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VISION

A responsible, transparent & accountable leadership and governmental bodies who are responsive to the needs and aspirations of the people of Papua New Guinea.

MISSION

Working in partnership with all leaders and governmental bodies to implement Section 218 of the Constitution:

- Ensure all governmental bodies are responsive to the needs and aspirations of the People;
- Help in the improvement of the work of governmental bodies to eliminate unfairness and discriminatory practices; and
- Help in the elimination of unfair and defective legislations and practices affecting or administered by the governmental bodies;
- Supervise the enforcement of Division III.2 – the (Leadership Code).

VALUES

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

RTA reinstates officers

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 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 (formerly NRSA) 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 Road Traffic Authority.

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(Left) Newly sworn-in Chief Ombudsman Richard Pagen sharing a light moment with colleague Ombudsman Kevin Kepore (right) and Secretary to the Commission Joseph Molita after the swearing-in ceremony. Chief Ombudsman Pagen was sworn-in on 28 July 2020 as the 8th Chief Ombudsman of Papua New Guinea.

Viral Facebook post prompts Commission to intervene

A recent Facebook post of a building structure constructed right under a power pole in the Yumi Yet Real Estate at Gerehu in the National Capital District has prompted the Ombudsman Commission to intervene.

Acting Chief Ombudsman Richard Pagen came across the viral post on Facebook and immediately contacted PNG Power alerting them of the building and the risk it posed to the public. The matter was also registered as an own-initiative complaint for further enquiries.

The team from the Complaints and Administrative Division (CAID) inspected the site in May this year. It was noted that the building structure was demolished and the power pole was cleared. A security guard on site also confirmed that PNG Power had instructed the landlord to remove the structure.

The own-initiative complaint was closed as PNG Power had promptly acted on the matter.

The approach taken by Acting Chief Ombudsman Pagen has indicated that there are some cases that can be resolved through dialogue or mediation with the relevant agencies while other cases require actual investigations.



The building structure inside the Yumi Yet Real Estate at Gerehu, National Capital District. Picture source; Facebook.

editorial

Unlawful termination appears to be a reoccurring issue in all sectors – government and private alike. The kind of questions that come to mind when dealing with such issues is certainly the question of compliance – Is compliance part of management practice anymore or are we making decisions as and when we feel like it.

These issues are so rampant; we can only say there is no proper/ better work practice most especially in government sectors. We need not go far to notice this.

There needs to be a strategic approach in our fight to alleviate these compliance issues. The fight of course must start here in the Commission. ☺

Terminated officers allege procedural deficiency

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Between 2008 and 2014, the complainants were employed as national road safety inspectors by the former National Road Safety Council and then National Road Traffic Authority (NRSA) which was recently changed to RTA.

In December 2016, an enforcement manager verbally advised them to stand down from active duties until further notice. There was no written notice or notification advising them about their employment with then NRSA.

While they were still awaiting further notice, the NRSA in consultation with the department of Labour and Industrial Relations calculated and paid out their final service entitlements on 11 May 2018, and at the same time recruited new officers to replace them.

The Commission established in its findings that the RTA management had failed its officers with no proper advice and did not accord them the natural justice they deserved. As a result, the officers made a complaint to the NRSA seeking immediate justification and re-instatement to their respective positions in May 2018.

The team sent another letter expressing their grievance to the Office of the Secretary for the Department of Transport in September 2018 upon receiving no response from NRSA. With no feedback from the Office of the Secretary for Transport, the team decided to file a notice of intention to sue the State with the Solicitor General on 13 November 2018.

The complaint may be non-administrative in nature given its relation to the signed employment contract however; the manner in which NRSA or RTA enforcement officers have been treated gives rise to unprofessional behaviour, negligence of duties, procedural deficiency and discriminatory action.

There was no provision in the contract to cater for such unforeseen deficiencies in fixing the exact date(s) of signing. As such there appears to be an error in the contract which apparently has been sorted out administratively by the RTA.

Upon learning that the aggrieved enforcement officers had lodged their complaint with Ombudsman Commission, the RTA CEO quickly reinstated 12 of the 37 terminated enforcement officers whilst the other 25 remained off duty during the course of the investigation. He acknowledged his part in the defective decision and was willing to reinstate the officers.

The remaining 25 officers' 6-month contracts were executed in December 2019 and were supposed to commence duty in February 2020. However, the matter was delayed because of COVID-19 and more importantly financial constraints to sustain them on payroll.



New officer! Newly recruited Principal Legal Officer Ms Alison Jere-wai signing her contract. She joins the Commission from the Supreme & National Courts in Wewak. The Commission also welcomed its new office attendant Grace Kuriar attached with the Logistics Unit.



New officer! Darby Kulunias (left) joins the Commission as an investigator based in the NGI Regional Office in Kokopo. He was last employed with the Department of Personnel Management.



New Officer! Ms Natasha Mawa (left) commences as an investigator with the Commission's Highlands Regional Office in Mt Hagen.

Government Printing Office recoups more than K19, 000 excess payment

The Government Printing Office (GPO) has recouped more than K19, 000 excess payment in housing allowance, thanks to the Ombudsman Commission inquiry.

In August 2018, the Ombudsman Commission received a complaint against the Government Printer alleging conflict of interest to source funds from GPO Trust Account and defraud the State for personal gain.

The Commission inquiries prompted an internal investigation by the Department of Prime Minister & NEC into GPO which established that the Government Printer was renting a property belonging to her sister-in-law's company, Talent Enterprises Limited (TEL). The Government Printer started renting the property in May 2017 at a monthly rate of K4, 000.

According to the Government Printer's Contract of Employment, her housing allowance per annum is grossed at K38, 500 or K2, 952.08 per month. The Department of Prime Minister & NEC

investigation stated that her monthly housing allowance of K2, 952.08 was forfeited for rental but that was effected a month after she moved in inferring that she received one month of housing allowance as salaries.

GPO paid an excess of K12, 575.04 in rental payment for the first 12-month lease agreement signed by the Government Printer in May 2017. The second lease agreement signed on 1 May 2018 and extended for a period of 7 months incurred K28, 000 in rental, an excess of K7, 335.44 in the Government Printer's initial housing allowance.

A consolidated analysis carried out by the Internal Audit revealed that GPO paid a total of K80, 000 between May 2017 and December 2018. The Government Printer also forfeited her housing allowance of K60, 517.61 for the same period.

GPO's internal audit then established that a total of K19, 482.39 excess payment was made by GPO to TEL.

Complainant paid HDA after Commission investigation

A complainant was paid his Higher Duty Allowance (HDA) of more than eight thousand kina following an investigation by the Ombudsman Commission. The complainant, a retired public servant of the Autonomous Bougainville Government had alleged that he was not paid HDA for his acting appointment as Acting Executive Manager of the Torokina District. He acted on the position from 30 March 2012 to 24 March 2014.

The Commission issued a notice of intention to investigate pursuant to Section 17(1) of the *Organic Law on the Ombudsman Commission* (OLOC) on then Secretary for the Department of Community Government and District Affairs in January 2018.

The investigation process involved requesting the then Acting Secretary, Department of Personnel Management and Administrative

Services (DPMAS) and the then Acting Director for Personnel Management to provide evidence.

The Acting Secretary DPMAS advised in writing that calculations relating to unpaid HDA were prepared and other relevant documents to be referred to the Department of Personnel Management in Port Moresby as these were off-line payments.

After numerous follow-ups on the matter, the Acting Director for Personnel Management furnished a copy of the complainant's payslip for the period ending 20 May 2020 indicating the payment of K8, 040.77 as HDA payment for the retired public servant.

The Commission also contacted the complainant and confirmed that the payment was paid into his account.

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