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# Annual Report 2011–12

Office of the Commissioner for Public Relations

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## Foreword

This report covers the period of July 1, 2011 to June 30, 2012.

The Office of the Commissioner for Public Relations has operated without a Commissioner for the best part of seven years with limited funding and resources for a long period. It has made repeated submissions concerning the need to strengthen the office and bring it into line with the international standard and the recognition of the rule of law, nationally and internationally.

There was little attention afforded by Government to the office, therefore continued to be ineffective.

We can make it effect, but must get the political will of government to resurrect and develop an appropriate integrity institution for Tonga.

We cannot perform our role and function tasked upon us by the Commissioner for Public Relations Act and the public expects us to independently investigate complaints against administrative actions and decisions of Government, without Government first willing to provide a strong legislation platform, adequate funding and recruit the right skills to man the ship on behalf of the people of the country and the government of Tonga..

‘Aisea H. Taumoepeau, SC  
Commissioner

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## **Office of the Commissioner for Public Relations**

The Office of the Commissioner for Public Relations is an independent and impartial body setup in 2001 to promote and ensure quality service delivery, good administration (fair and responsive) and help ensure accountability and good governance within government.

Our job is to make sure government departments and organizations we watch over fulfil their functions properly. We help these agencies to be aware of their responsibilities to the public, to act reasonably and comply with the law and best practices of administration. We are independent of government and accountable to the public through His Majesty in Privy Council.

We operate an Ombudsman-like system for the Kingdom of Tonga. Our office was established by an Act of Parliament, the Commissioner for Public Relations Act 2001.

Like many other Ombudsman offices around the world, the office was modelled on the system created in Sweden in 1809. The primary purpose of that body was to investigate complaints about government administration. Loosely translated the term Ombudsman means “the citizen’s defender” or “representative of the people”. The Commissioner for Public Relations Act 2001 is based on the New Zealand Ombudsman Act 1975. Today, the Ombudsman concept has been adopted in every corner of the world. There are more than 200 Ombudsman like bodies affiliated to the International Ombudsman Institute (IOI).

Every member of the public has the right to complain to us. A major part of our work is generated by complaints. We believe that complaints are one of the best sources of client and staff feedback on how an agency is performing. This is why we encourage agencies to set up and maintain effective complaint handling systems so they can use the information in complaints to improve the way they function.

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“Our key aim is to improve the delivery of services by government agencies to the public and our corporate goals reflect this objective.”

### **Our Vision**

Fair, accountable and responsive administration in government departments and organizations in Tonga.

### **Our Mission**

To promote efficient and well-structured departments and organizations with the qualities of good governance and accountability.

### **Our goals**

- (a) To assist government departments and organizations remedy deficiencies and improve service delivery
- (b) To be a cohesive and effective organization
- (c) To be accessible and responsive
- (d) To be a leader in the standards of service to the public

### **Our values**

In everything we do we will;

- (a) Act fairly, with integrity and impartiality;
- (b) Treat individuals and government agencies courteously and sensitivity;
- (c) Use resources efficiently and effectively, and;
- (d) Ensure that we are accessible to everyone.

### **Our guarantee of service**

We guarantee to give all matters referred to us proper consideration and attention. If we decide to investigate a matter we will do so as quickly as possible, acting fairly and independently. If we decide not to investigate, we will provide reasons for our decision. If there are alternative ways of dealing with a matter we will provide an explanation.

Our office does not confine itself to the Commissioner for Public Relation’s jurisdiction only, however, our doors are open to those who seek our help and if we can help we will help.

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## **Staff**

The year under report continued under the watch of Senior Investigation Officer Pilimisolo L. Tamo'ua, as Officer-In-Charge, until Cabinet appointed Mr Sateki Hopoate 'Ahio, as Officer-in-Charge on January 30, 2012.

Having no Commissioner or Acting Commissioner meant an Officer-In-Charge does not have the powers to make decision in matters to investigate or otherwise, let alone reporting on such matters. Mr 'Ahio was only appointed Acting Commissioner on June 29, 2012 – a day before the 2011-12 financial year ended.

The rest of the staff include Investigation Officer Ma'afu Tonga, Office Administrator Mo'onua Taufu, Computer Assistant Lea'asi Tonga, and daily paid assistant Takina Pupu.

Please refer to Appendix A for Organization Chart.

## **Work**

The duties undertaken by the Office of the Commissioner for Public Relations are very broad and include:

- Resolution, conciliation and investigation of complaints about all Government of Tonga's Ministries, departments, and organizations;
- Providing constructive advice and guidance to departments and organizations on issues relating to good administration and complaint-handling;
- Assisting and referring people (both via communication on telephone, emails and/or visits);
- Providing training in conducting investigations and complaint management;
- Conducting customer service audit.

However, the office has been without adequate support for many years, and until an incumbent Commissioner – one with relevant qualifications and knowledge in the field, is appointed, the office will continue to be ineffective.

## **Overseas conferences**

The Senior Investigation Officer Pilimisolo L. Tamo'ua attended the 3<sup>rd</sup> Pacific Ombudsman Alliance (POA) annual meeting in Honiara, Solomon Islands on June 30 through July 4, 2011.

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During the Honiara meeting Mr Tamo‘ua, a founding member of POA requested that the Alliance Board of Directors’ meeting be hosted in Tonga with the view to invite leaders of government and senior officials, parliamentarians and interested stakeholders to meet with the leading Ombudsmen in our region.

Request was granted and the POA Board meeting was held in Neiafu, Vava‘u in early October 2011, where government leaders, ministers, and noble representatives discussed Ombudsman-like matters, with Commonwealth (Australia) Ombudsman, Chief Ombudsman of Papua New Guinea, Ombudsman of New South Wales, and others.

POA in its Honiara meeting also approved and funded Mr Solo Tamo‘ua, Senior Investigating Officer, to participate for the first time, and especially for small offices that most likely in the future to take up Anti-Corruption roles, in the Australian Public Sector Anti-Corruption Conference in Perth, Western Australia in November 12 -21, 2011. This was to enable officers’ from small jurisdiction to learn the different approaches when dealing with ombudsman complaints investigation and combating of anti-corruption. The officer also had earlier anti-corruption investigation training in Singapore.

The conference provided an important opportunity for Ombudsman from throughout the world to come together once after every two years to learn from each other, sharing ideas, discuss current issues and review strategies of how to face challenges and look into future trends. Attending these meetings are usually free of charge.

### **Weak and ineffective**

Complaint handling remains the core role of the Office of the Commissioner for Public Relations yet, very few complaints were lodged in the office.

The year 2011-12 continued to be another ‘very quiet’ run for the office in terms of very low number of complaints.

The best the office could offer within the current situation – no empowerment, under staffed, and under budget – was to provide advice and general referrals where it believed would best address the grievance of complainants.

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There were less than 20 complaints recorded for the whole year, even though there were many enquiries mostly via telephone seeking our assistance in various matters. However, the absence of a Commissioner or acting continued to paralyze the work tasked upon the office.

It is worth noting that there had been a number of reports and submissions over the past 6-7 years to relevant working groups on government structural reforms, with a view to develop and strengthen the office and the integrity scheme in Tonga. There was little progress, if any, while at the same time the expectation of government and stakeholders remain high, despite the weaknesses and limitations.

### **Good Governance Commission**

The decision of government to support a Good Governance Commission – an umbrella body that would govern the operations and administrations of the Office of the Commissioner for Public Relations, and other integrity bodies, ignited tense and lively discussions, in Parliament and was to be returned for public consultations later, in late 2012 and early 2013.

We have voiced our concern, that such an umbrella body is not required, and would only at best undermine the independence of the integrity system in Tonga.

Also in existence is the Anti-Corruption Act of 2007 and yet to be in operation.

In our view, the proposed Good Governance Commission, coupled with the existence of the Anti-Corruption Commission (which is yet to be operational), reinforces the perceptions from leading politicians and the media, to do away with the ineffective Office of the Commissioner for Public Relations, and utilize the Anti-Corruption Commission to weed out corruption, and bring about good governance.

We are of the opinion that the Anti-Corruption Act 2007 should be revised to avoid duplication of work, and powers that would incur unnecessary expenses on government. That government should seek to find a way to merge the Office of the Commissioner for Public Relations and the Anti-Corruption Commission so they can complement each other.

In December 2012, Committee members of the Legislative Assembly consulted members of the public about their views on various bills which included the Good Governance Commission

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Bill, Commissioner for Public Relations Bill and Anti-Corruption Commissioner's Bill. Although this office was not invited a representative of the office attended and made strong submissions to the Committee.

A report was prepared in December of 2012 to be submitted to Parliament in early 2013 which states this office's opinion that the Good Governance Commission is an unwanted umbrella body that would at best undermine the independence and impartiality of the integrity systems in Tonga.

### **Tonga continues to get worldwide and regional support**

The support that this office gains from being a member of the International Ombudsman Institute (IOI) and the regional conference for Australasian-Pacific countries – APOR has been overwhelming. In particular sharing expertise and advice, and provided much-needed training for staff of the office, especially the investigators, in various areas of the complaint-handling business.

Tonga is also a founding member of the Pacific Ombudsman Alliance, a support network for small Pacific island countries established in 2008.

It is important to mention here that all attendance at the IOI, APOR, POA and related Ombudsman meetings and conference since 2008 to date has been funded by POA with Government of Tonga only providing for en-route expenses.

### **Role and Function of the Commissioner for Public Relations**

The primary role of the Commissioner for Public Relations has been to provide impartial investigation on behalf of the people who feel they have suffered injustice through the action or inaction of government ministries, departments, and organizations (listed in the Schedule to the CPR Act 2001). It also fosters good public administration by recommending remedies and ways these errors may be rectified amicably.

Complaints may be made by telephone, in person or in writing.

Complaint investigations are carried out impartially and independently, and are handled in private.

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The key values of the Office of the Commissioner for Public Relations are:

- Independence
- Impartiality
- Integrity
- Accessibility
- Responsiveness
- Fairness
- Professionalism
- Teamwork

Where, following an investigation, the Commissioner considers it warranted, he may recommend the agency to take such remedial action as he thinks appropriate. These are the functions of an Ombudsman-like office and the Commissioner is in fact a member of the International Ombudsman Institute (IOI). Like an Ombudsman, his functions allow him to address administrative problems that the courts, the legislature and the executive cannot effectively resolve.

In resolving complaints, the Office of the Commissioner for Public Relations attempts to establish cordial relationship between the complainant and the authority complaint against, so that there is genuine reconciliation. This is our hope and the ideal situation that we have strived for, as was envisaged by the late king, George V while then Crown Prince Tupouto‘a when he pushed government for the establishment of this office, having an Ombudsman-like jurisdiction as set out in the CPR Act of 2001.

Over the past years, we have tried to work closely with government ministries, departments and organizations to ensure that complaints handling has been recognized as a key consideration within customer service delivery. We are anxious that complaints structures should be accessible and user-friendly. We have raised concerns with departments as to whether complaints handling was recognized as an issue at the appropriate stage. We hope that this is something the new re-organization in government under the Public Service Reform Program is recognized and the appropriate complaint handling mechanism is incorporated to the new structure before it becomes too rigidly established to change.

The institution of the Ombudsman fosters confidence in systems of good governance. This contributes to social cohesion and public sector confidence.

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Ombudsman activities go to the heart of addressing justice and strengthening institutional capacities. The Ombudsman institutions have a direct impact on improving administration in government agencies.

### **Legislation**

The roles and functions of the Commissioner is stipulated in the Commissioner for Public Relations Act 2001.

### **Performance Report**

The Office was provided with a budget of T\$134,100 for the 2011-12 financial year. Out of that total we used up T\$126,649. About 80 per cent of the budget goes into salaries and wages. The remainder goes into utility bills, equipments, office supplies and related expenses.

### **Preliminary inquiries and formal investigations**

Many complaints to the Office of the Commissioner for Public Relations are dealt with as preliminary inquiries – a stage in our complaint-handling process that allows us to determine whether a complaint is within our jurisdiction, whether an investigation is required or whether the complaint can be resolved by informal inquiries. Where a complaint involves complex or multiple issues, we conduct a more formal investigation. The decision to investigate a matter more formally can be made for a number of reasons.

- The need to gain access to agency records
- The nature of the allegations made by a complainant
- The time taken for an agency to respond to our requests for information
- The likely effect on other people of the issues raised by the complainant

### **Complaint received**

There were only 16 complaints received during the whole year. Five complaints were considered to be out of jurisdiction and were finalized and the complainants were informed as such. Eleven (11) were dealt with using informal enquiry processes and in the absence of a Commissioner, this was the only way we can contribute to assist the aggrieved.

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Overall, the office was considered weak and ineffective. Members of Parliament often referred to the office as wasteful and ineffective. These expressions were aired through radio and other news medium, which was damaging to the office and encouraged negative public perception.

This was reflected in only a few complaints being received.

However, without limiting to obvious aforementioned limitations we were able to probe into some issues complained about, which in our view required serious attention.

### **Case Study – Land Dispute**

Mr A complained to the Commission about land – a title he claimed was legally transferred and registered under his name back in 1959. Few years ago another person built a house on Mr A's land. The second person is also in possession of a legal title (a second title) to the same land granted by Cabinet in 1991.

This complaint arose when the first holder of the 'title' found out there has been another alleged 'legal holder' to the same land. It also raises a lot of question as to what may have happened and to the work carried out leading up to the granting of the second title.

The complaint first came about in 2006, and the file is still open, even though the Ministry concerned holds the view that the matter be "best settled in the Land Court." And in a later correspondence, claimed that the matter has been settled after the Minister concerned (at the time) discussed the matter with complainant in the presence of other officials. That was denied by the complainant, who passed away in 2010, however his eldest son is still pursuing the issues.

### **Case Study 2: Abuse of Power**

Mr K, a non-Tongan was working for a subsidiary of one international company in Nuku'alofa. He rented a house which belongs to a local, who was at the time Chief Executive Officer, Mr. T, with government. Mr K complained to the Public Service Commission against Mr. T for abuse of powers. PSC sought our advice and copied us the information to hand at the time. We advised PSC that the Mr. T should be strongly counseled to refrain from using Government letterhead and related official powers in his private correspondences as this is a misuse of government property.

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After a few days, we were informed that the CEO, Mr. T is no longer in office as his term in office has completed.

### **Look into the future**

Despite the slow progress, the office has been encouraged over the past years that government is supportive of strengthening and developing the office to become an appropriate integrity institute for Tonga. At the same time the active participation and support gained from IOI, APOR and POA is a huge moral boost.

We have also made reports on our views, especially with regard to the future of the office as we see it. We have focused on the Ombudsman concept as the most fitting for Tonga, while the Anti-Corruption Act needed revision. If to go ahead would need to be adequately funded and staffed otherwise would not last for various obvious reasons.

On the other hand, it can be revised and re-developed to play a ‘complementary’ role of the Ombudsman, thereby can be sustainable with its own separate set of professional staff, while sharing one administration.

We would also like to see the proposed new Good Governance Commission Bill withdrawn completely as it would undermine the independence of the integrity bodies in Tonga.

### **Conclusion.**

The Office of the Commissioner for Public Relations aspires to promote greater transparency and accountability, which are essential and indispensable requirements of good governance. Corruption increases social disparity, poverty, lack of basic government services, long-term heavy-reliance on foreign aid, weakening economies are symptoms of lack of good governance. Most of these symptoms are appearing in Tonga today in one form or another and the Office of the Commissioner for Public Relations can assist in government’s effort to bring about good governance in Tonga. It has been identified that poor governance is one of the main causes of social and political instability in the region.

Everyone is a stakeholder. All institutions of government must be partners in promoting transparency, accountability and good governance. The Office of the Commissioner for Public Relations has pledged to work together with government without compromising its independence to ensure and promote transparency, accountability, good governance and good

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and stable leadership. Appropriate public relations programs are essential to educate the public including the institution of government about good governance and good leadership. Such an initiative requires the co-operation of all institutions of government and all senior officials.

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**Office of the Commissioner for Public Relations**  
**Organization Chart**

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