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WAKATANGATA

APOR E-NEWS

News and views from integrity organisations in the Pacific and Australasia
ISSUE 6: DECEMBER 2020



Ngā mihi nui kia koutou katoa, warm greetings to you all.
And welcome to this edition of *Wakatangata*.

At a recent staff briefing, I made mention that in March, I had no idea what Zoom was, yet a few weeks later, I was using it daily. One theme throughout this issue of *Waka Tangata* is the role technology now has. International travel is, of course, currently grounded. But many of us have learned this year that the use of Zoom, Skype and the like can actually keep us all in touch, if not in person, then at least in an environment where interaction can take place. Secondly, tools such as webinars, allow us to continue training and supporting each other from afar.

At the time of our last newsletter, I think it fair to say that while most people had come to grips with the 'new normal', there was some trepidation, and huge uncertainty, about what was to come. What I see in this issue is resilience, initiative, and a very strong commitment to the values we all hold.

I have also been amazed at the amount of very good work that has been done in the past six months – the Solomon Islands have their first website which not only informs, but allows complaints to be made online, and Tonga have also grabbed technology by the horns with their new case management system.

People are on the move, with new Ombudsmen or Presidents assuming new roles in Papua New Guinea, Queensland, New South Wales (acting), and Taiwan.

But more than that, there is the throughput of work across the region, which continues to raise the profiles of our offices, making transparency and fairness more of a reality. More profile, and the improving of the reputations of our offices is vital for every jurisdiction in the APOR family, and never more so than in these, still, extraordinary times.

It has been a harder time for some of us than others – I freely acknowledge that. It's also been difficult for family, whānau, and friends. But for our countries as a whole, the disruptions and anxieties have expressed themselves in different ways and at different

To all APOR member nations and to all your staff, can I sincerely say I have rarely been more impressed and proud of our achievements, especially in a world we couldn't have imagined 12 months ago. My sincere and heartfelt thanks for the tremendous leadership you have shown in your countries, our region, and on behalf of the entire International Ombudsman Institute membership.

The pandemic is not over, and the future is still uncertain. But there are some glimmers of light, and my hope is that next year, we can look back at the lessons we learned, use them as best we can, and continue to embed the role of ombudsman in our jurisdictions.

For the countries that celebrate Christmas, may I wish you all the very best, and for those who celebrate Chinese New Year, I bid you the same in 2021.

Ngā mihi, kind regards

Peter Boshier
Chief Ombudsman, Aotearoa/New Zealand
Tuia kia ōrite/ Fairness for all

Spotlight on:

Control Yuan

The inauguration of the sixth Control Yuan and the establishment of the National Human Rights Commission

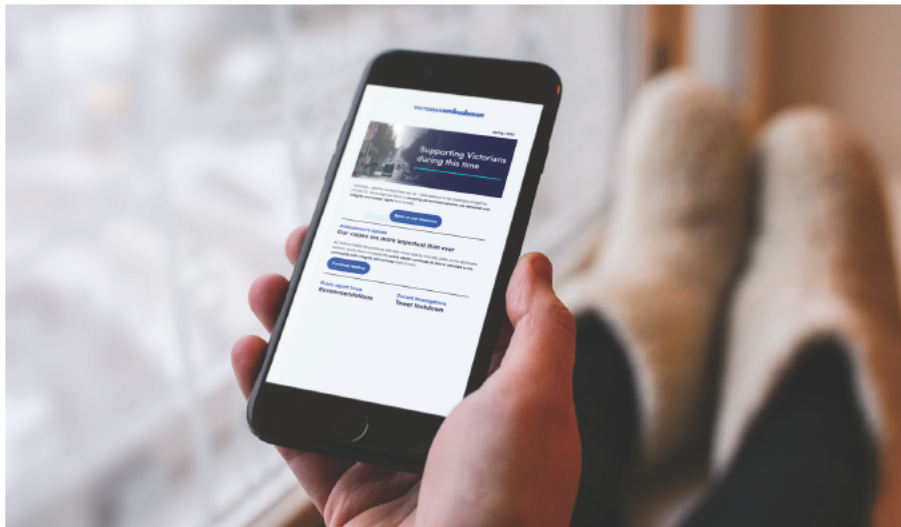


The sixth-term Control Yuan members inaugurated on 1 August 2020

The new Control Yuan (CY) members commenced their term of office on 1 August 2020. The same day, the [National Human Rights Commission](#) (NHRC) was established. The NHRC consists of 10 members, with the CY President Chen Chu serving concurrently as the Chair.

The CY members are beyond party affiliation and independently exercise their powers. Before taking up the appointment, they are professionals with extensive experience, eg: mayors, legislators, judges, prosecutors, doctors, lawyers, journalists, university professors, senior government officials, and advocates (of women and youth's rights or social welfare). [More information about CY members can be found here.](#)

Spotlight on:



As we move into our seventh month of lockdown, we are having to be even more creative than usual about how we connect. That means how we connect with the public, as well as how we connect with each other. My physical office has been closed since March, but the work continues, and in many respects we are busier than ever.

Our latest initiatives include our [first newsletter](#). If you would like to receive it (three or four times a year) [please click here to subscribe](#).

During lockdown we have not only continued dealing with complaints and carrying out investigations, we are also still tabling reports in Parliament and making short videos on each to help communicate the outcome.

New investigations include several with COVID-themes. For example, we are investigating the hard lockdown of a public housing tower in June, including the complaints from many residents they had no access to fresh air and supplies, including medical supplies. We are also investigating the department providing grant relief to small businesses, having received more than 500 complaints about the programme.

I am very proud that my staff continue to serve the public so well despite the daily uncertainty and challenge, though we all look forward to the day when we can see each other again in person!

Deborah Glass
Victorian Ombudsman

Spotlight on:

South Australian Ombudsman

The South Australian Ombudsman conducted an 'own initiative' investigation of the Department for Correctional Services' handling of various issues before and after the death of an Aboriginal prisoner, Mr Wayne Fella Morrison, in 2016.

The [report](#) was tabled in both Houses of Parliament on 10 September 2020. [To read the full report click here.](#)

- failed to raise a 'notification of concern' and treat Mr Morrison as an 'at risk' prisoner, despite his past attempted suicide and family history of suicide;
- failed to have proper processes in place to identify Mr Morrison as an Aboriginal person (and to provide support accordingly);
- transported Mr Morrison in a van without video recording capacity and failed to record meaningful footage of Mr Morrison's restraint by Correctional Officers;
- failed to provide Mr Morrison's family with sufficient:
 - information
 - support
 - access to Mr Morrison while he was in hospital; and
- failed to maintain official records.

The Ombudsman made 17 recommendations which include that the department:

- apologise to Mr Morrison's family for various errors;
- review and change its internal procedures and remind relevant staff of their obligations; and
- take steps to implement body-worn cameras in all prisons (with a recommendation to the State Government that it consider allocation of funds accordingly).

Spotlight

Office of the Commonwealth Ombudsman

International program – upcoming activities

The Office of the Commonwealth Ombudsman has partnership programmes with ombudsmen offices and integrity bodies in Indonesia, Papua New Guinea, the Solomon Islands, and Samoa. Due to the ongoing travel restrictions caused by COVID-19, we have been reviewing and redesigning our international program activities that have been unable to go ahead without international travel.

Through consultation with our international partners and the Department of Foreign Affairs and Trade, we have identified a number of new activities to deliver across our programmes, which directly target new and emerging needs as a result of COVID-19. These include support to improve or procure virtual logistics for our partners, the establishment of mentoring relationships in place of internships and placements, online training courses and the provision of remote technical assistance to develop policies, training packages, and outreach materials. It also includes the design of a webinar series focusing on topics such as leadership in times of crisis, dealing with the impacts of COVID-19, complaint handling and engaging with stakeholders during difficult times.

Although resources are tight, and international travel is currently impossible, if Ombudsman institutions in the Asia-Pacific region wish to engage with us to explore how we might work together to improve skills and capabilities, or just to engage as supportive colleagues, we would love to hear from you. You can contact our International team at:

International@ombudsman.gov.au

Did they do what they said they would do?

On 14 September 2020, the Commonwealth Ombudsman, Michael Manthorpe PSM, released a report [Did they do what they said they would do? Reviewing our recommendations](#) which looks at the implementation of recommendations made in a number of earlier public investigation reports. A total of 61 recommendations were made in these reports over a two-year period across a broad range of issues, including the administration of Australia's disability insurance scheme, assessment of Australian citizenship applications, detention of Australian citizens, health insurance policy changes, and decision-making at the Department of Veterans' Affairs.

"We looked at what actions had been taken to implement the recommendations, to answer the question 'Did they do what they said they would do?'" said Mr Manthorpe.

"Making enduring improvement in public administration is often painstaking and far from glamorous. My recommendations typically focus on the nuts and bolts of programme delivery. Yet these nuts and bolts matter, going as they do to the success or otherwise of countless day-to-day interactions between members of the public and government. Often these interactions impact upon vulnerable people in serious ways."



The Commonwealth Ombudsman reported that all agencies and organisations investigated, for the most part, did do what they say they would, with all agencies making significant progress toward implementing these recommendations. Of the 55 recommendations accepted, 54 have either been fully or partially implemented. To increase the transparency of its work and deliver greater accountability to the public, the Commonwealth Ombudsman's Office will integrate this follow up monitoring into its everyday work and periodically report on findings.

Spotlight on

Office of the Ombudsman – Hong Kong, China

The Ombudsman published the [2019-20 Annual Report](#) in July 2020. The Office received 19,767 complaints, up by 296% over last year. Among the complaints received, there were more than 15,000 cases relating to some topical social issues and the COVID-19 pandemic, and 100 complaints about access to information. The Office completed processing 19,838 (95.7%) of all cases, including those brought forward from the previous year. After assessment, 17,031 complaints were closed due to insufficient grounds to pursue or for jurisdictional or legal restriction reasons, and 2,807 complaints were pursued

complaints, the Office continued to be able to meet the targets of its service standard.



The Office made a total of 177 recommendations upon completion of its investigations of the reporting year. About 90 per cent of the recommendations made by the Office have been accepted by government departments and public bodies for implementation

Initiation of own-motion investigations

During the period, the Ombudsman has declared the initiation of four direct investigations:

- Government handling of misconnection of private building sewers to storm water drains, 21 May 2020.
- Maintenance and Repair of Play and Fitness Equipment in Public Rental Housing Estates Managed by the Housing Department, 29 October 2020.
- Government's mechanism for monitoring vaccines provided by private healthcare facilities, 20 August 2020.
- Effectiveness of mosquito prevention and control by Food and Environmental Hygiene Department, 20 August 2020.



[Full details on these investigations can be found by clicking here.](#)

Publication of own-motion investigation reports

During the period, the Ombudsman has completed and published three reports on direct investigations:

- Leisure and Cultural Services Department's Allocation of Swimming Lanes in Public Swimming Pools and Its Monitoring Mechanism, 9 July 2020.



- Leisure and Cultural Services Department's Regulation of Public Coaching Activities at Public Swimming Pools, 9 July 2020.
- Utilisation of Low-charge Hospital Beds in Private Hospitals, 9 July 2020.

[Full details on these investigations can be found by clicking here.](#)

Office of the Ombudsman – Solomon Islands

Ombudsman launches new website, marked 39th anniversary



In July the Office of the Ombudsman, Solomon Islands marked an important milestone. The Office launched its [official website](#), marking an important step forward in the work of the office. The website www.ombudsman.gov.sb will ease obstacles like geographical isolation for instance that disadvantages so many people from raising their grievances to the Ombudsman. Complaints to the Ombudsman can be raised through the website, or you can launch your complaints from a computer or through a mobile phone.

On 1st July 1981, the Ombudsman's office opened its door to serve the people of Solomon Islands. This is approximately three years after Solomon Islands gained its full independence as a sovereign country. The office has come a long way in delivering its services to the people. The wisdom of leaders to provide for the Ombudsman as an administrative 'watch dog' on the government bureaucracy must be appreciated, particularly in the early years of the country.

Complaint handling policy guidelines finalised

The Office of the Ombudsman of Solomon Islands (OOSI) through its Executive Management Team (EMT) has at last finalized its complaint handling policy guidelines. The Ombudsman hopes these guidelines will form the basis through which other government ministries can learn, and eventually draw up their own internal complaint handling guidelines.

Drawing up a comprehensive complaint handling policy for the entire public service is one of the long-term plans of the Ombudsman. This is important to make sure that all government ministries have their own complaint handling guidelines to handle complaints, both internal complaints and those from the public at large.

The idea to draw up a comprehensive complaint handling guidelines came about as the result of a survey conducted by the Ombudsman's Office back in 2017. The survey found that most government ministries and agencies do not have any such guidelines with which to address complaints raised, either internally or externally.

The survey outcome prompted the Ombudsman to request the assistance of the Commonwealth Ombudsman of Australia (COA) through the partnership programme between the two offices, for technical support. Consequently, on 18th September 2019, a Complaints Handling workshop was organized in Honiara by COA for the OOSI officers.

The end result of the complaint handling workshop saw the drafting of complaint handling policy guidelines which the OOSI recently reviewed and adopted, and from which the OOSI hopes that the public service will adapt as a basis to create their own complaint handling guidelines accordingly.

Service Commission by December 2020. This development, once established, will see less employment-related complaints, and should give more time for the Ombudsman to instigate more own motion investigations of wider public interest.

Spotlight on

New South Wales Ombudsman

NSW Ombudsman investigation into SafeWork NSW

The NSW Ombudsman tabled a special report in Parliament in August 2020 into an investigation concerning the actions taken by inspectors of SafeWork NSW, the work, health and safety regulator, in relation to how Blue Mountains City Council managed asbestos at its workplaces.

The investigation was initiated in response to complaints received from the Blue Mountains City Council about enforcement action taken by SafeWork under the NSW work health and safety legislation.

SafeWork NSW plays a central role in ensuring safe workplaces, reducing work-related fatalities, serious injuries and illnesses. Workers, employers and the community rely on SafeWork to make enforcement decisions and actions that are based on professional expertise, evidence and applicable standards. These decisions and actions must reflect the seriousness of the risk and the potential for harm in the workplace.

The NSW Ombudsman's investigation identified a number of occasions where SafeWork's compliance notices were issued contrary to law. In particular, SafeWork inspectors issued certain notices without holding the reasonable belief, as required by legislation, that the notices were warranted. Instead, they issued the notices under the direction of senior staff.

The investigation also found some cases where the Council was required to take action that was not justified by legislative guidelines and applicable industry standards. SafeWork failed to provide clear and documented evidence as to why Council was required to adhere to higher standards.

[The full report can be found by clicking here.](#)

NSW Ombudsman transitions to blended learning

While all NSW Ombudsman face-to-face training is still suspended due to the COVID-19 pandemic, we have been working to convert workshops to a blended-learning model. This approach will optimise the delivery of training programs by including virtual face to face, self-directed online modules, and learning platform course areas. In the coming months, we will relaunch our training program which will provide our clients with more flexibility when it comes to learning with us.

Spotlight on

Western Australia Ombudsman

Western Australian Ombudsman releases 2019-20 [Annual Report](#)

The report outlines the work of the Office for the year, including:

- We finalised 95% of complaints within three months.
- Since 2007, we have:
 - decreased the age of complaints from 173 days to 47 days; and
 - reduced the cost of resolving complaints by 37%.
- 100% of our recommendations were accepted for the thirteenth consecutive year.
- We received:
 - 31 investigable child deaths;
 - 15 reviewable family and domestic violence fatalities; and
 - made 16 recommendations about ways to prevent or reduce these deaths and fatalities.
- We undertook a range of work to implement our inaugural Aboriginal Action Plan.
- We enhanced awareness and access to the Office for children and young people through a range of mechanisms, including continuing our visiting program to vulnerable groups of children in the child protection system.
- We enhanced regional awareness and access to the Office through a visit to Kalgoorlie and Leonora in the Goldfields-Esperance Region.

Preventing suicide by children and young people 2020

As part of the Ombudsman's responsibility to review the deaths of Western Australian children, on 24 September 2020, [Preventing suicide by children and young people 2020](#) was tabled in Parliament. The report is comprised of three volumes:

- Volume 1 an executive summary;
- Volume 2 an examination of the steps taken to give effect to the recommendations arising from the report of the Ombudsman's 2014 major own motion investigation into ways that State government departments and authorities can prevent or reduce suicide by young people (the 2014 Investigation); and
- Volume 3, the report of the Ombudsman's 2020 major own motion investigation, Investigation into ways that State government departments and authorities can prevent or reduce suicide by children and young people (the 2020 Investigation).

The Ombudsman was very pleased to report to Parliament that steps have been taken or are proposed to be taken (or both) for each of the 22 recommendations arising from the findings of the 2014 Investigation, as set out in Volume 2.

The 2020 Investigation examines what is known about suicide and self-harm by Western Australian children and young people, the research literature, current strategic frameworks, and data obtained during our investigation.

Significantly, it also collates State-wide suicide and self-harm data relating to Western Australian children and young people over the nine years from 1 July 2009 to 30 June 2018 for the first time, including deaths by suicide, and hospital admissions and emergency department attendances for self-harming and suicidal behaviour. Arising from the findings of the 2020 Investigation, the Ombudsman made seven recommendations to four government agencies about preventing suicide by children and young people, including the development of a suicide prevention plan for children and young people to focus and coordinate collaborative and cooperative State government efforts. The Ombudsman is very pleased that each agency has agreed to these recommendations.

Ombudsman investigation sees 37 traffic enforcement officers reinstated

The Chief Executive Officer of the Road Traffic Authority (RTA) has given an undertaking to reinstate 37 enforcement officers who alleged in a complaint with the Ombudsman Commission – Papua New Guinea (OCPNG) to have been improperly terminated from employment.

The officers had alleged that when they were laid off work, they were verbally advised to await 'further notice' which was not fulfilled within reasonable time, keeping them in suspense and with high expectations.

After assessing the complaint, the Commission immediately commenced its investigations into the issues pertaining to the complaint. The complainants have claimed to have been aggrieved by the manner in which RTA under the management of the Chief Executive Officer has been treating them. They stated that they were not appropriately informed or advised of their future employment which was a procedural deficiency and discriminatory action by the RTA.

You can read about this investigation in more detail, along with information on other recent OCPNG investigations in its [July / August 2020 newsletter](#).

Ombudsman Commission intervenes to progress completion of 4-lane road

[Click here](#) to read about a recent intervention by the Ombudsman Commission regarding the status of a significant roading project in Lae.

Spotlight on

Ombudsman Tonga

Lord Speaker officially launches the 'Tatala' CMS

The Office of the Ombudsman Tonga has celebrated a historical milestone during the quarter with the launch of a new digital Case Management System (CMS). The Speaker of the Legislative Assembly, Lord Fakafānua, officiated at the launching ceremony and named the CMS as the 'Tatala'. The Lord Speaker said that the name Tatala or 'to peel' as in the work of the CMS, is like an onion where '...we peel the layers to get to the core of the issue or to reveal the truth'. He labelled the system as a '...vital mechanism in order to support the office's primary mandate of promoting good governance in Tonga's public sector.'



Outreach programmes

The September Quarter was a period of exhausting contacts and reaching out to the public through the use of both traditional and the new media. Face-to-face outreach programs (OPs) were suspended until the last two weeks of the quarter due to the threats of COVID-19 and the imposition of the 'new normal'. These affected the implementation of the outreach programs of the Office of the Ombudsman Tonga. The division conducted the OPs via radio, television and mostly on its official social media page on Facebook and the website.

Thirty-seven postings were made on the official Facebook page during the quarter which were directly linked to the official website (www.ombudsman.to). The declaration of the state of emergency included a national curfew enforced throughout the quarter. Other restrictions included the 1.5-metre social distancing. The Office of the Ombudsman has been very supportive of these decisions by the Government and health authorities. As the theme for this FY 2020/21 of *Resilience through Good Governance*, the Office must endeavour to rise above these challenges.

CONGRATULATIONS to the Chief Executive Officer (CEO) of the Office of the Ombudsman, Mrs. 'Alisi Taumoepeau (pictured below) has been appointed a King's Council (KC). His Majesty, King Tupou VI, officially made the appointment in August after being pleased with the advice of the Judicial Committee, the Lord Chief Justice and the Privy Council.



Spotlight on

Upgraded premises for Vanuatu Ombudsman

On 1 November, Ombudsman Bulu celebrated the opening of the extension of the Ombudsman Office, which now gives his office much needed space. The office was opened in the presence of the Prime Minister, Bob Loughman, Minister of Justice and Community, Esmon Saimon, and other officials. The opening was celebrated with the theme: '*Ombudsman in the 21st century - serving the nation better*'. Ombudsman Bulu hopes for further assistance from the government to ensure that he has adequate staffing.

received about the conduct of leaders and government institutions'.

In September, Ombudsman Bulu released a special report on the Observance of Multilingualism for the year 2019 as provided by Article 64(3) of the Constitution. This report is his first report on the important matter of multilingualism.

Ombudsman Bulu was satisfied to note that compliance with the requirement of the Constitution in this regard has continued to improve. The Ombudsman also noted the amount of progress on the part of different government agencies in terms of compliance with the provisions of Language rights in the past four years, and he urged the Government and all Government institutions to continue to respect the Constitution of the Republic of Vanuatu.



Spotlight on

New Zealand Ombudsman

Virtual 32nd APOR Conference – The role of the Ombudsman in times of crisis

The 32nd annual Australasian Pacific Ombudsman Region (APOR) Conference was hosted virtually by New Zealand Chief Ombudsman, Peter Boshier, with the support of his International Development and Engagement team.

In light of not being able to host the Conference in person, the Chief Ombudsman made the decision some months ago to commit to hosting the annual conference via virtual means. The Conference was delivered successfully via zoom on the 4th and 5th of November.

The virtual Conference themed *The role of the Ombudsmen in times of crisis* included pre-recorded presentations from panellists in Australia, Hong Kong, and Taiwan. The Conference comprised two separate thematic panel sessions 'Adapting practice in changing times' and 'Keeping government to account in emergencies and post-emergencies'. Following the pre-recorded sessions, more than 70 attendees spanning 10 APOR members were given the opportunity to participate in a live Q&A session with the panellists.

The New Zealand Ombudsman would once again like to thank the panellists that presented and those that attended the sessions.



New Zealand hosts webinar on Disability Rights

On 21 October 2020, the New Zealand Ombudsman hosted a webinar for our international colleagues *Making Disability Rights Real in New Zealand*. The webinar shared the work of the Ombudsman and New Zealand's Independent Monitoring Mechanism under the United Nations Convention on the Rights of Persons with Disabilities. The three panellists talked practically about the role of the Ombudsman in monitoring and protecting the rights of disabled people, including the recent [Making Disability Rights Real Report](#). We thank participants for joining this training from around the region and globe and look forward to sharing more about this important work.

Comings and goings

*The President of the sixth CY is inaugurated on 1 August, 2020. Vice President Lai Ching-te (middle) presides over the handover ceremony between outgoing President Chang Po-ya (left) and incoming **President Chen Chu** (right).*

Po-ya Chang's role as the President of the Control Yuan came to an end in July after six years. Po-ya served as the 5th President, and first female President, of Taiwan's Control Yuan.

"As I look back there has been a tremendous amount of new development over the period. Ombudsman institutions have both flourished in numbers and varieties. The Control Yuan, for example, will actively address human rights concerns and build a comprehensive protection network with the newly established National Human Rights Commission in the near future."

Richard Pagen – Appointed 8th Chief Ombudsman, Papua New Guinea.

Richard was formally appointed as the 8th Chief Ombudsman on the 28 July, 2020. Chief Ombudsman Pagen has served as an officer in the service of the commission for more than 20 years.

Anthony Riley – Appointed Queensland Ombudsman

Anthony Riley has commenced his role as Queensland Ombudsman, taking over from Phil Clarke. Anthony is an experienced lawyer and public administrator, serving as CEO of Legal Aid Queensland prior to his appointment as Ombudsman.

After three years in the role, Michael Barnes (above) has stepped down as New South Wales Ombudsman. Michael has taken up the position of NSW Crime Commissioner. In

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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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