

ANNUAL REPORT

2018-2019

'HONOURED TO SERVE TONGA BY ADVOCATING INTEGRITY'



Ombudsman

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1st November, 2019

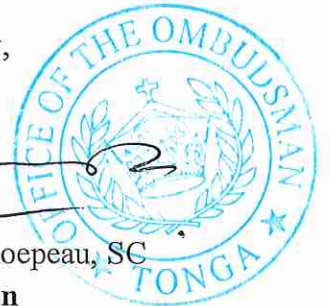
Lord Fakafanua,
Speaker,
Legislative Assembly of Tonga,
NUKU'ALOFA.

Lord Fakafanua,

Pursuant to Section 25 of the Ombudsman act 2001, I have the honor to submit the report of the Ombudsman's Office on its operations for the twelve months ended 30 June 2019 / FY 2018-2019.

Respectfully,

'Aisea Havea Taumoepeau, SC
Ombudsman



'AHT:sptt

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1. Ombudsman's Overview



This report covers the period of 1st July 2018 to 30th June 2019 (FY 2018/2019).

I am pleased to introduce the Annual Report for the Office of the Ombudsman for FY2018/2019 in pursuance of, section 25 of the *Ombudsman Act 2001*.

The Annual Report provides the overview of our work for the FY 2018–2019. There has been achievement of targets and some are reported in detail below. We continue to pursue public awareness of our core functions and are determined to create a positive complaint culture for better administration in the public sector.

We acknowledge the support from the Speaker, Legislative Assembly and the Government of Tonga. We recognize that the successful exercise of our core function requires the support from all stakeholders within Government, public sector and the people.

As Ombudsman, I am committed to provide a high quality and accessible complaint handling service for all Tonga. FY – 2018/2019 has seen the office of the Ombudsman continuing to work successfully with the investigation of complaints which included high profile cases, referred from Privy Council and the Prime Minister.

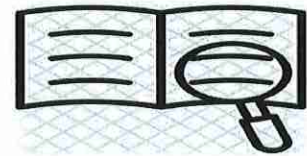
I thank all the staff for the hard work and unfailing efforts to carry out their duties. Special mention is made of both the former Chief Executive Officer, Mrs Linda Folaumoetu'i and the former Director of Investigation, Mrs Lepaola Vaea for their contribution to the office.

'Aisea H. Taumoepeau, SC
Ombudsman

YEAR AT A GLANCE FY 2018/2019

237

Total Cases Received
In reporting period



129

Pending cases at the
commencement of the
Reporting period



259

Total Cases Closed



492

Total Phone Calls



284

Office Visits

Year at Glance

2. Introduction

2.1 OMBUDSMAN Purpose

The Ombudsman is an independent officer, established under the Ombudsman Act 2001. He is appointed by the Speaker with the consent of the Legislative Assembly. It was formerly known as the Commissioner for Public Relations.

The Office of the Ombudsman's is committed to its vision of improving the delivery of services to the public. It aims at achieving fair, accountable and responsive administration in government ministries, enterprises and agencies. This is done by investigating and reviewing government administrative decisions in response to complaints received by the Office from the public.

There is power to investigate a matter without having received a complaint where it is considered that a particular issue is in the public interest or prima facie systemic. The Prime Minister may, with the consent of the Ombudsman, refer any matter for investigation and report. These statutory powers are intended to address specific grievances and improve administrative systems and processes.

2.2 JURISDICTION

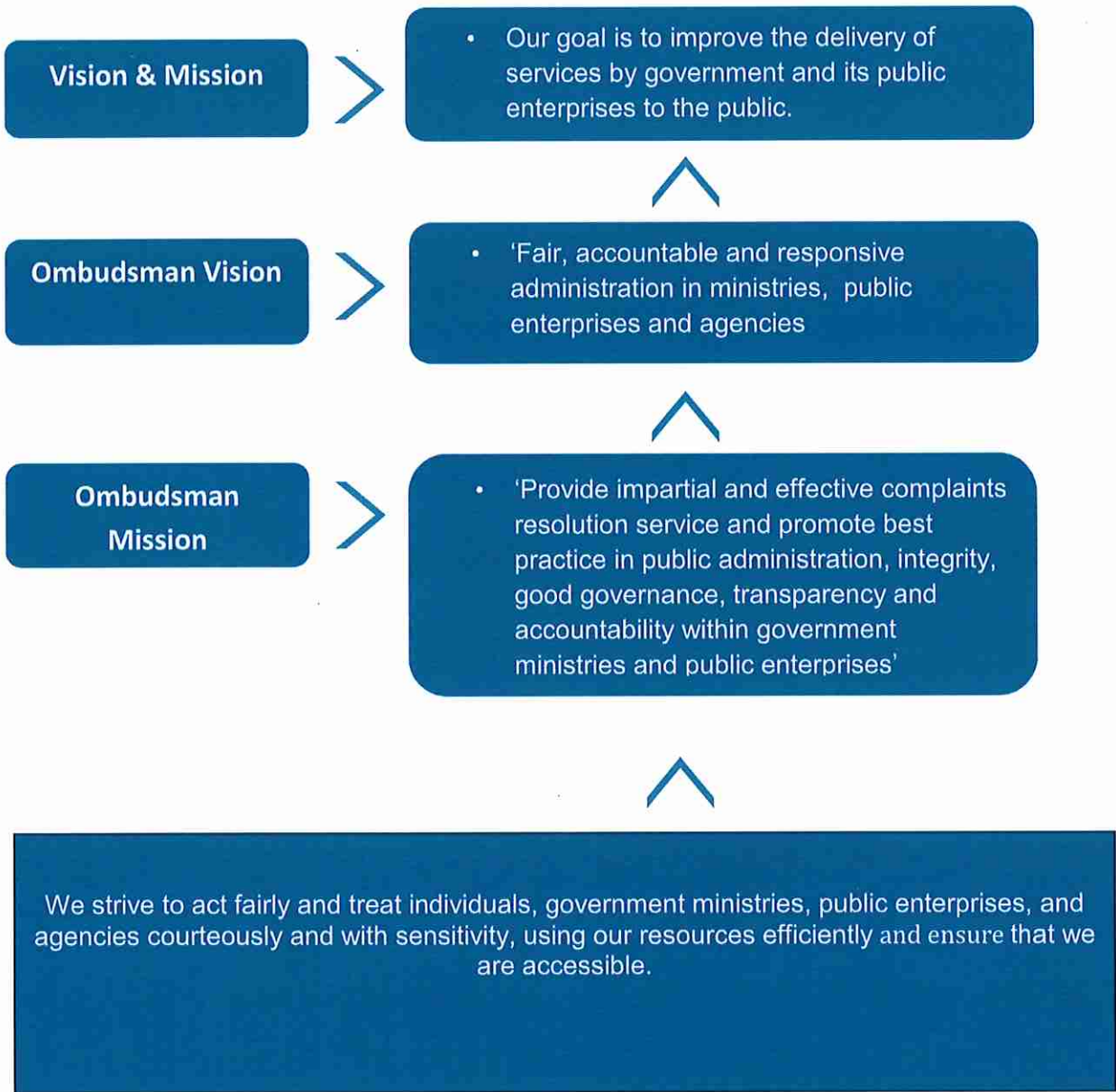
The Ombudsman has jurisdiction over government ministries, departments and agencies.

There is also responsibility for protecting rights of any person in custody on a charge or after conviction of any offence. These include persons in custody awaiting sentencing or for the purpose of completing police investigations. Those who have been ordered to be detained under the Mental Health Act at hospitals are also under this responsibility. The law stipulates that all who are detained, may lodge a complaint against decisions made by the police or health authorities in a written complaint and such a complaint is to be delivered unopened to the Ombudsman.

The jurisdiction of the Ombudsman specifically provided by the Ombudsman Act, include the following organisations:

Tonga Communications Corporation, Tonga Post and Fast Print Limited; Tonga Export Quality Management Limited; Friendly Islands Shipping Agency; Tonga Development Bank; Waste Authority Limited; Tonga Broadcasting Commission; Tonga Water Board; Tonga Market Corporation Limited; Tonga Assets Managers & Associates Limited; Toga Power Limited; Ports Authority Tonga; Tonga Airports Limited; Tonga Cable Limited; Retirement Fund Board; Tonga Tourism Authority; A Community Water Supply Committee under the Public Health Act or Regulations under that Act; Remuneration Authority; Tonga Home Gas; Tonga Gas Limited; Electoral Commission; National Identity Card Office; Electricity Commission' National Reserve Bank of Tonga and any subsidiary of a public enterprise which Government holds majority shares.

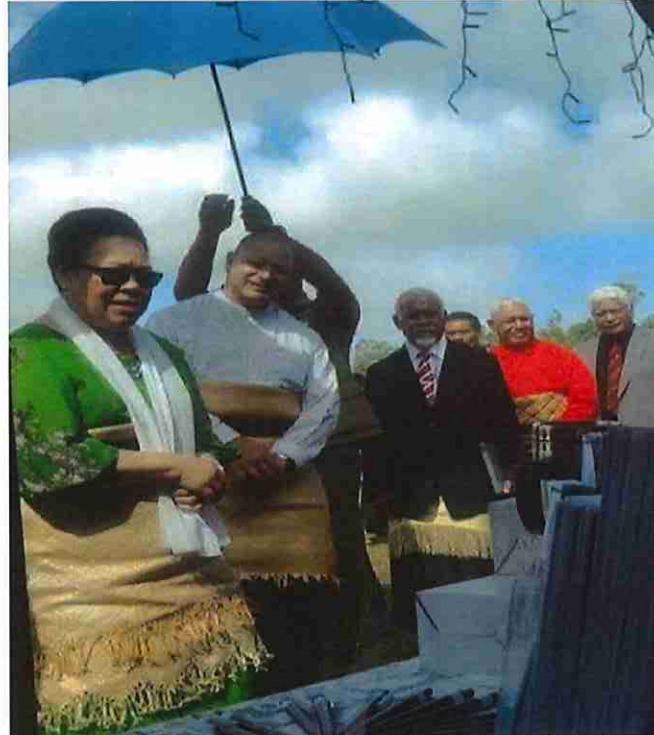
2.3 Vision and Mission



2.4 Ombudsman Laws

The office is established by an Act of Parliament, the *Ombudsman Act 2001*. Some of the key laws for our operation, includes, the *Ombudsman Act 2001*, the *Anti-Corruption Commissioner Act 2007*, the *Government Act*, *Public Service Act 2002*.

HM King Tupou VI and Queen Nanasipau'u



Visiting the Ombudsman Booth. Tongatapu Royal Agricultural Show, Tonga College Show Grounds – Saturday 22nd June, 2019

3. OPERATIONS

3.1 INVESTIGATION

We thank God for His guidance, protection and provision throughout this reporting year. The strong leadership of the Ombudsman and the Chief Executive Officer is acknowledged.

The support of the Ministries, Departments and Government Agencies (MDAs) and Public Enterprises (PEs) have been invaluable, without which we would have been unable to assist those who seek our help. The support from the Governors, Government Representatives and their staff, in the outer islands, is deeply appreciated. We thank all the district and town officers, for the assistance given with our outreach programs.

A. Overall performance

Statistics July 2018 – June 2019

Type of cases	New cases	Visit	Phone Queries	Close Cases	Pending Closure	Current Cases	Outward	Inward
2018								
July	37	21	47	19	23	120	37	1
Aug.	22	36	32	22	24	118	22	0
Sept.	11	33	55	13	26	114	11	5
Oct.	25	40	121	60	17	90	25	3
Nov.	18	23	78	9	28	117	18	0
2019								
Dec.	7	9	15	6	24	122	7	1
Jan.	10	9	16	15	12	102	10	8
Feb.	13	17	20	13	43	71	13	0
March	24	29	29	6	54	76	24	0
April1	43	32	26	37	68	107	43	0
May	11	16	29	26	31	93	11	0
June	16	19	24	33	28	84	16	0
Total	237	284	492	259	-	-	237	17

(Figure 3.1)

The numbers show that the new cases fluctuated over the 12 month period peaking in July 2018 and April 2019. The investigation statistics for FY -2018/2019 are compared by table below.

Total	2017/2018	2018/2019	% Increase
COMPLAINTS	278	237	
VISITS	290	284	
CALLS	450	492	
CASES CLOSED	246	259	
OUTREACH	209	141	
INVESTIGATION REPORTS	16	7	

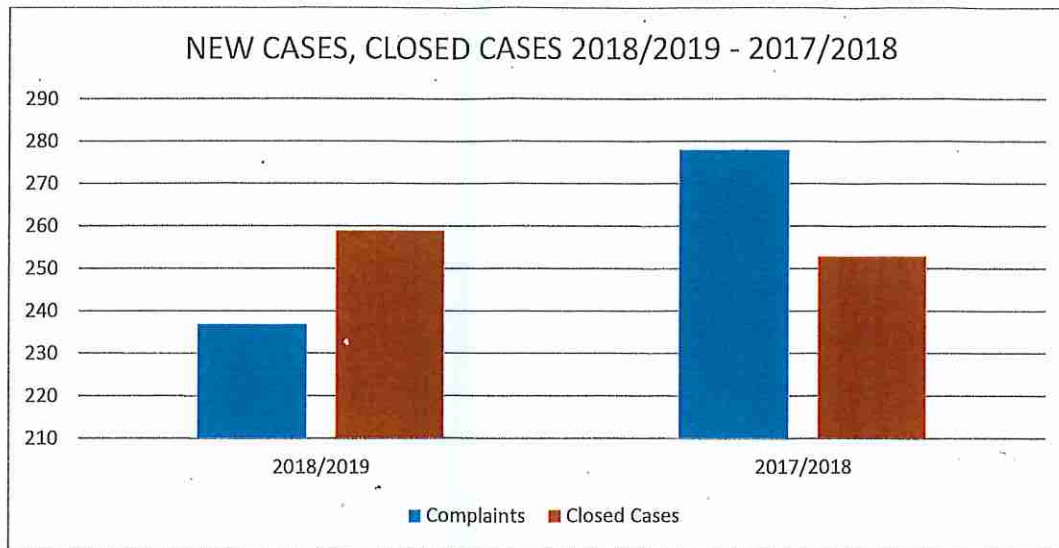
(Figure 3.2)

B. Case Management Data

(i) Comparison of new cases and closed cases for 2017/2018 and 2018/2019

Year	New Cases	Cases Closed
2018/2019	237	259
2017/2018	278	253

(Figure 3.3)

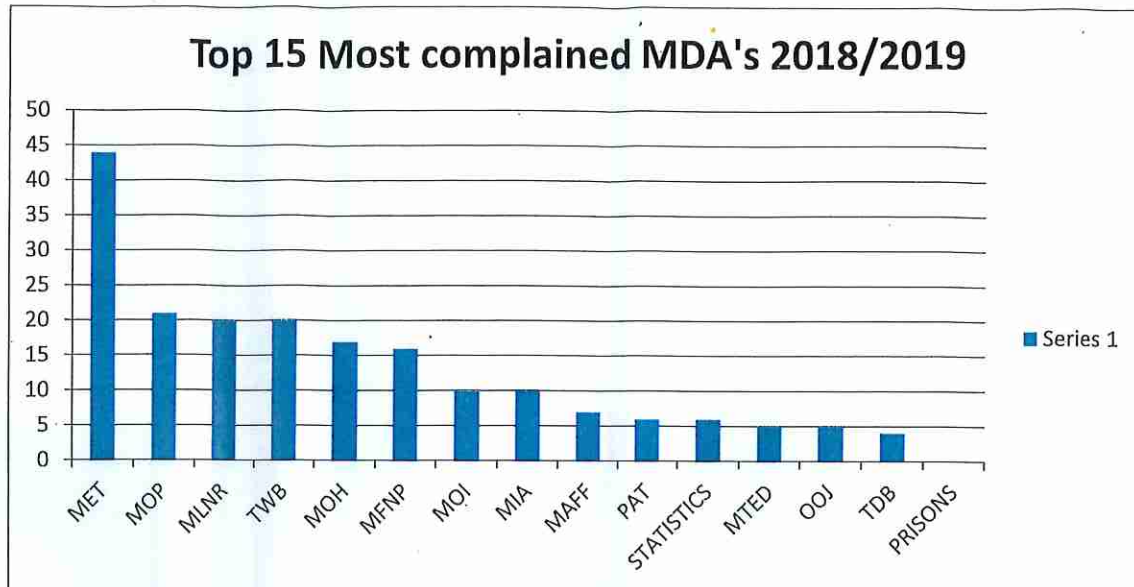


(Figure 3.4)

Every effort is made to action complaints in a timely manner irrespective of the substance of the complaint.

(ii) Ministries/Departments/Agencies (MDA) most complained about 2018/2019

As the following graph show, the most complained about MDA in 2018/2019 was the Ministry of Education and Training. The top 5 for each year has consistently featured the Ministry of Lands & Natural Resources and the Ministry of Police. The majority of these complaints is to do with unresponsiveness and the lack of timely response from these Ministries to the complaints from the public.



(Figure 3.5)

We acknowledge that reasonable time is required for the provision of responses to the complaints. We continue to have regular meetings to follow up the complaints. These meetings are attended by the Chief Executive Officer in the case of the Ministry of Lands & Natural Resources and the Deputy Commissioner of Police for the Ministry of Police.

Priority is given to developing and maintaining good working relationships with these Ministries. All of the more complained about MDA's have identified specific contact persons as a focal point for Ombudsman complaints.

Timeliness is the cornerstone of Ombudsman work to ensure investigations are effective and efficient. There are cases though due to factors like the nature of the complaint, the complexities of the issues, the difficulty in contacting the complainant, the delays from the MDAs, the number of complainants and the multiple issues involved that take longer to

complete. The Investigation Team have performance standards to ensure work is done within reasonable timelines including following up responses with MDA's and regularly updating the complainants.

Data of complaints against MDAs FY 2018/2019

MDA	Total Cases
MET	44
MOP	21
MLNR	20
TWB	20
MOH	17
MFNP	16
MOI	10
MIA	10
MAFF	7
PAT	6
STATISTICS	6
MTED	5
OOJ	5
TDB	4
PRISONS	3

(Figure 3.6)

C. Published Investigation Reports

The 2016 amendments to the Ombudsman Act 2001 allowed the Ombudsman to “publish reports or other information relating to the exercise of his functions or to any particular cases or cases investigated by him.”

In June 2018 the Ombudsman exercised this function and published 14 reports for the 2017 calendar year and 16 for in 2018. For the FY -2018/2019, 16 investigation reports were published of which a few are summarized below. In the 2018 calendar year, 15 final investigation reports were issued between March and October.

The Ombudsman’s “Own Motion Investigation into the Water Billing and Disconnection Practices of the Tonga Water Board; of 3 April 2018, (outside the reporting period of FY 2018/2019), Homelo Vi, ‘Ilisapesi Lupeitu’u and ‘Akanesi ‘Aho vs Ministry of Foreign Affairs 18 July 2018; Siale Hola vs Ministry of Internal Affairs, 13 August 2018; Siasosi

Paula Tukia Fifita vs Ministry of Internal Affair, 12 September 2018; 'Aisea To'a vs Ministry of Revenue and Customs and Ministry of Commerce, Consumer, Trade, Innovation and Labour, 28 September 2018; Tuitu'u Falemahafu vs MEIDECC, 22 October 2018.

There has been three Final Reports issued in 2019. These include, Soakimi Taufa vs Tonga Prisons, 07 January 2019; "Ilaisa Tukuafu vs Ports Authority Tonga Limited, 24 April 2019; Report from Ombudsman Own Motion Case vs Allegations against Public Enterprises, 2 May 2019; Investigation Report from Ombudsman in Response to Petitions to His Majesty, 24 May 2019.

3.2 Communication and Media



The OMB Office took part in four (4) key national events and exhibitions including setting up of Information Booths at the official visit of the Duke and Duchess of Sussex, Tonga Law Week, Youth Parliament and the Public Service Day, as the photos below show:

“The Office of the Ombudsman continued its vigorous outreach programs which included visits to the outer islands, villages, schools and to Government Ministries and Public Enterprises. The aim is to inform all stakeholders about our core functions coupled with promotion of good governance principles. Other mediums used are radio, newspapers and newsletter,

Office website, Facebook, Twitter and YouTube. This vigorous program would not have been successful without the cooperation and assistance of Chief Executive Officers of all Government Ministries and Public Enterprises, Town and District officers, church officials, school administrators and the public. The office recognizes the significant role government has played in its support to strengthen the Office. This support has come in its budget and resources, and in facilitating the draft and implementation of the Office's policies and legislative reforms.

The milestones of the Office's outreach programmes, maintaining its whole of office approach with every member of the office joining, are summarized below. Set out below are the contacts made to the OMB social media pages on Facebook (*Office of the Ombudsman*), Twitter (*@OmbudsmanTonga*), YouTube (*Office of the Ombudsman*) and Instagram (*OmbudsmanTonga*).

SOCIAL MEDIA

Social Media Analysis

There has been an increase in the number of followers for all three (3) of our social media platforms due to the number of events that occurred during the month. Regular updates are made to all social media platforms outlining the current happenings and developments within the office. They included our outreach programs, workshops, staff trainings, clinics in the community, and quarterly guest speakers.

The peak in the number of followers and "likes" on social media during May and June was due to the updates on the participation of the OMB Office in the REACH Pilot Mission funded by the UNDP, OPs to the Ministry of Health and the Tongatapu Royal Agricultural show. An increase of content and photos posted on social media platforms triggered an influx of people to visit the OMB booth and ask questions, take pictures and participate in fun activities. Through these activities, more people were interested and visited our social media pages in order to stay abreast with those national activities and events.

The tables below show the number of reactions made by viewers to the Office of the Ombudsman's social media pages – Facebook, Instagram and Twitter.

FACBOOK 2018-2019

MONTH	FOLLOWERS	LIKES	REACH
July 18	929	912	39
Aug 18	1113	1104	28
Sep 18	1210	1202	167
Oct 18	1240	1231	10
Nov 18	1263	1254	11
Dec 18	1272	1263	46
Jan 19	1277	1268	11
Feb 19	1304	1288	2298
Mar 19	1496	1465	619
April 19	1582	1458	349
May 19	1723	1687	95
June 19	1822	1768	2294

(Figure 3.7)

INSTAGRAM 2018-2019

MONTH	VISITS	REACH	FOLLOWERS
July 18	21	8	31
Aug 18	31	25	39
Sep 18	32	26	39
Oct 18	32	30	39
Nov 18	35	22	32
Dec 18	24	38	36
Jan 19	36	200	40
Feb 19	15	240	45
Mar 19	31	330	49
April 19	20	800	49
May 19	37	2700	54
June 19	25	3400	55

(Figure 3.8)

TWITTER 2018-2019

MON TH	TWEE TS	PROF ILE VISIT S	TWEET IMPRESSI ONS	MENTI ONS
July 18	7	26	7267	0
Aug 18	3	44	3446	0
Sep 18	1	0	10.5K	0
Oct 18	3	1	135	0
Nov 18	1	60	1602	0

(Figure 3.9)

Jan 19	3	0	3010	0
Feb 19	1	4	7136	0
Mar 19	22	67	6147	11
April 19	31	151	14.8K	18
May 19	38	47	16.2K	10
June 19	16	46	6404	2

Keys: The following keys explain the type of viewer's reaction on our social media pages:

Followers: Number of people following our page

Likes: Number of people who likes our page and the content posted on our page

Reach: Number of people the post has reached also includes followers overseas

Profile Visits: Number of people who have visited our Twitter page

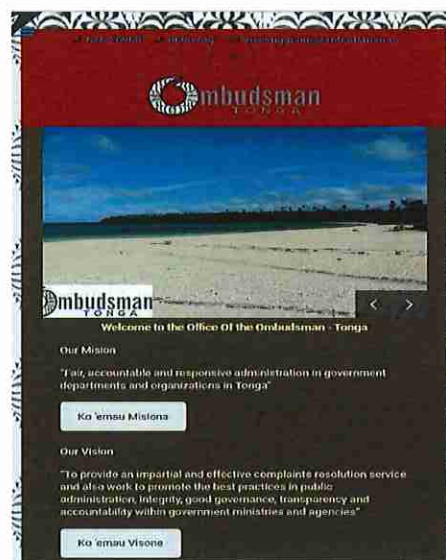
Tweets: Total amount of posts on Twitter

Tweet impressions: This is the equivalent to Facebook's Reach which is the total number of people who have seen an Ombudsman tweet or post on their personal timeline

Mentions: When people use the term "Twitter mention," this is usually what they are referring to. A mention is when someone uses the @ sign immediately followed by your Twitter Handle. Depending on your settings, you will receive a notification from Twitter that someone has mentioned you. On the Ombudsman page, the mentions are usually used to direct a question towards the Office regarding lodging complaints or bringing a possible complaint to our attention.



(Figure 3.10)



(Figure 3.10)

4. OUR PEOPLE

4.1 Organizational health and capability

The Ombudsman heads the office with a Chief Executive Officer, twenty-three (23) permanent staff and one (2) daily paid staff, as at 30 June 2019. The office continues to encourage development and advancement of our staff. This is implemented through training, provided internally on the job, attendance of workshops and conferences, work attachments and further academic qualifications.

Training undertaken, has included the Pacific Islands Public Sector Symposium, New Zealand, Strengthening the follow-up on Non-preventative Mechanism Recommendations, Denmark; Australasian Pacific Ombudsman Region Conference, New Zealand; and the Commonwealth Law Conference 2019, Africa, Pacific Islands Leadership Program, Hawaii/Taiwan; Training attachment, New Zealand; Chevening Scholarship for a Master's Degree in Law, London; Advanced investigative training for administrative watchdogs, Canada.

On the job monthly training of staff are carried out to updating and upskilling on investigative skills and/or corporate knowledge. These training included presentations by the CEO and Deputy on, "Introduction to Quality Framework" and by the Director of Investigations on, "Lessons learnt from investigation work and outreach activities during 2018". The increasing, work load and complexity of cases demand that the Investigation Team is appropriately staffed and trained. Continuing education and training is a focus and attachments with other ombudsman regional offices is a priority. The Office's monthly in-house training session and a quarterly guest speaker, has proven invaluable to maintaining focus and relevance. We continue to engage experts to conduct investigation training.

The focus will continue to be effective and efficient complaint system for the people of Tonga. In the 2018/2019 financial year outreach is no longer led by the Investigation Division but a Communications Officer is being recruited to lead. We will assist as required.

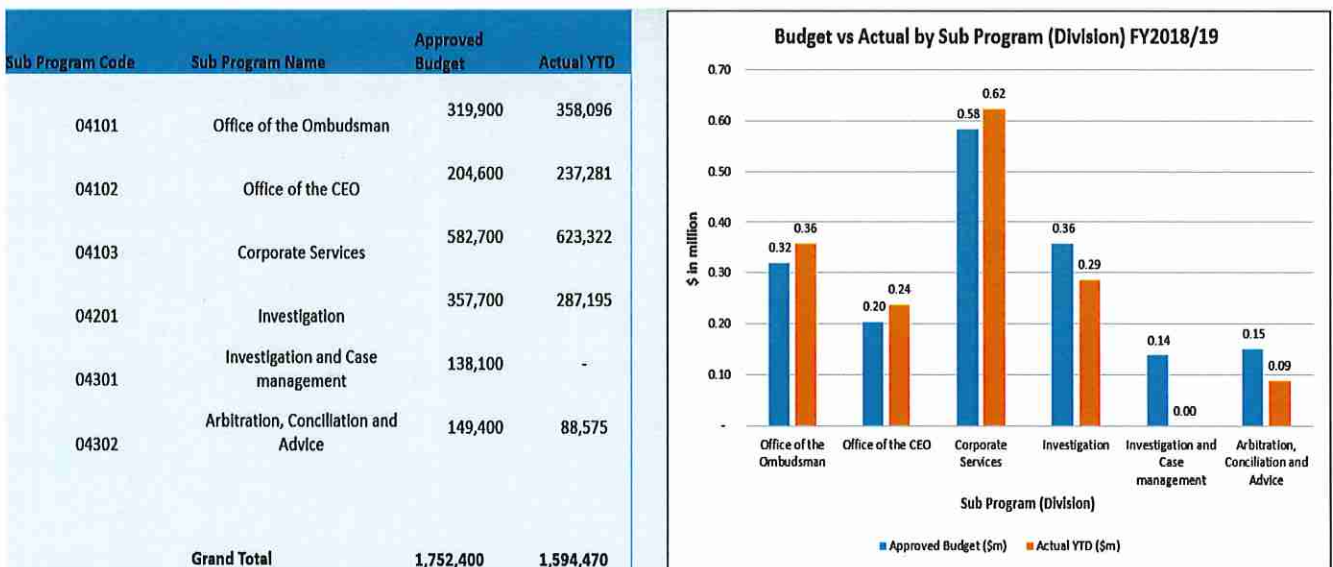
Regarding the investigation process, we are committed to streamlining and reviewing our processes. The new Case Management System for the complaints and investigations is being completed and will be implemented in the next financial year.

5. FINANCIAL AND PERFORMANCE INFORMATION

The budget allocated to the Office during the Financial Year 2018/19 was \$1.75m. The budget performance during the period 2018/19 was satisfactory as all commitments and were achieved within the allocated budget.

For the year ended 30 June 2019 Leadership and policy advice utilized 98.1% of the allocated budget. The Investigation division spent 87.03% of its allocated budget. The Anti-Corruption utilized 82.0% of allocated budget. The office of the CEO utilized 93.48% of the allocated budget and the corporate utilized 90.45% of its allocated budget.

STATEMENT OF EXPENDITURE BY SUB-PROGRAM FOR THE YEAR ENDED 30 JUNE 2019



(Figure 5.1)

6. CONCLUSION

We continue to advocate that all institutions in government can be partners in the integrity drive. We take pride in our cordial working relationships with most government organizations and public entities. We acknowledge the support we receive from the leadership of these establishments and thank all who share the advocacy and the carriage of the good governance mandate.

Integrity agencies

The office of the Ombudsman support and is, intentional in fostering the common goals of integrity agencies. They are the Police, Attorney General's Office, and Audit Office. All are committed to good governance, due process and rule of law. We continue to march for integrity and ensure that all people and institutions of the Public Sector, join the march.

Good governance

The office of the Ombudsman continues to blow the trumpet of good governance.

In ombudsmanship speak, "***It is good for you, good for Government and good for Tonga***".



The Ombudsman presenting his Annual Report (FY 2017/2018), to the Speaker of the Legislative Assembly