

APPENDIX 18

(FAKALAH I 18)



Ministry of Lands, Survey & Natural Resources
Government of Tonga
NUKU'ALOFA

Ref: F.12/1/29

Date: 26 May 2010.

Hon. Dr Viliami Tangi
Acting Prime Minister & Minister of Health
Ministry of Health.
NUKU'ALOFA.

Dear Hon. Acting Prime Minister,


Re: Interim Report on Phase One of the Royal Land Commission's Inquiries (Ministry of Lands, Survey & Natural Resources)

Pursuant to Cabinet Decision No. 357 dated 27 April, I have the pleasure of submitting herewith comments from the Ministry of Lands, Survey & Natural Resources on the above subject matter.

The Senior Management Team of the Ministry has conducted several meetings to discuss the report findings and to provide comments and responses to the Report. These have been collated and are attached for your Honour's consideration.

Your Honour's patience is respectfully acknowledged, in allowing the Ministry of Lands, Survey & Natural Resources time to review the Report from the Royal Land Commission.

Respectfully,


Nailasikau Halatuituia PhD
Secretary for Lands, Survey & Natural Resources.



The following comments were collated from a series of meetings held by the Senior Management Team of the Ministry as a response to a request from the Hon. Minister for Lands, Survey & Natural Resources regarding the "Interim Report on Phase One of the Royal Land Commission's Inquiries (The Ministry of Lands, Survey & Natural Resources)". This Senior Management Team comprised of the Chief Executive Officer, Heads of Sections and Heads of Divisions.

2.1.1 Too Many Core Functions

The Core Functions undertaken by the Ministry of Lands, Survey & Natural Resources has been the practice over several years in view of statutory functions assigned to the Ministry of Lands, Survey & Natural Resources. The five identified core functions plus others not mentioned in the report are considered critical and necessary areas of responsibilities. However, the long standing issue of limited funding and staffing in the Ministry has affected the performance of the Ministry over the years. This can be seen in the following examples:

1) Staffing Numbers

Year	Posts	Vacancies	Staff (Outer Islands)	Total Staff at Post
30 June 2004	111	2	11	109
30 June 2005	111	0	10	111
30 June 2006	118	0	16	118
30 June 2007	90	2	12	88
30 June 2008	118	25	13	93
30 June 2009	95	2	9	93
25 May 2010	73 (active posts excl vacancies)	7 (not funded)	8	69

Sources: Public Service List (Public Service Commission), 2009 Staff List (Ministry of Lands, Survey & Natural Resources). Note: 2010 Staff List has excluded staff in the Ministry of Environment & Climate Change.

2) Budget Allocations

Year	Approved Budget Allocation	Revised Budget Allocation
2007/2008	\$2.15m	\$2.15m
2008/2009	\$2.95m	\$2.98m
2009/2010	\$2.16m	\$1.98m
2010/2011	\$1.58m (est)	

Source: Budget Estimates (Ministry of Finance & Planning)

2.1.2 Ministry Staff - Heavily Overstaffed/Under skilled

The redundancy in 2006 saw the Ministry losing several skilled and qualified staff in the middle management level. This was worsened by the deletion of these posts where the Ministry could not replace critical positions. As such, the Ministry was left with a majority of employees found at the lower levels of the salary structure. Existing staff has remained in the Ministry performing their duties and those of the abolished posts.

Further the training opportunities for staff was limited compared to training opportunities in the past where officers received study opportunities for higher qualifications. Scholarships have been mostly awarded to school leavers and training for higher qualifications for existing staff have been very limited.

Across the Pacific region, there is strong anecdotal evidence of severe shortages of land professionals in the Pacific Island countries in such areas such as surveying, planning and valuation. The demand for land professionals will increase as many of these countries realise that land administration, land management and tenure systems need to be more effective if they are to meet social and economic development needs.

Previous exercises by the Ministry to recruit (internal and external recruitment) staff with qualifications related to land matters has also been difficult. It has seen the Ministry putting more emphasis on skills and experience in recent years, while the few staff fortunate to undertake further studies, are away on scholarships.

The Ministry agreed that funding/stafflist constraints has also influenced the staffing structure of the Ministry. Together with the Public Service Commission office and the Ministry of Finance influence in staff selection/filling of vacancies, this has not been beneficial to the Ministry.

The Ministry agrees that a Human Resource Development Plan, greater emphasis on Ministry priorities' be reflected in the National Plan (National Strategic Planning Framework) and better succession planning is required for strategic and long term planning.

2.1.3 Weak 'Middle Management'

Following the issues identified above in 2.1.2, the Ministry agrees with this point. In addition, as a result of the last redundancy, the abolishing of redundant posts has eliminated any career path for most staff, which in turn has affected morale.

2.1.4 Leadership Issues

Following the issues identified above in 2.1.2 and 2.1.3, the Ministry agrees with i) and ii) given that management was not allocated sufficient resources to implement planned initiatives in the Ministry.

Budget approval has been guided by national priorities which are clearly identified in National Strategic Planning Framework and previously the Strategic Development Plan 8 (SDP8). However, over the timeframe of the implementation of the SDP8, the Ministry had continuously flagged that the Ministerial objectives were not reflected in the national plan priorities. Similarly, in the NSPF it has failed to reflect the important areas relating to national priorities. As a result, the Ministry will not get the high level support from government and donors for financial support for its areas of priorities.

The Ministry agrees that basic leadership skills and qualities are not lacking. However, the smooth flow of duties performed need financial and manpower support, which has been lacking. In addition, the Ministry agreed that a consultative approach will ensure flow of information and increased commitment to priority areas. This can be taken through regular staff meeting (section, division, management team and monthly meetings with the Hon. Minister) together with regular written monthly and quarterly reporting.

Following the completion of the Corporate Plan and Annual Management Plan exercises, the Ministry is looking at revising the job descriptions and to identify a suitable performance appraisal system that will fairly assess performance.

The Ministry did not agree that the Hon. Minister has been intentionally "protected" from issues and problems. However, it was felt that the process for communicating with the Hon. Minister could be improved through regular meetings with the Senior Management Team and the submission of Section/Divisional Reports through the CEO. Furthermore, management should be more persistent in following up work according to the workplans/annual management plan.

The Ministry did not agree that there are "cultures of laziness and deception" within the Ministry. The Ministry has made efforts to improve attendance and the quality of work with the anticipation of implementing a performance appraisal system during 2010. However, the Ministry acknowledges that there may be aspects of "laziness and deception" that may have stemmed from individual cases in the past. It is unfair to generalise some of those individual events to reflect the culture that is practiced within the Ministry. Some examples of individual cases are that of Ms Lavinia Mahe, Mr Makafilia Mafi and Mr 'Eti Teumohenga.

The Ministry did not agree with point viii) given that travel by the Hon. Minister has been minimal (no travel in 2008, 2 in 2009 and 2 travels to date in 2010). However, the main issue if there has been any shortcoming in actions required for mortgages has been the lack of resources. There has been no full time staff to work on mortgages but it has been

passed to officers who have spare time to work on. In additions, overtime was allowed for the Registration Section but subject to funding availability. Registration officers were also allowed to take time off in lieu of overtime work if they were willing to complete work after hours. However, it came to a stage where the officers did not wish to accumulate any more time off as they had leave entitlement owing. To date, the backlog on mortgages is kept at a minimum level. There are other problems with mortgages contribute to the backlog and complaints. For instance, the Ministry has completed the processing of mortgages but is awaiting payment of the stamp duty to complete the necessary paperwork.

Similar to comments raised previously, individual cases may have instigated this point on "laziness and deception". However, such should not be tolerated and should be rectified upon identification. Appropriate provision of resources to meet demands on work will solve some of these issues. Plus a clear job description and the implementation of a performance appraisal system will help alleviate any type of such behaviour.

Staffing issues on outstanding promotions may have affected staff morale. However, with appropriate resources and better communication within the Ministry will help boost morale of staff in the Ministry.

2.1.5 Outer Island Land Offices and Governors' Role.

The main issue has been the lack of resources (budgetary support) which was further worsened by restraints on the Ministry to fill key positions such as in those for the office in Vava'u. The Ministry agrees that this is a critical aspect that requires urgent attention in order for the Ministry to adequately meet its responsibilities to the outer islands.

One problem that has affected transfers of officers to the outer islands has been the lack of accommodation facilities in the outer islands. As such, when officers are identified for transfer and in view that the Ministry cannot provide any accommodation, the problem arise and the provision adequate services to the outer islands is affected.

In view that a new government will be established after the elections in November 2010, the role of the Deputy Minister of Lands, Survey & Natural Resources that is vested in the Governors of Ha'apai and Vava'u should be reviewed.

2.1.6 Staff Morale

The Ministry agrees and wishes to point out that on top of all the issues that have been raised, there have been no incentives for staff to put in the extra effort to cater for the shortage of staff and lack of resources to meet public demand. There were numerous attempts without success to boost morale through the provision of technical equipment

and employee training.

2.1.7 Underfunding

The Ministry agrees with this point and would like to emphasise that this is the underlying reason for the Ministry's inability to adequately meet demands. Previous budgets have seen the Ministry budget allocation decrease over time.

To further emphasise the point, the next budget (2010/2011) there has been no clear indication that the Ministry's budget will be improved. The Ministry had submitted budgetary requests to the Expenditure Review Committee (ERC) highlighting some of the critical areas. This has been closely monitored by the Budget Division of the Ministry of Finance. To date, the initial base budget ceiling that has been set for the Ministry from the Expenditure Review Committee is \$1.58 million. With current staffing capacity, the deduction of labour costs (without the annual increments and abolishing current vacancies as directed by the Budget Division, Ministry of Finance) will only leave \$37,740 for operations. This alone will not be able to pay for the Ministry's electricity bill for the full financial year.

The likely position of the Ministry in the next financial year will make it even more difficult for the Ministry to carry out its duties.

2.1.8 Lack of Training

The Ministry provides on the job training especially for new recruits. However the lack of resources (funding, equipment etc) has limited the Ministry's capability to provide any formal training/workshops for staff to update their skills.

Taking leave is an entitlement of employees and with leave approval, staff is allowed to be away from duty. However, further studies in areas necessary for the work required of staff is an important part of staff development. To date, there is only one employee who is on study leave without pay, while three officers are on government scholarships. Furthermore, attendance at workshops and conferences also builds networks necessary for the Ministry's work and the updating of training and technical skills.

2.1.9 Uneven Staff Distributions

Due to budget constraints, the Ministry has not been able to provide more staffing to the outer islands. However, efforts to maintain an office in both Ha'apai and Vava'u has been on-going.

Regarding the gender distribution of staff, the Ministry has been an advocate of open recruitment where work has been advertised openly for candidates. This has seen the recruitment of females to work in the field in past years. However, the nature of the work has not been able to attract more females to the Ministry.

2.1.10 Complaints to the Ministry - an Inappropriate 'Quasi Court'

In the Pacific, Tonga is admired for having one of the best records of very small numbers of land disputes that reach the Courts. This is due to the services provided to clients to resolve any contentious land matters through consultation and mediation.

Clients are also advised that they can take the matter up with legal counsel if they do not agree with the consultation and mediation.

2.1.11 Difficulty of Public Access to Land Information

There have been numerous and continuing efforts to computerise the Ministry's records but it needed strong political commitment and adequate fiscal backup.

2.1.12 Excessive Back-Log of Incomplete Files

The Ministry believes that the number of backlog items has been misrepresented due to the lack of cross referencing of items to clearly reflect the actual number of backlog items.

Regarding the mortgage backlog the effort to action mortgages has been satisfactory given that there is no full time staff to attend to mortgages. The number of back log mortgages to date is at 165 items (TDB: 68, ANZ: 45, WBOT: 52). There are issues with incomplete items and lack of information from the banks. An ongoing issue with the Banks regarding mortgages has stemmed from the Banks releasing funds through loans without securing the appropriate documents on collateral.

2.1.13 Corruption (Under the Table Cash Payments)

The Ministry has zero tolerance for corruption. Evidence of corrupt practices has resulted in dismissal from the Public Service. Some of the recent cases found involved Ms Lavinia F. Mahe and Mr Makafilia Mafi.

2.1.14 Computerization and Administration

The Ministry agrees and has identified that urgent attention on this issue is critical.

2.1.15 Document Storage, Safety and Security

The Ministry agrees and has identified that urgent attention on this issue is critical.

2.1.16 Surveying & Draughting

The Ministry agrees and has identified that urgent attention on this issue is required.

With the above comments, the Ministry would like that to be taken into context prior any decisions on the recommendations submitted in the report.

3.1 RECOMMENDATIONS -- RESTRUCTURE THE MINISTRY

3.1.1 Introduction of the Ministry's Three Core Functions.

The number of core functions has never been a problem for the Ministry. However, over the years the limited resources allocated to the Ministry has never been adequate to effectively and efficiently provide the services required.

The core functions of the Ministry is based on relevant legislations where the authority has been vested in the Hon. Minister of Lands, Survey & Natural Resources.

3.1.2 Minister of Lands

This has been done previously where the role of Surveyor General was delegated to Mr Tevita Malolo and it did not work because of limited resources.

The power of delegation is with the Hon. Minister of Lands, Survey & Natural Resources and it can be used if necessary.

3.1.3, 3.1.4, 3.1.5 The Way Forward

The Ministry will continue to cooperate and collaborate with the Royal Land Commission to find a way forward. Equally important, the Ministry believes that land professionals and land practitioners should be instrumental in all facets of finding the way forward.