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# WAKA TANGATA

APOR E-NEWS

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News and views from integrity organisations in the Pacific and Australasia

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## Wominjeka | Welcome to this edition of Waka Tangata

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Warm Pacific greetings from a cold and rainy Melbourne, where winter is fast approaching but, as with all Ombudsman offices large and small, in hot and cold climates, the work continues unabated.

And what work it is! This edition showcases an impressive range of activity across our region. A few highlights: the Papua New Guinea Ombudsman Commission improving water supply to schools; on-the-ground visits by the New Zealand Ombudsman to cyclone-hit areas of the country; human rights consultations in Samoa; refreshed public engagement in Hong Kong; reports on child protection in NSW; training activity in the Solomon Islands and Tasmania; overseas visits by the Commonwealth and Western Australian Ombudsmen, the latter of course also the President of the IOI.

Not to mention a sad farewell to our esteemed colleague 'Aisea Taumoepeau in Tonga, and a reminder that he was instrumental in changing the law in Tonga to bring it in line with the global Ombudsman family.

It was great to hear about the recent training in Fiji led by New Zealand with support from my office, attended by many investigators in the Pacific region.

Here in Victoria we are actively planning our 50<sup>th</sup> anniversary celebrations, and the APOR regional conference and meeting to be held in Melbourne 30 October to 1 November. We

are excited to see as many of you as possible here – more on those plans to be circulated by my office soon.

In the meantime, stay warm, those of you in cool southern climes, and enjoy the warmth, those of you who are not!

Warmest regards,

**Deborah Glass**

APOR Regional President

Victorian Ombudsman, Australia

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## Ombudsman Commission PNG

### Commission intervenes to improve conditions at two schools



Two schools in Papua New Guinea are to benefit from much needed financial assistance following interventions by the Ombudsman Commission (OC).

The lack of a water supply at [Salamaua High School](#) in the Huon Gulf District for the past 15 years has meant students have had to use water from local creeks and school hours had been reduced to six hours a day. Following a newspaper report on the ongoing issues, the Ombudsman Commission investigated and the school is now receiving financial support from the authorities, not only for the water supply, but for other infrastructure needed at the school. The Huon Gulf District Development Authority (DDA) was directed to carry out a proper feasibility study on the restoration of a consistent water supply to the school and to fix other issues identified by the OC. The School was recently elevated to secondary school status and also needed new teachers, new teachers' accommodation, and more classrooms and dormitories for students. The DDA was directed to complete these projects before the school year started.

The Ombudsman Commission was also called in to resolve a dispute between a contractor working on construction at [Nawaeb Secondary School](#) and the Nawaeb District Development Authority (NDDA). The Ombudsman's intervention not only resulted in the fast-tracking of projects at the the school but also drew the attention and support of both the Morobe Provincial Government and Morobe Provincial Administration who provided financial assistance to enable the school to prepare for its first intake of Grade 11 students.

The parties resolved their dispute and the work was completed. The Nawaeb DDA also committed to building more staff accommodation and an administration building. In addition the government is funding the construction of girls and boys dormitories while the Provincial Administration provided funding for infrastructural development.

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## **Ofisa o le Komesina Sulufaiga - Samoa Ombudsman**

### **Supreme Court rules in favour of the Ombudsman's Office**

The Supreme Court of Samoa has ruled in favour of the Office of the Ombudsman in a landmark decision on the jurisdiction of the Office, specifically the definition of 'matters of administration'. Faafetai Alisi was investigated by the Office's Special Investigation Unit in 2020 and claimed the Office had breached the Ombudsman (Komesina o Sulufaiga) Act 2013 by acting outside of its jurisdiction, and had breached her fundamental rights protected by article 9 of the Constitution. The Office successfully submitted to the court to strike out Alisi's application last year. The Ombudsman Office was one of four defendants. The judgment was released in March 2023. Faafetai Alisi was a former Corporate Services Manager with the Fire and Emergency Services Authority. The Ombudsman's Office was asked to investigate a claim against her by her employer.

[Read the judgment](#)

### **2023 State of Human Rights Report consultation**

The Office is continuing its village consultations for the 2023 State of Human Rights Report (SHRR). The views and opinions of the community, together with information from Government and CSO consultations, public surveys and desktop research, will help inform 'Safeguarding the rights of children in Samoa'. The Office is mandated to produce an annual SHRR to Parliament highlighting the status of the protection of human rights in Samoa and make recommendations on ways to improve the promotion and protection of human rights in Samoa.



## Complaints

The Office of the Ombudsman has received 50 complaints this year; 23 of which are against disciplinary forces. In a first for the Office, the Coroner has referred to the Ombudsman an administrative investigation into the death of a prisoner. It's an important opportunity for collaboration with the judiciary, they say.

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## New South Wales Ombudsman

### Report on Aboriginal children in out-of-home care

The NSW Ombudsman has found that the State's Child Protection Department has failed to achieve its five year strategy to reduce over-representation of Aboriginal children in out-of-home care.

The Ombudsman found that the department did not achieve its strategic objective, or any of the strategy's 4 sub-targets. Additionally, the Ombudsman found that the department had effectively abandoned the strategy without announcing it had done so, and that there were failings in the governance arrangements relating to the strategy.

[The Ombudsman report was tabled in Parliament in February.](#)

Also in February, the NSW Ombudsman released the first publication, in what is anticipated to be a series, on emerging issues and good administrative practices. The paper, ['Avoiding maladministration in the context of the NSW State election'](#) was published in advance of the State Government election on 25 March.

### Sydney WorldPride

The NSW Ombudsman hosted a stand at the WorldPride Human Rights Conference from 1-3 March. The event is the largest conference committed to LGBTQIA+ rights ever to be

held in the Asia Pacific region. It was a great opportunity to talk about their work and how they can help the LGBTQIA+ community.

**Pictured:** NSWO staff member John Braddick chats to a member of the public at NSW Ombudsman's stand at WorldPride Human Rights Conference



## Recent publications and reports

[Effects of perinatal conditions and local area socioeconomic status on early childhood mortality in New South Wales: linked data analysis](#)

[Public Interest Disclosures Act 1994 Audit Report: Summary of Public Interest Disclosure Audits of 6 Local Councils](#)

[Oversight of the Public Interest Disclosures Act 1994 Annual Report 2021–22](#)

[Aboriginal Outcomes Strategy focus area 2 \(out-of-home care\) – were the targets achieved?](#)

[Automated decision-making in the public sector](#)

[Avoiding maladministration in the context of the NSW State election](#)

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## Office of the Ombudsman Hong Kong

### Stakeholder engagement warms up as COVID-19 measures relaxed

In person events and face-to-face stakeholder engagements are back on the agenda in Hong Kong following the relaxation of mandatory mask wearing and isolation orders put in place during the COVID-19 pandemic. The Office has held a seminar for the Justices of Peace Scheme and Professional Advisers members, met with overseas and local counterparts and organisations, and begun visiting schools again.

### Investigations

With the relaxation of the rules, the Ombudsman also took the opportunity to hold press conferences to announce the findings of recent investigations and the release of reports. The Office has released six new reports since December last year and started four new investigations. The new investigations focus on topics



including the repair and maintenance of outdoor recreation and sports facilities, the abuse of public housing resources, regulations on the sale of food in vending machines and the regulation of licensed swimming pools.

## Recent reports

[Operational arrangements for statutory visits under Justices of the Peace Visit Programme](#)

[Government's regulation of illegal occupation or obstruction of streets by goods and miscellaneous articles](#)

[Government's enforcement against unauthorised building works in New Territories Exempted Houses](#)

[E-book lending service of public libraries under Leisure and Cultural Services Department](#)

[Education Bureau's Monitoring of Boarding Sections of Schools for Children with Intellectual Disabilities](#)

[Measures and Utilization of On-Street Parking Spaces for Persons with Disabilities](#)

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# Victorian Ombudsman

## 50<sup>th</sup> anniversary of the Victorian Ombudsman

Preparations are underway in Australia to mark the 50<sup>th</sup> anniversary of the Victorian Ombudsman's Office. A celebration is planned for the same time as the APOR conference in Melbourne in October. This year also marks the final year of Victorian Ombudsman Deborah Glass's 10-year term.

Drawing on learnings from their own complaint handling and investigations into decision-making during the COVID-19 crisis, the Office published a [guide to complaint handling in a crisis](#). The guide sets out some key lessons for handling complaints in emergency response and relief programs.

Recent months have also seen an increasing use of two relatively new powers for the Ombudsman's Office: conciliation and complaints review.

Their conciliators have now conducted 40 conciliations between complainants and agencies, demonstrating the power of bringing parties together face to face to resolve protracted or difficult complaints. The results they have achieved have been tangible and lasting – for public housing renters, council residents and more – and feedback has been overwhelmingly positive from complainants and agencies alike. The use of these powers continues to grow.

The Office has also completed five reviews of agency complaints systems and have another three on the way. By reviewing agencies' complaints systems and applying their own expertise, they can highlight and help address structural issues and, ultimately, drive public sector improvement.

In what is a new function for the Office, the Western Australian Ombudsman is to monitor the operation of the new *Liquor Control Amendment (Protected Entertainment Precincts) Act 2022*. Protected Entertainment Precincts are named in honour of Giuseppe 'Pep' Raco, the victim of an unprovoked attack in Northbridge in 2020. The Office must prepare a report on the operation of the law, to be tabled in Parliament, in three years.

WA Ombudsman and International Ombudsman Institute (IOI) President Chris Field recently visited Morocco and Pakistan. In Morocco Mr Field spoke at the International Conference marking the 20th Anniversary of the Institution du Médiateur du Royaume (Maroc). He also participated in a bilateral exchange with the Mediator of the Kingdom of Morocco, and met with Australian Ambassador to Morocco Michael Cutts.

As the first IOI President to visit Pakistan, Mr Field officially opened the new library in the Office of Ombudsman Sindh and both he and Ombudsman Khan planted a tree in the Office gardens. Mr Field also launched a research project being undertaken by the Provincial Ombudsman "Assessment of Malnutrition (Stunting) in District Tharparkar" at the Chief Minister's House. The basis of the research is that access to food and nutrition is a fundamental right for the citizens of Pakistan as enshrined in the Constitution.

"Ombudsman Khan is undertaking simply outstanding work for the people of the Sindh Province, particularly those most in need. He and his staff exemplify the very best of what an Ombudsman's office can aspire to be. The hospitality and warmth of the people of Pakistan will be a life-long cherished memory for me and the IOI will continue to commit to work for every Ombudsman in every nation," Mr Field said during his visit.



President Field meets with Mohamed Benalilou, Mediator of the Kingdom of Morocco.



President Field and Ajaz Ali Khan, Provincial Ombudsman Sindh following the opening of the new library.

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## Ombudsman Solomon Islands

The Ombudsman has, for the first time, teamed up with the Institution of Public Administration and Management (IPAM) to deliver training on good decision-making to public officers. Nearly 30 participants from various SIG ministries and departments attended the two day training session. Ombudsman Fred Fakarii acknowledged IPAM for understanding the importance of the training and integrating it as one of its training courses at the Institute.

The Ombudsman told participants the training would help make them good decisionmakers and enable them to understand the importance of following a process when making those

decisions. “Understanding the process of decision making, the boundaries of your authority and the law of natural justice will protect you when any of your decisions are questioned,” he said.

The Ombudsman’s Office has also conducted the same training

recently with the senior and middle management of the Correctional Services of Solomon Islands (CSSI) and all education authorities within Government, the churches and other private education authorities.



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## Control Yuan Taiwan

An elegant and stately century old dome in the Office of the Control Yuan (CY) has been restored to its former glory. The national monument was built during the Japanese rule of Taiwan. The CY building was designed by Japanese architect Matsunosuke Moriyama. Construction was completed in 1915, after which it served as the Office Building of Taipei County. The building is notable for being one of Taiwan’s relatively better-preserved examples of historical Western-style Japanese architecture in Taiwan. The restored dome is located at the main entrance of the lobby. The dome also contains a stained glass ceiling and is an imitation of the Pantheon of Rome.

The dome has been closed to the public since June 2020. President Chen said it was the first comprehensive masonry restoration project of its type in a century. “The project stands as a testament to the CY’s commitment to not only to protecting human rights and exercising supervisory powers, but also to the preservation of historical sites and cultural heritage.”





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## Ombudsman Tasmania

Interviewing skills and techniques and investigative practice were the focus of a two day workshop run by the Tasmanian Ombudsman and Gareth Jones of the Canadian Workplace Institute recently. *As a Matter of Fact – Best Investigative Practices* was attended by almost 70 people from Tasmania and other Ombudsman offices, including New Zealand, as well as staff from government bodies with investigative functions. As well

as gaining new skills and techniques in interviewing, the workshop provided an opportunity for investigators from around the region to meet each other and gain insights into each other's work.

Mr Jones brought with him a wealth of experience from his days as director of the major investigation team at the Office of the Ombudsman of Ontario between 2005 and 2020.

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## Ombudsman Tonga

### Tonga's Ombudsman retires

Tributes have been flowing in for Tongan Ombudsman Aisea Taumoepeau following his retirement in February after nine years in Office. Mr Taumoepeau initially served as acting Commissioner for Public Relations in 2014 and was appointed Commissioner eight months later. Mr Taumoepeau was instrumental in changing the law to bring it in line with the global ombudsman family, including a name change to Ombudsman.



In July 2021, on consent of King Tupou VI, the Ombudsman became a constitutional officer protected from political interference, a major status highlighted in 20th Anniversary of the Office in August of that same year.

The Speaker of the Legislative Assembly, Lord Fakafanua, extended his gratitude towards the major achievements of Ombudsman Taumoepeau while in office. The official visit of the Chief Ombudsman of New Zealand and IOI Vice President Peter Boshier coincided with Ombudsman Taumoepeau's retirement. Mr Boshier thanked Mr Taumoepeau for his major commitment towards ombudsmanship in Tonga, the Pacific and beyond.

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## Ombudsman New Zealand

### Chief Ombudsman travels to Cyclone hit areas

Recent visits to areas in New Zealand ravaged by a deadly cyclone and several storms has proved invaluable for Chief Ombudsman Peter Boshier. Eleven people died and thousands of people were left homeless following Cyclone Gabrielle. Mr Boshier visited the North Island's East Coast, Hawkes Bay and Auckland and described what he saw as "utter devastation", the likes of which he'd never seen before.



He spoke to local people, council leaders, Māori leaders, community law groups and citizens advice bureaus during his visits. He plans to travel to other areas in the North Island in the coming months.

Mr Boshier said he wanted to get an understanding of the issues and concerns facing the communities struck by these devastating weather events. His visits have given him first-hand information which he will be able to use to inform wider planning and his office's strategic response.

“In any natural disaster, both central and local government need to make a series of rapid decisions to respond to the immediate crisis and to help communities recover. As communities move from the immediate emergency response to the recovery phase, people are likely to have questions about these actions and decisions.”

Mr Boshier said that when complaints start to come in, the Office will be on the front foot. “I will have seen what people have endured and that is a whole lot better than just reading a letter and imagining it,” he said.

[Watch a video of Mr Boshier's visit to the East Coast](#)

## **Ombudsman launches New Zealand Sign Language videos**

The Ombudsman has launched a series of videos explaining the Ombudsmen Act in New Zealand Sign Language. NZSL is an official language of New Zealand. The three video series answers the frequently asked questions.

[Watch the series on YouTube](#)

The launch of the videos coincided with New Zealand Sign Language week – a yearly event organised by Deaf Aotearoa to raise awareness of the language and culture of New Zealand's Deaf community.

[Mr Boshier took the opportunity to introduce himself in sign language during the week.](#)

## **Regional workshop for Pacific Ombudsman and Integrity Institutions**

The [New Zealand Office of the Ombudsman](#) (OOTO) held a two day in person workshop for Ombudsman and integrity institutions in the Pacific region, supported by a subsidy from the International Ombudsman Institute (IOI). The workshop, which built on previous content delivered online, provided current and emerging leaders and senior investigators with the skills required to mentor, train and coach their people.

Participants came from the Cook Islands, Samoa, Tonga, Vanuatu, Papua New Guinea, Solomon Islands, Kiribati and New Zealand to attend the two day workshop in Suva, Fiji in March. It was co-facilitated by OOTO and a representative from the Victorian Ombudsman, the current Australasian and Pacific (APOR) Regional President.



Victorian Ombudsman and APOR president Deborah Glass

welcomed workshop participants saying she was pleased they had been able to meet in person. “I encourage you to take full advantage of this opportunity to learn and grow, network with your colleagues, and to share your experiences,” she said.

The exchange of ideas and discussion about the different practices between offices proved valuable throughout the highly interactive and engaging workshop. Participants said that the workshop cemented learnings from the online sessions and they were now better equipped to mentor, train, and coach staff and facilitate meetings more effectively.

There was also a general consensus among participants that they had learnt a thing or two from each other about the practices in their offices and what they could take back to their own. Things like having their office’s vision and mission on display (from the Cook Islands), investigations skills (from Victoria), assigning a trainee to a particular mentor (from OOTO), and media outreach ideas (from Tonga and the Cook Islands).

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## **Te Mato Akamoeau - Ombudsman Cook Islands**

### **Human Rights Community Led Development Workshop – Apia, Samoa**

Representatives from Te Mato Akamoeau (TMA) attended a three day Human Rights community led development workshop in Apia, Samoa in March. This was a continuation of the first workshop in November 2022 in Lautoka, Fiji. The workshop was facilitated by Asia Pacific Forum (APF) and supported by The Pacific Community (SPC).

The workshop was hosted by Samoan Ombudsman Ofisa o le Komesina Sulufaiga Office of the Ombudsman/NHRI Samoa and was attended by representatives from the Fiji Human Rights Commission.

On Day 2 of the workshop, Ofisa o le Komesina Sulufaiga led a consultation with the fa’afafine and fa’afatama community before producing their annual human rights status

report. TMA and the Fiji Human Rights Commission were invited to observe.

The trip also enabled TMA staff to meet with their Ombudsman colleagues at Ofisa o le Komesina Sulufaiga.

Pictured from left to right:

Destiny Tara Tolevu  
(Compliance Lead CI),  
Vaelei Ioasa (Senior Human  
Rights Officer, Samoa),  
Metua Taurarii  
(Investigations Officer, CI),  
Loukinikni Vili (Director  
Human Rights, Samoa) &  
Jean Nootai (Corporate  
Services Lead, CI)



## Meaningful engagement with newly formed government

In March, Ombudsman Rattle was invited to present at an orientation programme for the newly formed Government. This was targeted at Cabinet Ministers, Associate Ministers and Government Caucus. The session was to provide an understanding of how Ministers' Offices and Members of Parliament are supposed to operate and their rules of engagement with the Ombudsman and her office. This orientation was the first of its kind where the Ombudsman was present and was a key component to ensuring meaningful engagement in the future.

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## Australian Commonwealth Ombudsman

In January 2023 the Office of the Commonwealth Ombudsman has released its first report as the Commonwealth National Preventive Mechanism (NPM).

[Read the report](#)

[See the Latest news on OPCAT](#)

In February 2023, the Office updated its [Better Practice Complaint Handling Guide](#), providing principles to support a strong complaint handling system at all levels of an organisation.

In March, the Ombudsman visited Jakarta as part of the continued partnership with the Ombudsman Republik Indonesia (ORI). The partnership between the Office and ORI was established in 2000 and is one of the longest-running relationships between an Australian and an Indonesian government agency. The Office also delivered Intake training and organised Mediation training for ORI staff in February and March 2023. ORI is currently the Chair of the Southeast Asian Ombudsman Forum (SEAOFF).

**Pictured:** ORI Staff Seminar moderated by Gunawan Siallagan from the Ombudsman Republik Indonesia (ORI), with Sam Porter, Counsellor for Economic Governance and Infrastructure at the Australian Embassy, Commonwealth Ombudsman, Iain Anderson and ORI Ombudsman, Dr Johanes Widijantoro.



In April 2023, [Australia's NPM made a submission](#) to the UN Subcommittee on the Prevention of Torture (SPT) on its draft General Comment on Article 4 of the Optional Protocol to the Convention against Torture (OPCAT) relating to the definition of 'places of detention'. The Office continues to work with the UN SPT and Australia's NPM to advance implementation of OPCAT in Australia.

Also In April 2023, the Office published an [Insights paper on multi-agency service delivery](#), to provide guidance for agencies working together to deliver services. The report provides specifics on complaint handling, communication and responding when things go wrong.

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**Please send feedback and contributions to the *Waka Tangata* editorial team, based in the New Zealand Ombudsman's office**

[Submit feedback](#)

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**Ehara taku toa i te toa takitahi, engari he toa takitini**  
***My success is not my own, but from many others***

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