



ANNUAL REPORT

FY 2023/2024

ACT NOW

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Ombudsman's Foreword

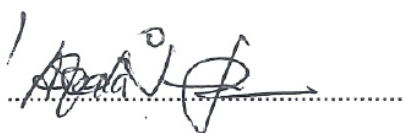
Act now

It is a privilege to present the Ombudsman's Annual Report for FY 2023/24 which has been fraught with the blessings and challenges of Investigations; local and international engagements; training and recruitment.

As a Constitutional Officer, the Constitution as Supreme law has afforded the highest protection in law, for the independent exercise of all duties. The Ombudsman Act 2001, as the statutory mandate, guides the investigation of complaints relating to public administrative decisions to ensure that people are treated fairly and according to law.

Transparency and fairness continue to be of utmost importance and the commitment to provide a high quality and accessible complaint handling for all. The International Ombudsman Institute (IOI) has set the theme for the current year as, Act Together for our tomorrow.

The support from the Speaker of the Legislative Assembly, the Government and the commitment of all staff has ensured seamless operation.



'Alisi Numia Taumoepeau, KC

Ombudsman



CEO Comments

We are very pleased to report on what has been another busy, challenging and rewarding year. We continue to work hard to achieve right and fair outcomes in the public interest. Our hope is that “Ngaue leva” in this report demonstrates this clearly.

Every year we aim to set a meaningful and motivational theme as an opportunity to provide a cohesive, inspiring thought for our work for the year. It is also important to set a foundational star in our journey for that year. Inspired by our international Ombudsman body’s theme of, “Act together for our tomorrow”. The theme is localised as, “NGAUE LEVA”, simply translated as “Act now”.

As a key stakeholder in the integrity space, we are placed in a unique position as an institution with the ability to act on ways that are consistent with our governance values, beliefs and moral principles. It is about doing the right thing even when no one is watching. “Act now”, essentially calls each of us to play our part with no delay.

This “Act Now” report focusses on the good results achieved in the public interest. These would not have been possible without the professionalism, hard work and dedication of all the staff. It is a privilege to work with outstanding individuals and I thank them all for their “act now” attitude. I look forward to working with them in the coming year.



Roman Lemisio Vaihu

Chief Executive Officer



III. Our Work

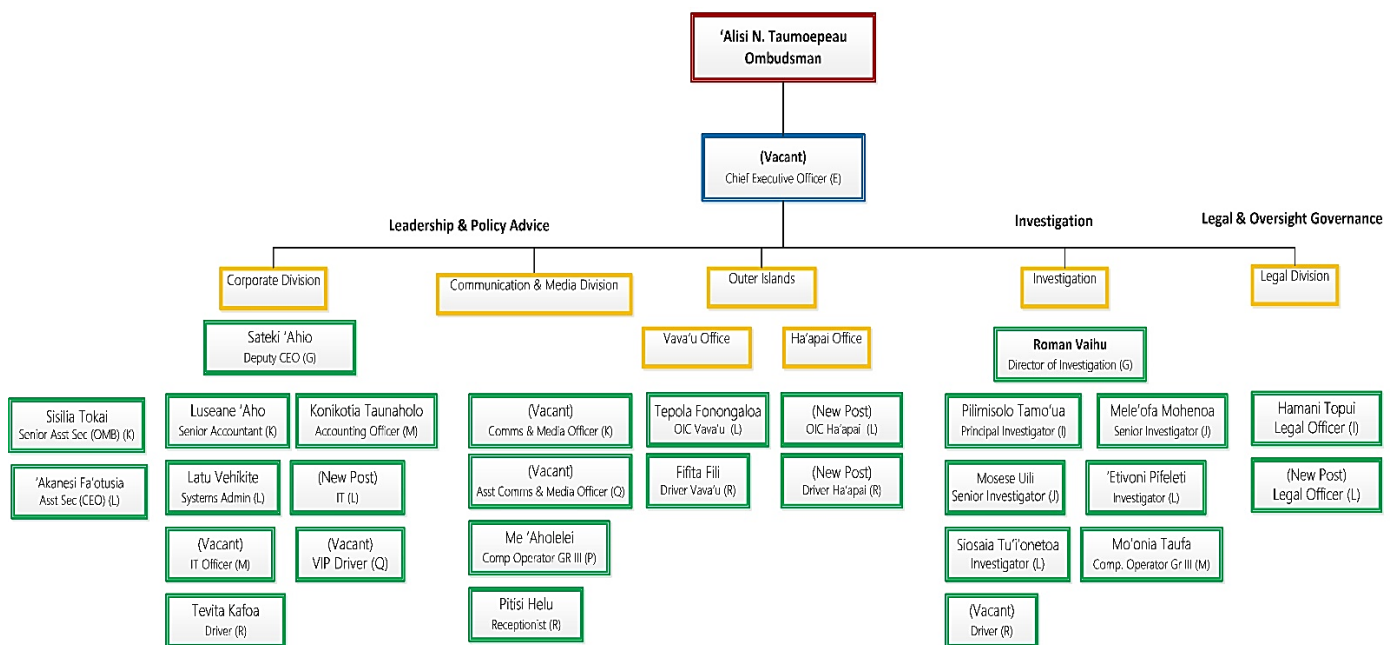
Mission & Vision

Our mission is to provide an integrity-based complaints resolution service and promote best practice in public administration. Improvement in all our policies, procedures and toolkit is a work in progress. The call is to achieve fair, accountable and responsive administration in government ministries and agencies.

1. Corporate

Organisational Structure; 30 June 2024

As of 01st July 2023, the Ombudsman, Mrs. 'Alisi Taumoepeau, KC heads the office with 20 permanent staff and 1 daily paid staff.



A. Staffing

There is tough competition in the job market and if we cannot attract the best or retain our current staff. This impacts the performance of the Office. Investigating complaints, investigation officers are required to refer to relevant laws and

regulations before making recommendations under 18(3) of the Ombudsman Act. Investigation officers are preferred to be legally qualified.

In the reporting period, two new staff were recruited, a driver and a returning scholar, law graduate. Two officers resigned and the Communication Officer retired.

Vava'u Office

The Vava'u office has 2 staff, Ms. Tepola Fonongaloa as OIC and Mr. Fifita Fili as support staff. Despite receiving low complaint numbers compared to previous years, visits made to the office were high. The office makes the service accessible to the general public.

Given the frequent network disconnection, this has impacted and slowed down communications and impact the ability to deliver outreach programmes. The Vava'u team attended the Agricultural Show, Intercollegiate Sports and conducted various outreaches such as visiting wholesale and retail shops.

Legal Division

A Policy Development Course was held at the Attorney General's Office from June 12th to 13th 2024. The workshop brought together representatives from various government ministries and agencies, including His Majesties Armed Forces, Ministry of Lands, and the Prime Minister's Office, among others. Legal Officer for the Office of the Ombudsman attended. The sessions were led by Senior Crown Counsel Ms. Akanesi Katoa and Chief Legal Officer Mr. Inoke Finau.

The course focused on a comprehensive seven-step framework for effective policy development: obtaining information about the problem, understanding stakeholders, planning ahead, creating options, conducting outreach and consultation, implementation, and evaluation.

Participants engaged in practical exercises, such as analysing scenarios related to gang violence to identify root causes and stakeholder impacts, and developing strategic options encompassing information campaigns, law reform, and resource allocation. Emphasis was placed on stakeholder engagement, risk assessment, and

the importance of continuous evaluation to ensure policies remain relevant and effective.

Schedule to the Act

The Schedule, set out all entities, within the jurisdiction of the Ombudsman, particularly those where the Tongan Government holds a majority share.

Section 11(8) of the Ombudsman Act, empower the Speaker to amend the Schedule, by Order

Legal issues

Research is undertaken to address areas in our jurisdiction that requires clarity. During the course of the year, research areas have included; Amendment of the Schedule to the Act; Delegation of powers under the Act; the new legal entity TNU; Law Practitioners Act; and the Health Practitioners Review Act.

Staff Awards

As an incentive, we recognise the dedication and performance of our staff through our monthly staff of the month awards. The following staff were the awardees in the reporting year.

Staff Awards

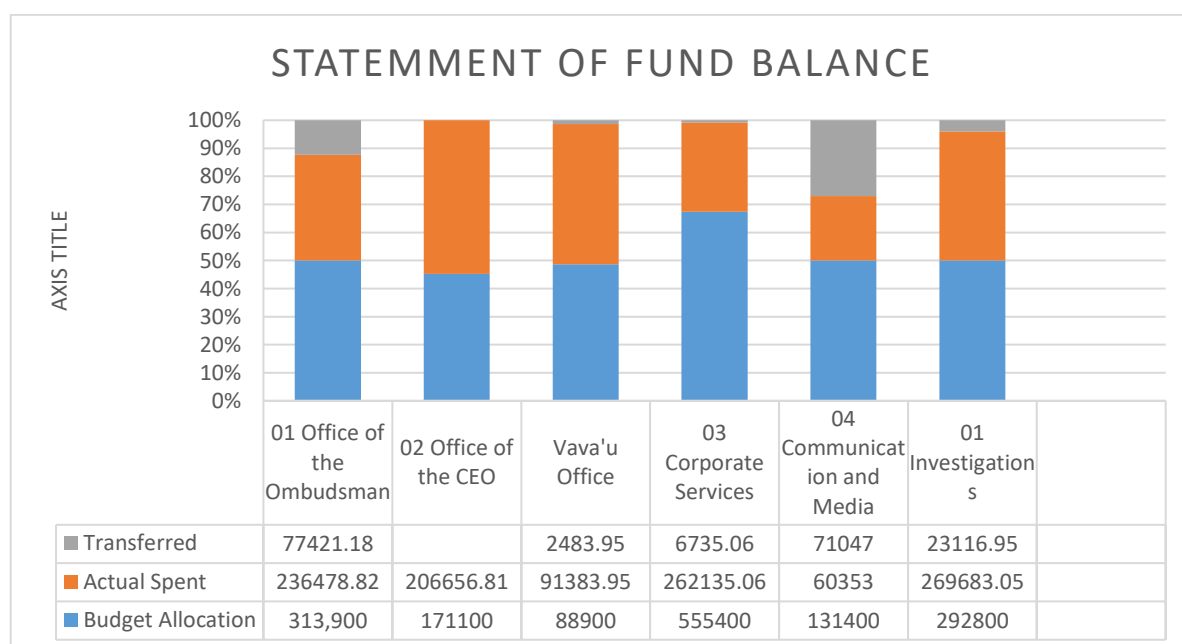
No.	Name	Division	Month
1	Fifita Fili	Vava'u Office	July
2	Kalisipoa 'Ataveifoa	Ombudsman Division	August
3	Konikotia Taunaholo	Corporate Services	September
4	Kalisipoa 'Ataveifoa	Ombudsman Division	October
5	Konikotia Taunaholo	Corporate Services	November
6	Sisilia Tokai	Ombudsman Division	December
7	Tevita Kafoa	Ombudsman Division	January
8	Akanesi Fa'otusia	Ombudsman Division	February
9	'Etivoni Pifeleti	Investigation Division	March
10	Konikotia Taunaholo	Corporate Services	April
11	Tepola Fonongaloa	Vava'u Office	May
12	Mosese Uili	Investigation Division	June

B. Financial performance

Our approved budget was \$1,553,500.00 for the current reporting cycle. We have two programs, Program 1: Leadership and Policy Advice and Program 2: Investigations. The table below will indicate Actual Expenditure, 92% of our allocated budget was spent. 8% of our budget was not spent and savings were transferred to operations.

Actual Expenditure

Program 1: Leadership and Policy Advice		Budget 2023/24	Actual Expenses	% of total actual expenses on budget
Sub-programs		\$	\$	%
01 Office of the Ombudsman	4101111	13,900.00	36,478.82	75%
02 Office of the CEO	4102111	171,100.00	206,656.81	121%
Vava'u Office	4102211	88,900.00	91,383.95	103%
03 Corporate Services	4103111	555,400.00	562,135.06	101%
04 Communication and Media Services	4104111	131,400.00	60,353.00	46%
Total Program 01		1,260,700.00	1,157,007.64	92%
Program 2: Investigation				
01 Investigation	4201111	292,800.00	269,683.05	92%
Total		1,553,500.00	1,426,690.69	92%



Auditor's Report

The audit inspection for the period ended June 2023 has been completed reviewing the accounting systems and procedures undertaken by the office from July 2020 to June 2023.

The Audit report and our respond is annexed. The strive to improve our accounting systems and procedures is a work in progress.

C. Information Technology

IT plays a critical role in supporting our mission by enhancing efficiency, data security, and enabling effective communication and data management across all divisions. IT facilitates daily communication using the Internet, Zoom, email, websites, Facebook, telephone, and other IT channels, fostering collaboration and responsiveness. Additionally, IT safeguards financial data by facilitating budget monitoring in the Accounts Division and improving operational efficiency.

The office utilises IT for public outreach, content management, and data analytics. In the Investigation Division, IT streamlines case management, safeguards sensitive data, and enhances the efficiency of investigations, including facilitating secure communication between complainants and investigators. Furthermore, IT empowers the Vava'u Office to communicate remotely and engage with the main office operations, such as weekly meetings, monthly devotion, and training sessions.

IT division maintains the operation and infrastructure of office information and communications and supports staff when they need assistance regarding IT equipment.

We are working with Lanworx based out of Wellington, New Zealand for the implementation of our new Case Management System (CMS). We acknowledge the generous funding from United Kingdom High Commissioner's Office to engage consultants from Lanworx to visit on a scoping mission.

Maintenance and Backup

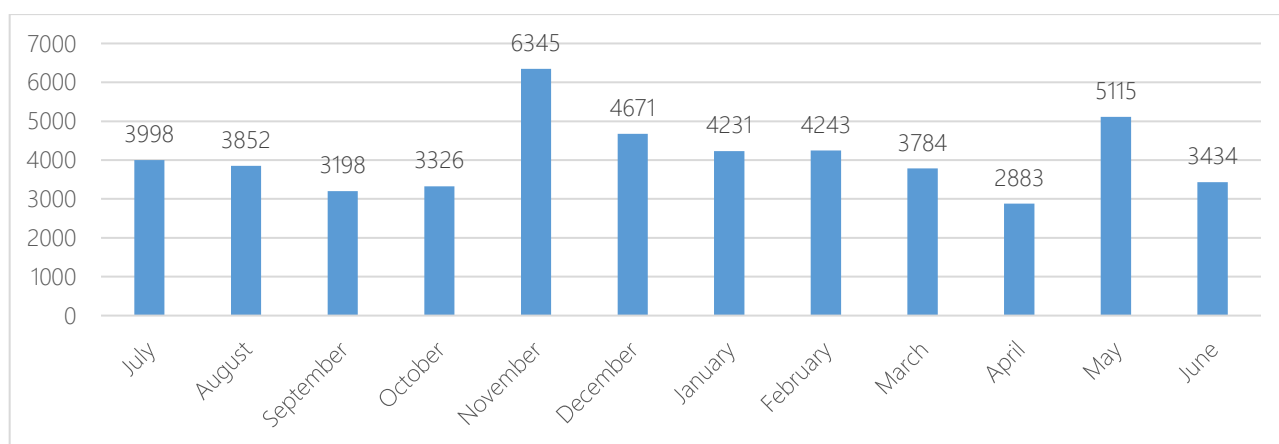
During this year, various tasks were completed to improve IT infrastructure performance and security. These tasks included backing up critical documents and emails, cleaning hardware components, updating systems with Windows Updates, updating software applications, updating antivirus software, conducting system scans, and conducting an inventory check of IT equipment. These efforts collectively enhance IT infrastructure efficiency and security.

Ensuring the backup of staff data is crucial for security and maintaining office operations. Data loss can occur due to hardware failure or cyber-attacks. Regular backups mitigate these risks and reduce any disruption to our operation.

Best practices include storing backup copies in an external drive and regularly testing backup systems. These measures help the office effectively protect its information from loss.

Website Visits (<https://ombudsman.to>)

The graph below shows number of visitors to the OMB website from July 2023 – June 2024:



2. International Engagement & Training

Highlights of international engagements and training attended by staff during the reporting year, are testament to the breadth and depth of, relevant national, regional and international issues addressed.

They are HR Essentials for Non-HR Manager's Workshop – June to August 2023; Treaty Body Review – November 28th – 30th 2023; Pacific Pre-Conference of State Parties to UNCAC – August 17th and 18th 2023; Adaptive Leadership Training – August to November 2023; v. NZ Short Term Scholarship Training – 13th to 24th November 2023; Tenth Session – Conference of States Parties to UNCAC – 11 – 15 December 2023; vii. APOR conference – 30th October 1st November 2024; Pacific Integrity Triangle 13th – 15th February 2024; and 13th IOI World Conference 13th – 17th May 2024.

i. HR Essentials for Non-HR Manager's Workshop – June to August 2023

The New Zealand Ombudsman's International Development and Engagement team invited participants from Ombudsman Offices all over the Pacific, including the Ombudsman Office of Tonga, to engage in a six module workshop series "The HR Essentials for Non-HR Managers Workshop". Ombudsman 'Alisi Taumoepeau nominated participants; Sateki 'Ahio (Deputy CEO); Sisilia Tokai (Senior Assistant Secretary/PA to Ombudsman); and 'Akanesi Fa'otusia (Assistant Secretary) to take part in this training series.

The workshops consisted of an overview of the employment life-cycle, the recruitment process, the on boarding process, development, retention, and employee termination. All workshops contained essential guidance in dealing with issues of human resource.

ii. Pacific Pre-Conference of State Parties to UNCAC – August 17th and 18th 2023

Director of Investigations, Mr. Roman Vaihu attended the Pre-Conference to UNCAC facilitated by the Pacific Islands Forum Secretariat and the UNODC Office

for UNCAC focal points. Although the Attorney Generals' Office is Tonga's focal point, the Ombudsman is also invited as a key stakeholder and fighter of corruption.

As a prelude to the UNCAC later in the year, this brought the region together to share current approaches of anti-corruption efforts in country before jointly making a unified statement on what corrupt free Pacific would look like under the Teinewa Vision.

iii. Adaptive Leadership Training – August to November 2023

Investigation Officer – Mr. Siosaia Tu'i'onetoa participated in the Adaptive Leadership Training modules concluding with a one week training held at Puataukanave Hotel, Vava'u. This series of training was conducted and funded by Balance of Power Tonga in partnership with the Public Service Commission. Mrs. 'Ofa Guttenbeil Likiliki and Reverend Dr. 'Ungatatea Kata were the facilitators.

The modules were titled:

- i. Adaptive Leadership;
- ii. Formal and informal authority; and
- iii. Knowing yourself.

Mr. Tu'i'onetoa believes he has acquired a new outlook on applying leadership skills within a working environment. We look forward to his positive contributions in the work space.

iv. Treaty Body Review – November 28th – 30th 2023

Mr. Roman Vaihu attended the UN Human Rights Treaty Body review pilot for Tonga, Fiji and Vanuatu held in Nadi, Fiji. This was a follow up review monitoring the implementation of the international human rights treaties that Tonga has ratified, namely, the Conventions of the Rights of the Child and the Conventions of the Rights of Persons with Disabilities.

Although our office does not play an active role in the implementation of human right treaties, we were directly invited by the Geneva Human Rights Platform to attend as part of the broader independent sector of agencies that play a

fundamental role in holding government to account ensuring that human rights are upheld.

A key takeaway was listening to the approaches of Fiji and Vanuatu and how their mechanisms work in country and how our systems compare. As an independent body, we continue to take interest in developing human rights themes in country.

v. NZ Short Term Scholarship Training – 13th to 24th November 2023

Senior Investigation Officer – Mr. Mosese Uili was a recipient of a Manaaki short term training scholarship sponsored by the New Zealand Government. Mr. Uili attended a 2-week training scholarship course on Good Governance organised and facilitated by the University of Auckland and the Public Policy Institute.

Key takeaways from the excursion were exploring definition and characteristics of good governance, definition of corruption and ways to fight bureaucratic corruption, e-governance and its advantages and disadvantages and good governance and climate change.

We look forward to seeing more of our staff engage in such experiences as they will positively share their experiences with the rest of staff but more importantly, apply it to their everyday office work.

vi. Tenth Session – Conference of States Parties to UNCAC – 11 – 15 December 2023

Tonga was well represented. The request from the host and the organising committee, that due to the crucial nature of the matters to be considered by the Conference at the session and the need to reach important decisions, government representation in person at the highest possible political level.

The Government of the Kingdom of Tonga's official delegation to the COSP 10 was as follows:

- Head of Delegation: Hon Samiu Kuita Vaipulu,
- Delegation: Hon Úhilamoelangi Fasi
- Delegation: Mrs. Álisi Numia Taumoepeau

- Delegation: Mrs. Gloria Poleo & Miss Rose Kautoke

The composition of the delegation spoke clearly to the application of UNCAC to Tonga, with the Executive, Legislative Assembly, Ombudsman and Attorney General as focal point.

State Member reports, were one of the highlights of the conference.

The Honourable Samiu K. Vaipulu, Deputy Prime Minister & Minister for Justice & Prisons, delivered the Kingdom of Tonga's first ever report as a State Party to the United Nations Convention against Corruption. The report recounted the milestones Tonga, has achievement since signing up as a state party to the convention, including completing the process for the recruitment of the Anti-corruption Commissioner.

Engagement by the Legislative Assembly of Tonga, Bilaterals and corridor diplomacy underscored the importance of attendance in person at such international conference. The year 2023 was a year of anniversaries, including the International Anti-Corruption Day, commemorating 20 years of UNCAC, just before the 75th anniversary of the Universal Declaration of Human Rights and the 10th UNCAC.

vii. APOR conference – 30th October 1st November 2023

The Australasian Pacific Ombudsman Region (APOR) was held, in person, in Melbourne, Australia, 31st October 2023 and its 35th annual members' meeting on 1st November 2023. The Ombudsman, Mrs Alisi N. Taumoepeau and acting Chief Executive Officer, Mr Roman Vaihu joined their regional counterparts in the conference. It coincided with celebrations to mark the 50th anniversary of the Ombudsman in Victoria.

It was hosted by the Victorian Ombudsman, Ms Deborah Glass, who was also acknowledged by all the member for her major contribution, as she completes her tenth and final year of her tenure.

At the meeting on 1 November, Members agreed to issue a Communiqué from APOR, rereferring to, among other things, the role of an Ombudsman in a crisis,

the Venice Principles and UN Resolution and the importance of supporting the rights of First Nations and Indigenous people.

As an island nation spread out over more sea than land, one of questions asked of members, specifically Tonga was; Given the diverse perspectives within society, how do ombudsman offices navigate the challenge of convincing different segments of the population about the importance of integrity, good governance and the rule of law? Does this become harder the further you go from a capital city or central government?

Island hopping, outreach initiatives and technology facilitate access.

viii. Pacific Integrity Triangle 13th – 15th February 2024

The goal of the workshop was to increase collaboration amongst in-country integrity actors in the fight against corruption. There was encouragement of integrity agencies to engage with each other through mandatory reports, appointments, audits and investigations. In effect, this endorses and strengthens, the existing integrity alliance which has been in existence in Tonga for years now and will take on a more important and very relevant role, with the incoming Commissioner for Anti-Corruption set to begin on July 1st 2024.

The Ombudsman, and the Director of Investigation attended the Pacific Integrity Triangle workshop hosted in Port Villa. This was facilitated by the UNODC and brought together other integrity actors from across the Pacific from Parliament, Public Audit Offices and Anti-corruption bodies. The Tongan delegation included Member of Parliament, Dr. Fasi, and Auditor General, Mr. Sefita Tangi. Representatives from across the Pacific included Samoa, Cook Islands, Niue, Solomon Islands, Papua New Guinea, Vanuatu, Fiji, Marshall Islands, and Kiribati.

The Tongan delegation led the Workshop in prayer on the final day with Mr. Fasi leading with backup vocals by Mr. Tangi while the Ombudsman conducted the prayer. It was indeed a blessing to take our faith and praise to the region.

ix. 13th IOI World Conference 13th – 17th May 2024

The International Ombudsman Institute (IOI) convened at The Hague for the 13th IOI World Conference. This conference occurs every 4 years and it was the first since the COVID-19 epidemic. This is the most internationally recognised body for Ombudsmen. The delegation from the Office of the Ombudsman Kingdom of Tonga were the Ombudsman, Mrs. 'Alisi Taumoepeau and Mr. Roman Vaihu.

3. Investigations

A. Jurisdiction

Under section 11 of the Ombudsman Act 2001, provides for the investigation of, Complaints about, public administration; misconduct of public officers and maladministration by public officers and public authorities.

Matters within jurisdiction are investigated and Own Motion investigations, are also carried out at the discretion of the Ombudsman, according to law.

Conditions of complaint-handling include:

- A complainant must be directly affected by a relevant administrative act
- A complaint must be made within 12 months of the complainant becoming aware of the matter
- Investigate to follow only, where the complainant has a statutory right of review, or legal remedy
- There must be a relevant administrative act, decision or recommendation.

The public interest and the improvement of public administration are fundamental having due regard to the following questions; Is the complaint about an error of process? Are the circumstances of the complaint likely to arise again? Has the complainant suffered significant personal loss or is the complainant in vulnerable circumstances? Would an investigation be likely to lead to meaningful outcomes for the improvement of public administration? Has another review body considered the matter or is another body more appropriate

for reviewing the matter? Last but not least, Is there evidence of ongoing systemic failure?

Section 18, Ombudsman Act 2001, enables the making of recommendations to a public authority once an investigation is completed. It may be proposal that, Action is taken to rectify or mitigate the effects of an error or A practice is varied or Disciplinary action is taken in relation to misconduct.

B. Complaints received

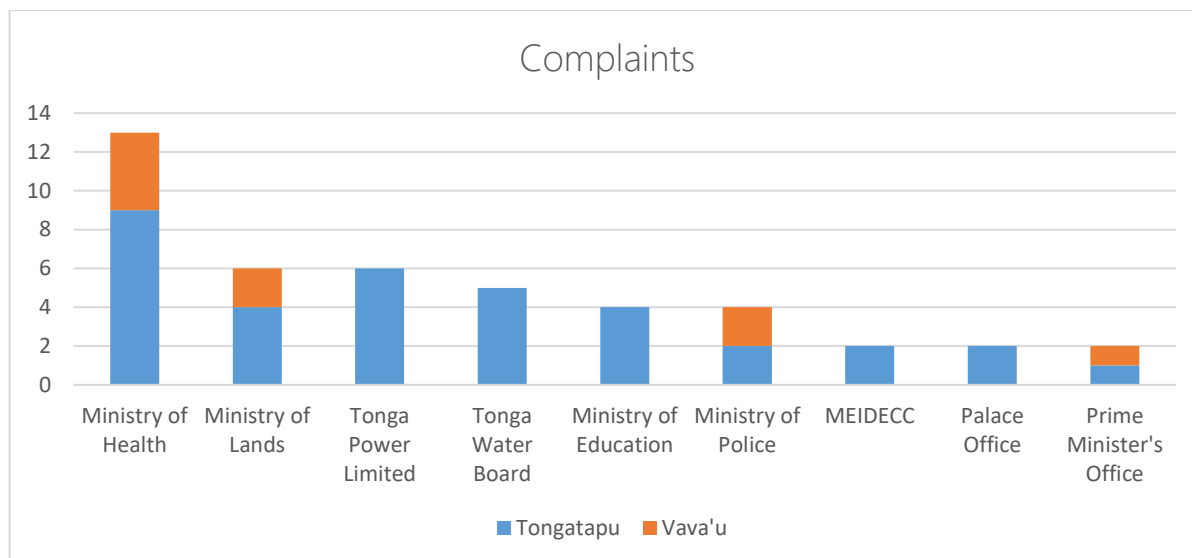
This reporting year, 55 complaints, were received. Of the 55 complaints received, 45 were received in Tongatapu, 82%. 10 complaints were received in Vava'u, 18%. There were no Own Motion investigations launched nor were there any Prime Minister's referrals.

The most popular form of receiving complaints is face to face contact in the form of visits. The general public drop in to Nuku'alofa or Neiafu offices and speak to any of our staff for advice. Provided the elements are met for a complaint, staff will record complaints on the spot for processing. If the complaint is not within our jurisdiction, we refer visitors to the appropriate authority.

The online platform is also available and is popular with the diaspora population. The diaspora, although permanently resident overseas, retain interests in Tonga which gives rise to complaints. Previously, this has included complaints on land related matters, utility bills from their rental properties and customer services.

Other modes can include outreach engagement on the ground during outreach activities in the villages or in remote areas. This has included receiving complaints during REACH programmes funded by the UNDP facilitated by the Ministry of Internal Affairs. There was a REACH mission to Vava'u from 21st to 30th November 2023. Complaints received by our office or toll-free line are also categorised here.

C. Complaints summary



When the number of complaints received in both Tongatapu and Vava'u are combined, the Ministry of Health leads the table for the first time followed by the Ministry Lands and Tonga Power Limited comes in at third place.

Ministry of Health:

This is the first time that the Ministry of Health has topped the table. These are primarily internal complaints relating to staffing issues on issues such as overtime and promotions. There is an apparent miscommunication between management and staff. The Public Service Commission has stepped in clarify policies. Policies should be thoroughly explained clearly and regularly to avoid these complaints from recurring.

Ministry of Lands:

The Ministry of Lands continues to feature in the top table. The Ministry of Lands continue to be non-responsive to referrals. A consultant, a former Lands officer, Mr. Paula Lo'amanu is bridging our ongoing cooperation.

The backlog of complaints correlating to the reporting year. The 4 complaints from FY18/19 are attributed to Lands. Similarly, the 4 complaints from FY18/19 is also attributed to Lands. The 11 outstanding complaints from FY20/21 are all

Ministry of Lands. The 151 current active complaints, 41 complaints are attributed to Ministry of Lands.

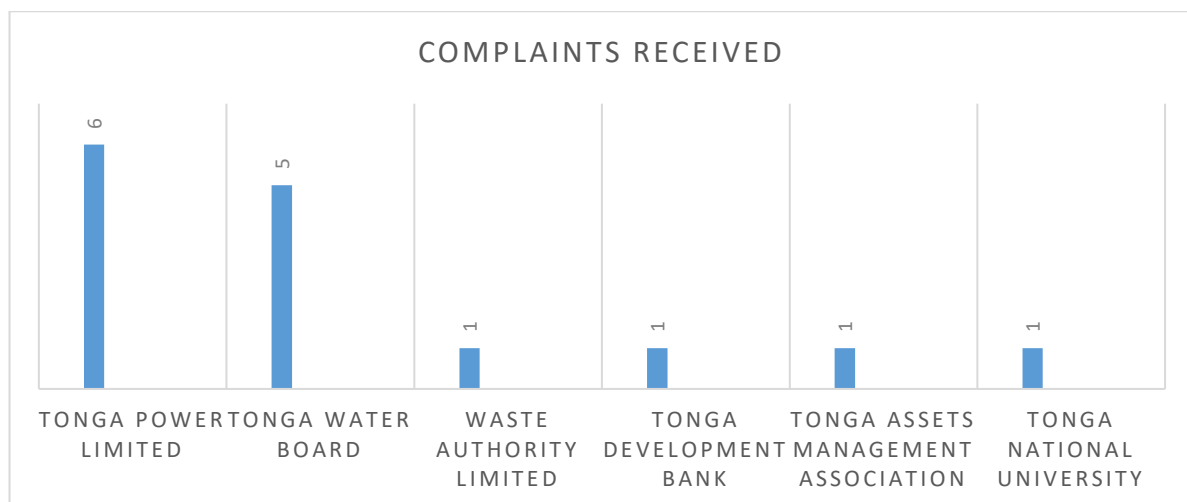
D. DUAL Ministry Complaints (2)

No	Ministries & Departments Agencies	Complaints received
1	MEIDECC/Ministry of Health	1
2	Ministry of Health/Public Service Commission	1
Total		2

This is the first time a dual complaint is received and investigated.

Most complaints received have been on singular public authorities. However, it is important to note this emerging category. For example, Ministry of Health/Public Service Commission complaints relate to staff issues specifically overtime. It was vital that the complaint was referred to both public agencies so that there was an opportunity for both to explain their role and implementation of the policies concerned.

E. Complaints per Public Enterprises Tongatapu



Utilities:

Tonga Power Limited continues to top the Public Enterprises table. This is a reflection of the reliance of the public on the public utility to supply efficient services. Similarly, Tonga Water Board comes in second as an essential need for the public. The majority of these complaints' centers around billing.

Both Tonga Power Limited and Tonga Water Board continue to be responsive to public complaints. The majority of complaints are around billing.

In February 2024, a complaint against the Tonga National University by a student dissatisfied with the manner in which his assessment was assessed. The investigation is ongoing.

F. Closed complaints

A total of 59 complaints were closed. These include Land cases from 2018/19 reporting year. This is directly attributed to the work of the engaged Lands consultant. Despite our best endeavours, the Ministry of Lands has not been responsive. This unreasonable trend may be indicative of serious systemic problems.

We are thankful for the ongoing cooperation that we share with public offices and we hope that this cooperation continues.

G. Notable closed cases

The following are cases received and closed during this reporting year illustrates the nature of complaints.

Ministry of Lands

Of the 59 complaints closed during this reporting cycle, 9 complaints were closed from the Ministry of Lands. The closed complaints against the Ministry is attributed to the devoted of the expert consultant, engaged.

Currently, our backlog from the reporting years, FY18/19, FY19/20, FY21/21 totals 19 complaints. 18 of these relates to the Ministry of Lands.

The current CEO of the Ministry, Mr Kula is highly commended for the great work he has done. He continues to come to the table to respond to the public and bring these complaints to a close.

The communication lines is kept open with the Ministry. Nevertheless, these notable closures reflect long awaited issues that the Ministry has closed during this reporting period:

1. Boundary survey delayed since 2007

This is a complaint is against the long delay from the Ministry of Lands & Natural Resources to actioned the boundary survey for his tax allotment situated at Vaihoi, Vava'u at the estate of the Tu'i Pelehake.

The complainant claimed that all the pre-requisites requirements has been completed. The only thing that was left was for the Ministry to carry out the boundary survey. The complainant followed up multiple times with the Ministry and the Governor's Office but no definitive response was offered. After 3 years since the complaint was initially referred to the Ministry, they responded. The response indicates that on 30th September 2023, a survey team travelled to Vava'u and conducted the boundary survey for not only the complainant's allotment but for 50 plus other allotments within Vaihoi.

The employees of the Ombudsman Vava'u branch reiterated the complainant's heartfelt gratitude that his allotment and the other residents' allotments were finally surveyed. This case was closed based on the aforementioned information.

2. Where is the service I paid for?

This is a complaint from an individual regarding the long delay from the Ministry of Lands & Natural Resources (the "Ministry") to action the boundary survey on his tax allotment. The complainant had paid the prescribed fees to the Ministry in 2007. Since then, the survey was not executed and the

boundary pegs was not put up. Because of the delay in the survey the registration of the allotment awaited the completion of the paid services.

Investigation was carried out into this complaint and the Ministry responded on 2nd November 2023, four years, three months and fourteen days later since matter was initially referred to the Ministry on 19th July 2019. The response confirmed that the Minister had granted the complainant's application to the allotment and issued a savingram for the boundary survey to be completed. The surveyors also confirmed that the boundary survey has been completed.

While the complaint was closed based on the aforementioned reason. It is to be highlighted that this case along other land related complaints encounter the same problem of long delays from the Ministry rather it is responding or actioning services that have been paid and approved by the Minister.

3. Double payments for the same service

This is a complaint regarding the delay from the Ministry of Lands & Natural Resources to conduct a boundary survey on the complainant's tax allotment and for charging her twice for the same survey. The complainant claimed to have paid the prescribed fees on 16th February 2016 and again on 23 September 2019.

Like the previous case, the Ministry took a while to respond to the matter after its initial referral on the 11th August 2020. They respond on the 2nd September 2023, specifically after 3 years, 2 months and 22 days. The response to the complaint revealed that paid prescribed fee in 2016 was for the boundary survey and the drafting of the Deed of grant.

The allotment was registered on 26 July 2016. The prescribed fees paid in 2019 were for relocating the boundary pegs as requested by the landholder. Hence, the Ministry denies that no double payments occurred. Evidence provided during the course of the investigation reaffirms this. The Ministry indicated that the relocation of the boundary pegs was completed on 6th September 2023

This case was therefore closed based on the aforementioned reasons. The delay from the Ministry to action the relocation survey and to respond to the Office is duly noted.

4. Fence encroaching onto my property?

This complaint was lodged by a couple against the Ministry of Lands & Natural Resources for erroneously surveying their allotment thereby allowing their neighbour to encroach to their property with their construction of a fence. The neighbours chopped down a mango tree that belonged to the complaint 5 meters into their land. The complainants alleged that perhaps there was collusion or corrupt practices between the officers at the Ministry and the neighbours because the parts of the land had been registered in 2017.

The response to this complaint revealed that after an official survey on the adjacent land boundaries the encroachment that they perceived is the neighbour's legitimate land boundary. Also, the allegation of collusion and corruption between officers of the Ministry is unfounded. However, should the complainants want to seek a re-evaluation of the boundaries they are required to bear the cost to ascertain the location of their property.

This case was therefore closed.

5. Second sub-division of land

This complaint was lodged by the former town officer of 'Utulei, Vava'u. During the complainant's tenure as the town officer about 2000, the complainant wrote to the Cabinet and requested that an available government land reserve at 'Utulei be sub-divided for residents who do not own land. This was approved by Cabinet.

The complainant and an employee at the Ministry worked together to subdivide the land into numerous plots. A total of 15 town allotments of 30 perches were granted and the names of those families were put into the plan.

While some of these plots have been registered while the rest have not been registered. The complainant claims that a second sub-division was carried

out by the Ministry and one person was given a large part of the land. In doing so this caused some of the people who had lands in the first subdivision to lose their allotment. The complainant had raised the issue with the Ministry numerous of times but to no avail.

During the course of investigation, the complainant passed away in October 2023, survived by his widow and son. Neither of them was interested in pursuing the complaint as their lands were unaffected. Hence the complaint was therefore closed given that the person with the interest in the complaint had passed away.

6. Delay in registration

This complaint against the Governor's Office of Vava'u and the Ministry of Land & Natural Resources for the long delay in processing the application for a town allotment at Neiafu, Vava'u in 2018. The complainant was only informed by the Governor's Office after 3 years in 2021 that he needed to pay the prescribed fees of \$80.00. He paid the prescribed fees.

While the response to the complaint from the Ministry to the Ombudsman was pending since it was referred in September 2021. The complainant was advised by the Office to enquire with the new-management at the Ministry given that the previous Management was unresponsive.

The complainant confirmed to the Ombudsman on the 24th October 2023 that registration on the allotment has been completed. Hence the complaint was therefore closed.

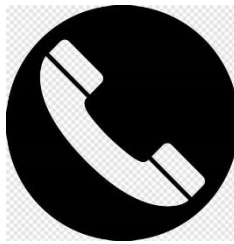
YEAR AT A GLANCE FY 2023/2024



142
visits



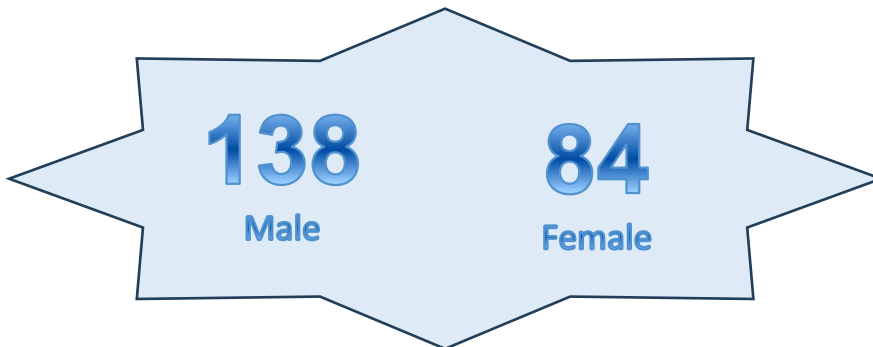
3
hearings



60
Phone calls

42
0800 calls

14
Outreach



IV. Conclusion

The Office exercises best endeavours to maintain cordial working relationships with all government organisations, public entities and the people. A central focus has been working closely with the Ministry of Lands despite the challenges of professionalism and being responsive to the public.

Outreach and engagement with the public and the government ministries attempting to close the backlog of complaints, in particular, from the Ministry of Lands. Making our services available and progressively expanding public engagement is a priority.

As an integrity agency, we are committed to good governance, due process and the rule of law. It is our hope that all public authorities share these common goals in the work that they do. We continue to march to the beat of integrity and work to mobilise the public sector to join the march.

The good governance and integrity mandate belongs to all. In, Ombudsmanship speak, "Good governance is good for you, good for Government, and good for Tonga."

