

## QUARTERLY NEWSLETTER

### Remarks of the Interim Ombudsman

Malo e lelei from the Ombudsman Office, Tonga.

The outgoing Ombudsman, Mr. 'Aisea Taumoepeau, SC., has left behind a legacy of good governance in the Kingdom and throughout the Pacific and beyond. The official visit of the Chief Ombudsman of NZ, Judge Peter Boshier, was in recognition of his near-decade of ombudsmanship. The Speaker of the Legislative Assembly also paid tribute to Taumoepeau on the eve of his retirement.

Mrs. 'Alisi Taumoepeau, KC.  
CEO/Interim Ombudsman  
Office of the Ombudsman



Above: The Speaker, Lord Fakafanua (2nd from left), receives Judge Peter Boshier, Chief Ombudsman of NZ (3rd from left) and his delegation, Mr. Matt Lambie and Renee Vaoleti, in a brief meeting at the Speaker's Office. Also shown at far left is the Clerk of the House, Mrs. Gloria Pole'o.

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### Retirement – Legacy of Ombudsman 'Aisea Taumoepeau, SC

The Ombudsman, Mr. 'Aisea Taumoepeau (pictured, right), retired on 18th February, 2023, when he turned 72 years of age, the legal retirement age under the Ombudsman Act. While at the helm, Mr. Taumoepeau has been instrumental in successfully reviving the office from a stagnant mode to



being effective. He left behind a major legacy of good governance in legal and constitutional milestones and a new name as the Office of the Ombudsman since 2016. During Ombudsman Taumoepeau's tenure from 2014 to 2023, his legacy is identified with the DNA of Ombudsmanship and good governance in Tonga and beyond.

**Independence under the Law** – Initially established under the Commissioner for Public Relations Act 2001, the office was not effective with staff under the Public Service Commission from 2001 to 2014. There was no appointed commissioner in the years 2006–2012 prior to the amendments to the act in 2016 gave the office more legal power and independence to the functions of the Ombudsman. These major milestones contributed to an increase in the number of complaints and investigations carried out as well as reports. On 21st March, 2014, Mr. Taumoepeau was appointed Acting Commissioner for Public Relations and established as the post of Commissioner in November of the same year.

**Legislative and Constitutional empowerment** – On 2nd December, 2016, major legislative changes were made including the change of Commissioner of Public Relations to Ombudsman; change of accountable authority from Privy Council and Cabinet to Speaker and the Legislative Assembly and change of powers to publish reports at the discretion of the Ombudsman in the public interest.

On 11th July 2021, a major constitutional amendment made in 2018 became law under clause 31(B)(2) *"The Ombudsman shall unless otherwise provided by law, have complete discretion to exercise his legal powers and duties independently without any interference whatsoever from any person or authority."*

In August 18th of the same year, the office celebrated its vicennial (20th) anniversary with the opening of a sub-branch at Neiafu, Vava'u.

**Office Development** – There were only four (4) staff members in 2016 – an investigator, 2 clerks and a daily paid labourer, working from the old government store at Nuku'alofa. (con't. p.2)

(from p. 1) It showed the rather dilapidated stage of the office and the lack of public awareness about its functions.

**Public outreach programs (OPs)** – Raising awareness to all corners of the Kingdom began in the FY2013/14 and has grown ever since aimed at informing and educating the public on the core functions of the office and how they could benefit from its free-of-charge investigation services. Major development has been achieved when the outreach programs reached the diasporas in New Zealand in 2018 and 2022, Australia and Fiji in 2019 to inform Tongans who still have interests in the Kingdom like lands and properties. Complaints and enquiries have been received from overseas-based Tongans.

### Special Interview of Judge Peter Boshier – A tribute to Ombudsman Taumoepeau

The Chief Ombudsman of New Zealand, Judge Peter Boshier, spoke exclusively to the Communications & Media Division of the Office of the Ombudsman, during his brief visit to Nuku'alofa. Here is the transcript of his interview:

**Q.1 What is the main purpose of your visit?**

I have been an ombudsman for as long as 'Aisea Taumoepeau has been an ombudsman and we deeply respect the work that he has done. So I decided, in view of his retirement, I would come over and pay an official visit with two of my staff. So, the real reason why I am here, is to thank him and to recognize his role, both in Tonga and internationally.

**Q.2 How do you see the legacy of the Ombudsman of Tonga in promoting the principles of good governance?**

First of all, the Ombudsman Act in Tonga is a very good one and the model in Tonga is a very good one. Not every country has a good a model as Tonga and the reason for me to say that is that the Ombudsman must be independent, must be fair, and you cannot do that if you are answering to the government of the day. You've got to answer to someone neutral, someone like the speaker of parliament. That's the first thing. Secondly, you've got to be the right person appointed, you've got to have standing and be respectable. So 'Aisea Taumoepeau has been a Senior Counsel, has been a Minister of Justice and Attorney General, has been in Crown Law for a long time as the Solicitor General. He's got all the background and qualifications. So thirdly, how does Tonga perform? Very well, and it's regarded in the Pacific as one of the leaders because of the efficiency that goes about and the profile of his work. You're one of the few that produces a newsletter and that just shows that this office is a bit of a step above some of the others.

The legacy will be, there is an office which has respect with credibility. You know the police force goes around in uniform and everyone knows who they are. They can arrest people. They've got a ready built respect because people know what they can do. The ombudsman has to persuade people that he or she is capable of doing something for them. You don't wear uniform. You don't go

Outreach include radio and TV programs and talk-back programs, community mobile outreaches, workshops and clinics.

**International recognition and cooperation** – Staff training has been ongoing with assistance from New Zealand, Australia, APOR and IOI that have helped develop the investigation skills of staff over the years.

These milestones speak volume of the good governance victories led and engineered by the just retired Ombudsman 'Aisea Taumoepeau, SC., while at the helm for nine (9) years. It has been nearly a decade, but utilizing his legal expertise being a former Attorney General and Minister of Justice led to a major leap of progress and achievement putting ombudsmanship in Tonga in the Pacific and global map. @OMBTonga.



out there with guns blazing. It's a matter of reassuring the public that you would look at their measure and produce results. His legacy would be, he's got standing and the will to do the right thing.

**Q.3. In terms of the Constitutional status of the Office gained in 2021, how can Tonga maximize on that status as a way forward and to ensure effectiveness and efficiency as well as full independence of the Ombudsman?**

Regarding Tonga's new constitutional status, Tonga is one of few countries which has in its constitution with that recently put on because your constitution was an old one. You are after all has a monarchy and I am familiar with your constitution. So the fact that the place of the ombudsman could be put in it, I think raises the profile and the importance and ensures, what I would call, longevity. So I don't know of any other country that has the place of the ombudsman in the constitution. That's the first thing. Secondly, your question on what's important to keep the role independent? The real trick to this is to ensure, in terms of the United Nations' resolution that was passed 18 months ago, the real importance in a state party, like Tonga, to recognize the importance of the role for parliament, not the government of the day to ensure there's adequate funding and for the parliament of the day to ensure that no matter what the ombudsman says and does, he would be respected, not disciplined or talked down. So, it's respecting the role, much the same as the auditor general. It's countries, and some overseas have done that, their model is not as good as yours. And there's one instance, in Poland where the ombudsman gave a decision critical of the government, and the next year their budget was reduced by 33 per cent. By that, we can't have that.

(con't. p.3)

(from p. 2)

**Q.4. In your meeting with the Members of the Legislative Assembly, what is your view that the Ombudsman is “toothless” as raised by one of the MPs?**

First of all, the meeting with the Legislative Assembly was fabulous, because it was a first. I don't know that has happened before, and certainly, I have never in my life been asked to address a Legislative Assembly. So it was good from a mere point of view that my office was seen as sufficient and important that I was given that opportunity. That's the first one. The second – is the office toothless? No, it's not. So, I will give you an example of my thinking of that. You don't necessary have to arrest someone or put them in prison to have teeth. You can do a lot for someone by restoring their dignity or restoring what we in NZ called 'mana.' I'll give you an example of a school teacher. You're in a class and the school teacher tells you off. That can really hurt. And maybe you'd never repeat that bad conduct. So, you don't necessary need physical discipline, you don't need to be excluded from school if a teacher fairly and reasonably tells you off and says “never do that again” and you don't. That's all it's needed to change behavior. And that's what the ombudsman does. If we feel that a government or an agency has been unfair and unreasonable, we not only say so, but we broadcast it, we put it or we table the report in parliament and we go to the media and make a media statement. Now people hate being told off in public. So, it is not toothless.

**Q.5. In terms of outreaching to the public, is there a ‘magic wand’ that we can use in order to be more effective in allowing public access to our services?**

I think you're doing well, by the way. I've noticed that after I visited the Prime Minister, he tweeted almost straight away and have a photograph of us in his office.

That's the new norm. When I started in this job, you can ask for a photograph, I would. Now, who I go to see asks let me take a photograph and that usually would end up in social media. So, the number of people, even in Tonga, I suggest that have phones, have access to social media, has one good way of getting out there. I can't suggest, much more than you are already done and that is to look at. Today I've just been involved in conference with the media that would go online and be there forever. People would be able to look it up on the internet – they didn't use to, be able to happen. I think people will see you visiting every so often but you can't go everywhere. So, I just think that using the opportunities of media and of social media, are pretty hard to beat.

**Q.6. How did you find your various meetings here in Nuku'alofa?**

They were very good meetings. But the one I especially think was important was with the Speaker. And the reason for that was that, there are many good models where the ombudsman is answerable to the speaker, not the prime minister. Now, in some Pacific countries, it is the prime minister who oversees the ombudsman. The difficulty in that, is that, if the country has party politics, the other party may think that the prime minister is exerting influence. So, the best model is your one. But what's important is that, the ombudsman develops a good working relationship with the speaker, let the speaker know what's going on, and it's good for the speaker, I think, to be promoting within the parliament, the importance of the ombudsman. So, you see what happened yesterday, was brilliant. It was the speaker who convened the legislative assembly in order for us to talk to the parliament. Very few speakers would do that. So, that's to me, a great achievement.  
@OMBTonga.

**Themes for the Quarter**

**January**

**Good Governance**

**February**

**Rule of Law**

**March**

**Good Governance is “Good for You,  
Government and Tonga”**

## Special visit of the NZ Chief Ombudsman

The Chief Ombudsman of NZ, Judge Peter Boshier, paid a special visit to the Tonga Office of the Ombudsman aimed at further strengthening mutual cooperation and ties between the two offices. Judge Boshier also had the opportunity to farewell the Ombudsman of Tonga, Mr. 'Aisea Taumoepeau, SC., who retired on 18th February, 2023.

Judge Boshier, who is also the 2nd Vice President of the International Ombudsman Institute (IOI), his visit was also to conduct external engagements to support the Tonga Office and promote the role of the Ombudsman. He and his team also carried out scoping and planning for future engagements between the two offices, including identifying areas where training and support are required and to raise awareness of the international Ombudsman community and its importance to fair, transparent and democratic governance.

The NZ Chief Ombudsman was accompanied by Mr. Matt Lambie and Ms. Renee Vaiioleti, who are both advisors to the Chief Ombudsman from the International Development and Engagement (IDE) Team. They arrived on Monday, 30th January and were welcomed at the VIP lounge of Fua'amotu International Airport by Ombudsman Taumoepeau and his management team. A brief program was held with a special welcoming ceremony led by the CEO, Mrs. 'Alisi Taumoepeau, KC., Deputy CEO, Mr. Sateki 'Ahio and Director of Investigation, Mr. Roman Vaihū.



Judge Boshier paid courtesy calls on the Hon. Prime Minister Hu'akavameiliku, Speaker Lord Fakafanua, and the New Zealand High Commissioner, HE Mr. Matthew Howell. The Lord Speaker invited Judge Boshier and delegation to attend a special program with all the members of the Legislative Assembly on Tuesday, 31st January. Lord Tu'il'afitu delivered a short prayer before the actual program began with an introduction from the CEO, 'Alisi Taumoepeau, KC. The Ombudsman, Mr. 'Aisea Taumoepeau, SC., then introduced the Chief Ombudsman of New Zealand and his delegation, Matt Lambie and Renee Vaiioleti, with their professional history.

Judge Boshier then addressed the Legislative Assembly of Tonga. In his words, it was the first time for him to be received by the Speaker and Members of Parliament of Tonga's Legislative Assembly, similar to his visit in 2016 where the then late Prime Minister of Tonga, Hon 'Akilisi Pohiva, invited him to meet with members of his cabinet while in session.

*Right—Speaker, Lord Fakafanua, receives a special gift from the Chief Ombudsman of NZ, Judge Peter Boshier.*



The program concluded with the presentation of gift by Judge Boshier to Lord Fakafanua, Speaker of the Legislative Assembly.

The Chief Ombudsman of NZ also hosted a news conference with members of the local media focusing on his visit. He told reporters on Wednesday, 1st February, that he is in the Kingdom to farewell the outgoing Ombudsman of Tonga who was to retire on 18th February.

In his capacity as the NZ Chief Ombudsman and 2nd Vice President of the International Ombudsman Institute (IOI), he is to conduct external engagement to support the Tonga Office and promote the role of the Ombudsman in the Kingdom.

Another purpose was to scope and plan for future engagement between the Tongan and New Zealand Offices, including identifying areas where training and support are required and to raise awareness of the international Ombudsman community and its importance to fair, transparent and democratic governance.

It was also an “opportunity for Judge Boshier to recognise the significant contribution Ombudsman Taumoepeau has made to the Tonga Office of the Ombudsman and the wider Ombudsman community in the Pacific region, ahead of his departure from the role in mid-February; assist 'Ofisi 'oe 'Ompatimeni to promote the important and independent role of the Ombudsman (to community and government) ahead of the appointment of next Ombudsman; and to work with staff at 'Ofisi 'oe 'Ompatimeni on areas of mutual interest and support.”

A special farewell program for Judge Boshier and his delegation was held on Wednesday evening, 1st of February at Tanoa International Hotel and attended by the Lord Fakafanua, Speaker of the Legislative Assembly, Lord Chief Justice Michael Whitten, the Attorney General Mrs. Linda Folaumotu'i and invited guests.

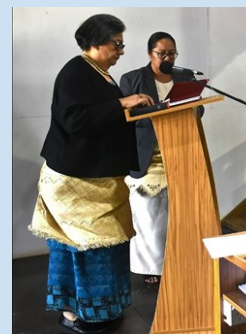
Again, Judge Boshier paid homage to Ombudsman Taumoepeau for the special legal and constitutional status achieved by the Office during his tenure from 2014 as Acting Commissioner for Public Relations to his retirement as the Ombudsman of Tonga. @OMBTonga.

## Appointment of Interim Ombudsman, Mrs. 'Alisi Taumoepeau, KC

Mrs. 'Alisi Taumoepeau, KC., was appointed Interim Ombudsman by the Speaker and the Legislative Assembly, effective as from 18th February, when the Ombudsman, 'Aisea Taumoepeau, retired after nine (9) years in the post.

The interim ombudsman was sworn-in at the Legislative Assembly on 9th February after members of the house voted in favour of her appointment.

Mrs. Taumoepeau joined the office in 2019 as the Director of Investigation. She became the Chief Executive Officer a year later before her appointment as the interim ombudsman. Her legal career began at the Attorney General's Office. She was the Solicitor General before her appointment as the Attorney General and Minister of Justice. She is King's Counsel. @OMBTonga



*Above: The Interim Ombudsman, Mrs. 'Alisi Taumoepeau, KC., taking her oath at Parliament with the Clerk of the House, Gloria Pole'o. (PC: Office of the Legislative Assembly)*

## Rights to Information Dialogue

The Chief Executive Officer, 'Alisi Taumoepeau, KC., contextualized the outreach programs of her office with the Rights to Information for everyone in the Kingdom during the "Rights to Information Dialogue and Advocacy in Tonga." She was speaking at the UNDP, USP and USPSA, UKAid and the NZ Aid Program weeklong program from 17-20th January, held at the USP Tonga Campus.

"Human Rights" and any Human Rights Discussion or Action or Policy or Law in Tonga is well over a hundred old years referred to by our guest speaker. In 1875 long before we were all born, our Constitution granted all with rights, and I am sure they have a copy of this Constitution at the USP Library for those of you who you want to check what I am saying. So when I speak Human Rights and our rights under the Constitution in Tonga, I think I can stand tall and tell the world this is not a new subject, it has been ours for over a hundred years. How we exercise this right changes, in the context of time, in the context of correct information and in the context of wisdom. So we're here in support of those Constitutional rights and we thank the sponsors who are here to remind us.

"I also acknowledge the work that government is doing now, in the past and since 1875, and will still be doing when we're gone to ensure that the rights our Constitution gives us and the UN Charters confirm for us, are exercised in our context with the right information and with wisdom. Let me tell you a bit about our Office as part of this context, of this Tongan Concept of the Rights of Information.



*Above: Speakers at the RTI Dialogue, l-r: Dr. Robin Havea, Director USP Tonga, HEMs. Lucy Joyce, UK High Commissioner; Mr. Paula Ma'u, Guest of Honour & CEO of MEIDECC, Mrs. 'Alisi Taumoepeau, CEO-Office of the Ombudsman and Mr. Peter Lund, NZ Deputy High Commissioner.*

"The Office draws its mandate from the Ombudsman Act of 1989 with major amendments in 2016 and the apex is the Constitutional amendment that became law last year which says - *The Ombudsman shall, unless otherwise provided by Law, have complete discretion to exercise his legal powers and duties independently without any interference whatsoever from any person or authority.* That is our mandate from our Constitution. We seek to ensure that public administration by government agencies is fair and accountable. It does this by taking complaints direct from the people of Tonga.

Mrs. Taumoepeau also highlighted the essence of her office's core functions and promotion of good governance as well as continuously carrying out the outreach programs to all sectors in government, private and public sectors. And despite the volcanic eruptions and tsunami as well as the COVID-19 pandemic that had affected every sector, the Office was still able to operate at the most difficult period during the first quarter of 2022. @OMBTonga.

## OFFICE OF THE OMBUDSMAN—MONTHLY THEME FOR THE JUNE QUARTER

**APRIL—LET'S WORK WITH INTEGRITY**

**MAY—FAMILIES EMBRACE GOOD GOVERNANCE**

**JUNE—CELEBRATING 161 YEARS OF EMANCIPATION**

## Sunday Service with Ombudsman Taumoepeau, SC., at FWC Fasi Parish

The Ombudsman, Mr. 'Aisea Havea Taumoepeau, SC., and his staff joined the FWC Fasimoeafi 'a Tungi in today's Sunday service led by the resident minister Rev. Samisoni Tuiaki.

It was the final combined service with the Ombudsman Taumoepeau before he retired on 18th February, when he turns 72nd, the official retirement age under the Ombudsman Act.

The Office wishes the Ombudsman the best in his retirement.  
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## Outreach

A total of 11 outreach programs were conducted during the quarter including a speech given by the CEO focusing on the **Right to Information**. It was an opportunity to explain about the major duties and responsibilities of the office and good governance.

### News Conference (top photo at right)

One (1) news conference was held on 1st February by the Office and led by the visiting NZ Chief Ombudsman and Ombudsman Taumoepeau.



### Mobile Outreach (MOP) (2nd photo at right)

One (1) mobile outreach covering Hofoa, Puke & Sia'atoutai held on 25th January. An elderly woman in her 80's and a relative received brochures from Senior Investigator, Mele'ofa Mohenoa.



### Felafoaki program

Two (2) monthly programs were held for February & March over 87.5FM and 88.1FM. The programme for March held over 88.1FM was led by PIO Pilimisolo Tamo'ua and IO 'Etivoni Pifeleti. It was also livestreamed by Kalolaine Moli of 88.1FM (pictured at left).



## REACH Mission (6)

Six OPs held at 'Eua involving the Office of the Ombudsman covering Ha'atua, Petani, Sapa'ata, Futu, Ta'anga and Houma. The Office was represented by the Principal Investigation Officer (PIO), Mr. Pilimisolo Tamo'ua, and Investigation officer, Mr. 'Etivoni Pifeleti (pictured, right). They offered advice and assistance as well as recording formal complaints from some of the people of 'Eua.  
©OMBTonga.



## Two staff members complete PDLP

Two investigation officers of the Office of the Ombudsman were among 11 students who successfully completed the 6-month Professional Diploma in Legal Practice (PDLP) conducted for the first time at the USP Tonga Campus. They are 'Etivoni Pifeleti and Siosaia 'Ofa Tu'i'onetoa. All Bachelor of Law graduates must take up the 22-week intensive PDLP practical legal training programme in order to get admitted as a lawyer.



"The rationale of bringing PDLP to Tonga was due to high demands and the impact of COVID-19, a request that went through USP Council from the Ministry of Education & Training (MET) saw PDLP coming to Tonga. It was a partnership between USP Tonga Campus, MET, and MOJ," said Dr. Robin Havea, Director of USP Tonga Campus.

While there were others who taught modules from Laucala Campus though zoom, two of the Ministry of Justice's staff, Ms 'Akanesi Katoa and Rose Lesly Kautoke were also part of the teaching team.

According to Dr. Havea, the PDLP is scheduled to start in August this year at the local USP campus

"It is a great opportunity for our Tongan students to take PDLP right here in Tonga. It saves time let alone removes a significant portion of the financial burden one must face when taking this program abroad particularly Fiji, Dr. Havea said.

The Office of the Ombudsman wishes to congratulate Mr. Pifeleti who was Admitted to the Bar on Friday, 24th March, 2023. The ceremony was presided by the Lord Chief Justice Michael Whitten and Judge Petunia Tupou. The President of the Tonga Law Society, Mrs. 'Alisi Taumoepeau, KC., endorsed all of the 11 counsels who were admitted. Counsel Pifeleti was moved by the Director of Investigation, Office of the Ombudsman, Mr. Roman Vaihu (*above photo*).

Meanwhile, Mr. Tu'i'onetoa is scheduled to be admitted to the Bar in Nuku'alofa in June when his family joins him from the United States. @OMBTonga.

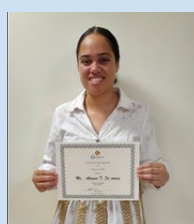


## Staff of the Month (SoM)

Three of the staff members of the Office were recognized for their outstanding performance during the quarter. The SoM for January was awarded to Mrs. Sisilia Tokai, February was awarded to Miss 'Akanesi Fa'otusia and Mr. 'Etivoni Pifeleti received the SoM for March. Mrs. Tokai received her award from the visiting Chief Ombudsman of NZ, Judge Peter Boshier. **Congratulations** and well done!



*Above: Judge Boshier presents Staff of the Month award for January to Mrs. Sisilia Tokai, Senior Assistant Secretary.*



*Assistant Secretary, Miss 'Akanesi Fa'otusia.*



*The Interim Ombudsman/CEO, Mrs. 'Alisi Taumoepeau, KC., presents SoM for March to IO, 'Etivoni Pifeleti.*

## Office of the Ombudsman, Tonga, Quarterly Newsletter for January—March, 2023.

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