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WAKATANGATA

APOR E-NEWS

News and views from integrity organisations in the Pacific and Australasia
ISSUE 7: JUNE 2021



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

After the challenges presented last year in the face of COVID, we entered 2021 knowing the climate of our work had fundamentally shifted.

This year our members have been dealing with the impacts of the pandemic and exercising their powers in response to them. We have seen from this work that holding governments to account is now more pertinent than ever.

The term 'new normal' became something of a buzzword last year, but I think it is fair to say that the adaptations our offices made in 2020 have firmly become our normal. I have mentioned it numerous times in the past, but I keep coming back to how we all continue to adapt technology to meet our requirements. For instance, you only have to look at our recent virtual annual APOR meeting and the IOI World Conference to see that despite the physical separation and differences in time zones, we still manage to collaborate in our work.

Our members have continued to carry out their functions with responsiveness and efficiency. The articles in this edition highlight these qualities, particularly through the range of own motion investigations. Ombudsmen across the region have continued to raise their profiles, and with them a greater push for fairness and transparency.

I wish to mention a number of significant updates from our region. A very warm welcome to Luamanuvao Katalaina Sapolu, our new Samoan Ombudsman and the first female to hold this position. Congratulations to Paul Miller PSM on his permanent appointment as New South Wales Ombudsman. Michael Manthorpe recently announced he will be retiring from the role of

Finally, I want to congratulate Chris Field on the immense achievement of being elected the new International Ombudsman Institute President. Chris, as a region we look forward to supporting you in this role and continuing to provide an Asia-Pacific voice at an international level.

Ngā mihi, kind regards

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

Australian Commonwealth

Our partnerships

The Office of the Commonwealth Ombudsman (OCO) remains committed to our partnership programs with Ombudsman offices and integrity bodies in Indonesia, Papua New Guinea, Samoa, and the Solomon Islands. Travel restrictions continue to affect our ability to engage in-person with our partners, but we are using alternative methods to deliver activities.

We are working alongside our international partners and the Australian Government's Department of Foreign Affairs and Trade (DFAT) to identify opportunities to engage virtually and tailor our work plans, addressing the unique challenges presented by the COVID 19 pandemic.

During the first quarter of 2021, OCO supported staff in Samoa and the Solomon Islands on the following initiatives:

Office of the Ombudsman Samoa (OOSI) / Samoa Audit Office (SAO)

- **Accredited investigations training** – two staff from OOSI and SAO will undertake 12 months training, providing the skills and knowledge to undertake regulatory inspections and investigations.
- **Fraud Examiner course** - two officers from OOSI and SAO were enrolled in a 12-month course, which upon completion in February 2022, will bring international recognition.

Office of the Ombudsman Solomon Islands (OOSI) / Leadership Code Commission (LCC)

- **Train-the-Trainer** - thirteen staff members from both offices attended a virtual train-the-trainer program to assist them in delivering their own internal and external training.
- **Printing** – assistance with printing an updated Corporate Plan (OOSI) helping with outreach and awareness training. Printing of pamphlets (LCC) to remind new leaders of their reporting obligations, along with informing the public of the LCC's role and how reports of misconduct can be made.

Video conferencing equipment for our Solomon Islands partners

OCO, in conjunction with DFAT, arranged for the purchase and delivery of video conferencing equipment to our partners in the Solomon Islands. As a result of COVID-19, options for correspondence and engagement activities with our Solomon Islands partners became limited. Consultation and discussion around potential options led to the procurement of this equipment to support the Office of the Ombudsman of the Solomon Islands (OOSI) and the Leadership Code Commission (LCC).

The equipment will support engagement and relationship building with our Office, DFAT and the

engagement when travel resumes after the COVID-19 pandemic. We are pleased to have this opportunity to continue our strong relationship with our partners at OOSI and the LCC.

ACT Policing own motion investigation

On 16 March 2021, the Commonwealth and ACT Ombudsman, Michael Manthorpe PSM, released a report of his investigation into ACT Policing's framework for engagement with the ACT Aboriginal and Torres Strait Islander community. This investigation looked at whether the programs, policies, procedures, and training in place to manage this engagement are appropriate and well administered.

"My Office undertook this investigation informed by complaints from members of the ACT Aboriginal and Torres Strait Islander community, and against a backdrop of ongoing over-representation of community members in the justice system," Mr Manthorpe said.

Nine recommendations came from this report, all aimed at improving ACT Policing's administrative and governance practices. These recommendations explicitly call for meaningful consultation with the ACT Aboriginal and Torres Strait Islander community regarding the design, delivery, and evaluation of community policing and engagement activities.

"I am pleased that ACT Policing and the Australian Federal Police have agreed to take action, in close consultation with the ACT Aboriginal and Torres Strait Islander community, in relation to each of the recommendations," Mr Manthorpe said. "Implementation of these recommendations will assist ACT Policing to develop a solid administrative foundation that supports its commitment to working with the ACT Aboriginal and Torres Strait Islander community to build and maintain mutually beneficial and respectful relationships."

This report is published in two volumes with [Volume One](#) presenting high-level findings and recommendations, including the response from ACT Policing. [Volume Two](#) examines community policing activities and community engagement initiatives in greater detail with suggestions for improvement.

Hong Kong, China



The Ombudsman's Awards

exemplary service and complaint-handling of public bodies and their officers.

Here are this year's recipients:

Grand Award - Transport Department

Runner-ups - The Department of Health and the Water Supplies Department

The Organisation Award on Mediation - The Working Family and Student Financial Assistance Agency

In addition, 57 public officers received Individual Awards.

Initiation and publication of own-motion investigations

Over the period of November 2020 – March 2021, the Ombudsman has declared the initiation of [six direct investigations](#):

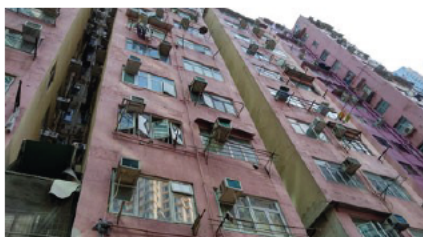
- Management and effectiveness of waste separation bins, November 2020
- Regulatory work on dog keepers' obligations by Agriculture, Fisheries and Conservation Department, November 2020
- Effectiveness of rodent prevention and control by Food and Environmental Hygiene Department, January 2021
- Government's regulation of boarding facilities for foreign domestic helpers, January 2021
- Government's control of illicit fuelling activities, March 2021
- Civil Aviation Department's regulation on paragliding activities, March 2021

To read the full case reports see [own-motion investigations](#).

The Ombudsman has also completed and published four reports on [direct investigations](#) since December 2020.

- Arrangements for Production, Distribution, Stocktaking and Use of C SI Masks, December 2020
- Effectiveness of Joint Office for Investigation of Water Seepage Complaints in Handling Water Seepage Reports, December 2020
- Government's Mechanism for Monitoring Vaccines Provided by Private Healthcare Facilities, March 2021
- Government's Handling of Misconnection of Private Building Sewers to Stormwater Collection System, March 2021

To read the full findings see [own-motion investigation](#) reports.



Solomon Islands



Solomon Islands Ombudsman Reaches Out to Schools

In the last edition of *Waka Tangata*, our office focused heavily on the impacts of COVID-19 on our work. While a few COVID-19 cases are still being addressed in the Solomon Islands, our office has since regained its pace of work and is now delivering an advocacy and awareness program to secondary schools throughout the country.

The office began this program to educate students on the negative impacts of maladministration, bad administrative governance, and corruption in relation to service delivery in the country. In recent years, our office has worked with government departments and stakeholders to create and amend laws that strengthen us in the fight against corruption. These laws include the Anti-Corruption Act, which resulted in the new Anti-Corruption Commission, as well as the Freedom of Information Bill (FOI), which is currently a work in progress.

It is important that students are educated about these developments and how they contribute towards good administrative governance in the Solomon Islands. It is also anticipated that engaging students in such outreach programs will shape their character and help them develop good values to become good law-abiding citizens in the country.

The first school visited for this awareness program was Selwyn College National Secondary School at the northwestern end of Guadalcanal. The visit received a large turnout of curious staff and students who asked numerous questions about how they could utilise the Ombudsman's services to address grievances related to school administration. Students in particular used the opportunity to ask questions about injustice in schools, administrative disciplinary procedures, how scholarships are awarded, and more. These issues account for many of the cases that the Ombudsman has dealt with over the years, and the students and staff of Selwyn College gained deep insight into the Ombudsman's services in relation to them.

The office will be visiting more secondary schools in the country this year as part of its school-focused advocacy and awareness program. We anticipate the program will instil integrity in its students and prepare them to be the next generation of leaders in our country.

Taiwan



Chinese Version of *Research Handbook on the Ombudsman* Published by the Control Yuan

In order to broaden the ombudsman concept to a wider audience, the Control Yuan translated *Research Handbook on the Ombudsman* into Chinese this past April. The translation will allow Chinese readers to understand the ombudsman system and its recent developments.

The handbook explains the role of ombudsmen in the fields of public law, legal sociology, and alternative dispute resolutions from a comprehensive and contemporary global perspective. The text itself is organised into four parts: fundamentals of the ombudsman; the evolution of the ombudsman; evaluation of the ombudsman; and the ombudsman office and profession.

The original *Research Handbook on the Ombudsman* was co-edited by Marc Hertogh, Professor of Socio-Legal Studies, University of Groningen, the Netherlands and Richard Kirkham, Senior Lecturer in Public Law, University of Sheffield, UK.

New South Wales



Appointment of Paul Miller as NSW Ombudsman

Paul Miller PSM has recently been appointed NSW Ombudsman, after acting in the role since August 2020.

"I am honoured to lead an organisation with core principles of independence, objectivity, transparency, fairness and impartiality," Mr Miller said. "Our aim is to bridge the imbalance of power between individuals and government, helping to ensure that everyone receives the right services and is treated fairly."

Mr Miller was previously the Deputy Ombudsman and Commissioner for Community and Disability Services. He has also held roles as General Counsel and Deputy Secretary of the Department of Premier and Cabinet, and Deputy Secretary of the Department of Justice. In 2016, Mr Miller was awarded the Public Service Medal for outstanding public service through the provision of legal advice and freedom of information reforms.

Publication of NSW Ombudsman report, *2020 hindsight – the first 12 months of the COVID-19 pandemic*

In March 2021, the NSW Ombudsman released the report [2020 hindsight: the first 12 months of the COVID-19 pandemic](#). The report highlights how the measures taken by the New South Wales Government to combat COVID-19 have impacted individuals, especially vulnerable members of the community and those who have been subject to quarantine.

The report acknowledges that, by international standards, the public health response to the pandemic in New South Wales and Australia has been highly effective. One of the lessons from it, however, is that the current oversight and complaint-handling system will not necessarily be suited to a crisis of this nature and magnitude.

The nation's response to COVID-19 has involved multiple agencies from state and federal governments working together—sometimes in close partnership, sometimes in loose alignment, sometimes separately, and all through a variety of formal and informal coordination mechanisms. The oversight and complaint-handling system can therefore be highly fragmented.

The report draws attention to the benefits of effective complaint-handling during such crises. It also provides suggestions to improve our responses to them, both presently and in the future. [The full report can be read online here.](#)

New Zealand

UN Resolution will strengthen Pacific Ombudsmanship

The recent adoption of United Nations [Resolution](#) on the role of Ombudsman institutions will

The Resolution was proposed by the Kingdom of Morocco and co-sponsored by New Zealand. Chief Ombudsman Peter Boshier was a member of the International Ombudsman Institute Working Group and provided critical input into the Resolution during the two years of its development.

The 2020 Resolution builds upon its [2017](#) predecessor by strengthening its language and giving procedural guidance to Member States to support Ombudsman institutions. Such changes include strongly encouraging Member States to provide Ombudsman with “State support and protection, adequate financial allocation for staffing and other budgetary needs, a broad mandate across all public services, [and] the powers necessary to ensure that they have the tools they need” in order to strengthen their independence, legitimacy, and efficiency.

The Resolution further encourages Ombudsmen to “regularly interact, exchange information and share best practices”, something that the IOI and APOR continue to facilitate in this region. Over the next year, IOI and APOR will continue to look at and share how the Resolution can be used as an effective tool to protect and enhance the role of the Ombudsman.

Systemic investigation into New Zealand’s Department of Corrections

Mr Boshier has begun a [systemic investigation](#) into how the New Zealand Department of Corrections has responded to repeated calls to improve conditions for prisoners.

His decision to conduct the investigation has been informed by a number of factors, such as direct complaints from prisoners, concerning trends from his [OPCAT](#) prison inspections, and findings from national and international oversight agencies over a number of years.

Mr Boshier’s investigation will thoroughly examine these conditions as well as how and why many prisons have not implemented many of his recommendations—“even on a repeat visit.”

“A really high example of this,” he notes in a recent interview, “is [Waikeria](#), where in August of last year we [highlighted](#) the issues which subsequently surfaced and boiled over.”

Mr Boshier says his investigation will be independent, wide-ranging, and likely completed within a year. He hopes the following report will give prison reform the traction it needs to be considered in parliament as an apolitical issue—perhaps even in collaboration with the Department of Corrections itself.

Sharing expertise on OPCAT and disability rights

Mr Boshier’s inspections and monitoring role under the Optional Protocol to the Convention Against Torture (OPCAT), were brought to the fore in an online gathering hosted by the African Ombudsman Research Centre in April. Attendees from 46 countries attended [the webinar](#), which focused on best practice in visiting places of detention and effecting change where needed.

In May, Mr Boshier’s Disability Rights team joined Kāpō (blind and vision impaired) Māori Aotearoa to present the international webinar *Making Disability Rights Real in a Pandemic*.

The full report ‘Making Disability Rights Real in a Pandemic’ is available on the [NZ Ombudsman website](#).

Vanuatu

New roles and responsibilities for the Vanuatu Ombudsman

functions.

One of these roles is that of a new leadership annual returns function, whereby leaders must file their annual returns with the Ombudsman (a process previously administered by the Clerk of Parliament.) To carry out this role, the Ombudsman is required to identify leaders (totalling 663, many of whom live in rural communities,) serve a written notice to those that fail to file annual returns in time, and prosecute any leaders for non-compliance.

The other new role is the power to prosecute. Previously, the Ombudsman was unable to take matters to court. Now, after consulting with the Public Prosecutor, the Ombudsman has been granted some powers to prosecute offences committed during the course of investigations and for breaches of the Leadership Code.

The Ombudsman is also being consulted about a new anti-corruption function for his office. The Anti-Corruption Authority is proposed to be jointly administered by the Office of the Ombudsman and the Office of the Public Prosecutor. The Bill for the new function is currently going through Parliament.

Victoria



Holding Government to Account

As we've moved back into our office after a long period of uncertainty and lockdowns, we have transitioned into what we hope is a more stable, COVID-normal way of working. Flexible work arrangements and hybrid meetings have enabled my staff to get the best of both worlds, and to take a steadily increasing number of complaints from the public.

Meanwhile, I've been tabling some of the investigation reports that COVID brought to my office in 2020. My investigation into the lockdown of a public housing tower found that its immediacy was not based on public health advice and was therefore contrary to Victorian human rights law—in particular, the right to humane treatment when deprived of liberty. [You can read my full report on the matter here.](#)

I also tabled my investigation into a government business grant that was set up to provide financial support to small businesses affected by lockdowns. After assessing more than 1,100 complaints, I found that more than 12,000 businesses' applications had been unfairly denied. They'll now be reassessed, potentially returning up to \$120 million to small businesses.

My latest COVID-related report was my investigation into councils' responses to people suffering financial hardship in the payment of their rates. Policies were widely inconsistent between councils, and some were overly harsh, such as charging penalty interest and taking legal action against

Whatever the rest of 2021 may bring, the work we all do is proof the Ombudsman is needed more than ever in troubled times.

Deborah Glass
Victorian Ombudsman



Western Australia Ombudsman

On 2 March 2021, following a request by the Attorney General, the Hon John Quigley LLB JP MLA, I commenced an own motion investigation into the Office of the Public Advocate's role in notifying the family of Mrs Joyce Savage of the death of Mrs Savage.

The Office of the Public Advocate was appointed by the State Administrative Tribunal as limited guardian for Mrs Savage to make decisions relating to accommodation, treatment and the provision of services.

The request to undertake the investigation followed prominent media reporting that there had been a ten-day delay in the family of Mrs Savage being notified of Mrs Savage's passing. My investigation will also consider the circumstances of the Office of the Public Advocate's notifications to two other families who have reported delays in being notified of their loved ones' deaths. The report of the investigation will be tabled in Parliament, and I am proposing to do so in May this year.

Chris Field
Western Australia Ombudsman

We welcome your feedback and contributions.

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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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