	1	4	5
V A T Department	4	5	5
Enemalta	3	9	4
Transport and Infrastructure	1	1	4
EU Affairs and Implementation of the Electoral Manifesto	-	-	3
Finance	-	4	3
Home Affairs and National Security	4	4	3
Justice, Culture and Local Government	-	-	3
Malta Gaming Authority	-	-	3
Public Registry	-	1	3
Correctional Services	1	4	2
Customs and Excise	2	6	2
EUPA	-	-	2
Elderly	1	1	2
Examinations Department	2	-	2
Industrial and Employment Relations Department	3	3	2
Lands Department	5	8	2
Malta Enterprise	4	1	2
Malta Financial Services Authority	-	3	2
Malta Information Technology Agency	1	2	2
Petitions Board	1	2	2
Treasury Department	6	-	2
University of Malta	4	3	2
Appoġġ	-	1	1
Attorney General	-	-	1
Centre for Development Research and Training	-	-	1
Commerce Division	-	-	1
Data Protection	1	1	1
E U Funds and Programmes	1	-	1
Electoral Commission	-	-	1
Enemed Co Ltd	-	-	1
Engineering Resources Ltd	-	1	1
Foundation for Educational Services	-	-	1
Foundation for Social Welfare Services	-	1	1

Sector	2013	2014	2015
Gozo Affairs	1	1	1
Immigration	-	-	1
Kummissjoni Nazzjonali Persuni b'Dizabilità	1	1	1
Kunsill Malti Għall-Isport	1	1	1
Kunsill Nazzjonali tal-Ktieb	-	-	1
Life Long Learning	1	-	1
M E P A	3	3	1
Malta Council for Science and Technology	-	-	1
Malta Stock Exchange	-	-	1
National Audit Office	-	-	1
National Commission for Further and Higher Education	-	-	1
National Statistics Office	1	1	1
Public Broadcasting Services	1	-	1
Resource Support and Services (ipsl)	-	-	1
Social Policy	-	-	1
Tourism	-	1	1
Wasteserv Malta	1	1	1
Agriculture	1	-	-
Agriculture and Rural Payments Agency	1	1	-
Animal Welfare	1	1	-
Central Bank	1	5	-
Civil Protection Department	-	2	-
Consumer Protection	1	-	-
Coordination of Planning Policy and Priorities	-	1	-
Elderly and Community Care	1	-	-
Equality	-	6	-
Family and Social Solidarity	2	1	-
Foundation for Medical Services	1	1	-
Foundation for Tomorrow's School	-	1	-
Heritage Malta	1	3	-
Joint Office	5	1	-
Land Registry	1	1	-
Local Government	2	-	-
Lotteries and Gaming Authority	5	6	-
M C A S T	1	-	-
Malta Air Traffic Services Ltd	-	1	-
Malta Communications Authority	-	3	-
Malta Council for Culture and the Arts	-	2	-
Malta Industrial Parks Ltd	1	-	-
Malta Resources Authority	2	2	-

Sector	2013	2014	2015
Malta Tourism Authority	2	-	-
Mater Dei Hospital	-	1	-
Medical Council	2	-	-
Mediterranean Conference Centre	1	-	-
Occupational Health & Safety Authority	2	-	-
Office of the Refugee Commissioner	-	1	-
Passport Office	-	1	-
Paying Agency M R R A	1	-	-
Police Board	-	1	-
Resources and Rural Affairs	2	-	-
Sapport	-	1	-
Specialist Accreditation Committee	1	-	-
Sport and Sport Complexes	-	1	-
Sustainable Development	-	1	-
Transfer of Residence Exemption Board	-	1	-
Transport Malta (Land Transport)	5	1	-
Transport Malta (Maritime)	1	-	-
Water Services Corporation	6	4	-
Total	329	352	405

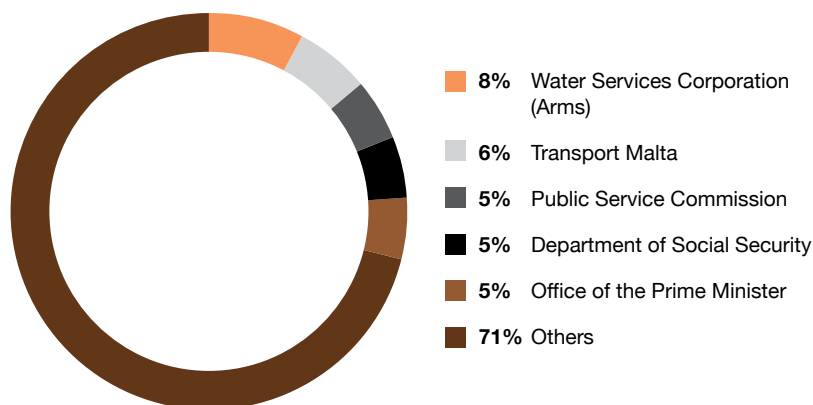
Table 1.8 provides a breakdown of incoming complaints by areas of government and policy initiative. To give a general overview of the complaints received, the whole list of departments against which complaints were lodged, is being published.

For the second consecutive year, complaints against the ARMS Ltd topped the list of the top five public authorities by number of complaints received. In 2015, ARMS Ltd attracted 32 complaints during the year in review, a 23% increase over the same period in 2014.

Complaints concerning Transport Malta placed second with 24 complaints, doubling the complaints when compared to 2014. For the first time the Public Service Commission (PSC) features in the list of top five public entities by number of complaints received placing third with 22 complaints received an increase of 37% over the previous year.

The Department of Social Security placed fourth with 21 complaints received, attracting the same number of complaints as in 2014. The Office of the Prime Minister placed fifth with 20 complaints received, a considerable increase of 150% from 2014.

Diagram 1.9 – Shares of complaints received
2015



In all, the top five entities attracted 119 complaints or 29% of the total amount of complaints.

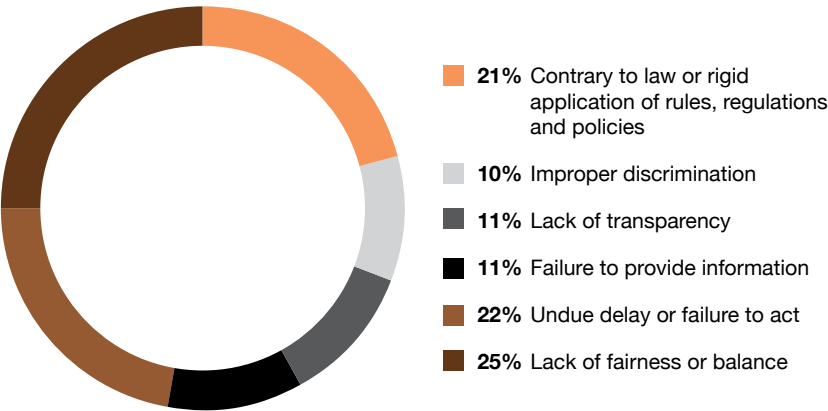
Complaint Grounds

Table 1.10 – Complaint grounds 2013 – 2015

Grounds of Complaints	2013		2014		2015	
Contrary to law or rigid application of rules, regulations and policies	81	25%	91	26%	86	21%
Improper discrimination	29	9%	29	8%	39	10%
Lack of transparency	44	13%	63	18%	44	11%
Failure to provide information	30	9%	35	10%	46	11%
Undue delay or failure to act	57	17%	72	20%	89	22%
Lack of fairness or balance	88	27%	62	18%	101	25%
Total	329	100%	352	100%	405	100%

Table 1.10 shows a detailed analysis of the complaints by the type of alleged maladministration. A quarter of the complaints received by the institution, during the year in review, related to lack of fairness or balance. This category attracted 25% (101) complaints followed by complaints alleging undue delay or failure to act that attracted 22% (89) of the complaints.

Diagram 1.11 – Categories of complaints received (by type of alleged failure)



Complaints received classified by Ministry

Table 1.12 - Complaints received (classified by ministry)

2015

	2015
Office of the Prime Minister	50
Ministry for EU Affairs and Implementation of the Electoral Manifesto	4
Ministry for Finance	34
Ministry for Gozo	1
Ministry for Energy and Health	43
Ministry for Home Affairs and National Security	54
Ministry for Justice, Culture and Local Government	32
Ministry for Social Dialogue, Consumer Affairs and Civil Liberties	8
Ministry for Sustainable Development, the Environment and Climate Change	1
Ministry for the Economy, Investment and Small Business	8
Ministry for the Family and Social Solidarity	45
Ministry for Tourism	12
Ministry for Transport and Infrastructure	28
Ministry for Education and Employment	28
Ministry for Foreign Affairs	5
Autonomous*	23
Outside jurisdiction	29
Total	405

*Cases received against Public Service Commission and against the National Audit Office

Table 1.12 shows the complaints received classified by the Ministries responsible for the department or entity on which the public complained. For the second consecutive year, the Ministry for Home Affairs and National Security topped the list with the highest number of complaints - 54 complaints or 13% of the total case load. This was followed by the Office of the Prime Minister with 50 complaints (12%) and the Ministry for the Family and Social Solidarity, having 45 cases or 11% of the total case load.

Complaints received classified by Locality

Table 1.13 - Complaints by locality

2013-2015

Locality	2013	2014	2015
Attard	17	15	12
Balzan	2	5	3
Birgu	-	1	4
Birkirkara	29	72	70
Birżebbuġa	2	7	7
Bormla	1	2	2
Dingli	2	1	4
Fgura	7	6	8
Floriana	1	1	-
Għargħur	2	-	3
Għaxaq	3	4	5
Gudja	5	2	2
Gżira	4	4	7
Hamrun	5	1	7
Iklin	3	1	2
Isla	3	3	-
Kalkara	1	-	1
Kirkop	1	1	3
Lija	6	-	3
Luqa	7	1	3
Marsa	2	1	-
Marsaskala	5	9	8
Marsaxlokk	2	1	2
Mellieħa	10	2	7
Mġarr	2	2	-

Mosta	12	16	15
Mqabba	3	2	1
Msida	10	8	3
Mtarfa	1	3	1
Naxxar	12	15	12
Paola	4	11	6
Pembroke	4	1	4
Pietà	7	2	5
Qormi	9	5	13
Qrendi	-	2	2
Rabat	7	2	-
Safi	1	-	3
San Ġiljan	5	6	6
San Ġwann	11	6	9
San Pawl il-Baħar	12	10	18
Santa Lucia	2	2	3
Santa Venera	7	9	6
Siġġiewi	5	8	9
Sliema	6	8	8
Swieqi	7	5	7
Ta' Xbiex	-	-	3
Tarxien	5	6	6
Valletta	7	15	14
Żabbar	12	4	9
Żebbuġ	4	6	3
Żejtun	5	6	7
Żurrieq	5	5	5
Gozo	16	12	19
Other	12	19	29
Overseas	16	16	16
Total	329	352	405

Age profile of open caseload in hand at end 2015

Table 1.14 – Age profile of open caseload at end 2015

Age	Cases in hand
Less than 2 months	35
Between 2 to 3 months	33
Between 4 to 5 months	24
Between 6 to 7 months	25
Between 8 to 9 months	25
Over 9 months	134
Total Open files	276

Diagram 1.15 - Percentage shares of open complaints by age (at end 2015)

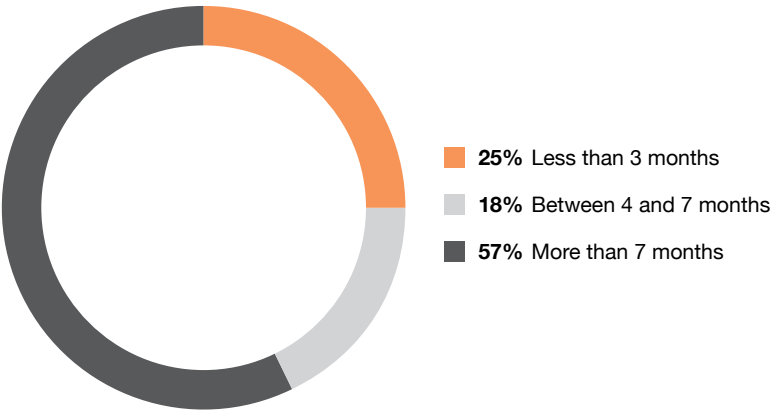


Table 1.14 and Diagram 1.15 show the number of cases still under investigation that stood at 276 at the end of 2015, an increase of 51 cases or 23% more than the previous year.

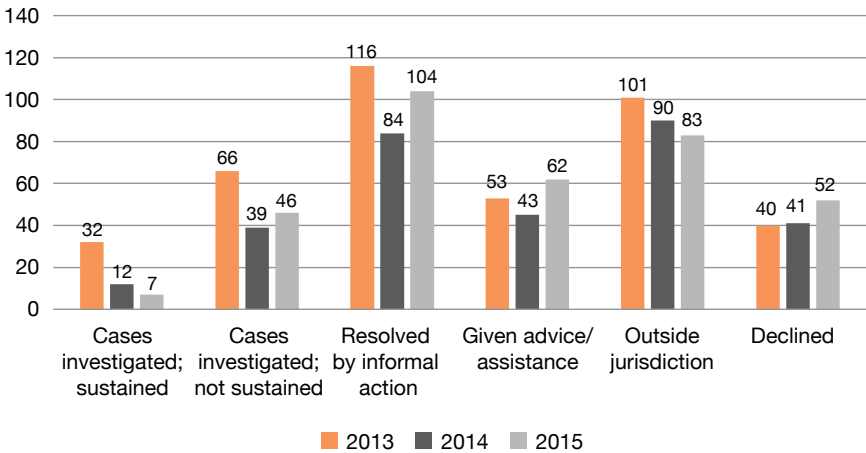
Outcome of finalised complaints

Table 1.16 – Outcomes of finalised complaints
2013 – 2015

Outcomes	2013	2014	2015
Sustained cases	32	12	7
Cases not sustained	66	39	46
Resolved by informal action	116	84	104
Given advice/assistance	53	45	62
Outside Jurisdiction	101	90	83
Declined (time-barred, trivial, etc.)	40	41	52
Total	408	311	354

Table 1.16 shows the outcome of the finalised complaints. In 2015, the number of finalised complaints increased by 14% over 2014. Of the concluded complaints, only seven cases were found justified by the Ombudsman with a satisfactory outcome for the complainant. Of the 354 cases finalised during 2015, 62 cases were finalised by giving advice or assistance and without the need to conduct a formal investigation. There were also 104 cases that were also solved by informal action while cases that were outside the Ombudsman’s jurisdiction stood at 83 cases.

Chart 1.17 – Outcomes of finalised complaints
2013 – 2015



Type of maladministration in justified complaints

Table 1.18 – Type of maladministration in justified complaints

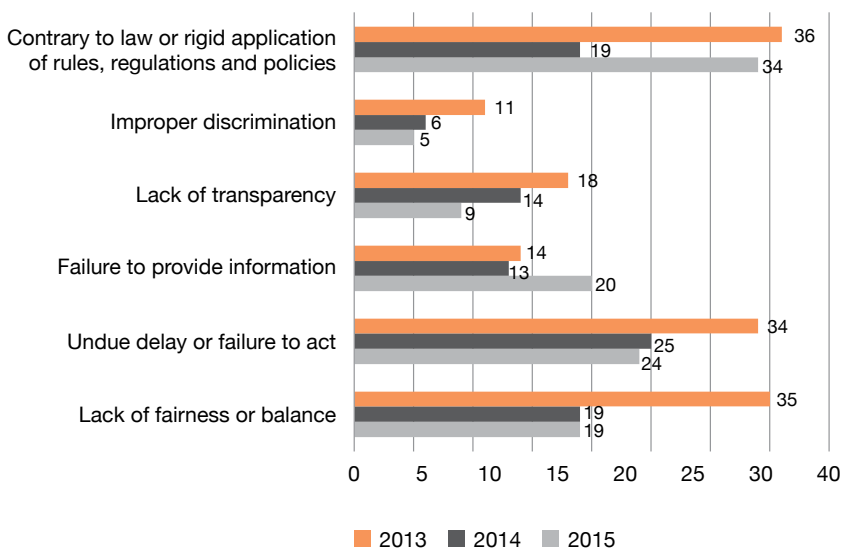
2013 – 2015

Closing Status	2013		2014		2015	
Contrary to law or rigid application of rules, regulations and policies	36	24%	19	20%	34	31%
Improper discrimination	11	7%	6	6%	5	5%
Lack of transparency	18	12%	14	15%	9	8%
Failure to provide information	14	10%	13	14%	20	18%
Undue delay or failure to act	34	23%	25	25%	24	21%
Lack of fairness or balance	35	24%	19	20%	19	17%
Total	148	100%	96	100%	111	100%

Table 1.18 shows that 31% of the justified complaints during the year under review concerned complainants that alleged that the administration has acted contrary to the law or applied rigid application of rules, regulations and policy. The second most common justified complaints related to undue delay or failure to act, amounting to 21% of the 2015 caseload.

Chart 1.19 – Cases concluded and found justified

2013 – 2015





ANNUAL REPORT 2015

COMMISSIONER FOR EDUCATION



ANNUAL REPORT 2015

Commissioner for Education in the Office of the Parliamentary Ombudsman

**The Honest Broker**

The Cambridge English Dictionary defines an ‘Honest Broker’ as

“Someone who speaks to both sides involved in an argument or disagreement and tries to help the two sides to agree.”

The term came in prominent use following the 2007 publication of the thesis by Roger A Pielke *“The Honest Broker: Making Sense in Policy and Politics.”* It now forms familiar terminology in Medicine, Business, Law and most instances of Conflict Resolution.

I first heard the term uttered by the Maltese Parliamentary Ombudsman Chief

Justice Emeritus Joseph Said Pullicino during a presentation he delivered during the 2011 Conference of the Association of Mediterranean Ombudsmen. On reflection, I felt that the phrase provided a most fitting description of my approach to the issues I dealt with as University Ombudsman, the role I fulfilled at the time. It certainly was a far more colloquial, comprehensible and clearer depiction of my work than the obscure tongue twister “*Ombudsman*”.

As Commissioner for Education, I have endeavoured to maintain the practice of developing a meaningful dialogue between the person lodging a complaint and the officials of the institution against which the complaint is directed. In the process, I make it quite clear that I do not act as counsel or an advocate for either side of the dispute. I make it a point to hear both (and occasionally the third and further) versions of the narrative.

However, the principle or the main purpose of my endeavours remains to seek the common ground between the contesting parties. I ask myself the questions: *“What is the precise nature of the complaint, are there hidden agendas? To what extent do the contestants accept the established facts? Is there a convergence on the clarifications of the events that had taken place? Is there agreement upon the interpretations of the statements or claims expressed by those concerned?”* In brief, it becomes my responsibility as ‘the honest broker’ to suss out the facts and nuances of the case from every angle, and to do so without grace or favour. In the final stages of my investigation, when necessary, I make recommendations or offer solutions that as much as possible will do justice to both parties, and who will find them acceptable.



Does ‘the honest broker’ principle work? There are occasions when the outcome disappoints one of the parties sometimes to the point of disgruntlement; in other instances both sides of the dispute feel that they have conceded too much to the other side. In the vast majority of cases, however, there is a feeling of relief that the dispute was resolved fairly and with satisfaction to all concerned. It is a source of gratification to me as Commissioner for Education when complainants express

their relief following the resolution of a case with such expressions such as: “*Had I resorted to this Office earlier, I would have saved myself a bundle of hassle and stress.*” Amazingly enough, on a number of occasions such sentiments were uttered by complainants whose claims I had not sustained. In such instances, job satisfaction is derived not only from the fact that the investigation has been concluded and the case closed, but even more so from the feeling that one’s contribution to this end had served well both sides of the dispute. It is fulfilling to know that the litigants come out of what can constitute a most unpleasant experience with a feeling that they had had a fair hearing, that the process provided a transparent and objective exposition of the facts, and that it had produced an impartial conclusion to their dispute. In such cases it is good to feel that one’s role of an honest broker has been successfully fulfilled.

Charles Farrugia
Commissioner for Education

Performance Review 2015

The data contained in the following tables are self-explanatory. They show that to a large extent the activities carried out by the Office of the Commissioner for Education in 2015 followed the pattern of previous years with some improvements. The number of complaints rose by 44 percent over 2013, as did the number of resolved cases. It remains a mystery that in spite of the efforts to reach out to the students and staff at the Institute of Tourism Studies (ITS), the complaints from that institution were negligible.

Table 2.1 – Complaint intake by institution
2013-2015

Institutions	2013	2014	2015
University of Malta	32	43	41
MCAST	11	7	6
Institute of Tourism Studies	0	3	0
Education Authorities	2	7	18
Outside Jurisdiction	0	0	0
Total	45	60	65

As expected, students and staff at the University of Malta, who form the largest cohort, lodged the highest number of complaints (Table 2.1). The number of complaints from MCAST remained constant, while – as stated earlier – no complaints reached this Office from ITS. A new source of complaints materialised

from outside the three institutions of higher learning in Malta. These complaints were mainly from students who had issues with the Stipends Office of the Ministry for Education and Employment since they felt that the authorities were not giving them the grants due to them. For the first time ever, the Office received and resolved a complaint from a group of parents of Primary School pupils.

The data in Table 2.2 show that female students tend to lodge more complaints than their male counterparts. The converse is true when it comes to complaints lodged by staff.

Table 2.2 - Complaints by institution classified by gender and status of complaint
2013 - 2015

	University of Malta			MCAST			Institute of Tourism Studies			Education Authorities			Total		
	2013	2014	2015	2013	2014	2015	2013	2014	2015	2013	2014	2015	2013	2014	2015
Students															
male	12	13	14	3	3	1	-	-	-	1	5	9	16	21	24
female	8	15	18	2	2	1	-	-	-	-	1	8	10	18	27
Staff															
male	7	7	5	4	1	4	-	2	-	-	-	1	11	10	10
female	4	4	2	2	1	-	-	1	-	1	-	-	7	6	2
Others	-	3	2	-	-	-	-	-	-	-	1	-	-	4	2
Total complaints															
by students															
and staff	31	42	41	11	7	6	-	3	-	2	7	18	44	59	65
Own initiative	1	1	-	-	-	-	-	-	-	-	-	-	1	1	-
cases															
outside jurisdiction	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
TOTAL	32	43	41	11	7	6	-	3	-	2	7	18	45	60	65

Table 2.3 – Outcome of finalised complaints

2013 – 2015

Outcomes	2013		2014		2015	
Resolved by informal action	4	8%	12	26%	10	14%
Sustained	3	6%	2	4%	8	11%
Partly sustained	5	10%	3	6%	3	4%
Not sustained	12	24%	14	30%	20	29%
Formal investigation not undertaken/ discontinued	22	44%	10	21%	22	31%
Investigation declined	4	8%	6	13%	7	10%
Total	50	100%	47	100%	70	100%

As outlined in Table 2.3, an outstanding feature of the complaints dealt with in 2015 was the number of cases resolved by informal action. These normally involved discussions with the complainant and the officials complained about, and comprised the essential effort to persuade each party to comprehend and appreciate the opposing point of view. In this role of ‘the honest broker’ the Commissioner for Education explained to each side the opposing position until both reached an amicable solution. In such cases, a formal Final Opinion by the Commissioner became unnecessary. During the year under review, a high number of complaints were considered as frivolous or totally unrelated to educational issues: the same individual lodged several of the invalid complaints.

Table 2.4 – Complaint grounds

2013 - 2015

Outcomes	2013		2014		2015	
Unfair marking of academic work	8	21%	15	25%	15	23%
Special needs not catered for	-	-	2	3%	2	3%
Promotion denied unfairly	1	2%	4	7%	5	8%
Post denied unfairly (filling of vacant post)	4	11%	4	7%	2	3%
Unfair/discriminatory treatment	20	53%	27	45%	32	49%
Lack of information/attention	4	11%	7	12%	9	14%
Own-initiative	1	2%	1	2%	-	-
Total	38	100%	60	100%	65	100%

As in previous years, the highest number of complaints (49%) fell in the *Unfair/Discriminatory Treatment* category (Table 2.4). To provide greater insight in the nature of these complaints, this category had been further amplified as follows:

- 14 cases - unfair treatment regarding government stipends and scholarships;
- 13 cases - unfair treatment on academic grounds; and
- 5 cases - unfair treatment on non-academic grounds



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Caseload

As predicted in the report for 2014, the number of complaints submitted for investigation in 2015 rose to pre-2014 levels, and in fact exceeded them, reaching a total of 65 new cases.

Of these, 29 cases, representing 45% of the total, were closed in the same year. The majority of these cases (25 or 86.2%) were closed without the need of a Final Opinion.

The total caseload pending at the end of 2015, (new cases plus those pending from 2014 and earlier), amounted to 55, which is 5 more than the total pending caseload at the end of 2014.

Of the 19 cases pending from previous years, 10 were opened in 2014, 6 were opened in 2013, while 3 were opened in 2012.

A breakdown of the reasons for the pending files pre-2015 shows that from the 10 opened in 2014, 6 were in the process of the drafting of the Final Opinion, 1 was being investigated, and 3 cases were suspended.

From the 6 pending cases opened in 2013, 2 were in the process of the drafting of the Final Opinion, 1 was being investigated while 3 cases were suspended.

From the 3 pending cases opened in 2012, 1 case was being investigated while 2 cases were suspended.

A total of 60 cases were closed in 2015 of which 29 were from the caseload of the year in review, 19 were from the 2014 caseload, 3 cases were outstanding from the 2013 caseload, and the remaining 9 cases were opened in 2012.

These results are shown in graphic form on the next page:

Table 1.1 - Caseload – January - December 2015

Case Load	2015
Pending cases from previous years	50
New Requests for Investigation	65
Total	115

Table 1.2 - Closed cases – January - December 2015

Closed Cases	2015
Pending cases from previous years	31
New cases	29
Total	60

Table 1.3 shows the outcome of the 60 cases that were closed. Of these complaints, 16 cases were sustained, 6 were not sustained, 27 were resolved by informal action, 6 were resolved by advice or assistance given while 5 were found to be outside jurisdiction.

The total number of cases resolved by informal action, advice or assistance amounts to 33 which is 55% of the total caseload. This is appreciably higher than the figure of nearly 41% which were concluded in a similar manner in 2014,

Table 1.3 - Outcomes of closed cases – January – December 2015

Outcomes		2015
Sustained	16	27%
Not Sustained	6	10%
Resolved by informal action	27	45%
Given advice or assistance	6	10%
Outside jurisdiction	5	8%
Declined	-	-
Total	60	100%

Case typology

A review of the case typology for the new cases opened in 2015 once more confirms the previous years' trend; in that the largest number of complaints received – 22 (representing 34% of the total number of complaints received) – were for decisions contrary to law or rigid application of rules.

However this year, there was an almost identical amount of cases alleging undue delay or failure to act. In this case, the figure represents 32% of the total number of complaints received.

There were 15 complaints against lack of fairness or balance, representing 23% of the new caseload. Two (2) complaints (3% of the caseload) fell under the category 'failure to provide information' while five (5) complaints (8% of the caseload) were against improper discrimination. No cases which alleged lack of transparency were received in this period.

Table 1.4 shows these statistics in graphic form:

Table 1.4 - New caseload by nature of complaint – January - December 2015

Nature of complaint	2015	
Undue delay or failure to act	21	32%
Decision contrary to law or rigid application of rules	22	34%
Discriminatory treatment	5	8%
Lack of fairness of balance	15	23%
Failure to provide information	2	3%
Lack of transparency	-	-
Total	65	100%

Implementation of recommendations

Although the percentage of cases resolved without the need of a formal report has increased which is a positive trend, the same cannot be said of the implementation of recommendations by the Authorities involved in the cases where a Final Opinion with recommendations was made.

Out of the sixteen reports issued fourteen contained recommendations out of which only two were accepted by the Authority concerned. Another two of the reports were awaiting a response to the recommendations at the end of the year. This is a matter of concern given that the recommendations are made in the interests of fairness and proper administration.

Own-initiative investigations

Six investigations were opened on an own-initiative basis. One was on the procedures adopted in the granting of a permit for upgrading a kiosk at Ghadira Bay, another was on the procedures adopted in connection with the erection of a concrete structure at Hay Wharf, a third on incorrect processing in the granting of a permit, a fourth was on the granting of a permit for a change-of-use to a catering outlet, a fifth was on a complaint by residents about lack of action in clearing a site to tackle a rat-infestation problem, and a sixth was about alleged lack of enforcement action.

In the first two as well as the sixth cases, although the initial impression gave rise to suspicion that matters had not been handled well, the preliminary investigation did not find improper procedures or incorrect application of policies and therefore there was no need for the investigation to continue. However in the third case it was recommended that the Development Notification procedures required some adjustment to allow for the possibility of scrutiny where the development involved sensitive sites or development which impacted negatively on its surroundings.

In the fourth case the investigation is still active since it involves a considerable number of planning cases which are being analysed.

The fifth case was successfully concluded following discussions with the Local Council concerned.

Of the four 'Own Initiative' cases opened in 2014 the two connected with the enforcement procedures and practices used by the MEPA are still being investigated.

The project aimed at identifying methods for the implementation of the 'shared space' concept within urban areas has now moved forward. The project is now being handled by the group of Local Councils forming Reġjun Xlokk and together with their consultant they are researching options for EU funding for the project to materialise.

The fourth case which was opened following concerns raised by a Local Council on the lack of proper control of horse-drawn traffic in urban centres was concluded with the publication of Legal Notice 432 of 2015 'Use of Animals and Animal Drawn Vehicles on the Road Regulations, 2015' towards the end of 2015.

Other 'Own Initiative' cases opened in previous years and which are still open are one covering aspects of noise generated by open-air venues which is linked to the project being developed with the Noise Abatement Society of Malta (NASOM), and another which is a joint investigation together with the Commissioner for Health and which deals with the problem of slurry dumping on agricultural land.

Collaboration with NGOs



As mentioned above, the programme of collaboration with the NASOM which was started in 2014 was continued. Regular monthly meetings continued to be held and a wide variety of topics covered, including Directives and Legislation, problems with noise generated from open-air entertainment venues, and enforcement measures related to traffic-generated noise.

On this latter topic meetings were also held with the Malta Competition and Consumer Affairs Authority (MCCAA). It is intended to hold meetings with other stakeholders throughout 2016.

Personal Note

Looking forward towards 2016, it is anticipated that the proposed MEPA demerger and the setting up of the new Environment and Resources Authority will provide fresh challenges to the interfacing between their administrative structures and the public.

As reported last year, there does not seem to have been any attempt in building up administrative capabilities for the new Authority in preparation for the transfer of responsibilities, and it is hoped that this will not reflect negatively on its capability to tackle pending and future challenges immediately and effectively.

The policies, regulations and procedures which both Authorities will be adopting and implementing should ensure the widest possible level of public scrutiny and participation at all levels.

A decorative graphic on the left side of the page, consisting of several overlapping triangles in black, pink, and grey, forming a larger, abstract shape.

ANNUAL REPORT 2015

COMMISSIONER FOR HEALTH



ANNUAL REPORT 2015

Commissioner for Health in the Office of the Parliamentary Ombudsman

Introduction

During 2015, the Commissioner for Health continued to do his utmost to solve individual complaints and help citizens to seek justice when they experience difficulties or acts of maladministration. In his 2014 Annual Report, the Commissioner lamented on the difficulties he was experiencing in getting replies from the Department of Health and insisted that he was expecting quicker answers and feedback. Another year has passed, and this trend persisted during 2015. Consequently, cases are taking longer to be investigated and complainants, who most of them are patients, are being denied their rights. The Commissioner reiterates that justice delayed is justice denied.

Complaints and Investigation

Table 4.0 – Complaints received

2014 – 2015

	2014	2015
Complaints received	(Jan – Dec)	(Jan – Dec)
General Public	40	41
Employees with the Public Health Sector	37	35
Total	77	76

During 2015, 76 complaints were received, of which 41 were from the general public and thirty-five 35 from employees working in the public health sector. The number of complaints received was on the same level of the previous year. (Table 4.0) During the year in review, from the 76 complaints received, the Commissioner for Health concluded 40 cases of which 19 cases were upheld. However, at the end of the year, 36 cases were still pending mainly due to a lack of reply from the Department of Health, an increase of 157% over the previous year (Table 4.1).

As shown in Table 4.2, of the 36 pending complaints, 11 cases have been pending for over six months. The Commissioner also reports that apart from the cases pending at the end of 2015, he has another 10 cases which are still pending from the case load of the previous years, one from 2013 and nine from 2014.

Table 4.1 – Outcome of complaints received

Jan – Dec 2015

Outcome	No. of cases
Upheld	19
Not Upheld	14
Advice given	3
Could not be investigated	1
Withdrawn by complainants	3
Pending	36
Total	76

Table 4.2 – Age profile of pending complaints

Jan – Dec 2015

Age	Pending cases
Less than 2 months	12
Between 2 to 3 months	10
Between 4 to 5 months	3
Between 6 to 7 months	7
Between 8 to 9 months	3
Over 9 months	1
Total	36

Table 4.3 Complaints number by type of Public Sector

Jan – Dec 2015

Department	No. of cases
Department of Health	57
Ministry for the Family and Social Solidarity	7
Public Service Commission	9
Customs Department	1
Police	1
UK Hospital	1
Total	76

From the complaints received by the Commissioner for Health, 57 were against the Department of Health, amounting to 75% of his caseload, followed by the Public Service Commission, having 9 (12%) complaints against it. There were also 7 (9%) complaints against the Ministry for the Family and Social Security.

Table 4.4 – Outcome of concluded cases

Jan – Dec 2015

Outcome	Public	Staff	Total
Sustained	14	7	21
Not sustained	4	12	16
Resolved by informal action	13	4	17
Withdrawn	1	2	3
Advised	1	1	2
Cannot be investigated	1	-	1
Total	34	26	60

During the year in review, the Commissioner for Health concluded 60 cases, 20 from the 2014 caseload and 40 from the 2015 caseload. Of the completed complaints, 21 (35%) complaints were sustained, 16 (27%) were not sustained, and 17 (28%) were solved by informal action following a preliminary investigation.

The Commissioner for Health concluded 34 (57%) cases concerning citizens who claimed maladministration from the public health authorities and 26 (43%) cases which were submitted from staff working within the public health sector.

Table 4.5 Categories of complaints from the general public

Jan – Dec 2015

Nature of complaint	No of cases
Refusal to be given medicines free of charge	9
Operation waiting list	3
Deficiencies in Customer Care Service	1
Refusal to be sent for treatment abroad	1
Refund of expenses incurred to buy medicines	1
Dental treatment refused	1
Refusal to be allowed in ward near elderly patient	1
Refusal to be given medicines from the POYC	1
Not able to access blood investigations through the IT system	1
Allowance to Coeliac patients	1

Issuance of Certificate of Registration refused	1
Alleged inefficiency of hospital staff to handle complaints	1
Inadequate service at a Health Centre	1
Free treatment for foreign patient refused	1
Request for compensation for treatment given in a UK Hospital	1
Health hazard due to toxic fumes	1
Rats infestation	1
Exemption from Customs Duty and VAT	1
Request to include disease in Schedule V	1
Beach not suitable for swimming	1
Ineligibility for social assistance	1
Retrieval of personal belongings	1
Explanation concerning the death of a daughter	1
Change of nursing home	1
Registration delay	1
Discrimination against an EU non-Maltese citizen	1
Irregularities at a home for the Elderly	1
Discrimination against an EU based doctor	1
Refund of legal expenses	1
Non-issuance of a call for tender	1
Refund of expenses incurred while receiving treatment abroad	1
Total	41

From the complaints lodged by the general public (Table 4.5), issues related to the right of free medicines topped the list for the fourth consecutive year. On various occasions during the year in review, the Commissioner has raised this issue with the public authorities. In August 2015, the Commissioner has sent a report entitled 'Entitlement to the Free Supply of Medicinal under the Social Security Act' to the Hon. Prime Minister and referred it for evaluation to the Standing Committee on Health regarding its powers under Standing Order 1203. The report concerned four cases that the Commissioner for Health investigated and about which he was at an impasse with the Department of Health.

The type of complaints investigated by the Commissioner for Health are very vast, as shown in Table 4.5, there were 31 different type of claims.

Table 4.6 Categories of complaints by employees within the Public Health Sector
Jan – Dec 2015

Nature of complaint	No of cases
Unfair selection process	5
Ineligibility for post	4
Discrimination in Sectorial Agreement	3
Salary computation discrimination	2
Appointment delayed	2
Request for Deputising allowance	2
Transfer delayed	1
Vindictive actions by Head of Section	1
Resident Specialist working schedule	1
Refund of legal expenses incurred due to disciplinary action	1
Refund for an overpaid salary	1
Refusal to work on shift basis	1
Unfairly transferred	1
Request for salary and allowance	1
Recognition of certificate	1
Request for transfer denied	1
Employment not according to the order of merit	1
Bullying at place of work	1
Lack of action for alleged discrimination at place of work	1
Withdrawal of parking permit	1
Refusal of CME expenses	1
Health Hazard Allowance at place of work	1
Unfair disciplinary action	1
Total	35

Similarly to the complaints raised by the general public, the categories of the complaints lodged by the health sector employees are diverse totalling to 23 different types of complaints. As shown in Table 4.6 the most common complaints raised by staff working within the Public Health Sector are related to employment processes and conditions.

Own-initiative investigations

In terms of Article 13(2) of the Ombudsman Act, the Commissioner for Health, like the Ombudsman, can initiate own initiative investigations when issues of substantial public interest and importance are concerned. Before commencing an Own-initiative investigations, the Commissioner must seek the approval of Parliamentary Ombudsman.

Since his appointment the Commissioner for Health worked on the following Own-initiative investigations:

1. Waiting lists at the Child Development Assessment Unit (CDAU) and Child Guidance Clinic (CGC), St Luke's Hospital
2. Out of stock medicines
3. Orthopaedic trauma operations
4. Infant and adults with hearing problems
5. Waiting time at the Accident and Emergency Department at Mater Dei Hospital

In previous Annual Reports, the Commissioner gave detailed explanation on each investigation. During the year in review, the Commissioner continued to follow up and insist that his recommendations are accepted.

As regards to the out of stock medicines issue, it seems that the problem has generally been solved. The same applies to the waiting time at the Accident and Emergency Department at MDH that has been considerably reduced.

However, it is pertinent to note, that on the other investigations, the Commissioner received no feedback on his recommendations notwithstanding his follow up.

Own-initiative on difficulties faced by people with hearing problems



On the Own-initiative on several difficulties encountered by individuals with Hearing Problems, the Commissioner proposed the setting up of an *ad hoc* Committee aimed at bringing to the attention of the authorities the various

difficulties and challenges encountered by people with hearing problems and recommend a way forward.

In his Final Opinion, the Commissioner specifically recommended that all new-born children should be screened, so that those having hearing impairments are diagnosed at the earliest possible stage. The Commissioner further recommended the employment of interpreters especially in educational institutions and hospitals and that the Education Authorities should explore the feasibility of grouping all hearing impaired students in one school.

Preliminary Investigations

As in previous years, the Commissioner for Health started a number of preliminary investigations on matters of public interest that fall within his remit.

During 2015, the Commissioner looked into the following:

Toxic Fumes at Ta' Xbiex

The Sunday Times of Malta reported that a 60-year-old, suffering from severe heart problems, goes to sleep in the uneasy knowledge that a simple power cut could put his life at risk. This because whenever the lights go out, and once a month for scheduled testing, a generator installed in a large block of apartments that has its exhaust vents at street level floods the air with thick, acrid fumes.

The Commissioner took up this case and raised the case with the Environmental Health Directorate. The Directorate approached both the person affected and the owners of the block of apartments. Following an on-site inspection and tests, it resulted that exhaust was noted being emitted from the outlet of the generator and reaching the complainant's window. The Commissioner requested that the generator should have a deflector installed to prevent the exhaust from reaching the complainant's window. Both the Directorate and the owners of the block accepted to reposition the louvers and tested the new setup.

The Commissioner will continue to follow up the case and the tests conducted by the Directorate until a solution is found.

Free of charge supply of Capecitabine (Xeloda) drugs for cancer patients

The Commissioner for Health was informed that patients suffering from locally advanced or metastatic colon cancer became entitled to the medicine Capecitabine (Xeloda) free of charge. In a letter to the Chief Medical Officer, the Commissioner noted that although this medicine is also highly indicated for patients suffering from breast cancer and other sites of cancer, it was only being given to colon cancer patients.

In his letter, the Commissioner lamented that his Office has been repeating that protocols have to be based on purely medical indications, and therefore he could not understand why this drug was not made available to all indicated patients. The Commissioner also argued that this limitation is in breach of the Social Security Act.

By the end of the year in review, the Commissioner did not receive any feedback from the Department of Health.



Availability of EpiPen injections at the MDH Pharmacy in case of emergency

A potential life-saving medication for persons with nut allergies was reported to be out of stock. EpiPen injections are prescribed by specialists to patients who are allergic to nuts. Such injections can buy enough time to get to the hospital for treatment. In a comment to the media, the Parliamentary Secretary for Health was quoted saying that he intervened, and the government is in contact with the supplier to ensure that the medication is available without further delay.

The Commissioner for Health brought up this incident with the Department of Health in a letter to the Permanent Secretary. In his letter the Commissioner asked why such an important medication was not procured by the Department of Health. He continued that in his opinion medications considered as a lifesaver should be purchased by the government and stocked at Mater Dei Hospital inpatient pharmacy which is open 24/7.

In his reply, the Permanent Secretary for Health explained that “*EpiPen auto-injectors were previously on the GFL and could be prescribed by all medical practitioners, on payment. They were only used for out-patients as there are alternative formulations of adrenaline on the GFL, for use by inpatients.*” He continued that these medications could not be given for free to out-patients as their use did not fall under Schedule V; however they were sold to those patients presenting a prescription for them. The Permanent Secretary informed the Commissioner that since the policy for sales of items from MDH was that only those items not available in the retail market, it was against MDH policy to sell them. Also, since the medication is not on the GFL, and since alternative preparations of adrenaline are available for administration to patients, the drug in question is available at the A&E.

In his reply, the Commissioner suggested that since time factor is crucial in such cases, Adrenaline should also be made available at Health Centres since the retail pharmacies are not open 24/7.



Repeal of Burials/Addolorata Cemetery Ordinance

Following the enactment of Act II of 2015 which repealed a number of laws which were outdated or obsolete, the Commissioner for Health noticed that among the repealed laws, there were the Burials Ordinance and the Addolorata Cemetery Ordinance.

The Commissioner drew the attention of the health authorities that, although a number of provisions in the mentioned laws were obsolete, they however regulated amongst others the right of burial in Government cemeteries. There were also provisions that regulated the transfer of private graves and prohibited burials in certain places including crypts in churches unless there was the approval of the Superintendent of Public Health. The Commissioner explained that this situation may give rise to possible litigation amongst blood descendants who are co-heirs of a grave, particularly when it comes to burial of their respective spouses.

The health authorities replied that they became aware of the issue and that action had been taken to rectify the situation and delete the repeal.

Entitlement to the free supply of medicinals under the Social Security Act sent to Parliament

In the previous years, the Commissioner for Health repeatedly lamented on the intransigence his Office is facing from the Department of Health when it comes to the free supply of medicines to patients entitled to receive them free of charge in terms of the Social Security Act.

The Commissioner for Health together with the Parliamentary Ombudsman felt the need to raise the matter and sent the report to the Speaker of the House of Representatives and asked him to bring the issue to the attention of the Parliamentary Standing Committee on Health. The report was also sent to the Hon. Prime Minister.

The report concerned cases that the Commissioner for Health investigated and about which he was at an impasse with the Department of Health for more than two years.

Two cases concerned Type 2 diabetic patients who had been prescribed Glargine Insulin by their Consultant Diabetologist. The Department's policy is to give this kind of insulin only to Type 1 patients, and, therefore, the patients were denied the treatment needed. There must be, of course, other patients with the same predicament.

A second case concerned patients who need to have their blood sugar levels tested at least four times a day on instructions from their Consultant Diabetologist but the Department's policy is to provide Haemoglucotest (HGT) blood sugar testing strips, four every day, only to patients up to the age of eighteen. The Commissioner argued that imposing age limit is discriminatory.

Other cases concern patients suffering from Hepatitis C the treatment for which the Department of Health had not procured.

In the report, the Commissioner for Health said that in his opinion, contrary to what the health authorities are maintaining, all complainants in the cases mentioned above are eligible for free medical aid in terms of the Social Security Act. Denying patients their entitlement is causing an injustice that needs to be adequately remedied.

The Ombudsman and the Commissioner recommended that a review of applicable legislation had to be carried out to ensure clarity and legal certainty about the rights of persons entitled to receive free medical aid. A review that should make sure those regulations/policies/protocols made by the competent authorities that determine, limit or condition the right of households or persons to receive free aid to which they are entitled, have the necessary vires regarding the law under which they are issued.

Moreover, and more importantly, these regulations had to reflect not only the word but also the spirit of the Social Security Act as expressed by the people's representatives in Parliament. The Social Security Act justly imposes on society a compulsory, contributive insurance for the benefit of the common interest. It creates a social contract that entitles eligible persons to legislated benefits but also imposes on the State a corresponding obligation to deliver them. Fiscal and economic considerations in the management of available funds are primarily aimed at securing essential treatment to poor households and persons suffering from severe and life-threatening diseases or conditions – the most vulnerable sections of society.

Following the issuance of the report, the Ombudsman and the Commissioner had various meetings with the Health Authorities in an attempt to solve the issue. The Department of Health has approved to start with providing the treatment to patients suffering from Hepatitis C. Fifty patients were considered as urgent, who unfortunately had developed Cirrhosis of the liver. Things are however moving too slowly.

As regards to the treatment needed by individual diabetic patients, the Department of Health published the National Strategy for Diabetes 2016-2020, and the Commissioner was verbally assured that the issues complained about will be solved during 2016.

Collective agreements

There were some collective agreements negotiated between the Department of Health together with the Public Administration Collective Bargaining Unit (PACBU) and the Unions.

This Office received a number of complaints from employees who were adversely hit by such agreements. When this Office requested PACBU's feedback on the complaints, it was contended that such agreements bind both the Government and the Unions for the duration of the term of the Agreement mainly because agreements are finalised after lengthy negotiations and any amendments made in the interim could disturb the whole set-up.

Some of the complaints investigated by this Office merited consideration; however the Commissioner could not assist further the complainants because of the PACBU policy. The only remedy for the complainants was to challenge the policy through Court procedures.



The Public Service Commission (PSC)

During the year in review, the Commissioner for Health received nine complaints against decisions taken by Selection Boards for the filling of posts/positions in the Ministry for Energy and Health of which one was sustained.

On another case, the Commissioner recommended to the PSC to review the case because, in the Opinion of this Office, the first placed candidate should not have been found eligible to apply. The PSC affirmed the Selection Board's decision without considering the arguments brought forward by the Commissioner. The Ombudsman, therefore, referred the case to the Prime Minister in terms of the Ombudsman Act. On the remaining cases, the Commissioner is still awaiting a reply from the PSC.

International co-operation

The Commissioner for Health had a very fruitful and informative visit to the Offices of the Irish and Northern Ireland Ombudsman. The visit was aimed to obtain valuable insight into how complaints in the health sector are investigated in those jurisdictions that have very similar public administrative structures and enjoy the same strong democratic credentials. He has also and perhaps more importantly, gained further know-how on effective outreach methods to win the confidence of patients and their families. Both offices look forward to a further exchange of practices and collaboration.

Personal Note

The Commissioner for Health will continue to insist that his recommendations are thoroughly examined and possibly upheld. He will also maintain the approach of following up his reports to get the necessary feedback and explanations.

The Commissioner will continue to ensure that the rights of patients and staff working in the public health sector will be protected and defended.



APPENDICES



Appendix A

In February 2015, the Office of the Ombudsman received questions from MaltaToday Journalist, Mr James Debono, with regards to the definition of commercially sensitive information in agreements signed between the government and private companies.

Since the matter is of substantial public interest, the Office of the Ombudsman is publishing the full text of the Ombudsman's reply.

Mr Debono asked the Ombudsman

1. *How can the issue of commercially sensitive information be resolved when government is faced by demands for the publication (in parliament) of contracts signed with private companies or companies belonging to other states?*
2. *When it comes to agreement between the government and private companies in sectors like energy provision through power purchase agreements and contracts for the operation of public transport, should transparency take precedence on commercial sensitivity or there a way to strike a balance? Would you recommend any particular procedure?*

Reply by the Office of the Ombudsman

The Ombudsman shall not comment on the references made in your questions to specific commercial agreements concluded by government with private companies that are currently in the public domain and the subject of healthy political controversy.

The Ombudsman shall limit his comments to the general principles of good public administration that your questions address:

1. It needs to be generally accepted that it is only through the process of correct and timely information on the actions of the Executive that transparency can be assured and accountability secured. These values are of the essence of democracy and have to be safeguarded at all times.
2. Providing information should therefore be the rule; withholding it the exception. This means that the right of the public to be informed translates into the duty of the Executive to inform the public.
3. The Executive is answerable to Parliament that has the right and the duty to inquire into the conduct of public affairs. It has therefore the right to be fully informed by Government to be in a position to judge, approve or disprove of the actions of the Executive. At that level the balance of the right to be informed in case of doubt should be tipped in favour of disclosure.
4. The right to be informed, like all other basic rights, is not absolute. There are constitutional and statutory limitations, specifically meant to protect the national interest of the other rights of individuals including those of legal persons. It is in the definition of these limitations that conflicts of interpretation arise. It is an area that needs to be constantly kept under review to ensure that limitations to this basic right are kept to what is strictly necessary.

The limitations of the constitutional fundamental right of freedom to receive ideas and information without interference, set out in sub-article 2 of Article 41 of the Malta Constitution, are further elaborated in the Freedom of Information Act. This is meant to establish a right to information held by public authorities in order to promote added transparency and accountability in Government. Part V of that Act lists conclusive reasons for not disclosing official documents. The interpretation of the provisions of this Act, their application as well as the promotion of their observance by relevant public authorities lies, by law, in the hands of the Information and Data Protection Commissioner.

Judged from the strict perspective of the principles of good public administration, the Ombudsman is of the opinion that, when Government is faced by demands for the publication in Parliament of contracts negotiated with commercial entities for the provision of services, the following guidelines should apply:

- a) The Executive has a wide margin of appreciation on whether or not to provide information during the process of negotiation. At that stage, it should be guided by public interest and is entitled to take any measure it deems fit to ensure that negotiations would not be prejudiced by untimely disclosure.
- b) Once an agreement is finalised, it should, in principle, be made available to Parliament within a reasonable time and submitted to public scrutiny. Non-disclosure should be an exception and strictly regulated by law, regulation or protocol. These agreements generally involve the expenditure or commitment of public funds and often entail long term binding commitments that could involve successive administrations. The underlying constitutional principle should clearly be that the electorate, through their representatives in Parliament, have the right to know what agreements that affect their lives have been concluded by the Executive, entrusted by them to administer public affairs. At that stage exceptions allowing absolute non-disclosure need to be restrictively interpreted.

Non-disclosure can only be justified on the grounds of national interest. It has to be adequately proved that substantial harm would result to the national interest if the document is published and that non-disclosure to avoid such prejudice is in the national interest. It is accepted that an agreement could contain commercially sensitive information that could undermine the protection of commercial interests of a natural or legal person including intellectual property. In such case, the Executive would be entitled to refuse access to such a document but this only and if there is no overriding public interest that requires disclosure.

In such circumstances, if only parts of the requested document are covered by this exception, the remaining part of the document should be released. Care should therefore be taken when negotiating agreements of this nature to ensure that the other contracting party is aware of the Executive's obligation to respect the right to Freedom of Information and of the limitations of that right. Clearly determining of what is in the national or public interest is not to be tainted by political expediency or the sensitivity of the contracting parties.

The Ombudsman would like to draw your attention to Article 4 of the Regulation (EC) 1049/2001 of the European Parliament and of the Council of Europe regarding public access to European Parliament, Council and Commission documents. The exceptions to the duty of disclosure listed in that Article though not binding in Malta, form part of the European Code of Good Administrative Behaviour that all Member States are enjoined to observe. One has to be motivated by these guidelines when determining whether transparency should take precedence on commercial sensitivity. It is clear that in some cases non-disclosure is totally unjustified. In others it could be justified to disclose the whole document with the exception of commercially sensitive information in the public interest.

It is the Ombudsman's opinion that this area lacks definition and needs to be studied to determine with more precision the parameters within which non-disclosure would be justified in the public interest. In this respect I have suggested that the Freedom of Information Act be revisited to bring it in line with more progressive legislation.

The issue becomes more delicate but perhaps even more impellent when one considers the right of the Executive not to disclose agreements to Parliament even when they contain commercial sensitive information. In the light of the principles stated above, it is the Ombudsman's opinion that there should be no reason why Parliament should not be fully informed of the contents of such agreements, even if in a limited and restricted manner.

The Ombudsman has suggested that one way to strike a correct balance between the interests of all parties involved would be to have a protocol that would establish how such information could be transmitted to the Leader of the Opposition and/or to Select Committees of the House. This under confidentiality thus excluding them from being in the immediate public domain. This could be done subject to agreed safeguards.

A similar process has already been adopted in certain laws as in the Malta Citizenship Act (Chapter 188) which provides that the Leader of the Opposition was to be a member of the Monitoring Committee to monitor the workings of the individual investor programme.

Considering the principles of good administration and also those of institutional and constitutional correctness, it does not seem proper that Parliament or at least the Leader of the Opposition is not privy to commercial agreements, even if they contain sensitive commercial information. It does not seem to be correct that this is so when it is not only the Government that is fully aware of the contents of these agreements but also top civil servants, executives of public authorities, consultants and technocrats.

On a final note, one can safely observe that sharing information on commercial agreements, as far as this is possible in the public interest and within the stated limits, is surely one of the most effective ways to prevent and combat corruption in the management of public affairs.

Appendix B



COMMISSIONER FOR ENVIRONMENT AND PLANNING

**Ref taghna: CEP/3**

2 ta' Settembru 2015

Il-Prim Ministru
Uffiċċju tal-Prim Ministru
Auberge de Castille
Valletta

Il-Kap tal-Oppożizzjoni
Dar Ċentrali
Triq Herbert Ganado
Pietà

Għażiż Prim Ministru, Kap tal-Oppożizzjoni

Bhalissa l-proċess ta' diskussjoni dwar l-abbozzi tal-ligijiet li għandhom x'jaqsmu mad-*demerger* fil-MEPA jinsab wieqaf sakemm jerga' jiltaqa' il-Parlament.

Bhala parti minn dan il-proċess kien hemm ammont sostanzjali ta' kritika dwar kif ser tiġi strutturata l-Awtorità tal-Ippjanar, li ser tiehu r-rwol fis-settur tal-ippjanar li kellha l-Awtorità tal-Ambjent u l-Ippjanar.

Din il-kritika kienet l-aktar immirata lejn dak li ġie interpretat bhala pass kbir lura fil-livell ta' trasparenza, kontabilità u aċċess għal skrutinju min-naha tal-pubbliku.

Jiena ukoll naqسام dan it-thassib espress minn sezzjoni wiesgħa tas-soċjetà, kemm min-naha tal-għaqdiet mhux governattivi kif ukoll mill-pubbliku in ġenerali.

Minn mindu twaqqfet l-Awtorità tal-Ambjent li wara saret l-Awtorità tal-Ambjent u l-Ippjanar, kien hemm sforz kontinwu sabiex isir titjeb fil-livell ta' parteċipazzjoni tal-pubbliku kif ukoll li l-Awtorità tkun aktar miftuħa għal skrutinju pubbliku fix-xogħol kollu li tkun qiegħda twettaq.

L-abbozzi li qeghdin jiġu diskussi jnaqqsu ferm minn dawn iż-żewġ elementi. Hemm bżonn għalhekk li jsiru emendi fl-abbozzi sabiex din il-problema tiġi indirizzata.

Għalhekk hassejt li huwa mument tajjeb li inżid il-kummenti tiegħi dwar dawn l-abbozzi ma' dawg li diġà saru.

Id-Demerger fil-MEPA

M'hemmx dubju li politikament dan il-proċess kien imwiegħed fil-programm elettorali tal-Gvern preżenti u għalhekk it-twertieq ta' din il-wieġħda għandu isir. Però il-proċess irid ikun immirat sabiex l-Awtoritajiet tal-Ippjanar u tal-Ambjent li ser jinholqu permezz ta' dan il-proċess ikunu aktar effiċjenti mill-MEPA, inaqqsu l-burokrazija, u jassiguraw li l-hidma tagħhom tissarraf f'titjib sostanzjali fil-kwalità tal-hajja tagħna, kemm fil-kamp tal-ambjent mibni, u wisq aktar f'dak li għandu x'jaqsam mal-ambjent naturali.

Irid jiġi assikurat li l-hidma taż-żewġ Awtoritajiet tkun trasparenti u thalli lok għal skrutinju u partecipazzjoni tal-pubbliku f'kull livell, filwaqt li jkun hemm *checks and balances* neċessarji fl-istrutturi amministrattivi u proċedurali li jaddottaw dawn l-Awtoritajiet.

Ikkunsidrat dan kollu, qiegħed nagħti l-kummenti tiegħi dwar l-abbozzi kif proposti sa llum:

L-Abbozz dwar l-Awtorità tal-Ippjanar

Fil-fehma tiegħi, il-proposta qiegħda tipproponi struttura li tikkonċentra hafna poter f'idejn ftit persuni, fejn qabel l-istruttura amministrattiva kellha l-hidma kollha tal-MEPA f'idejn Bord wieħed kompost minn diversi persuni fejn allura l-iskrutinju u l-opportunità għal dibattitu kien ferm akbar.

Kif propost, ix-xogħol kollu tal-Kunsill Eżekuttiv ser jitmexxa prinċipalment minn hames persuni billi l-preżenza tal-membri tal-Awtorità tal-Ambjent u tal-membri addizzjonali sejra tkun jew kundizzjonata fl-ewwel każ inkella diskrezzjonarja fit-tieni każ. Minbarra dan, il-Ministru responsabbli ser ikollu poteri wiesgħa hafna fuq dan il-Kunsill.

Fl-opinjoni tiegħi l-membri ta' dan il-Kunsill jew almenu *Chairperson* Eżekuttiv, għandhom jiġu mahtura mill-President wara konsultazzjoni mal-Prim Ministru u l-Kap tal-Oppożizzjoni. Jekk dan ma jistax isir allura l-hatra ta'

dawn il-membri ghandha tigi fis-sehh biss wara li Kumitat Permanenti għall-Ambjent u l-Ippjanar tal-Kamra tar-Rappreżentanti jkun approvaha.

L-abbozz jahseb ukoll għat-trasferiment ta' uffiċjali pubbliċi għal mal-Awtorità. Dan għandu jkun limitat kemm jista jkun u l-impjeg mal-Awtorità għandu jkun wara sejhiet pubbliċi sabiex l-Awtorità tkun tista tagħzel hi min għandu jiġi impjegat magħha.

Kif inghad qabel, skont l-abbozz l-Awtorità tal-Ambjent tista' tkun preżenti fuq il-Kunsill Eżekuttiv meta jkunu ser jiġu diskussi suġġetti partikolari biss u dan wara stedina miċ-*Chairperson* Eżekuttiv. Dan m'għandux ikun, anzi għandu jkun il-kontra billi hija l-Awtorità tal-Ambjent li għandha jkollha d-dritt li tkun preżenti u li tiehu sehem f'diskussjonijiet tal-Kunsill Eżekuttiv. Dan għandu jsir sabiex jissahhah il-kunċett li kunsiderazzjonijiet ambjentali ma jieqfux biss ma' deċiżjonijiet dwar pjani u ordnijiet ta' konservazzjoni iżda għandhom jiddaħhlu fit-tfassil ta' strateġiji u allokazżjoni ta' riżorsi.

Biex niehu eżempju, trid issir bidla fis-sistemi ta' proċessar ta' applikazzjonijiet għal permessi ta' żvilupp sabiex tinghata aktar importanza għal elementi ta' tnigġiż ambjentali minhabba storbju jew dawl. Żgur li f'dan il-każ l-Awtorità tal-Ambjent trid tagħti s-sehem tagħha fit-tfassil tar-reviżjoni tas-sistema preżenti. L-istess għandu jinghad għal meta qeghdin jiġu eżaminati proposti mill-Kumitat għar-Regolamenti tal-Bini li jkunu jinkludu kunċetti ambjentali.

Huwa evidenti li l-kontribuzzjoni tal-Awtorità tal-Ambjent tmur hafna aktar lil hinn mir-rwol tagħha kif qiegħed jiġi propost u li qiegħed jiġi meqjus minn hafna bhala tnaqqis ipparagunat mar-rwol preżenti.

Suġġeriment iehor li nixtieq nagħmel, u li jghodd ukoll għall-abbozz dwar l-Awtorità tal-Ambjent, hu li t-tnejja tar-rapport dwar l-*State of the Environment* li huwa obbligu sew skont il-leġislazzjoni lokali kif ukoll mid-Direttivi Ewropej, ma jibqax isir mill-Awtoritajiet illi jamministraw u jiġbru l-informazzjoni, iżda li dan ix-xogħol isir minn dan l-Uffiċċju.

B'hekk ikun assigurat li dan ir-rapport jinhareġ minn sors għal kollox awtonomu u indipendenti u jghin sabiex tissahhah il-perċezzjoni pubblika dwar l-importanza li għandu jkollu l-ambjent fil-hajja ta' kuljum tagħna u li dan qiegħed isir b'mod awtonomu u imparzjali għal kollox.

Din is-sistema diġà tithaddem f'għurisidizzjonijiet ohra fejn il-liġi dwar l-ambjent tistabbilixxi kriterji estensivi u dettaljati hafna dwar dak li għandu jkollu fih ir-rapport.

L-Abbozz dwar l-Awtorità tal-Ambjent

Huwa fatt li fl-aħħar żminijiet, is-sezzjoni tal-ambjent ġewwa l-MEPA ma tantx inghatat importanza, anke minhabba l-fatt li kien hemm il-proċess tad-*demerger* ippjanat. Hemm bżonn urġenti li l-istrutturi jissahhu kemm jista' ikun malajr billi jiżiedu r-riżorsi umani kwalifikati mghejuna minn apparat u riżorsi materjali sabiex ilaħhqu mal-obbligi tal-pajjiż fil-qasam ta' riċerka u monitoraġġ.

Nagħmel enfasi partikolari dwar is-settur li għandu x'jaqsam mad-direttivi dwar il-hoss fejn għad hemm hafna xogħol xi jsir sabiex id-Direttivi jiġu implimentati b'mod effettiv.

Intenni dak li għidt fir-rigward tal-abbozz dwar l-Awtorità tal-Ippjanar dwar l-għażla tal-persuni li jkunu ser imexxu l-Awtorità kif ukoll dwar it-trasferiment ta' uffiċjali pubbliċi għal mal-Awtorità. Dan għandu japplika għal din l-Awtorità ukoll sabiex tiġi enfasizzata l-awtonomija tagħha.

L-abbozz jahseb sabiex l-Awtorità tfassal Strateġija Nazzjonali dwar l-Ambjent flimkien ma' numru ta' *policies* sussidjarji, struttura li tixbaħ il-ġerarkija ta' dokumenti li jiffurmaw il-qafas operattiv tal-Awtorità tal-Ippjanar kif proposta b'din tal-aħħar titmexxa minn l-*Spatial Strategy for Environment and Development*.

Huwa evidenti li fit-thaddim ta' dawn iż-żewġ Strateġiji Nazzjonali ser ikun hemm *overlapping* konsiderevoli għaliex l-aspett ambjentali fit-tifsila wiesgħa tiegħu, jaffettwa l-iżvilupp fiżiku f'kull qasam, kif diġà semmejta qabel.

M'huwiex ċar x'ser jiġri f'każ bħal dan, għaliex huwa faċli li jkollok iż-żewġ strateġiji nazzjonali f'pożizzjoni konfligġenti fuq xi aspett ta' żvilupp propost. Għalhekk hemm il-htieġa illi jiġu iċċarati dawn il-punti qabel ma jibdwu jithaddmu s-sistemi proposti minn dawn l-abbozzi.

It-Tribunal ta' Reviżjoni għall-Ambjent u l-Ippjanar

Għar-raġunijiet diġà espressi, il-hatra tal-membri kollha tat-Tribunal għandha ssir mill-President wara konsultazzjoni mal-Prim Ministru u l-Kap tal-Oppożizzjoni inkella wara li l-Kumitat Permanenti għall-Ambjent u l-Ippjanar tal-Kamra tar-Rappreżentanti jkun approvahom.

Dak li jgħodd għall-membri tal-Awtoritajiet, żgur li jgħodd aktar għall-membri kollha li ser iservu f'dan it-Tribunal li skont l-abbozz, jista' jiġi maqsum f'diversi *panels*.

Huwa diffiċli li wiehed jifhem għaliex il-membri kollha jridu jkunu mharrġa f'xi aspett ta' liġi, f'dan il-każ tal-ippjanar jew tal-ambjent. L-interpretazzjoni tal-liġi taqa' taht il-kompetenza tal-avukat li ser jiġi mahtur għal kull *panel*. Huwa l-avukat li għandu jkollu din l-*expertise*, proprju għaliex huwa xogħlu.

Il-membri l-oħra għandhom ikunu tekniċi f'oqsma differenti bħalma huma daww ambjentali, wirt storiku u kultura, arkitettura u ippjanar, biex insemmi f'it eżempji.

Jidher li l-membri tat-Tribunal se jrin jinhatru fuq bażi *part-time* ladarba se jrin jithallsu *honorarium* biss u mhux salarju. Huwa hażin li Tribunal bħal dan ikun kompost minn membri li xorta ser jibqgħu jahdmu privatament.

Ha tra tal-membri fuq bażi *full-time* tkun qieghda tenfasizza l-importanza tax-xogħol li dan it-Tribunal ikun qieghed iwettaq u jassigura li l-membri jkunu iffukati fuq l-appelli li jiġu ippreżentati quddiemhom.

Tribunal li jiddefinixxi u jiddeċiedi drittijiet u obbligi f'qasam daqstant importanti u sensitiv jehtieg li jkun igawdi l-ghola grad ta' indipendenza u imparzjalità kif ukoll awtonomija shiha mill-Awtorità li twaqqfu.

L-esperjenza wriet li tribunal mahtur *full time* jagħti dawn il-garanziji li jnisslu fiduċja fiċ-ċittadin li l-gustizzja mhux biss issir imma tkun qed tidher issir.

Nittama li dawn il-kummenti jghinu sabiex il-proċess li jwassal għall-approvazzjoni ta' dawn l-abbozzi jagħti l-frott mixtieq.

Qieghed nibghat kopja ta' din l-ittra lill-Kumitat Permanenti għall-Ambjent u l-Ippjanar għall-informazzjoni tiegħu.

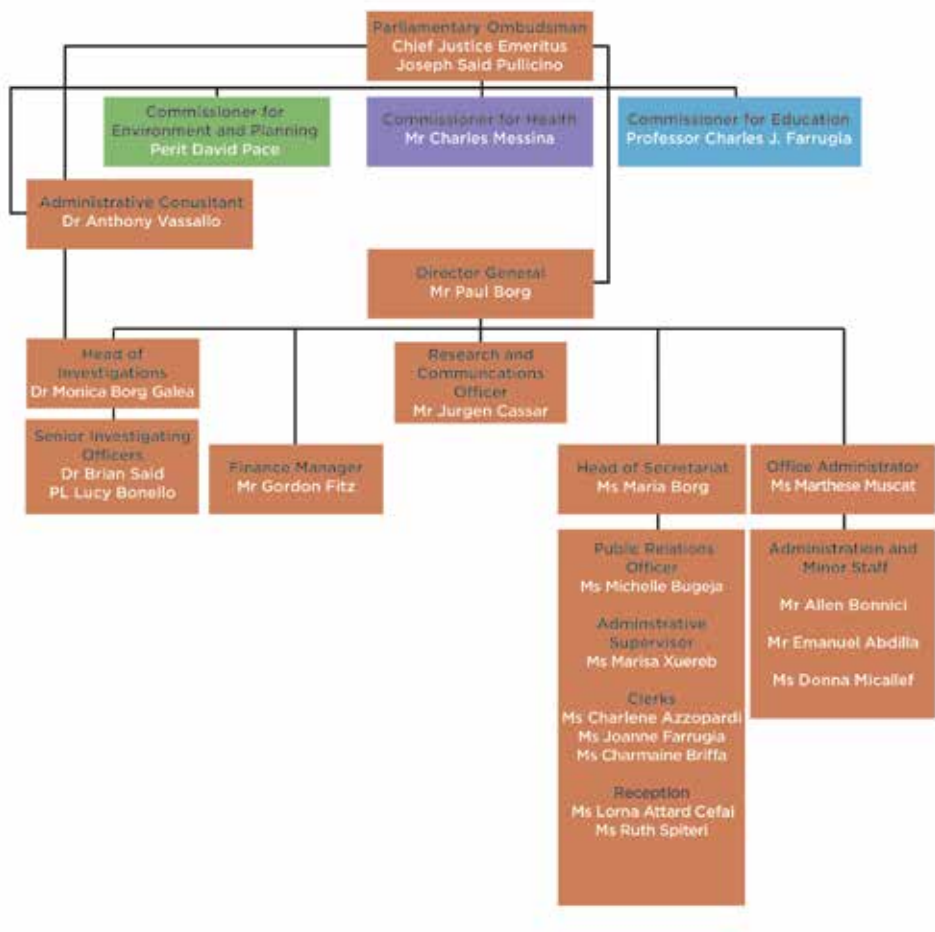
Inselli għalikom

Perit David Pace
Kummissarju għall-Ambjent u l-Ippjanar

Appendix C

Office of the Parliamentary Ombudsman Organigram

Staff Organisation Chart (on 31 December 2015)



Appendix D

OFFICE OF THE OMBUDSMAN

Report and financial statements
for the year ended
31 December 2015

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Statement of responsibilities of the Office of the Ombudsman	144
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Statement of Responsibilities of the Office of the Ombudsman

The function of the Office of the Ombudsman is to investigate any action taken in the exercise of administrative functions by or on behalf of the Government, or other authority, body or person to whom the Ombudsman Act 1995 applies. The Ombudsman may conduct any such investigation on his initiative or on the written complaint of any person having an interest and who claims to have been aggrieved.

During the year under review the Office refurbishing works which had started in 2013 were completed and only a few snags remained to be tackled by the end of the year. As in the previous year the works involved a number of alterations which were not included in the original tenders and the cost of the project in 2015 including civil and engineering works was: € 515,296. This cost was covered by part of the subvention of € 1,140,000 granted to the Office of the Ombudsman for 2015 and € 364,139 brought forward from 2014.

Accruals for the cost of civil and engineering works based on quotes or bills presented but not yet paid amount to € 75,665. Further payables amounting to € 69,359 constitute mainly retention fees due based on payments made to the different contractors up to the end of the year.

The total of the original tender costs for civil works, mechanical & electrical works and the new office lift amounts to: € 606,308. The total cost of the project from 2013 to 2016 is: € 968,382 with the increase in cost attributed mainly to alterations in the civil works and finishes and the cost of Architect's and Engineers' fees which were not included in the tenders.

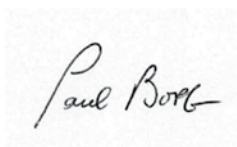
The Office of the Ombudsman is responsible for ensuring that:

- a. proper accounting records are kept of all transactions entered into by the Office, and of its assets and liabilities;
- b. adequate controls and procedures are in place for safeguarding the assets of the Office, and the prevention and detection of fraud and other irregularities.

The Office is responsible to prepare accounts for each financial year which give a true and fair view of the state of affairs as at the end of the financial year and of the income and expenditure for that period.

In preparing the accounts, the Office is responsible to ensure that:

- Appropriate accounting policies are selected and applied consistently;
- Any judgments and estimates made are reasonable and prudent;
- International Financial Reporting Standards are followed;
- The financial statements are prepared on the going concern basis unless this is considered inappropriate.



Paul Borg
Director General



Gordon Fitz
Finance Manager



Report of the Auditor General

To the Office of the Ombudsman

Report on the financial statements

We have audited the accompanying financial statements of the Office of the Ombudsman set out on pages 6 to 17, which comprise the statement of financial position as at 31 December 2015, the statement of comprehensive income, statement of changes in equity and statement of cash flows for the year then ended, and a summary of significant accounting policies and other explanatory information.

The Office of the Ombudsman's responsibility for the financial statements

The Office of the Ombudsman is responsible for the preparation of financial statements that give a true and fair view in accordance with International Financial Reporting Standards as adopted by the European Union, and for such internal control as the Office of the Ombudsman determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditors' responsibility

Our responsibility is to express an opinion on these financial statements based on our audit. We conducted our audit in accordance with International Standards on Auditing. Those standards require that we comply with ethical requirements and plan and perform the audit to obtain reasonable assurance whether the financial statements are free of material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on our judgement, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, we consider internal control relevant to the preparation of financial statements of the Office that give a true and fair view in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the internal control of the Office. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by the Office of the Ombudsman, as well as evaluating the overall presentation of the financial statements. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

Opinion

In our opinion, the financial statements give a true and fair view of the financial position of the Office of the Ombudsman as at 31 December 2015, and of its financial performance and cash flows for the year then ended in accordance with International Financial Reporting Standards as adopted by the European Union, and comply with the Office of the Ombudsman Act, 1995.



Auditor General
3 June 2016

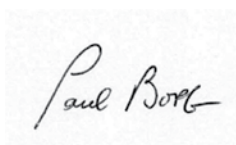
Statement of Comprehensive Income

		2015	2014
	Schedule	€	€
Income			
Government grant		1,139,880	1,436,850
Non-operating income (note 3)		<u>476</u>	<u>784</u>
		1,140,356	1,437,634
Expenditure			
Personal Emoluments (note 4)		(760,066)	(709,397)
Administrative and other expenses	1	<u>(254,990)</u>	<u>(198,499)</u>
		(1,015,056)	(907,896)
Total Comprehensive Income for the year		<u><u>125,300</u></u>	<u><u>529,738</u></u>

Statement of Financial Position

		2015	2014
	Notes	€	€
Assets			
Non-current assets			
Property, Plant and Equipment	5	917,310	<u>502,133</u>
Current assets			
Receivables	6	14,992	17,598
Cash and cash equivalents	7	224,072	<u>457,493</u>
		239,064	475,091
Total assets		<u>1,156,374</u>	<u>977,224</u>
Equity and Liabilities			
Accumulated surplus		991,572	866,272
Payables	8	164,802	110,952
Total Equity and Liabilities		<u>1,156,374</u>	<u>977,224</u>

The financial statements on pages 6 to 17 were approved by the Office of the Ombudsman on 02nd March 2016 and were signed on its behalf by:



Paul Borg
Director General



Gordon Fitz
Finance Officer

Statement of Changes in Equity

	Accumulated Fund Total €
At 1 January 2014	336,534
Statement of Comprehensive income	
Surplus for the year	529,738
At 31 December 2014	<hr/> 866,272
<i>Statement of Comprehensive income</i>	
Surplus for the year (page 6)	125,300
At 31 December 2015	<hr/> <hr/> 991,572

Statement of Cash flows

	Notes	2015 €	2014 €
Cash flows from Operating activities			
Surplus for the year		125,300	529,738
Adjustments for:			
Depreciation		98,992	60,200
Loss on disposal of tangible fixed assets		12,119	-
Interest receivable		(476)	(784)
Operating surplus before working capital changes		235,935	589,154
Decrease/(Increase) in receivables		2,606	(11,348)
Increase in payables		53,850	100,369
Net cash generated from operating activities		292,391	678,175
Cash flows from Investing activities			
Payments to acquire tangible fixed assets		(526,288)	(459,297)
Interest received		476	784
Net cash used in investing activities		(525,812)	(458,513)
Net (decrease)/increase in cash and cash equivalents			
Cash and cash equivalents at beginning of year		457,493	237,831
Cash and cash equivalents at end of year	7	224,072	457,493

Notes to the financial statements

1 Legal Status

In 1995, the Maltese Parliament enacted the Ombudsman Act and established the organization and functions of the Office of the Ombudsman. The main objective of the Office of the Ombudsman is to investigate complaints by the public against any action taken in the exercise of administrative functions by or on behalf of the Government or other authority, body or person to whom the Ombudsman Act 1995 applies. The Office of the Ombudsman is situated at 11, St Paul's Street, Valletta.

These financial statements were approved for issue by the Finance Manager and Director General on the 2nd March 2016.

2 Summary of significant accounting policies

The principal accounting policies applied in the preparation of these financial statements are set out below. These policies have been consistently applied to all the years presented, unless otherwise stated.

Basis of preparation

The financial statements have been prepared in accordance with International Financial Reporting Standards (IFRS) and their interpretations adopted by the International Accounting Standards Board (IASB). The financial statements have been prepared under the historical cost convention.

The preparation of financial statements in conformity with IFRS requires the use of certain critical accounting estimates. Estimates and judgements are continually evaluated and based on historic experience and other factors including expectations for future events that are believed to be reasonable under the circumstances.

In the opinion of the Finance Manager and the Director General, the accounting estimates and judgements made in the course of preparing these financial statements are not difficult, subject or complex to a degree which would warrant their description as critical in terms of requirements of IAS 1. The principal accounting policies are set out below:

Materiality and aggregation

Similar transactions, but which are material in nature are separately disclosed. On the other hand, items of dissimilar nature or function are only aggregated and included under the same heading, when these are immaterial.

New and revised standards

During the year under review, the Office of the Ombudsman has adopted a number of standards and interpretations issued by the IASB and the International Financial Reporting Interpretations Committee, and endorsed by the European Union. The Office of the Ombudsman is of the opinion that the adoption of these standards and interpretations did not have a material impact on the financial statements.

There have been no instances of early adoption of standards and interpretations ahead of their effective date. At the date of statement of financial position, certain new standards and interpretations were in issue and endorsed by the European Union, but not yet effective for the current financial year. The Office of the Ombudsman anticipates that the initial application of the new standards and interpretation on 1 January 2012 will not have a material impact on the financial statements.

Property, plant and equipment (PPE)

Property, plant and equipment are stated at historical cost less accumulated depreciation and impairment losses. The cost of an item of property, plant and equipment is recognized as an asset if it is probable that future economic benefits associated with the item will flow to the group and the cost of the item can be measured reliably.

Subsequent costs are included in the asset's carrying amount or recognized as a separate asset, as appropriate, only when it is probable that future economic benefits associated with the item will flow to the group and the cost of the item can be measured reliably. The carrying amount of the replaced part is derecognized. All other repairs and maintenance are charged to the income statement during the financial period in which they are incurred.

Depreciation commences when the depreciable amounts are available for use and is charged to the statement of comprehensive income so as to write off the cost, less any estimated residual value, over their estimated lives, using the straight-line method, on the following bases.

	%
Property improvements	7
Office equipment	20
Computer equipment	25
Computer software	25
Furniture & fittings	10
Motor vehicles	20
Air conditioners	17

An asset's carrying amount is written down immediately to its recoverable amount if the asset's carrying amount is greater than its estimated recoverable amount. The carrying amount of an item of PPE is de-recognised on disposal or when no future economic benefits are expected from its use or disposal. The gain or loss arising from derecognition of an item of PPE are included in the profit and loss account when the item is de-recognised.

Receivables

Receivables are stated at their net realizable values after writing off any known bad debts and providing for any debts considered doubtful.

Cash and Cash equivalents

Cash and cash equivalents are carried in the Statement of Financial Position at face value. For the purposes of the cash flow statement, cash and cash equivalents comprise cash in hand and deposits held at call with banks.

Payables

Payables are carried at cost which is the fair value of the consideration to be paid in the future for goods and services received, whether or not billed to the Office.

Revenue recognition

Revenue from government grants is recognised at fair value upon receipt. Other income consists of bank interest receivable.

Foreign currencies

Items included in the financial statements are measured using the currency of the primary economic environment in which the Office operates. These financial statements are presented in €, which is the Council's functional and presentation currency.

Transactions denominated in foreign currencies are translated into € at the rates of exchange in operation on the dates of transactions. Monetary assets and liabilities expressed in foreign currencies are translated into € at the rates of exchange prevailing at the date of the Statement of Financial Position.

Critical Accounting Estimates and Judgements

Estimates and judgements are continually evaluated and based on historical experience and other factors including expectations of future events that are believed to be reasonable under the circumstances. In the opinion of the Finance Officer, the accounting estimates and judgements made in the preparation of the Financial Statements are not difficult, subjective or

complex, to a degree that would warrant their description as critical in terms of the requirements of IAS 1 – ‘Presentation of Financial Statements’.

Capital Management

The Office’s capital consists of its net assets, including working capital, represented by its retained funds. The Office’s management objectives are to ensure:

- that the Office’s ability to continue as a going concern is still valid and
- that the Office maintains a positive working capital ratio.

To achieve the above, the Office carries out a quarterly review of the working capital ratio (‘Financial Situation Indicator’). This ratio was positive at the reporting date and has not changed significantly from the previous year. The Office also uses budgets and business plans to set its strategy to optimize its use of available funds and implements its commitments.

Notes to the financial statements (continued)

3 Non-operating income	2015	2014
	€	€
Bank interest receivable	476	748
	<u>476</u>	<u>748</u>
4i Personal Emoluments		
Wages and salaries	732,494	682,871
Social security costs	27,572	26,526
	<u>760,066</u>	<u>709,397</u>
ii Average No. of Employees	<u>23</u>	<u>23</u>

Notes to the financial statements (continued)

5i. Property, Plant and Equipment

	Improvements to property	Office Equipment	Computer equipment	Computer software	Motor vehicles	Furniture and fittings	Airconditioning	Total
Cost	€	€	€	€	€	€	€	€
At 1 January 2014	103,999	22,263	30,202	32,079	37,852	75,193	12,173	313,761
Additions	380,421	1,283	2,843	12,770	14,407	1,825	45,748	459,297
Disposals	-	(761)	-	-	-	(252)	(1,677)	(2,690)
At 31 December 2014	484,420	23,546	32,284	44,849	52,259	76,766	56,244	770,368
Depreciation								
At 1 January 2014	48,858	20,846	24,692	27,696	29,252	47,208	12,173	210,725
Charge for the year	32,253	642	3,027	5,679	7,181	3,793	7,625	60,200
Release on disposals	-	-	(761)	-	-	(252)	(1,677)	(2,690)
At 31 December 2014	81,111	21,488	26,958	33,375	36,433	50,749	18,121	268,235
Net book value								
At 31 December 2014	403,309	2,058	5,326	11,474	15,826	26,017	38,123	502,133

Notes to the financial statements (continued)

5ii. Property, Plant and Equipment

	Improvements to property	Office Equipment	Computer equipment	Computer software	Motor vehicles	Furniture and fittings	Aircondition.	Total
	€	€	€	€	€	€	€	€
Cost								
At 1 January 2015	484,420	23,546	32,284	44,849	52,259	76,766	56,244	770,368
Additions	426,785	8,960	2,217	415	-	36,886	51,025	526,288
Disposals	(42,233)	(1,618)	(5,887)	(177)	-	(2,551)	(3,138)	(55,604)
At 31 December 2015	868,972	30,888	28,614	45,087	52,259	111,101	104,131	1,241,052
Depreciation								
At 1 January 2015	81,111	21,488	26,958	33,375	36,433	50,749	18,121	268,235
Charge for the year	57,928	2,364	3,299	4,813	7,181	7,278	16,129	98,992
Release on disposals	(31,136)	(1,478)	(5,887)	(133)	-	(1,713)	(3,138)	(43,485)
At 31 December 2015	107,903	23,374	24,370	38,055	43,614	56,314	31,122	323,742
Net book value								
At 31 December 2015	761,069	8,514	2,244	7,032	8,645	54,787	73,019	917,310

Notes to the financial statements (continued)

6 Receivables	2015	2014
	€	€
Bank Interest receivable	65	106
Stocks (stationery)	11,918	9,818
Trade receivables	-	4,513
Prepayments	3009	3,161
	14,992	17,598

7 Cash and Cash Equivalents

Cash and cash equivalents consist of cash in hand and balances in bank. Cash and cash equivalents included in the cash flow statement comprise the following balance sheet amounts:

	2015	2014
	€	€
Cash at bank	223,722	457,126
Cash in hand	350	367
	224,072	457,493

8 Payables	2015	2014
	€	€
Trade payables	76,292	14,827
Accruals	88,510	96,125
	<hr/> 164,802 <hr/>	<hr/> 110,952 <hr/>

Financial assets include receivables and cash held at bank and in hand. Financial liabilities include payables. As at 31 December 2015 payment was due to the three contractors responsible for refurbishing works carried out at the Office, otherwise the Office had no unrecognised financial liabilities.

9 Fair values

At 31 December 2015 the fair values of assets and liabilities were not materially different from their carrying amounts.

Schedule

Administrative and other expenses

	2015	2014
	€	€
Utilities	19,638	18,835
Materials and supplies	7,438	7,265
Repair and upkeep expenses	4,160	9,311
Rent	8,017	11,392
International membership	1,840	1,850
Office services	12,251	4,025
Transport costs	9,004	12,128
Traveling costs	10,694	9,676
Information Services	10,309	13,052
Contractual Services	41,033	40,031
Professional Services	12,930	6,067
Training expenses	53	2,053
Hospitality	6,235	2,408
Bank charges	277	206
Depreciation	98,992	60,200
Disposals	12,119	-
	<u>254,990</u>	<u>198,499</u>

Appendix E

Customer Survey

USERS



April 2015

Methodology

Sample

The sample consisted of 250 users who made use of the Office of the Ombudsman's services during the past 5 years

Margin of Error

The expected margin of error levels for the total sample with 95% confidence limits is +/-1.8% to +/-6.3%



Methodology

Parteċipazzjoni

	Amount	%
Accettaw	195	78%
Irrifjutaw	55	22%
Total	250	100%



Demographics

Sess

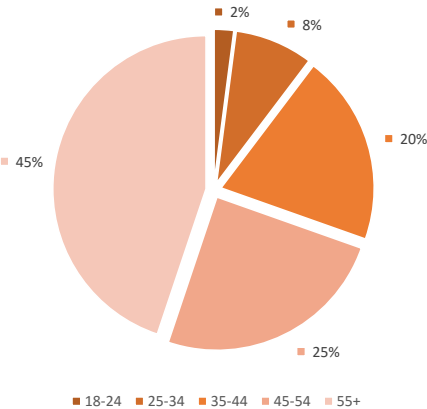
	Amount	%
Irgiel	147	75%
Nisa	48	25%
Total	195	100%



Demographics

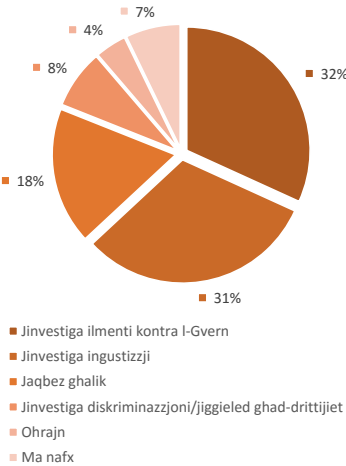
Age

Età	Ammont	%
18-24	4	2%
25-34	16	8%
35-44	39	20%
45-54	48	25%
55+	87	45%
Total	194	100%



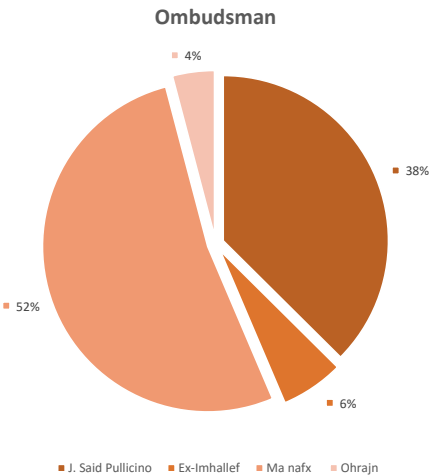
Taf x’inhuma l-funzjonijiet tal-Ombudsman?

Funzjoni	Ammont	%
Jinvestiga ilmenti kontra l-Gvern	62	32%
Jinvestiga l-ingustizzji	61	31%
Jaqbez ghalik	35	18%
Jinvestiga diskriminazzjoni/jiġġieled ghad-drittijiet	15	8%
Oħrajn	8	4%
Ma nafx	14	7%
Total	195	100%



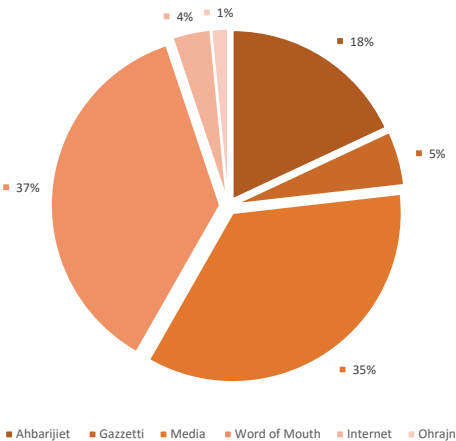
Taf x'jismu l-Ombudsman preżenti?

Twegiba	Amount	%
J. Said Pullicino	73	38%
Ex-Imhallef	12	6%
Ma nafx	102	52%
Ohrajn	8	4%
Total	195	100%



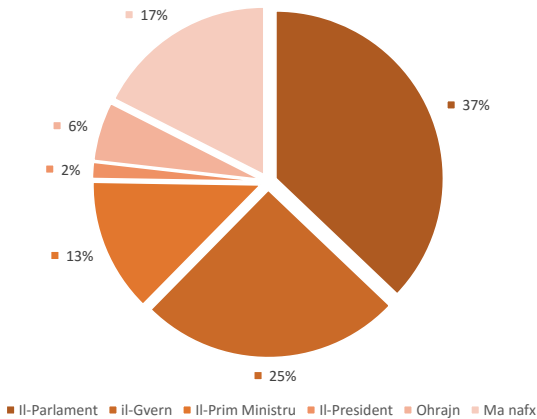
Kif sirt taf dwar l-Ombudsman?

Mezz	Ammont	%
Ahbarijiet	35	18%
Gazzetti	10	5%
Media	68	35%
Word of mouth	71	37%
Internet	7	4%
Ohrajn	3	1%
Total	194	100%



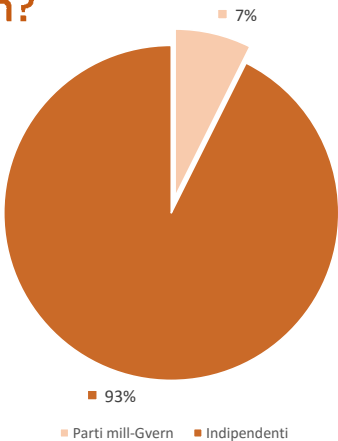
Min jappunta lill-Ombudsman?

Twegiba	Ammont	%
Il-Parlament	72	37%
Il-Gvern	49	25%
Il-Prim Ministru	25	13%
Il-President	3	2%
Ohrajn	11	6%
Ma nafx	34	18%
Total	194	100%



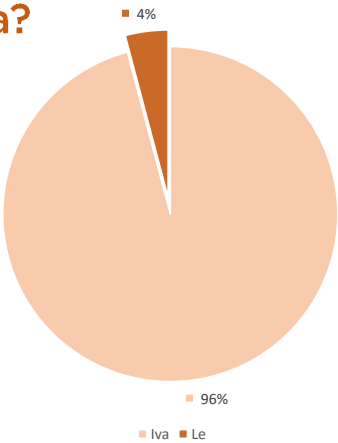
Taħseb li l-Ombudsman huwa parti jew indipendenti mill-Gvern?

Twegiba	Ammont	%
Parti mill-Gvern	14	7%
Indipendenti mill-Gvern	176	93%
Total	190	100%



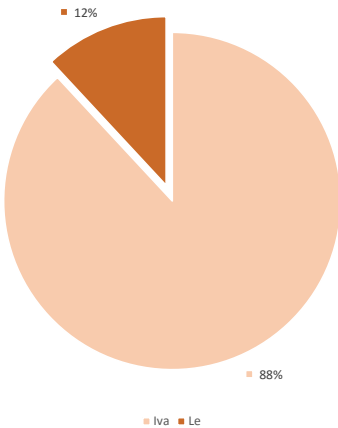
Taqbel li l-Amministrazzjoni Pubblika tkun suġġet għall-investigazzjoni minn istituzzjoni awtonoma?

Twegiba	Ammont	%
Iva	186	96%
Le	8	4%
Total	194	100%



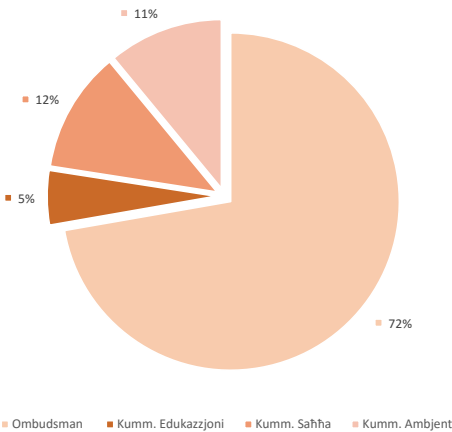
Qatt għamilt xi ilment mal-Uffiċċju tal-Ombudsman?

Twegiba	Ammont	%
Iva	170	88%
Le	23	12%
Total	193	100%



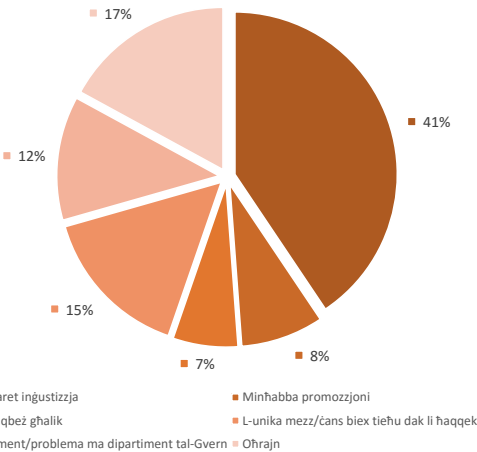
Min investiga il-każ tiegħek?

Twegħiba	Ammont	%
Ombudsman	125	72%
Kumm. Edukazzjoni	9	5%
Kumm. Saħħa	20	12%
Kumm. Ambjent	19	11%
Total	173	100%



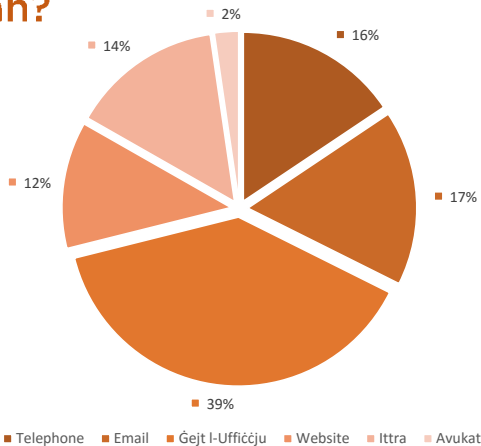
Għaliex hassejt li għandek tirrikorri għand l-Ombudsman?

Raġuni	Ammont	%
Saret ingustizzja	69	41%
Minhabba promozzjoni	14	8%
Jaqbeż għalik	11	7%
L-uniku mezz/ċans biex tieħu dak li haqqek	26	15%
Ilment/problema ma' dipartiment tal-Gvern	21	12%
Oħrajn	29	17%
Total	170	100%



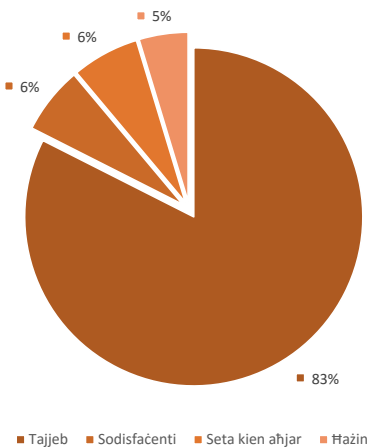
Kif għamilt l-ewwel kuntatt mal-uffiċċju tal-Ombudsman?

Mezz	Ammont	%
Telefon	27	16%
Email	29	17%
Ġejt l-Uffiċċju	67	39%
Website	21	12%
Ittra	25	14%
Avukat	4	2%
Total	173	100%



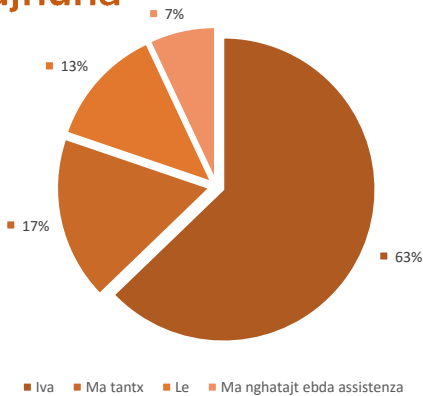
Kif thoss li kien is-servizz li rċivejt mill-ħaddiema tal-Uffiċċju tal-Ombudsman?

Twegħiba	Ammont	%
Tajjeb	141	83%
Sodisfaċenti	11	6%
Seta kien aħjar	11	6%
Ħażin	8	5%
Total	171	100%



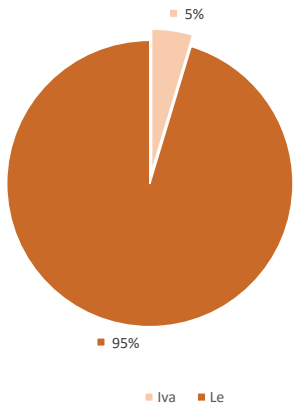
L-assistenza li ngħatajt mill-uffiċjali
li assistewk kienet ta' għajnuna
għall-każ tiegħek?

Twegiba	Ammont	%
Iva	108	63%
Ma tantx	30	17%
Le	22	13%
Ma ngħatajt ebda assistenza	12	7%
Total	172	100%



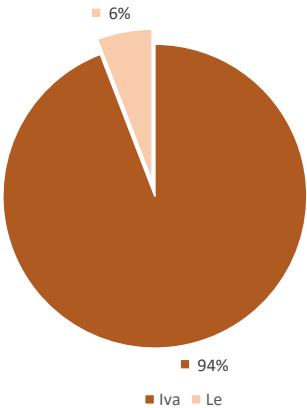
Kellek xi diffikultà biex tagħmel
kuntatt mal-Uffiċċju?

Twegiba	Ammont	%
Iva	8	5%
Le	164	95%
Total	172	100%



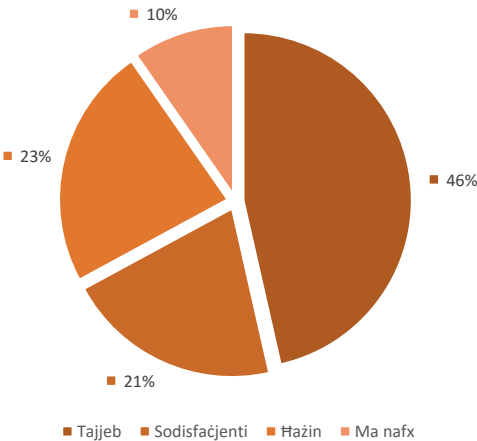
L-ilment tiegħek kien investigat?

Twegħiba	Ammont	%
Iva	161	94%
Le	10	6%
Total	171	100%



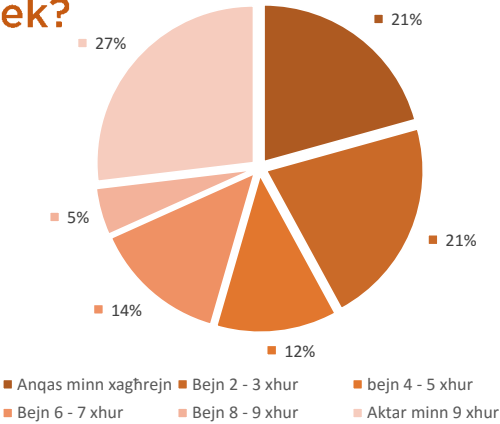
Kif taħseb li ġie trattat il-każ tiegħek?

Raġuni	Ammont	%
Tajjeb	72	46%
Sodisfaċenti	32	21%
Hażin	36	23%
Ma nafx	15	10%
Total	155	100%



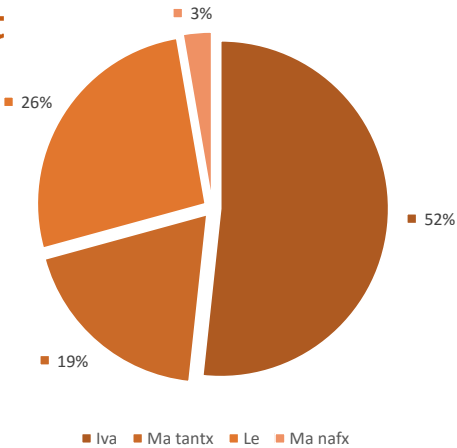
Kemm damet għaddejja l-investigazzjoni tiegħek?

Terminu	Ammont	%
Anqas minn xagħrejn	30	21%
Bejn 2-3 xhur	31	21%
Bejn 4-5 xhur	18	12%
Bejn 6-7 xhur	20	14%
Bejn 8-9 xhur	7	5%
Akter minn 9 xhur	39	27%
Total	145	100%



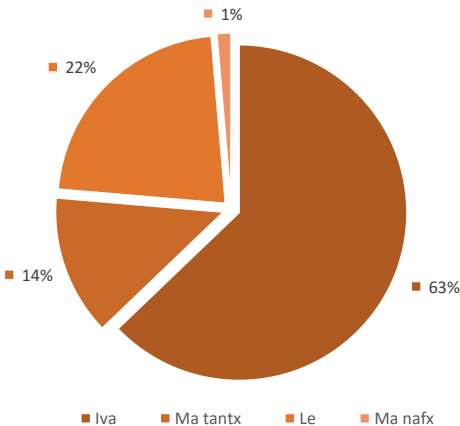
Kont sodisfatt bit-tul ta' żmien li dam biex jiġi investigat il-każ tiegħek?

Twegħiba	Ammont	%
Iva	76	52%
Ma tantx	28	19%
Le	39	26%
Ma nafx	4	3%
Total	147	100%



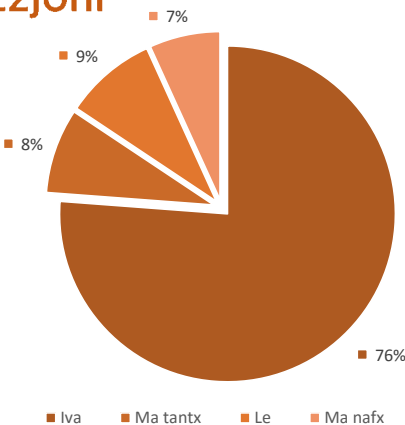
Kont qed tigi agġornat
tul l-investigazzjoni?

Twegiba	Ammont	%
Iva	93	63%
Ma tantx	20	14%
Le	33	22%
Ma nafx	2	1%
Total	148	100%



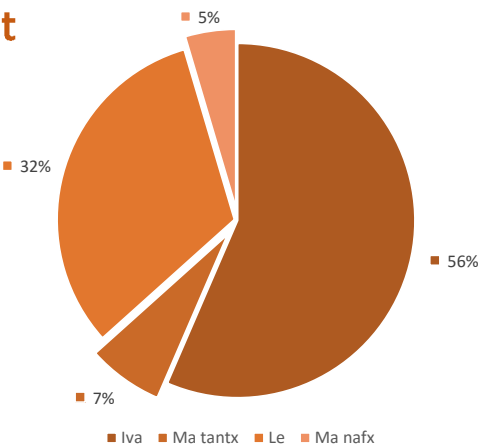
Meta ridt tagħmel kuntatt ma' xi uffiċjal waqt l-investigazzjoni kont isibhom disponibbli?

Twegiba	Ammont	%
Iva	112	76%
Ma tantx	12	8%
Le	13	9%
Ma nafx	10	7%
Total	147	100%



Kont sodisfatt
bir-rakkomandazzjonijiet
tal-Ombudsman?

Twegiba	Ammont	%
Iva	74	56%
Ma tantx	9	7%
Le	42	32%
Ma nafx	6	5%
Total	131	100%



Appendix F

Customer Survey

General Public



June 2015

Methodology

Sample

The sample consisted of 355 random selected individuals

Margin of Error

The expected margin of error levels for the total sample with 95% confidence limits is +/-2.0% to +/-7.1%



Metodoloġija

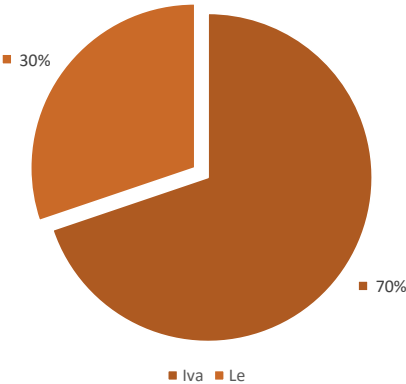
Aċċettaw li jipparteċipaw

	Ammont	%
Aċċettaw	255	72%
Irrifjutaw	100	28%
Total	355	100%



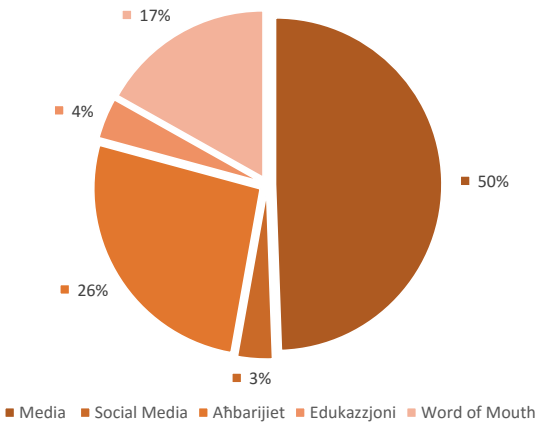
Qatt smajt bl-Ombudsman?

Funzjoni	Ammont	%
Iva	178	70%
Le	77	30%
Total	195	100%



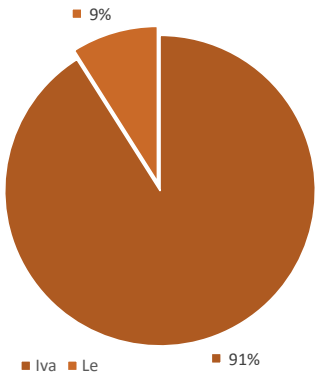
Kif sirt taf dwar l-Ombudsman?

Mezz	Ammont	%
Media	88	50%
Social Media	6	3%
Ahbarijiet	47	26%
Edukazzjoni	7	4%
Word of mouth	30	17%
Total	178	100%



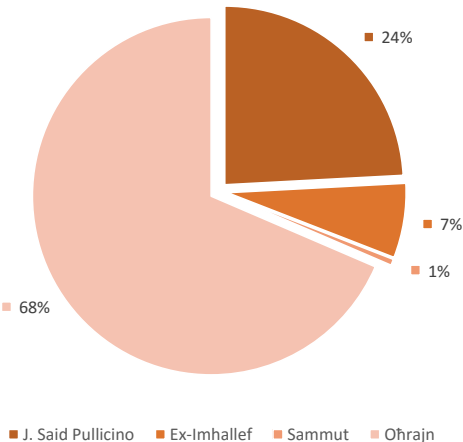
Taf x'jagħmel l-Ombudsman?

Risposta	Ammont	%
Iva	162	91%
Le	16	9%
Total	178	100%



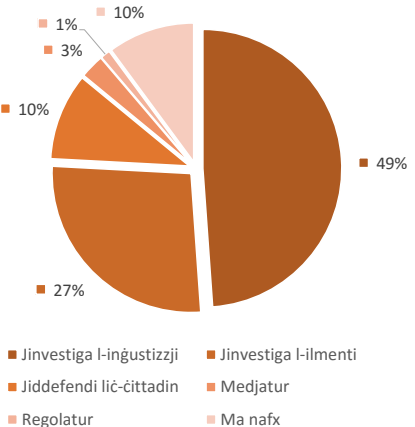
Taf x’jismu l-Ombudsman preżenti?

	Ammont	%
J. Said Pullicino	43	24%
Ex-Imhallef	12	7%
Sammut	1	1%
Ma nafx	122	68%
Total	178	100%



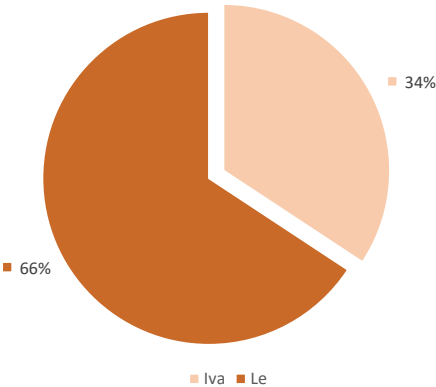
Taf x’inhuma l-funzjonijiet tal-Ombudsman?

Funzjoni	Ammont	%
Jinvestiga l-ingustizzji	87	49%
Jinvestiga l-ilmenti	48	27%
Jiddefendi liċ-ċittadin	18	10%
Medjatur	5	3%
Regolatur	2	1%
Ma nafx	18	10%
Total	178	100%



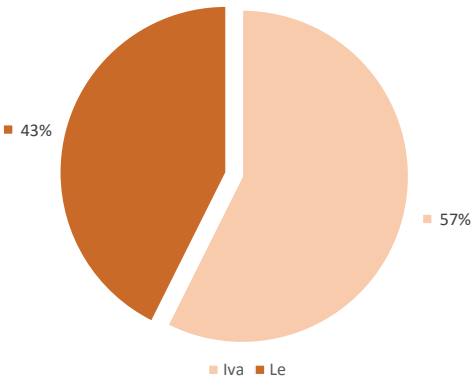
Ġieli hassejt il-bżonn li tilmenta dwar xi dipartiment tal-Gvern jew organizzazzjoni oħra?

	Ammont	%
Iva	61	34%
Le	117	66%
Total	178	100%



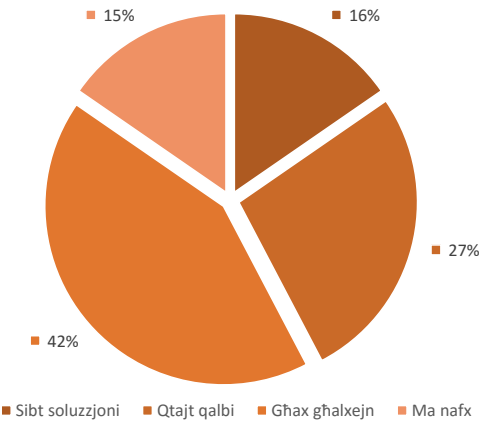
Meta hassejt li kellek tilmenta, fil-fatt għamilt ilment?

	Ammont	%
Iva	35	57%
Le	26	43%
Total	61	100%



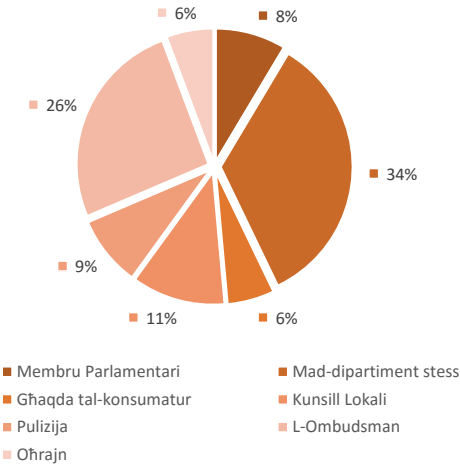
Għaliex?

Raġuni	Ammont	%
Sibt soluzzjoni	4	16%
Qtajt qalbi	7	27%
Għax għalxejn	11	42%
Ma nafx	4	15%
Total	26	100%



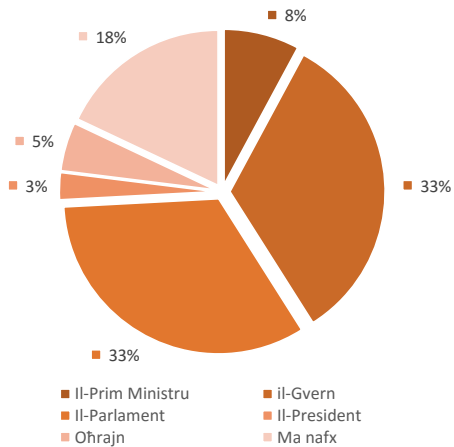
Meta lmentajt, ma' min għamilt l-ilment?

	Ammont	%
Membru Parlamentari	3	8%
Mad-dipartiment stess	12	34%
Għaqda tal-konsumatur	2	6%
Kunsill Lokali	4	11%
Pulizija	3	9%
L-Ombudsman	9	26%
Ohrajn	2	6%
Total	35	100%



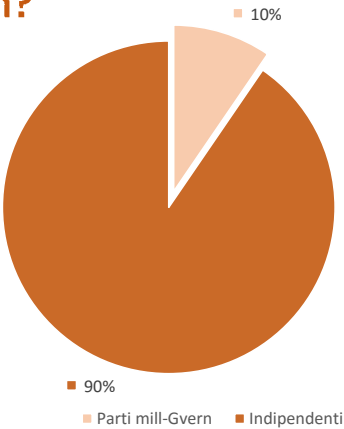
Min jappunta lill-Ombudsman?

	Ammont	%
Il-Prim Ministru	14	8%
Il-Gvern	59	33%
Il-Parlament	59	33%
Il-President	5	3%
Ohrajn	9	5%
Ma nafx	32	18%
Total	178	100%



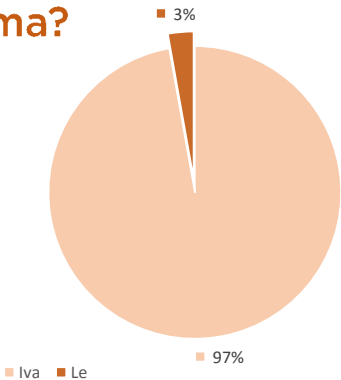
Taħseb li l-Ombudsman huwa parti jew indipendenti mill-Gvern?

	Ammont	%
Parti mill-Gvern	17	10%
Indipendenti mill-Gvern	161	90%
Total	178	100%



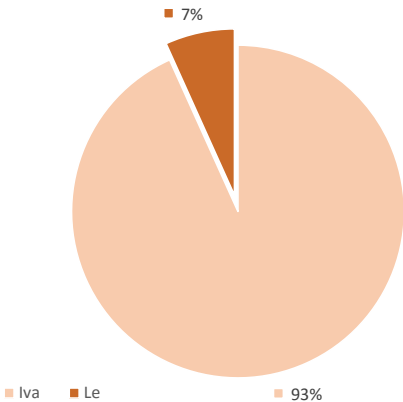
Taqbel li l-Amministrazzjoni Pubblika tkun sugġett għall-investigazzjoni minn istituzzjoni awtonoma?

	Ammont	%
Iva	173	97%
Le	5	3%
Total	178	100%



Taqbel li jkun l-Ombudsman li jinvestiga lill-Amministrazzjoni Pubblika?

	Ammont	%
Iva	166	93%
Le	12	7%
Total	178	100%



Fuq skala minn 1 sa 10 kemm taħseb li huwa kredibbli li wieħed għandu jemmin u joqgħod fuq dak li jgħid l-Ombudsman?

	Ammont	%
1. Ma nafdax dak li jgħid	1	1%
2. Mhux kredibbli	-	0%
3. Ma noqgħodx fuq dak li jgħid	2	1%
4. Ma tantx hu kredibbli	-	0%
5. Jiddependi mill-każ	9	5%
6. Nagħti każ dak li jgħid	7	4%
7. Kredibbli	24	13%
8. Kredibbli ħafna	67	38%
9. Moħħi mistrieħ b'dak li jgħid	43	24%
10. Għandi fiduċja shiħa	25	14%
Total	178	100%

Skala medja

8.11

Fuq skala minn 1 sa 10 kemm jidhirlek li hu effettiv l-Ombudsman meta jagħti rimedju dwar ilment li jkun investiga?

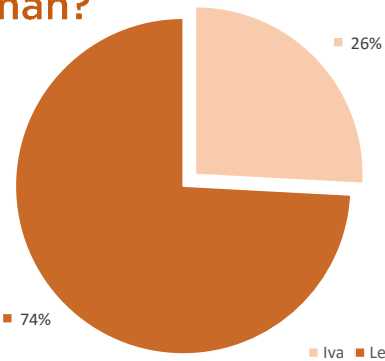
	Ammont	%
1. Hele ta' hin	2	1%
2. Ma nemminx li jagħti rimedju	-	0%
3. Ma noqgħodx fuq dak li jgħid	4	2%
4. Ma tantx nahseb li jista' jgħinek	4	2%
5. Jiddepend mill-każ	26	15%
6. Nagħti każ dak li jgħid	23	13%
7. Nemmen li jipprova jsib rimedju	32	18%
8. Jagħmel minn kollox biex isib rimedju	45	25%
9. Moħħi mistrieħ li jsib rimedju	23	13%
10. Għandi fiduċja shiħa li jsib rimedju	19	11%
Total	178	100%

Skala medja

7.19

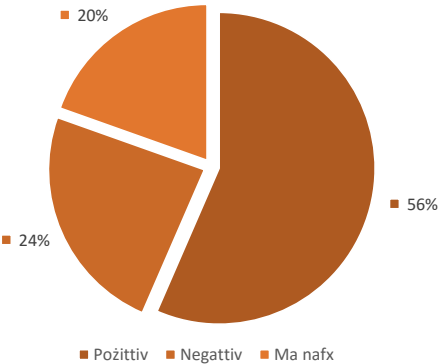
Taf b'xi ħadd li għamel ilment
mal-Uffiċċju tal-Ombudsman?

	Ammont	%
Iva	46	26%
Le	132	74%
Total	178	100%



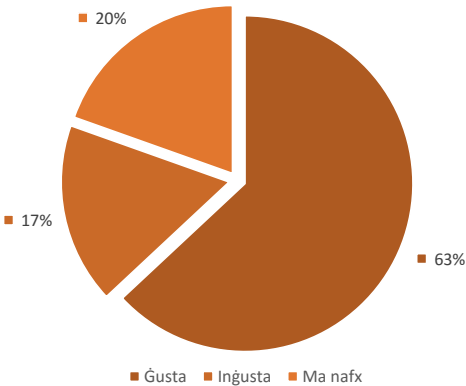
Taf jekk l-eżitu kienx pożittiv jew
negattiv?

Risposta	Ammont	%
Pożittiv	26	56%
Negattiv	11	24%
Ma nafx	9	20%
Total	46	100%



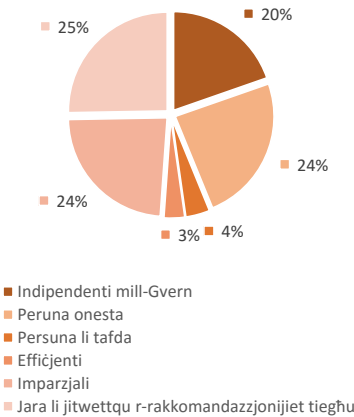
Taħseb li d-deċiżjoni kienet waħda ġusta?

Risposta	Ammont	%
Ġusta	29	63%
Inġusta	8	17%
Ma nafx	9	20%
Total	46	100%



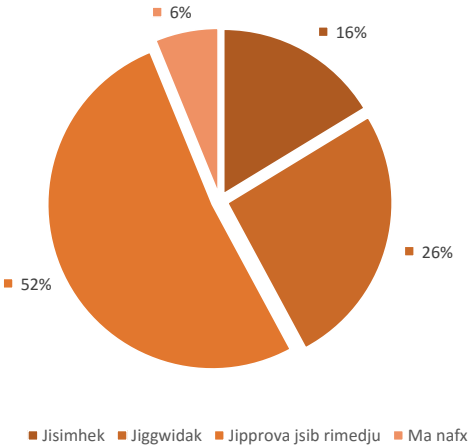
Fl-opinjoni tiegħek, minn dawn il-kwalitajiet li se nsemmilek liema hija l-aktar importanti li jkollu l-Ombudsman?

	Ammont	%
Indipendenti mill-Gvern	35	20%
Persuna onesta	43	24%
Persuna li tafda	7	4%
Effiċjenti	6	3%
Imparzzjali	42	24%
Jara li jitwettqu r-rakkomandazzjonijiet tiegħu	45	25%
Total	178	100%



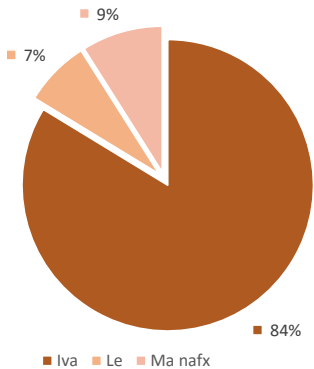
X'taħseb li huma l-vantaġġi li wieħed iressaq ilment quddiem l-Ombudsman?

	Ammont	%
Jisimgħek	29	16%
Jiggwidak	46	26%
Jipprova jsib rimedju	92	52%
Ma nafx	11	6%
Total	178	100%



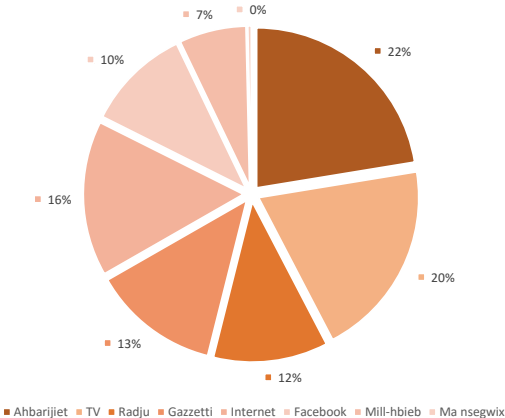
Jekk ikollok bżonn tagħmel ilment fir-rigward tal-Amministrazzjoni Pubblika taħseb li tirrikorri għand l-Ombudsman?

	Ammont	%
Iva	149	84%
Le	13	7%
Ma nafx	16	9%
Total	178	100%



Minn dawn li ħa nsemmilek, liema mezzi tuża biex issegwi dak li jkun qed jiġri?

	Amount	%
Aħbarijiet	126	22%
TV	112	20%
Radju	65	12%
Gazzetti	72	13%
Internet	88	16%
Facebook	59	10%
Mill-ħbieb	38	7%
Ma nseguwix	2	0%
Total	562	100%



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Tel: +356 2248 3200, 2248 3216

Office open to the public as follows:

October – May 08:30am – 12:00pm
 01:30pm – 03:00pm

June – September 08:30am – 12:30pm

Website: www.ombudsman.org.mt

Facebook: Ombudsman Malta

