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VISION

By 2019; Ombudsman Commission is seen as a vibrant, premier institution in pursuit of promoting good governance and quality leadership in Papua New Guinea.

MISSION

Promote and protect the integrity of 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.

The Ombudsman Commission is committed to (8) fundamental values in all dealings with government bodies, the private sector, members of the public and the leaders.

The values upheld are;

- ◇ Unity
- ◇ Leadership
- ◇ Impartiality
- ◇ Integrity
- ◇ Independence
- ◇ Accountability
- ◇ Responsiveness
- ◇ Respect
- ◇ Transparency

OC launches its website



Officers and Members of the Commission joined by external stakeholders for the launching of the website.

BY JOYCELYN WASAS

The general public can now lodge their complaints online using the Ombudsman Commission online complaint form. This was made possible through the launching of the Ombudsman Commission website on Friday 5 December 2014.

Complainants can fill in the complaint form on the website and submit the information instantly or can download a copy of the complaint form directly from the website.

The Ombudsman Commission is determined to take advantage of the new technological developments in providing an efficient and effective service to the people of Papua New Guinea and at the same time keep the people informed on its roles and functions.

The website is an important tool for disseminating information and research and it is a first-hand information kit of the Commission to its stakeholders and the general public.

It provides a wide range of information about the Commission. You can simply log into www.ombudsman.gov.pg to access the site.

OC participates in diplomacy training program in Nepal



Mr Tumul, (back row) with other participants and the training facilitators.

BY JOYCELYN WASAS

The Ombudsman Commission was part of the 24th Annual Human Rights & People's Diplomacy Training Program in partnership with INSEC from 3 - 19 November 2014.

Senior Investigator Kuri Tumul from the Complaints and Administrative Investigation Division of OCPNG attended the two-week training in Nepal.

Mr Tumul was among 31 participants from 14 different countries and he was the only participant from Papua New Guinea.

The Diplomacy Training Program (DTP) is an annual, comprehensive human rights and advocacy training that is offered by the University of New South Wales for Human Rights Defenders in the Asia-Pacific Region and Indigenous Australians. It is the longest established human rights training program that is held in the region.

"DTP builds knowledge of international human rights standards and the UN system, and their relevance to advocacy on a wide range of human rights concerns," said Mr Tumul. "The course is intended to increase the capacity for Human Rights advocates to engage effectively with governments and other stakeholders both locally and internationally."

He said that the training equips participants with the knowledge, skills and confidence to engage in dialogue and helps to build their support networks.

It was founded by Professor Jose Ramos-Horta (1996 Nobel Peace Award Winner and former Timor Leste Prime Minister) and Emeritus Professor Garth Nettheim (Faculty of Law, University of NSW) following a meeting of the UN Working Group on Indigenous Populations in Geneva in 1989. The organisation draws its inspiration and sense of purpose from Jose Ramos-Horta's experiences in seeking solidarity and international action on human rights violations following the invasion of East Timor in 1975.

"I found the training to be very comprehensive, in-depth and draws the inspiration, knowledge, experiences and unique range of skills from human rights experts

which were developed in their long years in the field," he said. "We the participants were engaged in many group work, discussions and presentations and went on field visits to human rights organisations."

They visited the Human Rights Commission and Informal Sector Service Centre and mingled with some human rights champions from Nepal as well as the founder of the training himself, Jose Ramos-Horta.

Mr Tumul is thankful to OCPNG for making it possible for him to attend this very important training and recommends that the Commission continues to participate by sending officers to human rights annual training workshops such as this.

editorial

Season's greetings,

Time really does fly when we have so much to do. We may not realise it until we receive a Christmas card from a loved one or when we start hearing Christmas songs on radio. Oh well we are now approaching the end of 2014. It is time to reflect and look forward to the new year.

As we look back and count on our individual blessings and achievements we may also need to ask ourselves if we have been loyal to our duties in the service of the Commission.

The year 2014 had its share of challenges but we should be grateful we have come this far.

On behalf of the publication team of *WasDok Nius*, I would like to take this opportunity to thank the officers and the Members of the Commission for your contributions towards this newsletter. A special thank you to the officers who contributed articles. We look forward to more of your contributions in the new year.

To our readers, I hope you have enjoyed and learnt about the work of the Ombudsman Commission through our various publications.

Wishing you all a very Merry Christmas and a Prosperous 2015.

Cheers!

Joycelyn Wasas

Acting Media Manager

Aggrieved citizen satisfied with OC investigation

BY JOYCELYN WASAS

Ranu Tau is a satisfied complainant after her complaint was successfully resolved by the Ombudsman Commission.

Mrs Tau, wife of former Acting Provincial Administrator of Western Province (WP) Ruma J. Tau had alleged that the Western Provincial Administration (WPA) made an under payment of her late husband's final entitlements.

Late Tau was recruited into the Public Service as a cadet and worked his way up until he was appointed as Acting Provincial Administrator of WP. It was alleged that the final entitlement payment made was only for the two years he was appointed as Acting Provincial Administrator from 2004 to 2005 when he passed away while on duty.

This prompted the wife to seek assistance and advice from the Ombudsman Commission on the matter.

Mrs Tau lodged a complaint with the Ombudsman Commission in 2007 however three years after, the case was closed due to lack of information.

Not satisfied with the outcome of the investigation, Mrs Tau appealed to the Commission to review her case. The case was reassessed and a full investigation was carried out this year.

Through the case officer's persistence and numerous follow-ups involving trips to WP the outstanding amount of over K20, 000 was paid to Mrs Tau and her children.



Case officer, Benjamin Yakeri presenting the cheque payment to Mrs Tau and her elder son while Timothy Wrumongo, Royanna Minape and Pipi Gari look on. Also present were Mrs Tau's two daughters.

OC distributes Discussion Paper to review its enabling legislation

The Ombudsman Commission is currently distributing a Discussion Paper to gather feedback from its stakeholders and the general public to progress one of its three key strategic priorities and that is the review of its enabling legislation. This priority arises from the Government's Alotau Accord adopted from the Commission's brief to the government for a review of its laws to focus on changes that would improve the efficiency and effectiveness of the work of the Commission.

This review focuses on the constitutional provisions and the two organic laws that support the primary roles of the Ombudsman Commission; the *Organic Law on the Ombudsman Commission* and the *Organic Law on the Duties and Responsibilities of Leadership*.

The Discussion Paper reviews the current responsibilities and the powers of the Commission and comes with a series of questions on how to better achieve these responsibilities. It promotes a constructive discussion among interested parties on how the Commission can best meet its constitutional responsibilities.

Your feedback to the Discussion Paper will be used to develop a more detailed policy proposal on the changes to the Commission's Legislation.

In recent years, the work of the Commission has at times been controversial. A series of high profile leadership cases have raised questions in some quarters not just about the efficiency and effectiveness with which the Commission undertakes its role but more fundamentally about the appropriateness of the role itself.

A special Parliamentary Committee was established to look into the work of the Ombudsman Commission in 2005 however; the committee was disbanded before it published a report.

Interested parties can call into the Commission's Head Office at Deloitte Tower in Port Moresby or visit the Regional Offices in Mt Hagen, Lae and Kokopo to get a copy of the discussion paper. Alternatively, you can visit the Commission's website and download a copy.

OC Services

In this edition we continue to look at the Commission's role to supervise and enforce the Leadership Code.

What must Papua New Guineans expect of their Leaders?

The Ombudsman Commission has wide powers under the Constitution to make directions to ensure the attainment of the purposes of the Code. The Commission recognises the responsibility of this power and exercises it sparingly but it is obviously a powerful tool and has been used for example to freeze bank accounts and direct the return of funds to Consolidated Revenue.

There are however challenges to the effectiveness of the Code. Its penalties are limited to dismissal for 3 years and fines of only K1000. Following amendments in 2006, leadership tribunals must strictly comply with the rules of evidence. Investigations are often complex and time consuming in nature.

Many of you will also be aware of the amendments proposed to the Leadership Code a few years back. Some amendments have been made to the Constitution and others are proposed to the Organic Law. The Commission has been careful not to be seen to lobby on this matter but it has raised concerns it has about the impact of the amendments on the effectiveness of the Ombudsman Commission through filing a Supreme Court Reference.

Some of you will also be aware of the strong resistance of the public to the proposed amendments. Thousands of people rallied in peaceful protests across the country and this has seen a public undertaking by the government to at least postpone enactment of amendments to the Organic Law until there is further consultation.

This is enormously encouraging and inspires all of us at the Commission to work hard for the people of Papua New Guinea. It is after all for the people that the Commission exists.

In recent times the Commission has done much work educating local level government leaders on their duties and responsibilities. Following the appointment of members to National Parliament the Commission also conducts training. We would like to see more of this work by the Commission in the future.

After all, the purpose of the Leadership Code is to protect the people from improper and corrupt conduct and what better way to do that than to educate leaders and the public of the standard of leadership expected.

We hope you have learnt a lot from this column. We will be back with more discussions next year.



We had a few more new officers including a short-term placement from the Commonwealth Ombudsman, Australia join the Ombudsman Commission in November and December 2014.

As is the practice, they are required to sign the Oath of Secrecy. Oath of Secrecy is a legal binding between officers including those that are on short-term work placement and the Commission. It binds the officer from divulging sensitive information without authorisation. Pictured above are new officers signing their oaths before the Members of the Commission.

1. Irene Yangwari, Accounts Payable Officer - Finance Unit
2. Emmanuel Wati, Investigator - Leadership Division
3. David Toliman Bataliu, Senior Assessor - Intake & Screening Unit
4. Lynette Grace Byrnes, Commonwealth Ombudsman placement

OC warns Media on court matters

BY JOYCELYN WASAS

The Ombudsman Commission has warned the Media not to report on matters concerning the Commission that are before the courts.

The Commission issued the warning following an article on Post Courier – page 4 reported on 1 December 2014 concerning a matter that is before the court.

“The publication by Post Courier is contemptuous in that the issues raised in the article are yet to be determined by the court and it is unlawful to come out in the Media and make premature comments,” stated the Commission. “Post Courier and its source have seen fit to supersede the court’s jurisdiction and conduct a media trial.”

Chief Ombudsman Rigo Lua and Ombudsman Phoebe Sangetari further warned that the comments reported in the newspaper were calculated to interfere with the work of the Ombudsman Commission hence legal actions will be taken against the concerned parties.

“If the Media continues to report on matters that are before the courts, legal proceedings will be taken against them,” cautioned the Commission.

The court is the right forum to address these issues hence the Media should refrain from reporting on them.



Work attachment...(L-R) Kevin Ipongi and Emil Alpha are students from the Legal Training Institute. They were on a two-week training with OC recently. Seated next to them is Acting Senior Legal Officer Cecilia Kore.

CHRISTMAS MESSAGE



As we approach Christmas to mark the birth of our Lord Jesus Christ and to farewell year 2014 and welcome the New Year 2015, we take this opportunity to thank the officers of the Commission for your co-operation, support and teamwork throughout the year 2014.

We also thank your families for their support and for the many sacrifices they have made through out the year to progress Commission’s business.

We convey our sincere appreciation to each one of you for your part in making 2014 a memorable and a successful one. We salute you all.

We are sure many of you have plans to celebrate the festive season with your families either here in Port Moresby or back at your home provinces. Wherever you maybe, take care and ensure that your holidays and celebrations are trouble-free.

You deserve a well earned holiday. Enjoy and take care.

**Merry Christmas
&
A Happy New Year**



10th National Investigations Symposium in Sydney, Australia

Travelling overseas for the first time can be heart throbbing and one that you may never forget easily. Senior Investigator Kuum Tande shares his experience of his trip to Sydney recently.

I had left Jacksons International Airport in Port Moresby to Sydney via Brisbane for the 10th National Investigations Symposium which was held from 5–7 November 2014.

Joseph Molita, the Secretary to the Commission and Simon Bonney of the Commonwealth Ombudsman met me briefly in Brisbane before catching their flight to Sydney. My flight to Sydney was at 7pm thus Bonney assisted me to check in at the domestic terminal whilst Messrs before joining Molita *“...was relief by the sight of Molita and Bonney”* for their flight to Sydney.

I arrived in Sydney Airport around half past nine in the night and anxiously followed fellow passengers to the baggage carousel and was relieved by the sight of Molita and Bonney.

Speaking of travelling abroad for the first time, I was just wondering how my colleague, Sam Kupul went about his journey earlier in the day via the same route. Bonney, Molita and I stayed at Travelodge Hotel whilst Kupul was booked in Four Seasons Hotel, the venue of the symposium.

The next day we were met by Kathleen from the Pacific Ombudsman Alliance (POA) of the Commonwealth Ombudsman at the hotel foyer. She introduced us to other Pacific Islands Ombudsman participants then we walked to Four Seasons Hotel for the opening of the symposium. We got there in time for registration and headed to the

main ballroom for the opening remarks and keynote speeches from the facilitators namely New South Wales Independent Commission Against Corruption (NSW ICAC), New South Wales Ombudsman (NSWO) and the Institute of Public Administration (NSW division).

After the opening formalities we broke for morning tea before deciding which session to attend since four sessions were running concurrently. That was the hardest part because I wanted to attend all of them unfortunately I only had to choose one. Kupul and I attended virtually the same sessions during the two days whilst Messrs Molita and Bonney attended sessions that suited their line of duty however we attended some sessions together.

As budding investigators Kupul and I attended sessions that we thought would be of assistance to our investigations skills. Therefore the morning session of day one we attended the session delivered by Dr David Manchester and Prof. Tim Prenzler on the topic “Getting results in complaint handling”. Dr Manchester is a Consulting Psychologist and he spoke on *how to manage expectations from the outset basically what he referred to as “motivational conversations”*. Prof. Prenzler is an academic at the Australian Research Council Centre of Excellence in Policing and Security, School of Criminology and Criminal Justice at Griffith University. He spoke about the *strategies that could be developed and implemented*

to better manage the expectations of the people who make complaints.

In the afternoon we attended the session delivered by Dr Russell Smith and Peter Gallagher on the topic “Risks for Investigation agencies”. Dr Smith is from the Australian Institute of Criminology, the Principal Criminologist and Manager, Transnational and Organised Crime Program. He spoke on identifying “blind spots” *investigating so as to detect infiltration*. Mr Gallagher is the Commander of Professional Standards for the NSW Police Force.

Since I am in the OC’s Police Oversight Investigations team I found that session interesting when the presenter spoke at length about the *risk for internal conduct investigations*.

Day two program was broken into four parts therefore we had the morning and afternoon sessions split into two blocks.

In the morning we attended a session delivered by Fiona Hollier and Ken Robertson speaking on the topic “Investigating complaint through mediation and conciliation”. Ms Hollier is the CEO of LEADR Association of Dispute Resolvers and she spoke on the *alternatives to investigations which is conciliation and mediation*. Mr Robertson is the Manager of Risk Management and Internal Audit of Mission Australia and he spoke about the *alternatives to the confidential investigation process*.

After morning tea, we attended the session on the topic “Persuasion: How to increase your influence as an investigator” presented by Prof. Karl Roberts and Mr Anthony McLean. Professor Roberts is the Chair and Professor of Policing and Criminal Justice at the University of Western Sydney. He spoke about *how to get witnesses to want to talk to you*. Mr McLean is the Managing Director and Principal of Social Influence Consulting Group and he spoke about *how to exert influence so that cross agency task forces work for you*. After lunch we attended the session on *Lying and Deception* – what it means if someone is lying and was presented by Ms Elaine Brus and Dr Helen Paterson. Ms Brus who is the Executive Advisor of the Internal Audit Bureau spoke on the topic of *what do you do when you identify a lie?* Dr Paterson who is the Senior Lecturer in Forensics Psychology at the University of Sydney spoke on the *detection of deception*.

The final session of the day was held at the Grand Ballroom for the closing plenary and distinguished speakers presented on the topic “Investigating entrenched practices”.

The final day workshop was organized by the NSW Ombudsman and facilitated by POA for all the participants from the Pacific Island countries to draw views from each other and discuss areas of improve-

“How to increase your influence as an investigator”

“Lying and deception - what it means when someone is lying”

Continue next page...

Participants to report on changes implemented in their respective offices

...from page 6

ment in their respective Ombudsman offices. Moreover, we talked about what we have learnt from attending the Symposium and how we would use this information back at our respective offices.

Each Ombudsman office was asked to give a 10-20minute presentation so Mr Molita gave a brief on OCPNG in the morning session while I did the afternoon presentation on how we can use some of the information from the Symposium in OCPNG where necessary.

We explained our investigative roles and the roles of our respective agencies. We also stated what we found most helpful at the Symposium and why. We were also given the opportunity to evaluate the Symposium and suggestions for improvement.

In the latter part of the day we worked together to develop a plan to make necessary changes in each of our agencies. Basically we talked about the possibility of a new idea or change we would like to make happen in our respective agencies. The question of how we were going to make it happen and how long it will take prece-

dence in the discussions. Furthermore we reminded ourselves of the inevitable limitation and problems that we had to overcome so that we can make this new idea or change happen.

At the close of the day we were reminded by POA facilitators that on our return to our agencies, we will report back to the group in 6 months' time on the changes we plan to make in our respective offices.

Since my interest is in investigation interview I propose what is currently applied world over, referred to as the P.E.A.C.E model interview template to be incorporated into our Complaint Management System for officers in operations (CAID and even Leadership Division) to utilize because I see that it is an effective tool to conduct a well-structured and purpose-oriented interview.

The workshop ended at 3pm giving time for participants to do their 'last minute' shopping or sight-seeing before leaving the next day. Bonney and Kathleen from the Commonwealth Ombudsman arranged for a walk around Circular Quay and the famous Opera House taking photos and later a ferry cruise around Darling Harbour.

With only some hours left before

returning to our respective countries, the Pacific islanders absorbed the atmosphere and no one can deny the adrenaline rush when the ferry cruise passed the majestic Sydney Harbour Bridge. Awesome or grand is an understatement because the feeling is probably out of this world because it was the first time for some of us, a feeling that even time cannot erase.

I remember the Marshal Islands guy hoping to take a last shot on his soon-to-go-off camera which was low on power murmuring "I might never come back in 20 years bro, got to take this one", referring to the iconic landmark,

that's when it dawned on me that it could be a once in a lifetime experience. Personally one thing is for sure, I will hold on to this memorable experience and even 20 years cannot rob it from me.

On Saturday morning of 8th November 2014, I returned to Port Moresby on a four-hour direct flight from Sydney to Jacksons Airport and all the while I was reflecting on the symposium I attended as well as the experience.

I would like to thank OCPNG and the Commonwealth Ombudsman for making the trip possible. I am proud to be an ambassador of OCPNG.



Officers from the Complaints Division pose for a picture at the Parliament House after the presentation of a final investigative report to the Office of the Speaker. (L-R) Anita Awan, Benjamin Yakeri, Royanna Minape, Timothy Wrumongo and David Roika.

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