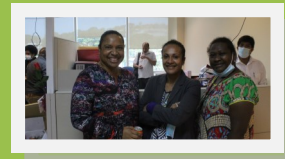




WASDOK

News

JUL - AUG
2021



VISION

To be a vibrant, premier institution in pursuit of promoting good governance and quality leadership in PNG

MISSION

To promote and protect the integrity of our leaders and to help improve the work of government bodies and investigate any complaints against them to ensure there is good governance, accountability, transparency and quality leadership in the public sector

VALUES

- Unity
- Impartiality
- Integrity
- Confidentiality
- Transparency
- Independence
- Professionalism

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THE BI-MONTHLY NEWSLETTER OF THE OMBUDSMAN COMMISSION



Helping MPs comply ... Ombudsman Kevin Kepore, Secretary Joseph Molita, Enga Governor Peter Ipatas, Senior Legal Officer Mathew Kik and Counsel Tabitha Suwae at the State Function Room during an outreach to the MPs focusing on following right procedures when using public funds during the 2022 Elections

Health CEOs and board chair are Category A leaders

The Ombudsman Commission has declared that Provincial Health Authority Chief Executive Officers and chairpersons are Category A leaders and are subject to the Leadership Code. In its meeting on 3 August 2021, the Commission considered a submission relating to the question of whether or not chief executive officers

of provincial health authorities were subjected to the Leadership Code. In order to determine jurisdiction, the Commission deliberated on and was satisfied with legal advice given that a provincial health authority has the following characteristics:

- The body must be established by statute as a discrete body;

- It must be established for governmental or official purpose and not private purposes;
- It must be an organization which is ultimately accountable to and controlled by the executive arm of the government; and
- It must be empowered

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“When leaders comply they save costs, time, physical and emotional stress to themselves, their families and their constituents and stakeholders.”

Editorial

Everything rises and falls on leadership.

That’s a famous saying commonly attributed to leadership guru John C Maxwell which simply means leadership determines how far an organization or a nation goes.

Leadership determines the overall condition of the organization or a country.

While leadership success or failure can be measured in many different ways, in a democratic society one of the traits of a good leader is accountability.

Being accountable means you are willing to be answerable to your constituents and believe that such interactions will cause good governance, increase trust and also encourage more innovative leadership.

The Leadership Code and all law for most part are designed to promote accountability, transparency and compliance.

The news of the Health CEOs being assigned as Category A leaders is welcome news in terms of good governance in PNG.

It means that now the Ombudsman Commission will have oversight over the actions of the Health CEOs. Public office holders are leaders that are required to lead by example.

Although we cannot say the Health CEOs are actually excited about this news, we hope they don’t take their new alignment negatively. The Leadership Code spells out what you should and what you should not do as a leader.

Knowing the parameters in which you operate is an advantage.

Stay within the parameters and you are safe, you walk out of those parameters and you suffer consequences. When leaders comply they save costs, time, physical and emotional stress to themselves, their families and their constituents and stakeholders.

The commission, therefore, urges health CEOs and all leaders to adhere to the Leadership Code—it paves way for good governance and quality leadership in PNG.

God bless PNG!

From Page 1

Health CEOs are Category A leaders

by its statute to exercise administrative policy-making powers, and not be confined to deciding matters on case-by-case basis.

Having being satisfied, the Ombudsman Commission declared pursuant to Section 26(4) of the *Constitution* that the Provincial Health Authorities in Papua New Guinea are Statutory

Authorities and the heads of those authorities (Chief Executive Officers) are Category A Leaders therefore are persons to whom the Leadership Code applies.

The Commission also declared that the chairman of the provincial health authority boards are Category A Leaders therefore are persons to whom the Leadership Code applies.

Retired teacher gets full entitlements

A retired teacher was paid a total of K77,999.60 as his total remuneration after he lodged a complaint with the Commission to pursue his backdated payments. His full entitlements was paid which included back pays, lump sums for missing pays and pay periods, responsibility allowances, MILOF and other benefits.

Worker compensation paid after 15-year delay

A man who died during an accident at the workplace has finally been paid his entitlement of K41,891.43 by the Office Workers Compensation (OWC) after a complaint was lodged by his son alleging that his father's entitlements were being delayed unnecessarily.

The deceased died from an accident whilst on duty on the 07 March 2006, when he was hit by two-ton fish net carrying frozen tuna fish.

The complaint was lodged with the Commission by his eldest son on 07 April 2021 against the Department of Labour and Industrial Relations (DLIR) alleging that there was an unreasonable delay in workers compensation payment claims for his late father by the department.

All correspondence from relevant stakeholders to the Office of the Workers Compensation (OWC) to process the alleged claims for the late worker received no favourable response .

After the Commission started the investigation the Office of Workers Compensation began to set the process in motion.

The deceased former company responded that a cheque worth K41,891.43 was raised and deposited to the nominated beneficiaries account on 10 August 2021 by DLIR.

Case conferencing saves dept K100,000

A total amount of K407,642 was paid to a hire car business as a result of the Ombudsman Commissions intervention which saved ABG Department of Technical Services K168,727.

The company lodged a complaint against the department claiming an outstanding fee of K576,369.00 for the hire of his motor vehicles in 2016.

The Department hired motor vehicles to be used during the construction and sealing of roads in Buka.

On 4 May 2021, the complaint was registered and the notice to investigate dated 6 May 2021 was served on the Department.

Following issuance of the notice, a pay-

ment of K100,000.00 was released by the ABG Department of Finance to the company on 11 June 2020.

No further payments were made thereafter.

On 11 January 2021, a case conference was held at the Ombudsman Commissions AROB Regional Office.

Discrepancies as to the actual amount owed were discussed between the complainant and the officers from the Department of Finance.

The amount agreed for settlement was finalized as K307,642.00.

On 15 April 2021, the ABG Department of Finance released a cheque for the amount as the final payment owed to the hire cars.

Kiosk licence revoked after OC probe finds fraud

A kiosk operator's licence has been revoked after the Commission investigated on its own initiative and found that there was improper issuance of permit to the kiosk operator by the National Capital District Commission (NCDC) for city markets.

The licence was to trial a Kiosk funded by the British America Tobacco for local Small Medium Enterprises (SME) in selective city markets.

The operator was to trial and empower local business to be entrepreneurs through simple SME.

However, the operation was somehow transferred to non-citizens to operate business inside the markets.

The Commission issued Section 17(1) OLOC Notice dated 15 July 2020 to the National Capital District Commission to which the City Manager responded and said they were misled to believe that the program would be trailed under SME concept for empowering locals.

The city manager found that the space was sub-leased to non-nationals thus defeating the purpose of local SME entrepreneur concept.

On 12 February 2020, the City Manager of the National Capital District Commission informed British American Tobacco and the kiosk operator, that the NCDC has revoked their permits after establishing that the local business breached the essence of the SME concept by involving non-nationals.

The NCD in a press release raised concern that the issuance of permit for operating a Kiosk in the NCD markets has been abused and that led to foreigners being awarded the permits to operate at designated city markets.

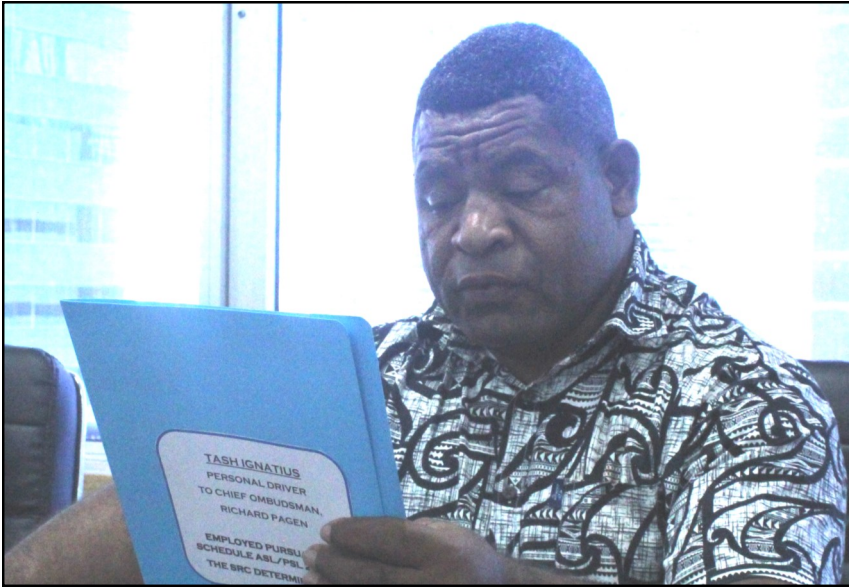


Graduates hit the ground running ... graduates, from left, Valina Roga, Staceyanna Gavara and Jacqueline Peakari have been engaged by the commission for one year. They are assisting HR with the recruitment drive the Commission is currently undertaking.

Right: Staceyanna and Valina already in the thick of things.



Thank you for your service ... The Ombudsman Commission bid farewell to Southern Regional Manager Vagi Boga (left) and AROB office officer Thaddeus Suniasa (top). Vagi has been with the Commission for 15 years while Thaddeus is leaving after four years.



Oath of secrecy ... Tash Ignatius, the driver for the Chief Ombudsman (PICTURED LEFT) and new Momase Officer Ezekiel Richards take their Oaths of Secrecy.

CS officer gets back paid for unpaid acting role

A Correctional Services officer received his backdated pay of K11,267.70 for Higher Duty Allowance from 2012 to 2016, when he was appointed to two acting positions first as the Acting Station Commander for Keravat Corrective Institution and secondly as Acting Operations Manager, Keravat Corrective Institution. In both cases he was not paid his Higher Duty Services Allowance. The complaint was registered on 10 September 2018 and assessed on 22 September

2018. A letter dated 20 February 2019 on the matter was referred to Mrs Patty Kore, Acting Commissioner, CS. Mrs Kore responded on 9 August 2019 advising that documents approving payment were signed for processing. Following numerous follow up action by the Ombudsman Commission the Correctional Service paid the complainant as settlement of his claim for Higher Duty Allowance for the periods claimed on 5 July 2021.

Commission intervenes in contractual impasse

A contractor with the Autonomous Bougainville Government was paid K800,000 after the Commission began an investigation into an alleged breach of contract. The contractor had complained that the ABG denied payment for his services in managing a ship owned by the ABG. The contractor was awarded the contract and was for the period between October 2015 to April 2016 to provide oversight for the provision of services to the atolls of Bougainville on behalf of the ABG.

The contract was renewed under a slightly varied term for a further two and a half year. Findings revealed that the ABG failed to honour payment agreements within the contract. The ABG has since paid the K800,000 to the contractor in four installments

Graduate teacher finally on payroll

A graduate teacher who has been teaching for one year is now on payroll after he lodged a complaint with the Ombudsman Commission. The teacher started teaching in 2018 and in October 2019 he complained to the Commission that he was yet to be put on payroll. The Commission referred the complaint to the Department of Education on 30 October 2019. The Department informed the Commission that the complainant was a new graduate whose educational qualifications were being confirmed with the Measurements Unit in Port Moresby. On 11 February 2021, the Ombudsman Commission followed up with the Department of Education who advised that the teacher was put on payroll and that his back pay was being processed. On 25 February 2021, the teacher was back-paid a total of K27,946.68 as partial payment. The final payment of K19,415.96 was released to him on 11 March 2021 bringing to a total K47,362.64.

Probe into 'bad' contract ends well for Consultant

A Consultant was paid K500,000 after the Ombudsman Commission initiated a full investigation into the contractual agreement between the National Forest Authority and the Consultant.

The Consultant was providing his services to a former Minister for Forest on a daily rate at K3,000 per day and his contract was signed by the then PNGFA Board.

The Commission found that the contract was a first of its kind so the PNGFA wrote to the Department of Finance for clearance to ensure compliance as it was alleged that the contract was not put on open tender and proper procedures were not adhered to when awarding the contract, which was also too costly.

It was further alleged that the contract might have incurred irregularities, given that it was signed by the then Chairman of the PNG Forest Board and the Consultant without the knowledge of the Managing Director.

The consultants had submitted a number of invoices to PNGFA claiming up to K1.1 million.

This prompted the Ombudsman Commission to initiate a full investigation.

Based on the Commission's investigation and advice a cheque for K500,000 was processed by PNGFA and paid to the consultant.

The Commission also advised the PNG Forest Authority Board that procurement for consultancy services must comply with the requirements of the *Public Finance (Management) Act 1995* (as amended) PFMA.

Major procurement (contract values in excess of K500,000) requirements for statutory bodies (such as the PNG Forest Authority) must be included in a public tender in conjunction with a Ministerial approval pursuant to Section 47E of the PFMA.

These requirements must be complied with prior to their respective boards' approval and award of contract like this one.

BRIEFS

Prisoner transferred

A prisoner diagnosed with a mental condition was finally transferred from Kerevat Jail to Laloki mental institution after the Ombudsman Commission initiated a case against the PNG Correctional Service (CS) for not complying with a National Court Order of 30 July 2019 for the transfer to take place. The prisoner was detained at Keravat CS for four more years and five months despite being acquitted. He was finally transferred on 30 September 2020.

Jingle issues solved

The Ombudsman Commission assisted a service provider to receive payment for a commercial jingle produced for a government department in the Autonomous Region of Bougainville leading up to the referendum vote. The payment was refused by the department as they considered the invoice amount of K25,000 as "too excessive" and the manner she was engaged was "questionable". After the Commission intervened the department decided to pay her K5000.

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