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## **RTI Unit**

### **2017 Annual Report**

#### **1. Corporate structure**

The RTI Unit was initially established and operating under the OGCIO from mid-2015 and under the Prime Minister's portfolio. Its official structure was approved by the Public Service Commission and had 4 staff members in the structure, namely the RTI Unit Manager, Records Management Officer, Publication Officer, and education Officer.

Following a request from the RTI Steering Committee, the RTI Unit was transferred out of OGCIO at the end of 2016 and housed under DSPPAC. This was successfully made following the approval of the DSPPAC structure with the insert of the RTI Unit.

It was operating with a budget of VT5 million in 2016 and 2017. In 2018, the budget was increased by VT2.6 million to cater for RTI Publication Officer and RTI Education Officer positions. The operation budget component of the overall RTI budget was however, embezzled by DSPPAC and reallocated to other DSPPAC activities, strangling RTI implementation plans of the year.

#### **2. Corporate Overview**

The Vanuatu Government recognises that information is a public resource entrusted to it by its citizens. An effective information disclosure regime has the potential to empower the poor and other vulnerable groups of society to access information concerning the government's pro-poor policies and ensure that their basic needs are met. This is reflected in the Government's vision and mission statements underscored in the National RTI Policy:

**RTI Vision:** "To provide open, accountable and participatory government for all the people of Vanuatu".

**RTI Mission:** "It is our mission to promote the recognition of the right to information as a universal right in Vanuatu, guide public officials, the media, civil society and the public by providing

a clear framework for accessing and disseminating information and provide an opportunity for a structured, comprehensive approach to the development of an improved and sustainable information management system across the public sector”.

The main objective of the RTI Act is to provide for the guarantee of the right to information of all persons and to establish practical effective mechanisms supportive of that right and for related matters. Its purpose is to:

- to give effect to the right to freedom of expression under paragraph 5(1)(g) of the Constitution of the Republic of Vanuatu; and
- to provide access to information held by Government agencies, relevant private entities and private entities, subject to exceptions provided under Part 5 of this Act; and
- to establish voluntary and mandatory mechanisms to give the public the right to access to information; and
- to promote transparency, accountability, and national development by empowering and educating the public to understand and act upon their rights to information; and
- to increase public participation in governance.

#### **Activities and achievements:**

**1. RTI Act Gazetted:** The RTI Act was gazetted on 4<sup>th</sup> of February 2017, paving way for carrying out the RTI Implementation Plan as stipulated under the Act, and the RTI National Policy. The gazettal of the Act was widely published locally, regionally and internationally, and has attracted complimentary remarks from around the globe. Vanuatu was the latest from the 131 countries to have adopted the RTI Act at the time.

**2. Signing of the first Ministerial Enforcement Order:** The process leading to the signing of the First Ministerial Enforcement Order (FMEO) begun In June 2017, when a draft of the Ministerial Order was send to the State Law Office for review. It then let to planning for media coverage of the event. On the 1<sup>st</sup> of August a written statement for the media was sent to the Acting Prime Minister Joe Natuman to read in front of the media prior to signing of the First RTI Ministerial Order. On the morning of the 4<sup>th</sup> August at about 8am all media outlets were advice to be on standby for the signing of the First Ministerial Order to be signed by the then Acting Prime Minister Joe Natuman. RTI Unit was going to and fro from the Office of the Ministry of Trade seeking confirmation of signing and time for the signing. By 9.45am, the Unit was advised that the signing would take place at the Ministry of Trade 15 minutes later at 10am. Media was quickly notified and all came for the signing.

Mr Natuman posed in front of TBV camera and other local journalist to read the RTI statement and advised that the government wants to see all Ministries and departments go under the Second Ministerial Order which will be due in August 2018.

The RTI Unit released a press statement announcing the historic event.

The signing of the Ministerial Order paved way for the implementation and monitoring process of RTI in the 7 agencies concerned.

**3. UNDP Consultant secured for capacity building:** The RTI Unit, have had less staff then expected, again consulted the UNDP Office in Suva, for further assistance. A draft TOR for the engagement of a UNDP Consultant with RTI Unit for monitoring and training of RTI Officers was secured. The objective was for UN-PRAC to engage an RTI consultant for the provision of institutional capacity building in preparation for the enforcement of RTI implementation phase. Part of consultant's engagement is a fact finding mission on RTI development and implementation in Vanuatu. The consultant will also develop a user guide on RTI law, deliver capacity development workshop with the RTI Unit, and in partnership with the government, provide training for newly appointed RTI Officers. UNDP Consultant, Aylair Livingstone from Jamaica was identified. Most of the engagement was to be carried out from Port Vila.

This capacity building and training workshop was carried out in March this year 2018.

**4. RTI Unit policy papers:** Three internal policy papers on records management for RTI Unit were prepared by and for the RTI Unit. They are the Records and Information Policy, Records Information Management Guidelines and the Records and information Management Procedures. These documents will be replicated to fit in with other government line agencies to assist with their internal management of records and information.

**5. RTI Revised Implementation Plan:** The Revised RTI Implementation Plan was approved by the RTI Steering Committee at its April meeting. The plan was submitted to and approved by the DCO on 28 June and by COM on Thursday 13<sup>th</sup> of July. This review is to ensure effective process is in line with the delays encountered in the past years. The review is also necessary in order to comply with the phase implementation requirement of the RTI Act from the date of its commencement on 6 February 2017. This transformation implies that fundamental changes will need to be made in all government ministries, departments and line-agencies to interact with the public. The review is to enforce the immediate and timely action plans by government agencies and private entities as part of the implementation process. This will involve activities for departmental structural changes as well as the establishment of processes and procedures to facilitate access to information from members of the public.

**6. Sensitisation of Officials:** The RTI Unit has also prepared materials for power point presentation for senior government officials focusing on what RTI really means for a government agency, what their respective agencies must do to accommodate the RTI policy and the implications for failing to comply with the RTI Act. This Power Point presentation was used in RTI sessions for senior government officials as well as staff members. Separate presentation was also prepared for general public consumption. Some 13 Consultation Sessions were held with officials from government ministries, departments and statutory bodies, highlighting history of RTI, its purpose, its benefits, and what agencies must do in preparation for implementation. Presentation was also made to schools, villages and youth groups. The consultation Sessions were held in Port Vila, Luganville, Sola in Torba Province, and Isangel in Tafea.

**7. Disbursement of RTI Baseline Assessments:** Response from ministries who were been given baseline assessments to complete and return to the RTI Unit has been very poor. As a result a meeting was held with the Director General, PMO, who agreed to our proposal for a circular to be signed by himself, to all government DGs, directors, managers etc to comply with the National RTI Policy by filling up the form and returning it to the RTI Unit. This we believe has helped speed up the process for few agencies.

**8. Second circular for Senior Government officers:** The meeting with the Director General of the Prime Minister's Office has agreed that a circular on RTI Consultation be prepared and send to all DG, Directors, all heads of Units and divisions to meet with officers of the RTI Unit for a session on the benefits of the RTI Act, what they are expected to do under the RTI Act and the implications for failing to comply with the RTI Act. The meeting also agreed that a timetable for the sessions be sent along with the circular and the baseline assessment form. The time table sets out one or two sessions a week with each ministry and its respective departmental heads, the statutory bodies, and constitutional bodies. Sessions will be conducted throughout 2017. These documents had been prepared and sent to the DG and was disbursed by the Unit.

As a result of this second secular, the RTI Unit was able to conduct a few more consultation and awareness sessions with government line agencies and in statutory bodies.

**9. Options for appointing RTI Officers:** The RTI Unit has also met with the Public Service Commission (PSC) to discuss options for the appointment of a Right To Information Officer in a government agency. The RTI Act provides for the PSC to appoint a person in writing to be an RTI Officer for each government agency that is covered in the order of the minister. Firstly, we stressed that all line agencies must include a position for the RTI Officer in their structure. We then discussed options for making appointments where a line agency is not prepared to recruit an RTI Officer. Two options were given.

These options are that: a) Where a government agency is not prepared a person could be contracted to take on the RTI officer's role.

b) Where a government agency is not prepared recruit an RTI Officer, an employee within the office could be assigned to take on that extra responsibility and be paid an Extra Responsibility Allowance.

**10. Appointment of RTISC members:** The new members of the RTI Steering Committee was appointed by the Prime Minister Charlot Salwai Tabimasmas as provided for under Section 74 of the RTI Act.

The committee consist of:

- a) John Ezra – DSPPAC's Senior Policy Analyst as chairperson,;
- b) Pacco Siri – Acting DG, Ministry of Justice;
- c) Jacque Gideon – Secretary General of the PSC

- d) Jackson Miake – Policy Manager of OGCIO
- e) Darvol Simon – Acting Principle Investigator of Ombudsman’s Office; and
- f) Evelyne Toa – President of the Media Association Blong Vanuatu;
- g) Lai Sakita – Chairman of VANGO
- h) Wilson Toa – Consultant, TIV
- i) Arthur Edgell – Education Officer, VCCI

The primary role of the RTISC, among others, is to provide direction for, and oversight of, the implementation of the Right to Information Policy; and to assist with the monitoring and evaluation of the implementation of the Policy, the RTI Unit and the RTI Act. The RTISC will also advise the Government on the development of necessary regulations and amendments to any legislation in order to ensure consistency with the intentions of the Right to Information Policy and the Act.

**11. Training Guideline prepared:** The RTI Unit has also completed the Media Training Guideline for media personals and materials for Power Point presentation.

**12. Appointment of NRMDC:** The Vanuatu Government, through Hon Prime Minister Charlot Salwai Tabimasmahas has appointed members of the National Records and Information Development Committee on 16 January 2017. The 11-member committee comprises experienced records officers in public offices who are familiar with the PARBICA Toolkit.

The work of the committee started very lowly due to work commitment of members. However towards April-May members begun to lay the framework of the policy. Each representative was task to work on different sections of the policy and sent to the vice secretary of the committee for compilation. The RTI Unit was tasked to work on Policy State and responsibilities for records officers etc. On 26 June 2017, the first draft of the National Records and Information Policy was tabled for discussion. The final draft was made in 2018 and approved by DCO and then the COM.

**13. RTI Website:** Following a series of meeting with the OGCIO, a RTI website was developed. The structure and content of the website was prepared by the RTI Unit. The website, [rti.gov.vu](http://rti.gov.vu), was launched on August 2017 and to date it has become the main source of information outlet for RTI resources and activities.

**14. Proactive publication of agencies increased:** Agencies websites have now become frequently active, as a result of consultation held by RTI Unit. Through regular visits to the agency websites, we were able to see an increase in content been uploaded and more visits by people from outside the agency.

**15. Saperion Users Guide developed:** Jan Battaerd developed a Saperion user’s guide for the RTI Unit to guide any RTI Unit using Saperion. In March we have had further discussion with Jan on the importance of improving records management in government to support implementation of RTI, the workflow feature of Saperion and how important it is to track records through Saperion. Unfortunately, this year we were not able to pay for the annual fees to maintain saperion so it was locked up.

**16. Publication materials:** With no funds available for printing materials, the RTI Unit was able to print over 200 copies of RTI and RIM brochures for distribution to communities and schools, and even in government office. In addition, RTI Unit's main partner, TIV, has printed over 5,000 brochures, plus posters on RTI that were distributed to communities during awareness campaigns. About six Video clips were also produced by TIV on RTI awareness campaigns. These clips were also projected during RTI Consultation sessions conducted by RTI Unit in government line agencies.

**17. PABICA meeting:** The biennial PARBICA meeting in Suva, Fiji was attended by the Unit's Records Management Officer, Mrs June Naviti. It provided her, an opportunity to showcased Vanuatu's RTI implementation plans, the National Code of Practice on Records Management, and also the Records Management Policy. This also paved way for Vanuatu to pay its membership with PARBICA and enjoy the benefits of it being a member.

**18. RTI Inclusion on Justice Training Program:** Discussion begun last year on how RTI could partner with Vanuatu Police Force Rod mo Jastis and it was agreed that it be part of presentations for any training under that program. This agreement paved way for the Stretem Rod mo Sefti initiative of the Justice Department in mid-June 2018. This initiative is the next stage of a *Stretem Rod blong Jastis mo Sefti* initiative that aims to strengthen the Vanuatu integrity network (i.e. agencies including the Office of the Ombudsman, the Land Ombudsman, the Public Service Commission and the VPF Professional Standards Unit that work on administrative investigations).

### **3. Human Resources**

The RTI Unit started in 2015 with just the RTI Unit manager position and an RTI advocator who was an Australian female Volunteer under AVI program, Ms Cathy Nunn. She was serving initially under the Media Association Attachment. The first manager resigned 3 month after taking up her role.

The second and current RTI Unit Manager Harold Obed was recruited in July 2016 and his permanent appointment was formalized in March 2016. He originates from Paama island and has worked with VBTC as a journalist and then the Australian High Commission for 19 years in communication and media monitoring for the Australian Office of National Assessment (ONA). He has been a member of the RTI Steering Committee since 2010. His highest qualification would be Diploma in Broadcast Journalism from University of Wales, UK.

The RTI Unit Manager position was supposedly paid by UNDP through an agreement between UNDP and OGCI. However, money injected into government treasury for the position was not used. Instead, the position was paid by the Vanuatu Government. The UNDP fund was, until this year through a separate agreement with UNDP, was used to fund training and other RTI activities for Vanuatu.

The Records Management Officer, Ms June Naviti was recruited on contract in 2016 and her position was formalized as permanent by PSC in 2017. Ms Naviti has a wealth of experience in records keeping having served as manager of Vanuatu's National Library. She hails from Nguna and married to Makira. She also holds a Diploma in Library Science and Information Management from the University of South Pacific.

There are currently two staff serving under the Unit doing the jobs for all four staff.

We are hoping to recruit the Publication Officer by the end of this year 2018.

### **3. Financial Statements**

The RTI Unit was allocated a budget of VT5 million in its 2017 re-current budget. This included the VT4, 256, 386 for salaries of the two staff and VT1 million was allocated for activities including international and local travel, plus training activities under the RTI annual work plan and RTI Implementation Plan.

The operation budget component of the overall RTI budget was however, embezzled by DSPPAC and reallocated to other DSPPAC activities, strangling RTI implementation plans of the 2017 year. Most of these were to undertake training and awareness activities in the provincial council headquarters.

RTI Unit budget details obtained from the Finance Department showed that other Units under DSPPAC had used up VT826, 194 of the RTI Unit budget without our knowing. Prior to these spending we had been repeatedly told by the administration officer “there no money for RTI activities”.

The following page has details of expenditures obtained from the Treasury covering period from March to September 2017.

date_created	entered_by_id	site_id	site_name	purchase_order_nbr	vendor_id	purchase_order_line_nbr	purchase_order_reqd_date	short_descp	qty	unit_price	LineTotal	fund
02-Mar-17	wlaurie	090	Strategic Management	090-004797	AID927	1	02-Mar-17	Airfare for Mr. Harold Obed	1	37,378	37,378	2
02-Mar-17	wlaurie	090	Strategic Management	090-004797	AID927	2	02-Mar-17	vat	1	4,672	4,672	2
02-Mar-17	wlaurie	090	Strategic Management	090-004798	HOB003	1	02-Mar-17	Fuel	1	10,000	10,000	2
02-Mar-17	wlaurie	090	Strategic Management	090-004798	HOB003	2	02-Mar-17	Telecommunication	1	4,000	4,000	2
02-Mar-17	wlaurie	090	Strategic Management	090-004798	HOB003	3	02-Mar-17	Airport Vila & Santo (Dept Tax)	1	4,000	4,000	2
02-Mar-17	wlaurie	090	Strategic Management	090-004798	HOB003	4	02-Mar-17	Airport Torba & Santo (dept Tax)	1	4,000	4,000	2
02-Mar-17	wlaurie	090	Strategic Management	090-004798	HOB003	5	02-Mar-17	General Supplies & Stationary	1	3,000	3,000	2
02-Mar-17	wlaurie	090	Strategic Management	090-004798	HOB003	6	02-Mar-17	DSA - 4 Nights	1	20,000	20,000	2
21-Apr-17	wlaurie	090	Strategic Management	090-004858	AID927	1	21-Apr-17	Airfare	1	63,680	63,680	2
21-Apr-17	wlaurie	090	Strategic Management	090-004858	AID927	2	21-Apr-17	vat	1	7,960	7,960	2
28-Apr-17	wlaurie	090	Strategic Management	090-004866	AID927	1	28-Apr-17	Intern. Airfare for Mr. NAMAKA	1	140,276	##### ##	2
28-Apr-17	wlaurie	090	Strategic Management	090-004866	AID927	2	28-Apr-17	vat	1	17,534	17,534	2



28-Apr-17	wlaurie	090	Strategic Management	090-004871	1075591	1	28-Apr-17	DSA	1	220,000	##### ##	2
28-Apr-17	wlaurie	090	Strategic Management	090-004871	1075591	2	28-Apr-17	Transportation	1	10,000	10,000	2
28-Apr-17	wlaurie	090	Strategic Management	090-004871	1075591	3	28-Apr-17	Thai Visa fee @ Sydney	1	10,000	10,000	2
28-Apr-17	wlaurie	090	Strategic Management	090-004871	1075591	4	28-Apr-17	Telecommunication & Internet	1	10,000	10,000	2
06-Jul-17	wlaurie	090	Strategic Management	090-004959	AID927	1	06-Jul-17	Airfare for Charlie & Viran	1	51,431	51,431	2
06-Jul-17	wlaurie	090	Strategic Management	090-004959	AID927	2	06-Jul-17	vat	1	6,429	6,429	2
02-Aug-17	wlaurie	090	Strategic Management	090-004984	0808253	1	02-Aug-17	DSA for 4 nights in Fiji	1	60,000	60,000	2
03-Aug-17	wlaurie	090	Strategic Management	090-004985	0808253	1	03-Aug-17	Transit cost	1	5,000	5,000	2
03-Aug-17	wlaurie	090	Strategic Management	090-004985	0808253	2	03-Aug-17	Airport Transfers (Tax)	1	5,000	5,000	2
03-Aug-17	wlaurie	090	Strategic Management	090-004985	0808253	3	03-Aug-17	Meals	1	5,000	5,000	2
03-Aug-17	wlaurie	090	Strategic Management	090-004985	0808253	4	03-Aug-17	Incidentals	1	5,000	5,000	2
20-Sep-17	wlaurie	090	Strategic Management	090-005019	PAR006	1	20-Sep-17	Membership fee	1	6,756	6,756	2
27-Sep-17	wlaurie	090	Strategic Management	090-005023	1062538	1	27-Sep-17	Transit cost	1	5,000	5,000	2

27-Sep-17	wlaurie	090	Strategic Management	090-005023	1062538	2	27-Sep-17	Meals	1	3,000	3,000	2
27-Sep-17	wlaurie	090	Strategic Management	090-005023	1062538	3	27-Sep-17	Stationary	1	2,000	2,000	2
27-Sep-17	wlaurie	090	Strategic Management	090-005023	1062538	4	27-Sep-17	Incidentals	1	10,000	10,000	2
										<b>731,116</b>	<b>#####</b>	<b>##</b>

## **1. Development Projects**

In 2015, UNDP had injected VT2.1 million into government treasury, supposedly for the funding of the position of RTI Unit Manager position. However, the Vanuatu Government had gone ahead and recruited the manager under the normal PSC recruitment guideline. The UNDP fund was reserved until 2018, when the RTI Unit began to utilize it for RTI activities under a new agreement with UNDP.

## **2. Portfolio Legislation**

The RTI Unit was inaugurated under the Office of the Government's Chief Information Officer (OGCIO) in 2015 and transferred to the Department of Strategic Planning, Policy and Aid Coordination (DSPPAC) at the end of 2016.

It was established under responsibility of a RTI Steering Committee appointed by the Prime Minister. The development of the RTI Policy was spearheaded by the National Media Policy and RTI Committee established by the PMO and chaired by the DSPPAC within the Office of the Prime Minister.

In November 2016, Parliament enacted the RTI legislation to provide for the guarantee of the right to information of all persons and to establish practical effective mechanisms supportive of that right and for related matters. These mechanisms were to be carried out under the RTI National Implementation Plan which was developed under the RTI Policy.

## **3. Decision of the Courts**

The RTI Unit has so far had no court issues.

## **4. Complaints Mechanisms**

The RTI Act provides for the establishment of an independent Information Commissioner whose primary role is to deal with complaints raised under the RTI Act and monitor implementation and development of the Act. The Commissioner is also to provide an annual report to parliament.

Since the establishment of the Information Commissioner falls under the jurisdiction of the Ministry of Justice, the RTI Unit Manager has raised the matter with officers and the DG of Justice. A draft budget for the establishment of a fully-flexed Information Commissioner's Office has also been submitted for consideration by the Ministry.

On the part of the RTI implementation, a common concern from agencies was the quantity of translation needed and the cost they would incur under the RTI Act. Here they were advised to make a start and gradually develop agency strategies and planning to conform with the RTI Act.

The second most concern was over the lack of budget to recruit RTI Officers in line agencies. The solution provided was for the agencies to delegate the responsibilities of the RTI officers to an existing officer, who may have been performing a job not too different from that of the RTI officer.