

## DEFINITION OF MALADMINISTRATION

<b>Expression</b>	<b>Definition</b>
Contrary to law, rules or regulations	In an ombudsman investigation, “contrary to law, rules and regulations” means that the agency: <ul style="list-style-type: none"> <li>• did not comply with statutory or regulatory requirements; or</li> <li>• misinterpreted or misapplied a law, regulation or comparable requirement; or</li> <li>• failed to comply with court, legal or administrative orders.</li> </ul>
Bona fide	In an ombudsman investigation, “bona fide” means an act done by the agency: <ul style="list-style-type: none"> <li>• in or with good faith; or</li> <li>• without deceit or fraud; or</li> <li>• innocently in the attitude of trust and confidence in a genuine spirit of understanding</li> </ul>
Valid reason	In an ombudsman investigation, “valid reason” means that the agency acted on sound and sufficient reasons which had strength of logic and force.
Perverse	In an ombudsman investigation, “perverse” means that the action of the agency is: <ul style="list-style-type: none"> <li>• persistent in error; or</li> <li>• is different from what is reasonable or required; or</li> <li>• based its actions on bad faith and without exercise of honest judgement.</li> </ul>
Arbitrary	In an ombudsman investigation, “arbitrary” means that the agency: <ul style="list-style-type: none"> <li>• did not base its action or decision on intelligible or understandable public policies; or</li> <li>• based its action without adequate determining principle; or</li> <li>• based its action on non-rational grounds which were not according to reason or sound judgement; or</li> <li>• based its action on the will alone, were capricious and despotic without fair, solid and substantial cause based upon the law, or governed by any fixed rule or standard; or</li> <li>• based its actions on bad faith and without exercise of honest judgement; or</li> <li>• treated the complainant differently than others without reasons recognized under law or related to the purpose of the law; or</li> <li>• did not conscientiously consider all factors relevant to its decision or action.</li> </ul>
Unreasonable	In an ombudsman investigation, "unreasonable" means that the agency:

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	<ul style="list-style-type: none"> <li>• adopted and followed a procedure that was either irrational, biased and senseless; or</li> <li>• adopted and followed a procedure that defeats the complainant’s valid application for a right; or</li> <li>• placed the complainant at a disadvantage relative to all others through actions inconsistent with agency policy.</li> </ul>
Unjust	<p>In an ombudsman investigation, “unjust” means that the agency:</p> <ul style="list-style-type: none"> <li>• failed to provide the complainant adequate and reasonable notice of the matter at issue; or</li> <li>• did not give a person interested in a decision adequate opportunity to be heard or to secure full disclosure of the facts; or</li> <li>• allowed a decision to be made by someone biased or otherwise disqualified; or</li> <li>• made a decision which is contrary to right, justice and standard of conduct furnished by the laws.</li> </ul>
Biased	<p>In an ombudsman investigation, “biased” means that the agency acted with;</p> <ul style="list-style-type: none"> <li>• a preconceived opinion; or</li> <li>• a predisposition to decide a cause or issue in a certain way; or</li> <li>• was inclined to one side.</li> </ul>
Oppressive	<p>In an ombudsman investigation, "oppressive" means the agency:</p> <ul style="list-style-type: none"> <li>• imposed unreasonable or unjust preconditions on the complainant; or</li> <li>• imposed an unequal burden on the complainant compared to the benefit received; or placed the complainant at a disadvantage relative to all others, and the disadvantage is unreasonable; or</li> <li>• has made excessive use of authority; or</li> <li>• has subjected the complainant to cruel and unjust hardship.</li> </ul>
Discriminatory	<p>In an ombudsman investigation, "discriminatory" means that the agency:</p> <ul style="list-style-type: none"> <li>• discriminated against the complainant for reasons the legislature or a similar body could not have intended to make relevant, or</li> <li>• unfair treatment or denial of normal privileges because of race, age, sex, nationality or religion, or</li> <li>• failed to treat equally where no reasonable distinction can be found between those favoured and those not favoured; or</li> <li>• treated the complainant differently than others without reasons recognized under law or related to the purpose of the law.</li> </ul>

<b>Expression</b>	<b>Definition</b>
Based on irrelevant grounds	In an ombudsman investigation, “based on irrelevant grounds” means that the agency’s decision was based on the grounds which were not material and essential.
Jobbery	In an ombudsman investigation, “jobbery” means that the action of the agency was based on private advantage which prevailed over duty or public interest.
Favouritism	In an ombudsman investigation, “favouritism” means that the agency’s decision was based on personal relationship and factors other than merit.
Nepotism	In an ombudsman investigation, “nepotism” means that the agency’s decision was based on providing benefit to others for reasons such as blood or marital relationship to the sanctioning authority.
Administrative excess	In an ombudsman investigation, “administrative excess” means that the agency overstepped the due limit prescribed by law, rules and regulations.
Neglect	In the ombudsman investigation, “neglect” means that the agency: <ul style="list-style-type: none"> <li>• omits, fails, or forbears to do a thing that can be done; or</li> <li>• showed absence of due care or attention in the doing or omission of a given act; or</li> <li>• showed a designed refusal or unwillingness to perform duty.</li> </ul>
In-attention	In the ombudsman investigation, “in-attention” means that the agency’s action was heedless and lacking in-attention towards its responsibilities enjoined by the law and rules.
Delay	In the ombudsman investigation, “delay” means where an agency retards, obstructs, puts off, postpones, defers, procrastinates , hinders, interposes obstacles while processing the case of the complainant.
Incompetence	In the ombudsman investigation, “incompetence” means that an agency lacked the ability, legal qualification or fitness to discharge the required duty.
Inefficiency and Ineptitude	In the ombudsman investigation, “inefficiency and ineptitude” means that the agency: <ul style="list-style-type: none"> <li>• exceeded a time limit established by law or by custom, good judgment, sound administration practice, or decent regard for the rights or legitimate interests of the complainant or of the general public; or</li> <li>• handled the case unskillfully shoddily or indifferently.</li> </ul>