



# ANNUAL REPORT

2020/2021



**RESILIENCE THROUGH GOOD GOVERNANCE**

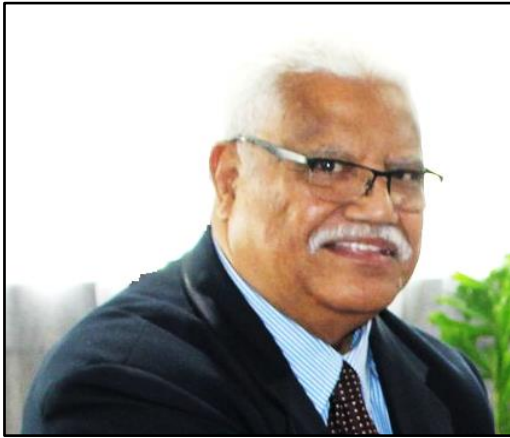
## **THEME:** Resilience through Good Governance

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## 1. Ombudsman's Foreword

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I am pleased to introduce the Annual Report for the Office of the Ombudsman for the FY2020/2021, (1 July 2020 to 30 June 2021), in accordance with *section 25 of the Ombudsman Act 2001*.

We have continued to investigate all complaints from the public, own motions and referrals within our jurisdiction. As Ombudsman, I am committed to providing a high quality and accessible complaint handling service for all.

I join the International Ombudsman Institute (IOI) and the Asia Pacific Ombudsman (APOR) in welcoming the strong endorsement by the United Nations (UN) of the key priorities of Ombudsman institution, under UN Resolution A/RES/75/186 of 16 December 2020.

The support from the Speaker of the Legislative Assembly and the Government of Tonga, is acknowledged and I also thank all the staff for the hard work and the achievements in the reporting year.

  
.....  
'Aisea Havea Taumoepeau, SC  
Ombudsman

The seal of the Ombudsman of Tonga is a circular emblem. It features a central shield with a crown on top, flanked by two crossed spears. The shield is surrounded by a wreath. The words "OMBUDSMAN" and "TONGA" are inscribed around the perimeter of the seal, separated by two stars.

## 2. Introduction

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### Purpose

- Our goal is to improve the delivery of services by government and its public enterprises to the public

### Jurisdiction

- We strive to act fairly and treat individuals, government ministries, public enterprises, and agencies courteously and with sensitivity, using our resources efficiently and ensure that we are accessible

### Vision

- Fair, accountable and responsive administration in ministries, public enterprises and agencies

### Mission

- Provide impartial and effective complaints resolution service and promote best practice in public administration, integrity, good governance, transparency and accountability within government ministries and public enterprises

## (i) Legal Framework

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### a) Domestic - The Ombudsman Act

The last major amendments to the *Commissioner for Public Relations Act, 2001* were brought into effect on 16 December 2016. These brought into effect the following major changes;

1. The name, Commissioner for Public Relations, is changed to Ombudsman. This brought Tonga on par with the rest of the world.
2. The authority to appoint the Ombudsman shifted from Cabinet to the Speaker with the consent of the Legislative Assembly. This shift affirms the independence of the investigative work into any decision or recommendation made, or any act done or omitted, relating to a matter of administration of a government ministry or agent. The Legislative Assembly is out of jurisdiction.
3. The staff are employed by the Ombudsman and no longer employees of the Public Service Commission.
4. The Ombudsman has the authority to publish reports.

### b) International law – United Nations (UN) Resolution A/Res/75/186 – 16 December 2020.

As a member state of the United Nations (UN), the UN Resolution is binding on Tonga, as a matter of international law. The resolution will shape the relationship between the IOI and the UN in the future.

The United Nations (UN) resolution A/Res/75/186 is entitled, “*The Role of the Ombudsman and Mediation Institutions in the promotion and protection of Human Rights, Good Governance and the Rule of Law*”. It re-affirms and recalls both the Paris Principles on Human Rights and the Venice Principles on the Protection and Promotion of the Ombudsman Institution.

It underlines the importance of autonomy and independence of, Ombudsman and mediator institutions, from the executive and judicial branches of Government. This enables commitment, without real or perceived threat to procedural ability or efficiency and encourages states to endow the office with adequate, legislation framework and financial allocation, for staffing and operation.

## (ii) Good Governance

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The Ombudsman core functions targets improving transparency, accountability and responsiveness of the public sector to the people. It is also intentional in its drive - to increase trust, fight corruption, improve citizen participation, and improve the effectiveness and efficiency of the public sector.

The International Ombudsman Institute, (*IOI Best Practice Paper-Issue 2 August 2017*), confirms two core functions of an ombudsman which are, the resolution of injustices suffered by individuals, and improving public services through learning from the investigations it undertakes.

It is also essential, that the office, checks the changes it has recommended to public service providers, have been implemented. Once they have been implemented, follow up of the desired outcome is vital, in ensuring the injustice suffered by the complainant is not repeated.

## (iii) Ombudsman Dna

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The law is clear on the DNA of a person, eligible for appointment as Ombudsman: (*Section 3, Ombudsman Act*)

- (a) It requires a person of integrity, resolution and high standing in the community;
- (b) With extensive experience in law, government administration and governance;
- (c) Having been admitted to practice as a law practitioner in Tonga or in a commonwealth country; and
- (d) Who is not subject to a court declared debt, or has been declared by a court, or a court appointed receiver, as bankrupt.

## 3. Operations

This report covers all the divisions of the Office namely, Investigation Division, Corporate Division, Communication Media Division and Information Technology Division. All divisions have worked together to achieve the goals which were set for the year, the Investigation Division being the front liners. The Year at A Glance; and Quick Stats; provide a snapshot of annual statistics on complaints investigated. Thematic Summaries of highlighted cases, cases investigated and closed; and current active complaints are reported with statistics. Challenges faced, are also addressed.

The Ombudsman is best known for investigations and public reports. Investigation commence when complaints are received from the public, or Ombudsman Own Motion initiated, and Referral within jurisdiction received.

### Audit Report

The Auditor General's Office conducted an audit during the year for a period of four years, 2016 to 2020. The main objective of a compliance audit is to assess whether the office of the Ombudsman complied with the statutory laws and rules applicable for public expenditure and keeping of complete documents of expenses incurred. The Auditor general monitors compliance with the law, governing the management and control of public money and resources.

The auditors clean report was pleased with the overall management of public funds except the minor discrepancies related to the overtime procedures. The Auditors report stated that *“despite the fact that there were instances of non-compliances found, it is still considered overall, a very high level of compliance in the management of expenses of the Office of the Ombudsman. This high level of compliance is a role model to the rest of the government ministries...”*

## 4. Investigation

The investigation team, investigates complaints relating to decision, recommendation made, any act done or omitted relating to a matter of administration affecting any person or body by any public authority. This includes Ministers, Governors and all public officers in their professional capacity.

### a. Ombudsman Own Motion

**Section 11(2)** of the *Ombudsman Act* authorises the Ombudsman to initiate an Own Motion Investigation.

Table 1: Three Own Motion investigations were launched this reporting period.

Number	Public Authority	Status
1	Ministry of Lands and Natural Resources	Ongoing
2	Ministry of Infrastructure	Ongoing
3	Prime Minister's Office, Ministry of Trade and Economic Development, Ministry of Internal Affairs	Ongoing
Total		3

## i. Ministry of Lands and Natural Resources:

Surveyors related, backlog and unreasonable delay.

## ii. Ministry of Infrastructure:

Following media reports of a civilian killed by a driver who has known disability issues, an investigation was launched to determine the process of issuing driver's license particularly for disabled persons. In particular, the investigation is focussing on:

- 1) The authority of issuance of driver's license;
- 2) The process of issuance of driver's license generally;
- 3) The process of issuance of driver's licensed to the disabled driver;
- 4) Any preliminary mandatory driving tests required;
- 5) Any special categories/conditions for disabled or vulnerable people; and
- 6) Any other information relevant to the subject matter.

The public authority was notified in mid-June 2021 and the investigation is still ongoing.

## iii. Prime Minister's Office, Ministry of Trade and Economic Development, Ministry of Internal Affairs:

Evidence of public authorities being restructured and renamed without appropriate legislative amendments.

## b. PM Referral with Ombudsman Consent

**Section 11(3)** of the *Ombudsman Act* requires that the Prime Minister may, with the consent of the Ombudsman, refer any matter to be investigated. There was one collective complaint referred by the Chief Secretary and Secretary to Cabinet on behalf of the Prime Minister which was treated as a referral under this section.

Table 2: Complaints referred by the Chief Secretary and Secretary to Cabinet on behalf of the PM.

Number	Public Authority	Status
1	Friendly Island Shipping Agency	Closed
Total		23



# Resilience through Good Governance

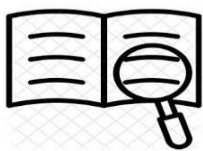
c. YEAR

AT

A

GLANCE

FY  
2020/2021



**141**

Investigations



**14**

hearing



**184**

Investigations  
closed



**5**

Final reports

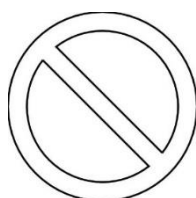


**3**

Own Motion  
Investigation

**87**

Pending complaints



**2**

Out of  
jurisdiction



**216**

0800 calls

## d. Quick Stats

**Section 11(1)** of the *Ombudsman Act* requires that the Ombudsman receive and investigate complaints received by the members of the public. A total of 115 public authorities, were subjects of complaints in the reporting year including 2, out of jurisdiction complaints.

Graph 1: Complaints received against public authorities.

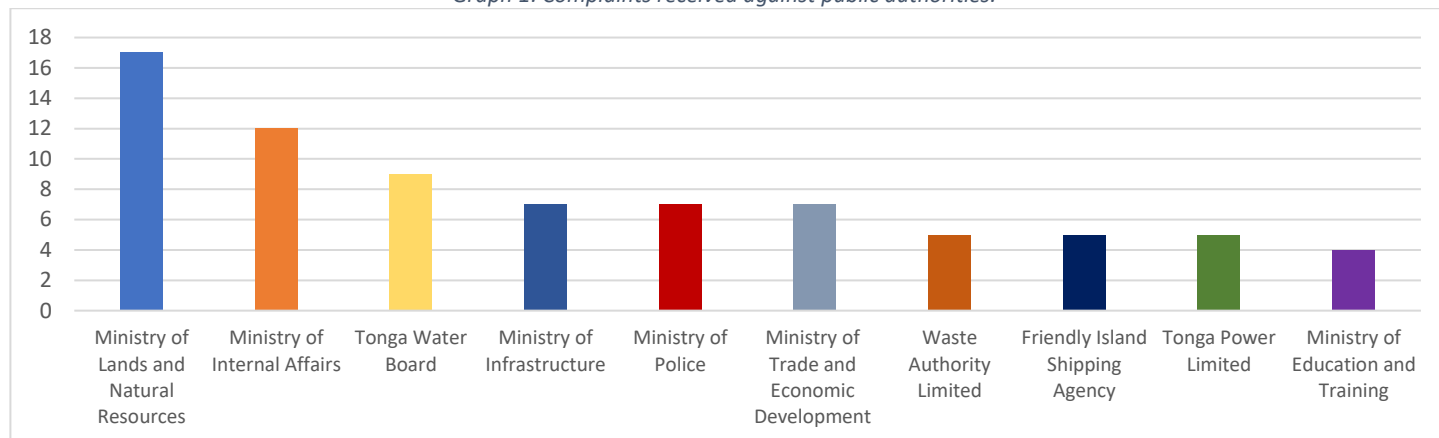


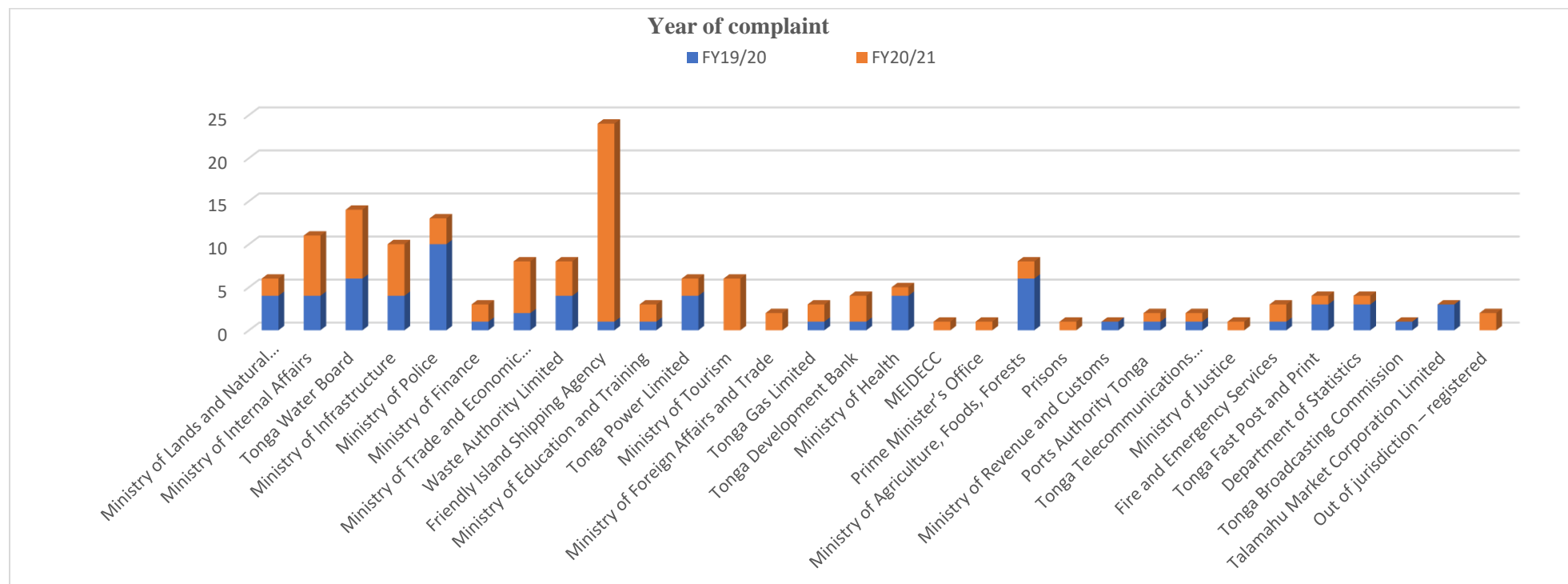
Table 3: Complaints received from public authorities.

Ranking	Public Authority	Complaints received
1	Ministry of Lands and Natural Resources	17
2	Ministry of Internal Affairs	12
3	Tonga Water Board	9
4	Ministry of Infrastructure	7
4	Ministry of Police	7
4	Ministry of Trade and Economic Development	7
5	Waste Authority Limited	5
5	Friendly Island Shipping Agency	5
5	Tonga Power Limited	5
6	Ministry of Education and Training	4
7	Ministry of Tourism	3
7	Tonga Gas Limited	3
8	Tonga Development Bank	2
8	Ministry of Health	2
8	Governor's Office – Vava'u	2
8	MEIDECC	2
8	Prime Minister's Office	2
8	Ministry of Finance	2
8	Ministry of Agriculture, Foods, Forests	2
8	Ministry of Justice	2
8	National Identity Card Office	2
8	Ports Authority Tonga	2
9	Tonga Telecommunications Corporation	1
9	Ministry of Revenue and Customs	1
9	Fire and Emergency Services	1
9	Tonga Fast Post and Print	1
9	Department of Statistics	1
9	Electricity Commission	1
9	Ministry of Foreign Affairs	1
9	Tonga Prisons	1
9	Tonga Airport Limited	1
10	Out of jurisdiction – registered (OOJ)	2
<b>Total</b>		<b>115</b>

## e. Closed Cases

The table depicts number of complaints closed during the current reporting period and pegged to the year that the complaints were initially lodged. The longer complaints were more substantial in nature and required the public authority to implement systemic change which resulted in the delay to investigation.

Graph 2: Number of complaints closed during the current reporting period.



The oldest outstanding complaints were held upon as the public authority indicated that they will implement positive action to resolve the complaints. Times for positive action vary for example, a public authority may choose to reimburse a complainant or honour an agreement by paying a debt. Although the public authority is generally quick to come to the table, due processes take time.

## f. Active Cases

The table depicts current complaints as of June 30<sup>th</sup> 2021. The reasons for these complaints still active are due to:

- i. Awaiting positive action by the public authority;
- ii. Investigation requires more information from the public authority;
- iii. Pending closure; or
- iv. Complaint referred in June 2021.

Table 4: Current complaints as of June 30th 2021

No.	Public Authority	FY18/19	FY19/20	FY20/21	Total
1	Ministry of Lands and Natural Resources	6	9	17	32
2	Ministry of Police		3	3	6
3	Tonga Water Board			1	1
4	Ministry of Infrastructure	1		5	6
5	Ministry of Finance			3	3
6	Ministry of Trade and Economic Development			3	3
7	Waste Authority Limited		1	2	3
8	Friendly Island Shipping Agency			5	5
9	Ministry of Education and Training			2	2
10	Tonga Power Limited			2	2
11	Ministry of Tourism			3	3
12	Ministry of Health		1	1	2
13	MEIDECC		1	2	3
14	Prime Minister's Office			1	1
15	Ministry of Agriculture, Foods, Forests		3		3
16	Tonga Airport Limited			1	1
17	Ministry of Revenue and Customs			1	1
18	Ports Authority Tonga			1	1
19	Ministry of Justice			1	1
20	Ministry of Internal Affairs			5	5
21	Department of Statistics			1	1
22	Ministry of Foreign Affairs and Trade			1	1
23	Electricity Commission			1	1
	TOTAL	7	18	62	87

As discussed earlier, complaints against Ministry of Lands and Natural Resources has been troublesome with very long unreasonable delays. Despite numerous attempts to establish a closer working relationship, our attempts have failed. It is probably time to start looking at civil or criminal action in pursuance of *the Ombudsman Act 2001*. Ministry of Lands has a total of 32 pending cases with 6 closing 2018/19, 19/20 and 17, 20/21.

These 87 active complaints are now our backlog. The investigating staff will prioritise these complaints to bring them to a close in the near future so that new complaints are dealt with efficiently and effectively, within a reasonable timeframe.

## g. Thematic Report

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The reporting period has seen some special complaints. Highlighted in this report are the following, 3 main thematic areas: **COVID-19 related; Due process and Gratuity.**

### (i) Covid-19

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Amidst the global pandemic of novel coronavirus, COVID 19, Governments around the world are providing financial assistance to its effected populations. Tonga, is no different. Since the border closures in March 2020, one of the hardest hit sectors is the tourism and hospitality sector. As such, special attention has been afforded to these sectors with financial support to keep businesses afloat and people employed. However, complaints received has heightened the need to review the distribution process particularly provide more transparency regarding financial management.

The complaints received was a group complaint from Vava'u calling for more transparency in the process governance assistance distribution. For example, 2 of the biggest hotels in Vava'u who reigned supreme in the 1990s to the early 2000's, are, to the normal traveller, hotels that have had their past time. 1 is considered as non-operational while the other is barely operational. Rumours had circulated the Vava'u tourism industry that these 2 hotels received the lion's share of Government financial assistance for COVID19 despite the obvious state of operation. This investigation is ongoing and is likely a report I will table in the Legislative Assembly.

Incoming repatriated passengers are required to undergo a mandatory COVID-19 test 72hours before their departure or expected arrival into Tonga. As such, passengers have

undertaken COVID-19 tests in accordance with the strict conditions set by the Government. However, there have been instances when flights have been delayed due to the COVID-19 situation at the country of origin. When these occur, the COVID-19 test undertaken becomes redundant.

Complaint(s) where passengers have informed Government representatives of the situation and were advised that "the Government of Tonga will reimburse" for these redundant tests. However, upon arrival, the rules for reimbursement change depending on your citizenship status and reason for travelling to Tonga. This investigation is still ongoing.

There are complaint(s) relating to COVID-19 financial assistance for employees by employer's in the private sector claimed through Government assistance. Government set forward a package for business owners separate from a package specifically for employees. It has now come to my attention that business owners did not comply and distributed the financial assistance according to their own terms.

It is noted that the Serious Fraud Office in New Zealand has dealt and prosecuted cases of the same nature. This type of violation by business owners is similar if not, the same thing as themes recently decided by the Supreme Court against a Cabinet Minister and a former Cabinet Minister. This investigation has just been launched.

## (ii) Due Process

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It is noted receiving complaints from various public authorities relating directly to dismissal of employees and I am beginning to note that these dismissals are drifting away from the policy surrounding dismissals.

In one instance, an employee was wrongfully advised with an ultimatum to either resign and be entitled to her retirement benefit contributions guaranteed under the *Retirement Benefits Fund Act* or be recommended to the Public Service Commission for dismissal and forfeit her retirement benefit contributions. Upon investigation, it was discovered that the disciplinary process afforded by the public authority departed from Public Service Disciplinary Regulations so much so that the Chief Executive Officer was not involved until the very end when she signed the recommendation for resignation.

Our jurisdiction was limited as the resignation had been processed and approved by the Commission before the complainant had lodged her complaint. Of course, the Commission would not have sought deeper than to accept the resignation letter at face value. Had the complainant sought our assistance prior to, the outcome would have been much different.

Irrespective of one's employment status, whether they are full time, contracted, or daily paid labourers, employees of the public authorities are afforded the highest protection rights of their employment therefore it is vital that decision makers are aware of the process

of employment laid out. They must not rely on anything other than the proper.

Some public enterprises have not developed adequate dismissal policy or a staff policy manual. Often, these policies are really scant. However, they must do better for the purposes of good governance. If they really cannot start from scratch and form an effective policy, there are developed policies out there they can be pasted and contextualised to fit the nature of the public enterprise. And they must always remember to translate the policy into the Tongan language so that even the less educated employee understands the context but more importantly, their rights and terms and conditions of their employment. There was no indication that any responses were taken into account before a decision was made at every level.

Interestingly, and common throughout public enterprises dismissal complaints is the prevalence of money settlements. That is, to accept a disclosed amount of money, tender in a resignation and withdrawal all complaints and civil proceedings. This complaint was no different. The complainant did not accept the offer and continued in her pursuit of justice.

During the investigation, a new Board was elected and reinstated the complainant together with a disclosed amount of money and the proviso to withdraw all complaints and civil proceedings. The complainant opted to accept this offer and therefore closed her complaint.

## (iii) Gratuity

Specifically, for Town Officers, it is common across Tonga that these types of officers are elected for multiple terms. I note that a recent Cabinet Decision has increased their allowances but have not touched upon the question of gratuity. The current *District and Town Officers Act* states that a District or Town Officer:

1. A person who has served as an Officer for a continuous period of not less than [than] 15 years may, on his ceasing to so serve, be granted out of the general revenue and other funds of the Kingdom a gratuity, either in a capital sum or by instalments, equal to 2 years' basic salary, earned in the preceding 12 months of his service
2. A period of service as —
  - (a) an appointed;
  - (b) an elected; or
  - (c) a partially appointed and partially elected, officer may be taken into account in calculating the period of service for the purposes of subsection (1).

### **In contrast, section 11 provides:**

1. Where an officer dies in office, it shall be lawful for Cabinet to grant to the widow or legitimate child or children or the lawful heir of such officer a gratuity in a capital sum or by instalments which shall be available for the payment of all debts and funeral and testamentary expenses of the deceased officer. (2)

(a) If the deceased officer has served as an officer for a continuous period of not less than 15 years the gratuity shall be an amount equal to 2 years of his annual salary.

(b) If the deceased officer has served as an officer for a continuous period of not less than 8 years but less than 15 years the gratuity shall be an amount equal to two thirds of his salary for 2 years.

(c) In all other cases the gratuity shall be an amount equal to one third of his salary for 2 years.

2. Where an officer retires on medical grounds on the recommendation of a medical doctor it shall be lawful for Cabinet to grant a gratuity to such officer in a capital sum or by instalments at the rate and amount set out in subsection (2) for a deceased officer.

Gratuity related complaints were received by these officers who had served between 8-14 years and seven months. This is an example where the law may come across as unfair but it is in fact the legal position. Section 10 of the Act requires a person to serve a substantial number of years before being eligible for gratuity compared to section 11 of the Act where a person can die in post irrespective of the number of years served.



Recommendations were made under 18(3)(e) of the Ombudsman Act, that is, “any law on which the decision, recommendation, act or omission was based should be reconsidered”. This complaint was enough to generate discussion on the issue of gratuity.

There are gratuity related complaints from a particular public enterprise where gratuity is a matter for the Board. As a result, some

employees were granted gratuity and others were not. Upon investigations of repeated complaints, it was recommended that the public enterprise develop a gratuity policy. The current approach is not sustainable by any means and employees should not be left to guess if they are entitled to gratuity or not. The public enterprise has taken positive steps to implement this and adequately deal with the issue of gratuity.

## **h. Closed cases**

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The following is a selected summary of cases closed by the Ombudsman, during the reporting period.

### **(1) Irrelevant Considerations**

#### **What was the case?**

Constituency representative for TTP 1 became vacant following the death of former Prime Minister. Following the writ of a by-election issued by the Speaker, campaigning began including on the airwaves. Barbara had entered as a candidate and wanted to screen a pre-recorded programme on TBC. The programme was recorded and anchored by another media provider.

All political programmes shall be anchored and edited by TBC according to internal policy before airing.

However, it was understood that the Prime Minister uses the same media provider and anchor and TBC airs these programmes with no reservations.

#### **Our investigation:**

The by-election was around the corner so an emergency was called with the A/General Manager for an immediate resolution.

TBC at the time was also dealing with politically favoured appointments controlling the broadcaster.

The TBC policy relied upon was enacted in 2004 and reflected the political landscape at the time.

It was apparent that the policy was applied favourably to some and negligible to others, not reflecting good administrative practice.

At the beginning of the investigation, TBC had an A/GM. Midway through, a new A/GM was appointed before a substantive GM was appointed at the end of the investigation.



## Outcome

Despite an early resolution between the Ombudsman and TBC to let the pre-recorded programme air, the complainant had agreed to the original terms set by TBC.

TBC had agreed to implement the following recommendations:

- i. Revise the Act and Regulation Manual to define the type of programme that is categorised as political/sensitive;
- ii. Set out the standards that determines political programmes including the nature of

programme broadcasted even if pre-recorded with another media provider;

iii. Monitor and ensure staff maintain impartiality and independence in their decision making regarding political campaign coverage; and

iv. To establish a robust system at the operational level to deal with issues of a political nature rather than exerting to the politically appointed Board of Directors.

## (2) Due Process

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### What was the case?

John was appointed under contract as a Government representative by the Prime Minister's Office. Before his contract expired, he enquired to PMO of a possibility of extension. This was verbally agreed to by CSSC.

Prior to the extension being finalised, John received communication that the PM had changed his mind, appointed Jack instead bringing his contract to an immediate end.

John was left stranded and was forced to fund his own return expenses including all travel and accommodation expenses. PMO were no longer responding to John even regarding his exit benefits as stated in the contract of appointment.

### Our investigation:

There was an initial agreement to extend his contract but the PM had changed his mind before that process was completed and appointed Jack.

The PMO had supposedly processed John and his family's return tickets to Tongatapu but supposedly overlooked his other benefits.

John's contract came to a natural end whilst Jack was appointed in accordance with due process.

The PMO were forthcoming to the investigation and cooperative despite appearing to know their shortfall.

### The Outcome:

Without pointing out the obvious and correct thing to do in this case, the PMO accepted their shortfall by making the required payments as stated in John's contract as well as the

reimbursement of return to Tongatapu from post.

The PMO also offered an apology letter citing an admission of shortfall in the manner in which they dealt with John.

PMO are looking are putting forwarding a policy on appointing Government Representatives in order to avoid any bias or political influences.

## **(3) Bias**

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### **What was the case?**

Peter complained directly against the Minister responsible for Tourism for meddling in everyday affairs of the Ministry including directions regarding his employment.

Without reason, Peter was transferred from supervising the sanitation and cleaning staff to the head office.

After repeatedly raising his concern with HODs, he was advised that they cannot do anything as the direction came from the Minister.

### **The investigation:**

The investigation focused on allegations of favouritism and political favours.

Resolution towards the complaint appeared to made when the complaint was referred.

### **The Outcome:**

The Ministry responded stating that the matter had been resolved internally and Peter was reinstated as Supervisor.

Peter wrote to us and confirmed the same and that he was happy to close the complaint

## **Public Utilities**

### **(1) Lease**

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#### **What was the case?**

Tim, a land owner in the western district, had received inside information from a former aide of the previous PM regarding that TPL was looking for land for lease for the purposes of a solar farm in the western district.

Tim began engaging with a Board of Director and the Chief Executive Officer

putting forward proposals. Each time, Tim was told that the price was too high. Soon after, the Director and TPL communicating with Tim.

Months later, Tim had discovered that TPL had entered into a lease with another lessor. Tim, as a prospective lessee was not officially informed nor was he told who the successful lessor was. Tim is of the view that

he should be entitled for compensation as TPL did not afford him a fair process.

## **The investigation:**

The focus of the investigation aimed to review the process TPL relied upon and how Tim became involved.

It was discovered that TPL had initiated the process long before Tim was involved confirming that Tim had just acquired the information.

However, TPL were adamant that every proposal set forward by Tim was excessive and therefore they relied on a cheaper bidder.

In a turn of events, consultants advised TPL the most appropriate site for a solar farm was Masilamea. The Ministry of Lands and Natural Resources came forward with a proposal with vacant land at Masilamea for the solar farm at no cost to TPL as this is in line with the Government efforts under the Renewable Energy Goals. This was TPL's justification. However, the Ministry were

mistaken, the land was registered. As a result, TPL had no other viable option to enter into arrangements with the land holder for a sum below the lowest sum proposed by Tim.

The Director was cautioned to stick to the public process and avoid any engagement outside of the process as this would provide protection against complaints of this nature.

## **The outcome:**

The negotiations between Tim and TPL could not have amounted to anything other than negotiations with nothing binding on either party.

By the time Tim launched his complaint, the lessor had already been granted the lease and payments made.

TPL were advised to be more transparent in their process with lease arrangements particularly as there will be more in future and to refrain from engaging with individuals on the side.

## **(2) Public Enterprise**

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### **What was the case?**

Joe is a Technical Supervisor at Tonga Gas Limited. Sandra, as Terminal Manager, was nearing the end of her contract. Recruitment of a Terminal Manager began. Joe along with 2 others were shortlisted but unsuccessful. The position was re-advertised and Joe was unsuccessful.

When Sandra departed, Joe stepped in and carried out the Terminal Manager on top of his Technical Supervisor role. Joe was not provided any extra compensation for the extra tasks so he lodges his complaint.

In the meantime, TGL appoints a Board of Directors as A/General Manager. Soon after, Joe is later dismissed from duty while his complaint is active.

### **The investigation:**

TGL maintain that Joe did not undertake any additional tasks but is covered by the generic application of, “perform any other duties as assigned”, therefore, Joe is not entitled to any additional compensation.

The investigation was being carried out against the changing of the tide at TGL. Management positions were being re-looked at and also the appointment of a new Utilities Board.

## **The outcome:**

Following the appointment of a new Utilities Board, Joe was reinstated his position and was offered T\$5000, along with 3 months-worth of salary already paid to the complainant to withdraw any complaint made to the Ombudsman and any civil proceedings against TGL.

Joe accepted the terms of conditions set forward by the new Board and therefore withdrew his complaint before any substantive findings were determined.

## **(3) Waste fees**

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### **What was the case?**

George is a Church minister and resides in a compound residence, that is, residential home built by the Church is located in the same compound as the Church building and the Church Hall.

WAL charges a flat fee of T\$50 per month for compound residences. George is of the view that the fee is too excessive and more consideration is needed.

### **The investigation:**

WAL’s existing policy for compound residences remain at T\$50 a month. This is to reflect that although Church halls and Church buildings do not produce daily wastes such as a household, they may host events such as a celebration or something of the like which will produce waste.

As such, this cannot be deemed as household waste to be charged the same as a residential house waste fee.

However, the WAL Board has discretion to amend waste collection fees through a written application. The Board will assess the request before deciding on the application

## **The outcome:**

WAL is adamant that the current fee chargeable for compound residences is fair and I agree.

George was advised to make a written application to the WAL Board if he is of the view that the fee is unfair. Had George not laid a complaint, then he would not have known of his right to make the appear.



## Environment

### (1) Safe for Consumption

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#### What was the case?

Vaipua Harbour has yacht dock where many whale watching boats and other yachts use for cleaning purposes. It was alleged that owners are using heavy based chemicals to clean their vessels and the run off will run straight out to sea.

As a consequence, the surrounding communities who rely on the sea as a source of livelihood and food are shoring up poisonous fish.

Numerous reports were made to local authorities but no clear answer had been provided to the communities. Therefore, they had no option but to submit a complaint.

#### The investigation

The Environment division under MEIDECC was referred to as the

appropriate public authority concerning the environment.

It was discovered that testing of the water had not been done in a while and that there is a lack of resources, funding and otherwise, to schedule in testing routines.

#### The outcome:

Tests were conducted in April/May 2021 and the tests uncovered that the waters surrounding Vaipua and the coast line of Vava'u was safe according to the standards set by New Zealand.

MEIDECC has also indicated that regular tests will be timetabled and scheduled to ensure that they are regularly testing

### (2) Roller at sea

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#### What was the case?

In a well-publicised story across media and social media, a roller, owned and operated by MOI rolled out to sea and was planked along the Vaipua bridge.

The surrounding communities were worried that if the roller were left out at sea for some time, oil may seep through and pollute the surrounding sea water and may have a negative impact on fish. Similarly, the roller

may also rust and have a detrimental impact on the fish around them.

The complainants had queried MOI several times and received responses such as:

- i. Lack of equipment in Vava'u for its removal; or
  - ii. Vava'u has the required equipment to remove roller but is awaiting authorisation from Tongatapu office before removing it.
- These responses fell short and did not reflect the urgency of the situation at hand and the

potential damage to the surrounding water environment.

## **The investigation**

MOI did not refute the complainants' version of events but responded and confirmed that they are awaiting the appropriate equipment from Tongatapu before attempting to remove the roller.

Rather than leave it there, we went back to MIA to schedule out an initial timetable of when the equipment is expected to arrive in

Vava'u. This requires positive action to occur.

## **The outcome:**

Sometime between waiting for MOI to come back with the plan of action, MOI had informed us that they successfully attempted to remove the roller from Vaipua utilising the current equipment situated in Vava'u.

Had the complaint never been submitted, there is much suspicion that the roller would have most likely remained out at sea until today.

## **(3) Over-dumped**

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### **What was the case?**

It is no surprise to the Executive Government of the issues that are facing Kalaka Waste Site at 'Okoo. We have been repeatedly informed that various Ministers and heads of Ministries have visited the Kalaka site with all mouth and no positive action.

Kalaka site is the waste site serving Vava'u, it hosts general household wastes, sewage wastes and now a car dump.

Repeated enquiries were made to the relevant authorities and there have been no positive plans of action to address the issue.

### **The investigation:**

Preliminary information from the Ministry of Health has indicated that urgent action needs to be done as it is a sitting environment hazard;

Preliminary information from Waste Authority Limited has indicated that they are well aware of the issue but their hands are tied as there is no funding to address the issue;

Preliminary information from MEIDECC confirms that they had received reports from the community that the surrounding waters were changing colour from the pollution of the waste site. MEIDECC refutes this through their testing.

### **The outcome:**

The investigation is still ongoing



## Challenges

The significant issues impacting the Office are:

- (i) **Unreasonable delay**
- (ii) **Unresponsive public bodies**

### (i) Unreasonable Delay

A principal function of the Ombudsman is to provide a means by which local residents and the diaspora, can resolve their complaints about actions of public authorities. Critical principles for the Ombudsman in undertaking this line of work are to provide timely, inexpensive and informal resolution processes that provide, where appropriate, remedies for complainants and identify and investigate systemic issues and create improvements in public administration.

Upon receipt of a complaint and an initial assessment, a referral under section 14 of the *Ombudsman Act* is made to the relevant Chief Executive Officers for a response to the complaint. As a general reference, a 2-week timeframe is provided for an adequate response together with an option of request if further time is required.

Of complaints referred, 60% number of responses are received within the 2-week timeframe. That is, within the 2-week timeframe with no request for an extension. Extensions are almost always granted when there is a legitimate reason for requiring one. 30% of responses are received after a “friendly” reminder that the time has lapsed and a response has not been received. Generally, the public authorities are apologetic but a response is received soon after. 10% of responses are not received at all. These are attributed to mainly one public authority which will be clarified later.

For the most part, responses are received from the public authority addressing the issue(s) raised by the complainant. However, responses lack the actual substance the complainant was looking to address. For instance, many responses are a direct verbal response to the issue(s) raised without actually addressing the law, regulation or internal policy that the public discretionary power was based upon.

Public Officers discretion is fettered, restricted, and guided by the relevant public laws, regulation or policy. A classic example is if a complainant applies for a reissue of an original document from the Registrar’s Office. For the desk official, they must follow the policy, that is double check if the complainant has provided and satisfied all the requirements before granting the reissue. Similarly, the complainant has the obligation to fulfil the requirements as required by the Registrar. If at the end, the process is completed and fulfilled, the Registrar refuses the reissue, then this is a direct indication that there are other, often irrelevant, considerations at play which is a critical reason why an Ombudsman Office exists.

Public discretion is often limited but goes unchecked. When checked by our office through a complaint, it becomes clear that the public authority has something to hide. These are evident in

the quality of the response provided. Almost 85% of responses received require a follow up response, roundtable meeting or some other means for further and more substantive information to be gathered.

There is some strategic planning being undertaken by the Investigation team to address the lack of substance provided by the public authorities and equally to ensure that substantive responses are received in a timely manner.

## **(ii) Unresponsive public bodies**

All referrals under *section 14 of the Ombudsman Act* are directed to the Chief Executive Officer. As such, the onus of response lays with the Chief Executive Officer.

As mentioned earlier, 10% of complaints, when referred, we do not receive responses as the Ombudsman Act requires. Without meaning to single out Chief Executive Officers, there is value in using this report to identify Chief Executive Officers that have persistently not cooperated at the initial response stage and during the investigation. Regrettably, the Chief Executive Officer of the Ministry of Lands and Natural Resources.

There is an apparent dis-regard of the rule of law which unacceptable. Broken promises after broken promises, and missed deadlines is the opposite of good governance. This undermines credibility.

Even after repeated examination of oaths under *section 15(1) of the Ombudsman Act*, there is a lack of empathy and willingness to cooperate. *Section 26 of the Ombudsman Act* is the offense provision may be used. This does not detract from the enormous cooperation with most Chief Executive Officers as a whole. Many are willing and come to the table when their number is called.

The general level of cooperation is satisfactory. Many Chief Executive Officers have appointed internal contact persons within their authorities to be a focal point when investigation contacts them. That appointment does not delegate any special powers to the contact person. The Chief Executive Officer will still be the main contact person.



## 5. Communication

Table 5: CMD Achievements against Corporate 2020/21 Plan Activities and Strategies

No.	Activities/strategies	Done	Number	Remarks
1	Design & implement OPs	✓	1 Annual OP Plan	Plan is submitted every calendar year
2	Conduct stakeholder sessions	✓	9 sessions	District & Town Officers (together with members of the communities)
3	Radio & TV programs	✓	22	Qtr1 – 10 Qtr2 – 3 Qtr3 – 6 Qtr4 – 3
4	Conduct outreach programs	Done	206	OPs – 68 SM Postings – 138 Total = 206

### a. Duties

The Communications & Media Division (CMD) is tasked with “Effective outreach” as stipulated in the Office Corporate Plan 2019/20.

- (i) Design and implement outreach plans
- (ii) Conduct stakeholder sessions
- (iii) Participate in radio talk-back, TV programs and respond to social media enquiries
- (iv) Host office’s news conferences and meetings
- (v) Conduct outreach programs (OPs)
- (vi) Facilitate press conferences and publish final reports.

The Plan recognizes the correlation between the increasing number of complaints with the frequency of OPs carried out. All of the staff of the Office include CMD contributed towards the output of effective outreach, including the CEO as the Head of Division, the Director of Investigations and all support staff.

The Ombudsman used the CEO Forum/Public Service to present on the functions of the Office. Based on the activities and strategies above to achieve effective outreach, the following OP genres were successfully carried out during the FY 2020/21. (*Please refer to Table 1*)

### b. Achievements

A total of 68 physical OPs (face-to-face) was carried out during the FY 2020/21. This represents a decrease from 87 in the FY2019/20 and from 141 in FY2018/19. The trend reflects the prolonged impact of the restrictions pertaining the COVID-19 pandemic especially social distancing. However, the situation did not hamper the effort of the office to reach out with key

information about good governance and the functions of the office - to inform and educate the populace.

## c. Church Conferences

Traditionally, the office conducts outreach to community gatherings. We have followed the Annual Royal Agricultural Shows on Tongatapu and throughout the outer island groups. The agricultural shows for 2020 and 2021, were cancelled on account of the Pandemic. It was an opportune time to capitalize on a large gathering of people, by looking at the church conferences which were scaled down in number, but was still a big community gathering.

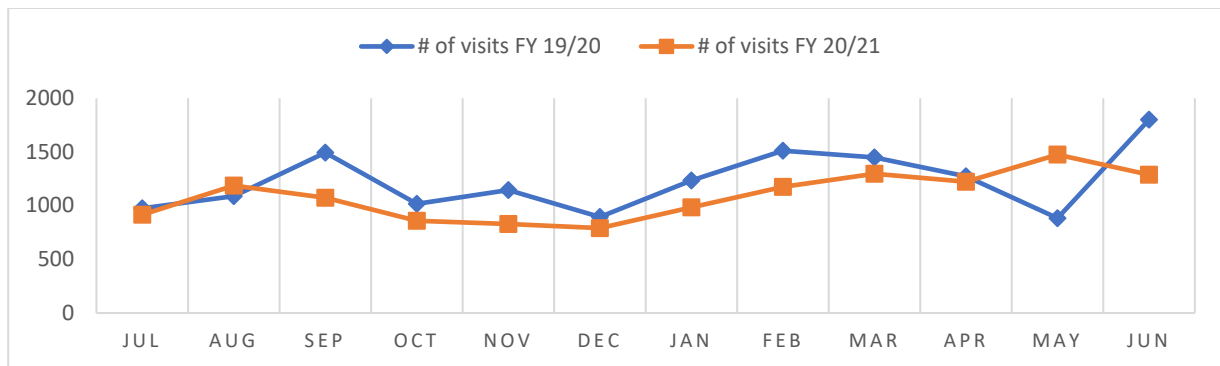
One of the new genres of outreach carried out during the year was, with the permission of the President of the Church of Tonga (Siasi 'o Tonga Hou'eiki) to present in their Annual Conference. This was held during the 2021 Annual Conference in May with close to 100 members attending. The engagement with the question and answer session was active. The Director of Investigation responded to land matters, power and jurisdiction of the office, amongst others. Questions and Answer session included members of the conference who joined the live zoom from various church centers in New Zealand, Australia and the United States.

The CEO also led the team which carried out outreach during the FWC Annual Conference 2021 at 'Eua. Various genres of OPs were held for the people of 'Eua and visitors alike, including a speech at one of the sessions of the conference, receiving people with queries in the information booths set up for three (3) days at 'Eua, held clinics to the public for five (5) days, as well as a physical OP for the first time to teachers and students of the LDS Middle School of 'Eua.

## d. Historical Milestones of Good Governance

During the latter part of the year, the CMD conducted a series of in-depth interviews aimed at gathering first-hand information on historical milestones on the principles of good governance. The initiative seeks to contextualize appropriate historical milestones of Tonga with the seven (7) principles of good governance – the rule of law, independence, integrity, accountability, transparency, effective and efficient and clarity of purpose. It documented these historical contexts in the Vicennial Anniversary (20<sup>th</sup> Anniversary) of the Office of the Ombudsman in August, 2021 in documentaries and promotion of good governance in an intensive outreach through all media outlets.

Graph 3: Number of website visits for FY 19/20 - 20/21



## 6. Information Technology

ICT Policy maintains the operation and infrastructure of information and communications of the office. Together with ICT system administration tasks to improve efficiency and effectiveness for maintains, checking and update ICT equipment such as server, computers, laptops, printer, firewall, email server and website.

### ESET Endpoint Security (Anti-virus)

The Office computers, laptops and servers have been securely protected by ESET Antivirus such as file, email, systems operation from virus and manage by ESET PROTECT MANAGEMENT.

ESET Protect ensures real-time visibility for all endpoint's agent (staff computer/laptop) as well as full reporting and security management for all OS (Windows/Mac or Linux) that been installed ESET Antivirus. If any computer/laptop of the Office visits to a malicious website/attachment or any malware its automatic reported and log to ESET Protect Management Center which is monitor by IT Section.

### Tatala / Case Management System

In July 2020, the Speaker of the Legislative Assembly, Lord Fakafanua launched the Case Management System and named it, 'Tatala'. Tatala, as he saw it, as comparable to the work of an investigation. Like an onion, an investigator will peel (tatala) each layer of the onion before getting to the crux or truth of the matter. It is collaboration between Information Technology and Investigation.

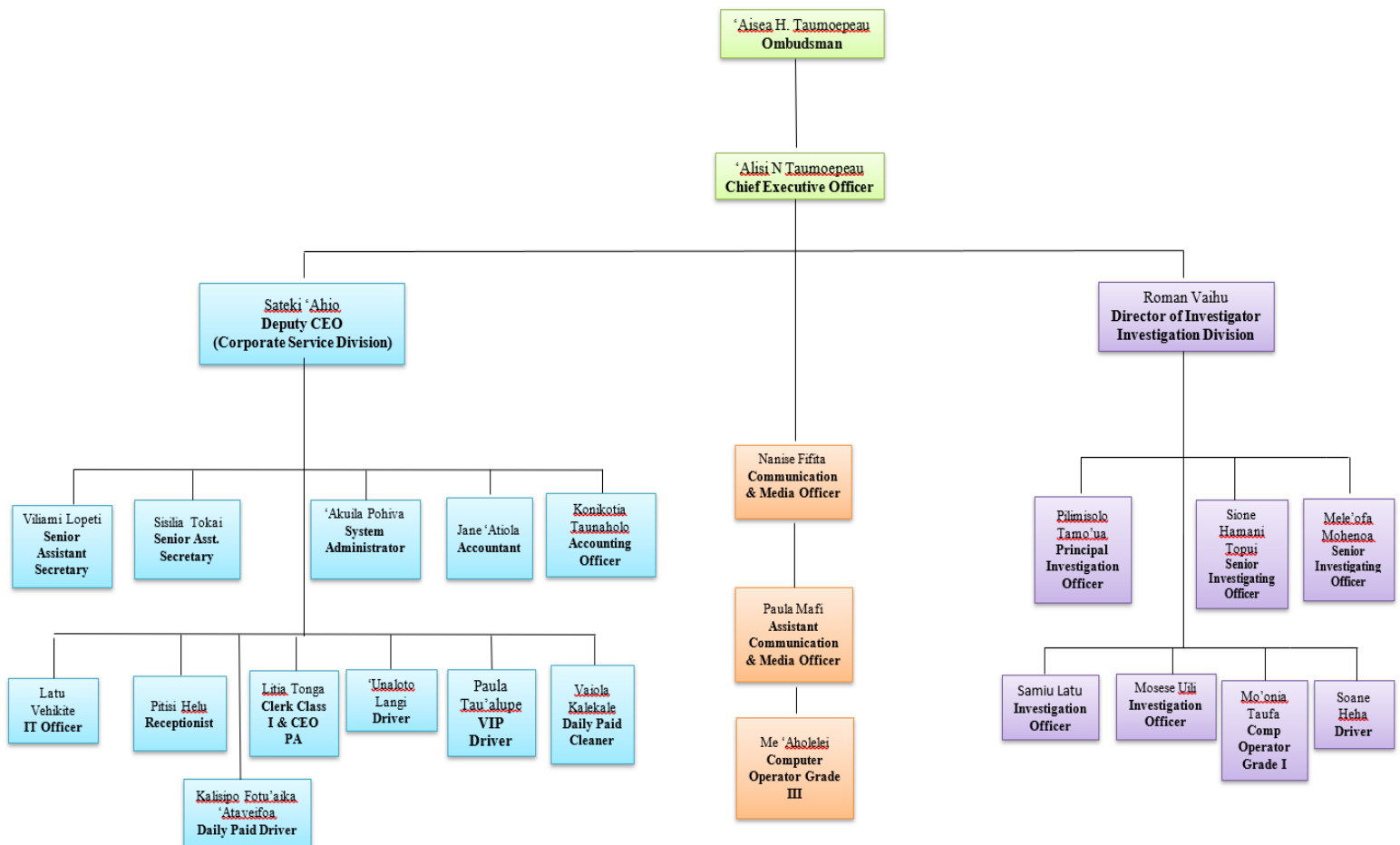
As a key incentive for the FY2019/20, the Tatala project was locally sourced through NIU IT aimed at providing an electronic platform for complaint files to be managed but equally for complaint files to be electronically stored. Basically, for our internal processes of manual complaint checking, management and data sets to be electronically produced. These include auto generated letters commonly used by the Investigation team.

A call was made for Tatala to be suspended while the Director of Investigation and the investigation team works more closely with NIU IT to make the required amendments to Tatala. The Investigation team with NIU IT have been working closely since March 2021 to ensure the amendments are completed by June 2021.

## 7. Corporate

### a. Organisational Structure

As of the 30th June 2021, the Ombudsman, Mr. 'Aisea H. Taumoepeau SC heads the office with the Chief Executive Officer, Mrs. 'Alisi N Taumoepeau KC and twenty-two (22) permanent staff, two (2) daily paid staff and one (1) professional contractual staff. Attached below is an updated organisational chart:



## **b. Staff**

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### **i. General**

The staff list details names, date of birth, designation, qualification, employment status and date of appointment. As planning for each sector looms large, office and personal performance standards take on a very important role. This basic information helps management with training, performance assessment, and planning of the execution of core functions, with a capable, efficient and professional staff.

### **ii. Investigation Staff**

There is currently work being undertaken with the Remuneration Authority to revise the pay salary. As it currently stands, there is tough competition in the job market and it is an issue that will continue to affect the performance of the Office. When investigating a complaint, investigation officers are required to refer to all relevant laws, regulations before making recommendations under *section 18(3) of the Ombudsman Act*. Therefore, this line of work alone requires an investigation officer to be legally qualified. The minimum that we can offer an entrant level Investigation Officer is a Band L.

The salary levels undermine the work that we do. Given that we have a wide range of investigation powers over public servants, including the Ministers and Governors, there needs to be a certain calibre of investigators for quality and forward-looking investigations. They are a mix of youthful talent and experienced heads both legally trained and various other and experiences. There is focus on recruiting legally trained experienced officers.

# Resilience through Good Governance

Table 6: Staff List as of 30th June 2021

Name	DOB	Designation	Qualification	Date of Appointment
Mr. 'Aisea Taumoepeau	18/02/51	Ombudsman	SC, LLB/(VUW/NZ) LLM;(Melb/Aust) Barrister & Solicitor, NZ	21 <sup>st</sup> March 2015
Mrs. 'Alisi Taumoepeau	24/10/55	Chief Executive Officer	KC; LLB/ LLM(HONS)VUWNZ) MACM (Faith, US) Barrister & Solicitor, NZ	1 <sup>st</sup> July 2019
Mr. Roman Vaihu	3/07/1988	Director of Investigation	BA/LLB (Waikato, NZ) & LLM (Queen Mary, UK) Barrister & Solicitor, NZ	21 <sup>st</sup> July, 2016
Mr. Sateki 'Ahio	11/10/1957	Deputy Chief Executive Officer	BBA (UH, USA) & MA (Wollongong, Aust)	25 <sup>th</sup> January 2021
Mr. Pilimisolo Tamo'ua	28/03/1969	Principal Investigation	Dip. Journalism (Berlin)	2 <sup>nd</sup> April 2003
Mr. Viliami Lopeti	30/05/1983	Senior Assistant Secretary	B. Com, PGCert. HR & PGDip. Bus Admin (USP)	13 <sup>rd</sup> June, 2016
Mrs. Sisilia Tokai	25/05/1962	Senior Assistant Secretary	Cert. Microcomputers (NZ)	12 <sup>th</sup> August, 2014
Ms. Nanise Fifita	19/01/1962	Communication Media Officer	BA, (Qld, Aust) Advance Cert (Harvard, US) Diploma, (UPNG)	8 <sup>th</sup> August 2018
Mrs. Mele'ofa Mohenoa	19/07/1987	Senior Investigator	BBS & Grad Dip, (Massey, NZ)	5 <sup>th</sup> August 2015
Mr. S. Hamani Topui	9/05/1990	Senior Investigator	LLB & Profs (USP)	3 <sup>rd</sup> July 2019
Mr. Samiu Latu	12/01/1989	Investigator	LLB, (USP)	24 <sup>th</sup> June 2019
Mr. Mosese Uili	8/01/1996	Investigator	BA, (USP,)	6 <sup>th</sup> June 2018
Mrs. Jane 'Atiola	22/07/1996	Accountant	B. Com (USP, Fiji)	14 <sup>th</sup> October, 2019
Mrs. Konikotia Taunaholo	19/09/1977	Accounting Officer	Dip. Secretarial Work (St. Joseph Business College)	16 <sup>th</sup> March 2018
Mrs. Mo'onia Taufua	14/04/1973	Computer Operator Grade 1		3 <sup>rd</sup> August 2001
Mrs. Me 'Aholelei	22/06/1976	Computer Operator Grade 3	Diploma IT (TIHE)	15 <sup>th</sup> August 2015
Mr. 'Akuila Pohiva	4/04/1990	Systems Admin	Dip IT, Dip CS & IS (TIHE)	30 <sup>th</sup> May 2016
Mr. Latulala Vehikite	9/04/1996	IT Officer	Dip CS & IT and Cert. CS & IS (TIHE)	07 <sup>th</sup> February 2020
Mr. Paula Mafi	5/11/1989	Assistant Communication & Media Officer	Cert. Multimedia Expert (Tau'olunga Comp.) & Cert. Media & Journalism (TIHE)	12 <sup>th</sup> April 2021
Mrs. Pitisi Satini Helu	20/02/1992	Receptionist	Dip Computer Info (TIHE)	27 <sup>th</sup> September 2017
Miss. Litia Tonga	17/12/1997	Office Assistant	Dip Business & Dip. Tourism (TIHE)	10 <sup>th</sup> October 2019
Mr. Paula Tau'alupe	27/04/1984	VIP Driver		9 <sup>th</sup> November 2015
Mr. 'Unaloto Langi	24/04/1994	CSD-Driver	Cert. Panel & Painting (TIHE)	4 <sup>th</sup> February 2019
Mr. Soane Hehea	12/12/1991	ID- Driver	Cert. IT (TIHE)	22 <sup>nd</sup> January 2019
Miss. 'Ofa ki Vaiola Kalekale	16/05/2000	Office Cleaner		03 <sup>rd</sup> February 2020
Mr. Kalisipo Fotu 'Ataveifo	29/07/1990	Daily Paid Driver		19 <sup>th</sup> April 2021

## c. Performance Framework

The performance framework is developed at the beginning of the reporting cycle and outlines our purpose, how we measure our performance and key factors in how successful we are. The Investigation division, is committed to improving internal performance and has set targets that demonstrate our drive to deliver on our objective and key performance indicators (KPI).

Table 7 - Output 1: Impartial and efficient complaint management.

Sub Output	KPI	Target	Percentage	Actual
Register complaints	Timely registration of complaints	Within 2 working days of receipt	100%	
Investigate complaints	Timely investigation of complaints	Within 3-6 months of receipt		
Investigate own motion complaints	Timely investigation of own motion complaints	Within 3-6months of launching		
Manage complaints	Timely and accurate management of complaints	Reviewed weekly	100%	
Advise and record all inquiries	Timely advice and recording	Within 2 days of inquiries	100%	100%

Internally, we are quite settled in how we go about registering our complaints, management of and advice of complaints. However, our shortfall is completing investigations within the specified time. These timelines depend on a variety of factors including:

- i. Lack of cooperation by public authorities
- ii. Lack of urgency shown by public authorities
- iii. Lack of investigation staff to deal with the workload
- iv. Staff leave and timetabling of staff programmes
- v. Non responsiveness by complainants
- vi. Competing priorities
- vii. Lack of monitoring of timelines afforded to complaint resolutions.

We are committed to resolving complaints as soon as possible, irrespective of the challenges.

Table 8 - Output 2: Accurate monitoring and evaluation.

Sub Output	KPI	Target	Measurement	Actual
Conduct weekly division, Management and Ombudsman Executive Meetings	Number of weekly meetings	48 weekly meetings for reporting cycle	48	48
Submit monthly and quarterly reports	Timely submission of reports	Before monthly and quarterly meetings	16	16

# Resilience through Good Governance

<b>Maintenance of records</b>	Timely maintenance and management of records	Updated daily	100%	95%
<b>Monitor achievement of outcomes</b>	Timely monitoring and evaluation of Corporate Plan	1 <sup>st</sup> week of Quarter	100%	95%
<b>Provide effective and efficient services - externally</b>	Number of written complaints from public against Investigators	Less than 5	Less than 5	Nil
<b>Provide effective and efficient services – internally</b>	Number of written complaints from staff against Investigators	Less than 5	Less than 5	Nil

This outcome is centrally internal systems that we have in place to add as a layer of accountability to the work that we do. There were no written complaints received from either internal or external stakeholders relating to our core function.

*Table 9: Staff Recruited and Promoted during the Fiscal Year 2020/21*

Staff Member	Staff Position	Recruitment Date	Internal Movement	Effective Date
<b>Mr. Roman Vaihu</b>	Principal Investigation Officer	21 <sup>st</sup> July 2016	Director of Investigation	25 <sup>th</sup> January 2021
<b>Ms. Litia Tonga</b>	Office Assistant	08 <sup>th</sup> October 2019	Clerk Class I (PA to CEO)	7 <sup>th</sup> April 2021
<b>Ms. Jane T. Lavemai</b>	Assistant Accountant (Contractual)	18 <sup>th</sup> October 2019	Accountant	26 <sup>th</sup> April 2021
<b>Mr. Latu Vehikite</b>	IT Officer (Daily Paid)	07 <sup>th</sup> February 2020	IT Officer	26 <sup>th</sup> April 2021
<b>Mr. Sateki 'Ahio</b>	Deputy Chief Executive Officer	25 <sup>th</sup> January 2021		
<b>Mr. Paula Mafi</b>	Assistant Communication & Media Officer	12 <sup>th</sup> April 2021		
<b>Mr. Kalisipo Fotu'aika 'Ataveifoa</b>	Daily Paid Driver	19 <sup>th</sup> April 2021		

The office supports staff to pursue further studies that are beneficial to their roles in the office. It is unfortunate that the Covid19 pandemic has closed our borders, but with the available technology at hand, zoom session is the new norm getting connected in the international arena. In-house trainings were carried out by all divisions during the fiscal year on how their roles play a crucial role in the overall operation of the office. In Corporate Services Division, special attention was directed at good records keeping and having a more organised filing system. A one-day retreat on the 29th January 2021 focused on the budget and corporate planning. Further consultation was carried out on the newly introduced Performance Appraisal and Feedback (PAF) replacing Performance Management System (PMS) used in the past five (5) years. The introduction of PAF is based on current science and knowledge to improve and simplify performance assessment.



## d. Financial Performance

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### Audit by Auditor General FY 2016- 2020

The key audit findings were as follows:

- “Approved appropriation for the office of the Ombudsman was obtained every year under the annual appropriation Act. the approved appropriation was available and properly monitored, resulting in actual expenses being limited and controlled within the appropriation limit; documents filed and kept in the office supports the approved appropriation available to meet the expenses of the office....”
- “vote balances were maintained and regularly reconciled on-line with the sun system”
- Salary register was maintained both manually and online and the register is updated with regular deductions per salary which is in line with treasury instructions. Emails were identified with the MOF for confirmation of the reconciliation of the salary register. The office completed IF8 and submitted to MORC.
- Total overtime budget was included in the annual budget of the office non-compliances were claimed in the months of July and November 2018 and June + September of 2019. This issue was raised in the previous audit but no improvement was made non-compliances reflect weakness in the system and indicate illegitimate purposes and authority for payment of overtime claimed relevant staff members should be reminded to comply with treasury staff policies and instructions and that they will be deemed for disciplinary actions.
- Travel expenses is the main expenses under the category (actual and domestic travels represents 70%). Domestic travels mainly for outreach purposes and overseas travels was a result of attending conferences, workshops and meetings attended by the Ombudsman. Documents were filled in support of these travels which is applicable with treasury instructions. The approved appropriation was properly monitored and controlled.
- Log books maintained for all six vehicles Transports privileges granted under the Ombudsman policy 8.7 where the DS and DI may use the vehicle for private purpose outside official hours. HRO carries out a regular check independent checking of log books and signed the log books as evidence. Log books were properly maintained for controlling of vehicle operations.

# Resilience through Good Governance

- Expenses vouchers were signed by the CEO meaning that they were cost effective for office purposes. Buying alcohol and keeping stock where not applicable in this case. Hospitality expenses were mainly for catering and refreshments in respect of building programs for guest speakers, consultants and overseas visitors.
- Contracts for office rent and parking spaces This was within the appropriation budget and within the approved appropriation. Documents were filed in support of this Monthly rental rates paid in accordance with approved contract. Regular payments raised no queries since 2016.
- Grant expenses were small items for prizes and awards. Expense vouchers filed and available for audit.
- Approved budget was available for the procurement of Assets Audit verified that new vehicle was purchased in 2017, new color printer in June 2018, computer program in 2019 documents filed away for this
- Taking the initiative to establish a staff policy manual. It documents policies, procedures, and control systems with regards to the overall management of the office. The staff policy manual covers most areas required although not aligned to the specific requirements of what the financial manual is to include. This policy manual must be endorsed by the ministry of finance whether it is to be accepted as a finance manual under the provisions of Treasury instructions 107

The budget for the Financial Year 2020/21 was approximately \$1.9 million. COVID 19 and austerity measures, impacted spending in the reporting period.

In the first quarter, 14.7% of the budget was spent as of 30<sup>th</sup> September 2020. The second quarter, 18.4% of the budget as at, 20<sup>th</sup> December 2020. The third quarter spent 20% of the budget as at 31<sup>st</sup> March 2021 and the last reporting quarter, 46.9% of the budget as at 30<sup>th</sup> June 2021.

*Table 10: Total budget, Actual Spent and Remaining balance for reporting period.*

Total Budget	\$1,920,900
Less: Actual Spent	\$1,804,744
Remaining Balance	\$116,156
Percentage of Total Budget Spent as of 30 <sup>th</sup> June 2021	94%

The original budget was \$1,547,900. \$525,000/Budget Revision in accordance with a resolution from Legislative Assembly.

## External Outputs

- Leadership and management: All issues are being followed and reported in accordance with the command chain. All issues that must be addressed by higher authority is being discussed in a court like manner and minutes are prepared as evidence.
- Effective outreach: The office's communication and media services division conducts outreach programs via Radio programs, tv programs, social media and published reports. This is the offices means of communicating with the general public regarding the offices mission and vision. The public reaches out to the office through these outreaches.

## Internal Outputs

- Improved human resources and administration services: Accurate monitoring and evaluation: all reports are required to be submitted to the HOD's are submitted when required for further analysis.
- Quality financial management: At the end of every month, the finance division submits an expenditure report detailing the offices overall spending for the month. Despite the offices overall ratings reported by the ministry of Finance, the accounts division has managed to submit monthly forecast on a timely basis, our main goal to date includes the drive to improve this year's ratings. Finally, all tax forms are prepared and submitted on the last day of every month and submitted to the ministry of revenue and all orders are being processed via the sun system and is reflected in the offices actual reports.
- Reliable and efficient IT systems: IT administrative officer ensures that he carries out as monthly services for all computer supplies as part of the monthly maintenance and we have seen him conduct these activities and attend to issues reported by the officers.

## 8. Conclusion

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**All institutions in government are partners in the integrity drive. We endeavor to maintain cordial working relationships with all government organisations', public entities and the people.**

**As an integrity agency, the Office of the Ombudsman supports and is intentional in forbearing the common goals of integrity agencies. The Ombudsman Office is committed to good governance, due process and rule of law. We continue to march to the beat of integrity and work to mobilise all the Public Sector to join the march.**

**There has been a decrease in complaints against the ministries and public enterprises and agents in the reporting year as compared to the previous financial year.**

### **Good Governance**

**The good governance mandate belongs to all in the public sector.**

**We continue to blow the trumpet of good governance.**

**In ombudsmanship-speak,**

**“It is good for you, good for government and good for Tonga.”**

### **V.V.V Good Governance**



*Rev. Dr. Taliai Niumeitolu (Principal of Sia'atoutai Theological College), Mr. 'Aisea Taumoepeau, SC., (Ombudsman), Lord Fakafanua (Speaker of the Legislative Assembly) and Lord Chief Justice Michael Whitten, QC.*