

Charter of the Pacific Ombudsman Alliance

1. Intent

The intent of the Pacific Ombudsman Alliance (the Alliance) is to provide a service delivery and mutual support organisation for Ombudsman and allied institutions of countries that are members of the Pacific Islands Forum. The Alliance does not have any legal powers in relation to Ombudsman activities in any nation.

2. Charter

This Charter provides the governance framework for the operation of the Alliance, comprising the Membership, Board and Secretariat.

The Alliance is constituted in accordance with this Charter by agreement of the foundation members of the Alliance, as listed in the Schedule to this Charter, commencing on 29 October 2008.

3. Principles

The Alliance is based on the following principles:

- Integrity
- Accountability
- Simplicity
- Flexibility
- Respect
- Sustainability

4. Objects

The principal objects of the Alliance are to:

- Strengthen cooperation within the community of Pacific Ombudsman and allied institutions
- Foster integrity in the delivery of government services, by supporting the creation and maintenance of strong Ombudsman and allied institutions
- Develop culturally appropriate resources and training support to address common issues faced by the Pacific Ombudsman community
- Provide mutual support to help members meet their obligations and responsibilities and improve their service delivery and effectiveness
- Support the development of legislation and programs that recognise the right of citizens to transparent and accountable government services through effective complaint and oversight mechanisms
- Enable the national Ombudsman institutions of the Pacific Islands Forum nations to provide a common or consistent approach in dealings with international ombudsman bodies

- Foster and promote the work of Ombudsman and allied institutions throughout the Pacific

5. Membership

The foundation members of the Alliance are listed in the Schedule to this Charter and are full members of the Alliance. The Board or a meeting of the Alliance may admit other organisations to be full or associate members of the Alliance, and may remove an organisation as a member of the Alliance.

To be eligible for membership of the Alliance an institution must be created by an enactment of a legislative body or be provided for in the constitution and have a role to protect any person or bodies of persons against maladministration, violation of rights, unfairness, abuse of powers, corruption or any injustice caused by a public authority.

There may be only two full members per country. Any additional country members shall be associate members.

A member shall be represented in the activities of the organisation by the person or officer listed in the Schedule. With the agreement of the Board or a meeting of the Alliance, a member may be represented at a meeting of the Board or Alliance by an authorised alternate.

The Board may decide the rights or obligations that attach to Associate Membership, and the way in which an Associate Member may participate or be represented in the activities of the Alliance. The Board or a meeting of the Alliance may admit or remove a person or organisation as an Associate Member of the Alliance.

Meetings of the Alliance

The members of the Alliance shall meet at least once each year, either at a face-to-face meeting, or by an electronic medium. A meeting of the Alliance may coincide with other regional meetings of Ombudsmen and stakeholders, to enhance the opportunity for cooperation and collaboration among members.

A meeting of the Alliance may alter this charter, or may vary or rescind any decision of the Board.

6. Board of Governance

Appointment of the Board

The first meeting of the Alliance shall appoint a Board from among the full members of the Alliance. The Board shall comprise at least five and no more than seven members. The Alliance shall seek to ensure that it appoints as members of the Board people who can adequately represent the interests of members.

A country may have no more than one elected member of the Board. At least one member must be a representative of the Non Ombudsman Smaller Island States Working Group. The Alliance shall seek to ensure there is adequate gender representation on the Board. The Board may invite the Vice-President of the Australasian and Pacific Ombudsman Region (APOR) of the International Ombudsman Institute to be a non-voting ex-officio member of the Board. The Alliance may appoint to the Board a member that provides secretariat services to the Board.

The Board shall hold office for two years, unless a meeting of the Alliance earlier decides to appoint a new Board.

A member may resign from membership of the Board, or may be removed from the Board by a meeting of the Alliance.

A meeting of the Alliance shall appoint a new Board upon the expiration of the term of office of the Board, and upon a vacancy occurring in the Board.

The Board shall elect from among its members a Chair and a Vice Chair. The Chair shall be responsible for arranging and presiding at meetings of the Board and for the general supervision of the activities of the Secretariat and the Alliance. The Vice Chair may preside at a meeting at which the Chair is not present.

Role of the Board

The Board will:

- Provide leadership, oversight and strategic direction
- Ensure that Alliance activities are legal, ethical, financially prudent and appropriate for the Pacific

Each Board Member will:

- Display commitment to the objectives of the Alliance and be diligent in supporting the Alliance
- Advocate for good complaint handling, systemic improvement to public administration and other related principles such as transparency, integrity and accountability.
- Distribute and promote information about the Alliance and its activities
- Seek opportunities to raise resources, and to engender national and regional support for the Alliance

Responsibilities of the Board

To be consultative: Board members will consult with Alliance members, government organisations, staff, donors and other stakeholders to broadly represent the best interests of the Alliance.

To be strategic: The Board will focus on higher level strategy and will:

- Promote the principles and objects of the Alliance

- Set the long term strategic direction for the Alliance
- Develop the three year Strategic Plan to include the mission statement, strategic vision and the transition program
- From 2009/2010 start to strategically define Alliance programs and services, commencing with a strategic plan 2009-2012
- Approve the structure, function and the membership of working groups that report to the Board
- Consider and endorse activity plans, ensuring that the activity plans fit within the strategic directions endorsed by the Board
- Ensure that the Alliance is focused on getting results
- To liaise with APOR to ensure consistency and achievement of the objectives of the Alliance

To be accountable: The Board will:

- Ensure that the Alliance's legal, ethical and financial obligations are met
- Approve financial reports and performance monitoring including any necessary reporting to donor agencies.
- Develop and manage transparent Board meeting procedures and rules
- Report to Alliance members at an annual members' meeting, and electronically throughout the year
- Regularly self monitor Board performance
- Ensure the integrity of the Secretariat, and may recommend to the employer of Secretariat staff that staff be taken off Alliance work where this would be in the best interests of the Alliance.

To oversight operations: The Board will:

- Establish performance expectations, clearly outline expectations, delegate activity responsibilities and monitor and evaluate the results
- Oversight the administration of grants made to support the activities of the Alliance.
- Endorse staff appointments and oversee the Alliance Secretariat
- Develop and implement appropriate monitoring and evaluation procedures for Alliance activities
- Oversight the development and implementation of risk management practices

Board meetings and decisions

The Chair may call meetings of the Board, as needed. At least one face-to-face meeting of the Board shall be held each year.

The quorum for a meeting of the Board shall be half plus one of the members of the Board.

A decision of the Board shall be reached by consensus of the members, or by a majority of the Board members present at a meeting.

Working Groups

The Board may at any time establish working groups. A member of the Board shall be allocated responsibility for each working group. The working group is to perform the activities outlined in the decision of the Board which established it, and is at all times accountable to the Board. The Board will set the term of operations for all working groups.

A Non Ombudsman Small Island State Working Group will be an initial Working Group within the Alliance, with modification as deemed appropriate by the Board.

7. Secretariat

The Secretariat is appointed by and accountable to the Board of the Alliance.

The Secretariat is responsible for coordinating and implementing the activities of the Alliance, including:

- Providing support to Alliance members in accordance with the annual work plan
- Undertaking or providing technical assistance on activities and projects determined by the Board or the Board's delegate(s)
- Facilitating and monitoring complementary projects and activities conducted by donor and other agencies
- Developing grant documentation and a draft annual work plan for consideration by the Board
- Arranging and preparing for Board meetings and annual members' meetings
- Providing a report on financial matters to the Board as required and at least every six months
- Preparing the Annual Report and other accountability reports
- Other support or duties as required by the Board.

Initially the Secretariat is to be located within and attached to the Commonwealth Ombudsman. This is an immediate cost effective approach and can be reviewed once the Alliance has established itself.

8. Transition from Network to Alliance

Initial activity targets for the Alliance to 30 June 2009 are:

- Establish the Alliance Governance Framework to include a Charter, the Board, Secretariat and Members
- Establish a Non Ombudsman Small Island State Working Group through collaboration between the Pacific Island Forum Secretariat Governance Officer and Alliance representatives
- Finalise and endorse the strategic and action plans that Network members have worked on for the past two years with activities that include:

- Establish a communications service, including trials for a sustainable website or similar service
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- Review training needs and produce training materials
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- Establish a legal/technical advisory service
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- Maintain and build liaison with other professionals in the field with an aim to foster sustainable improvements to governance

This Charter was adopted by the undersigned foundation members of the Alliance on 29 October 2008

[Original contains Ombudsman and Representative Signatures on a separate page.]

Schedule – Foundation Members of the Pacific Ombudsman Alliance

Members attending the foundation meeting of the Alliance, 28 and 29 October 2008	Representative present
1. Commission for Public Relations, Tonga* 2. Commonwealth Ombudsman 3. Komesina O Sulufaiga (Ombudsman) of Samoa 4. Office of the New South Wales Ombudsman/APOR 5. Office of the Ombudsman, Cook Islands 6. Office of the Ombudsman, Solomon Islands 7. Office of the Ombudsman, Vanuatu 8. Office of the Ombudsmen, New Zealand 9. Ombudsman Commission of Papua New Guinea 10. Government of Nauru 11. Government of Niue 12. Government of Palau	1. Commissioner’s representative 2. Ombudsman 3. Ombudsman 4. Ombudsman/Vice Pres of APOR 5. Ombudsman 6. Ombudsman 7. Ombudsman 8. Chief Ombudsman 9. Chief Ombudsman Representatives appointed by their respective Governments
Members not attending, represented by the above at the foundation meeting of the Alliance: 13. Solomon Island Leadership Commission 14. Government of the Federated States of Micronesia 15. Government of Kiribati 16. Government of the Marshall Islands 17. Government of Tuvalu	Chairman Representatives appointed by their respective Governments

*Now in transition to Office of the Ombudsman, Tonga

**APOR: Australasian and Pacific Ombudsman Region, International Ombudsman Institute

Supplementary Papers

1 NOSIS Working Group outline of membership and tasks

2 Diagram of structure and functions

3 Future Alliance activities

1 NOSIS Working Group outline of membership and tasks

[This supplementary paper follows from first the written comments and then the discussions at the meeting with Henry Ivarature 11 and 12 September 2008]

The Non Ombudsman Smaller Island States Working Group (NOSISWG) is constituted within the Pacific Ombudsman Alliance (POA). Its members include the Pacific Island Forum Secretariat Governance officer, the NOSIS member of the POA Board, the head of the Secretariat, other NOSIS representatives from states that are actively pursuing ombudsman or ombudsman-like complaint handling solutions to improving public administration.

Pacific Island Forum Secretariat (PIFS) responsibilities:

- Respond to national scoping requests for sub regional or regional initiatives for ombudsman or ombudsman like functions
- Review and report on lessons learned from the Supreme Audit sub regional initiative in Tuvalu, Nauru and Kiribati
- Cover political commitment to sub regional or regional initiatives
- Cover feasibility (e.g. is it possible or reasonable)
- Cover viability (e.g. will it be able to work as intended, able to succeed)
- Political viability
- Economic viability

Tasks:

- Establish that there is a high level political commitment to an ombudsman or ombudsman-like function
- Establish the level of State resources available to sustain such a function
- Establish the willingness to share or pool resources (defining both share and pool)

Pacific Ombudsman Alliance (POA) responsibilities:

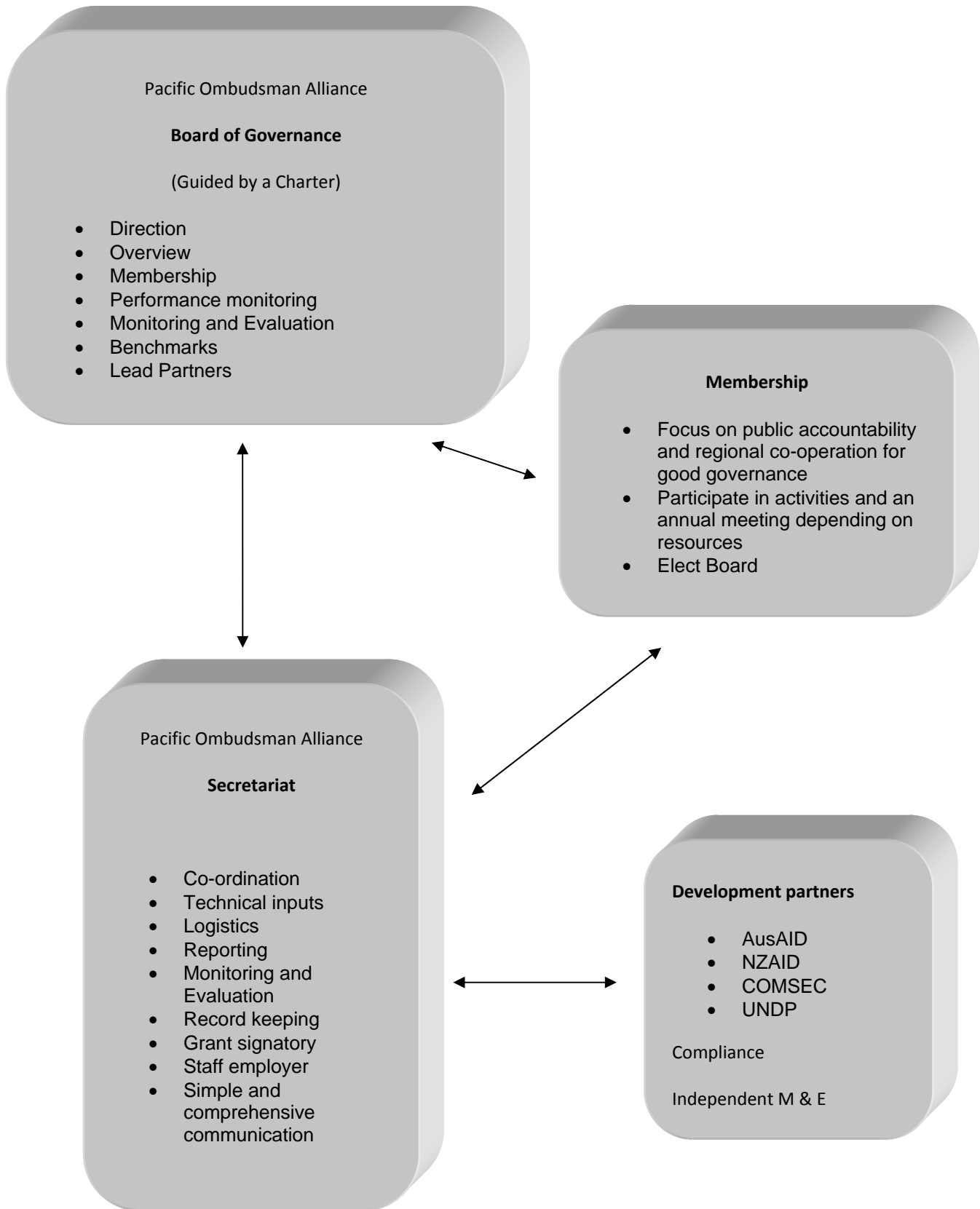
- Assist with and ensure appropriate enabling legislation is developed for any new initiative, or revised NOSIS endeavour to establish an ombudsman or ombudsman-like activity
- Assisting with staff development
- Assisting with trial programs to meet the special conditions and requirements of NOSIS
- Assisting with all technical and professional aspects of ombudsman or ombudsman-like initiatives
- Assisting with basic communication, information and educative materials for technical and professional aspects of ombudsman or ombudsman-like initiatives
- Provide mentoring and sounding board services for initiatives
- Trial high level back up to any complaint handling initiative in order to remove any perception of bias from local level trial complaint handling activities

Immediate priority tasks as agreed between PIFS and POA:

- The first priority is to have POA up and running, for an early announcement at next years Pacific Island Forum Leader's meeting
- Establish NOSISWG and in 2008/2009 start plans for future budgeted activities
- Ensure liaison with UNDP, Commonwealth Secretariat, POA, PIFS, AusAID and NZAID and other donors as appropriate

2 Diagram of structure and functions

Structural Overview: Pacific Ombudsman Alliance Governance



3 FUTURE ALLIANCE ACTIVITIES

Introduction

We have previously circulated the paper: The Pacific Ombudsman Alliance, A proposal under the Pacific Plan, Good Governance Strategic Objective 12.1, for a mechanism to support Ombudsman services in all Forum Island Countries. As we have moved forward, to include discussion with the Pacific Island Forum Secretariat, this has now become a Working Paper. Changes are expected to it as a result of the outputs from the Brisbane meeting 28-29 October 2008.

The following are the key extracts from the paper for discussion on day two of the deliberations. Following these, the Working Paper then becomes a tool for the Board of Governance. The paper in its present form is available to any who may wish to have it, (request to carolyn.langley@ombudsman.gov.au).

Implementation

The proposed work program of the Pacific Ombudsman Alliance is phased to provide a strategic focus to each set of activities. This step-by-step approach allows the Board and Secretariat to respond in concert to emergent needs and opportunities.

Phase One of the Ombudsman Support Mechanism initiative will cement the transition from the Ombudsman Network to the Pacific Ombudsman Alliance. The Alliance will deliver four foundational outcomes in its first year with PGSP support. Each outcome supports:

- Capacity building for Ombudsman or allied functions in Forum Island Countries
- Linkages between these various services across Forum Island Countries

1. Establish the Board.

The establishment of the Board makes possible the longer-term coordination of donor support for the improved delivery of Pacific Ombudsman functions, and gives Pacific accountability champions a stronger voice in the development of appropriate regional strategies for that support.

2. Establish a communications service, including exploring the feasibility of a website.

Improved use of internet technology will encourage analysis of previous regional accountability support activities and the incorporation of lessons learned into new initiatives. The communications, training and advice programs will also support independent learning and the linking and sharing of professional knowledge between practitioners in remote locations. The service will also explore off-site backup requirements to protect small office electronic files.

3. Review training needs and produce training materials.

By ensuring that Pacific peers take a lead role in reviewing training needs, POA will build capacity within the participating organisations to produce relevant and accessible training materials, and will work to address immediate training needs.

4. Establish a legal advisory service.

Finally, by prioritising the establishment of a more formal legal advisory service, the proposal recognises the importance of reinforcing existing capacities within participating organisations to draw on appropriate, objective legal opinion when necessary, and to build legal expertise over time.

Subsequent phases of the initiative are outlined in the table below.

<p>Phase One: Transition</p>	<p>Transition from the present Network to the Pacific Ombudsman Alliance:</p> <ul style="list-style-type: none"> • Board is established and determines governance arrangements, confirms strategic directions and sets priorities. • A Secretariat is confirmed to support the Board • Non Ombudsman Small Island State representation is formalised through a working group (NOSISWG). • Training and other needs are reviewed. • Communications service is established. • Legal advisory service is established. 	<p>1 Year</p>	<p>July 2008 to June 2009</p>
<p>Phase Two: Consolidation</p>	<ul style="list-style-type: none"> • Board of Governance reviews and confirms strategic direction • Core services (training, communications and legal advice) are strengthened. • Implementation of a peer-review process to enable annual benchmarking against Pacific-agreed Ombudsman standards • Particular focus on support to emerging institutions and development of innovative, context-sensitive approaches to sustainable delivery of Ombudsman functions. • NOSISWG explores sub regional groupings as one means to improve services • Annual meetings coinciding with the International Ombudsman Institute regional (APOR) meeting • Active program of forging linkages with other accountability initiatives in the region • Active promotion of information communications technology to enhance sustainability (e.g. video conferencing to reduce cost of face-to-face decision-making) 	<p>4 Years</p>	<p>July 2009 to June 2013</p>

<p>Phase Three: Expansion</p>	<p>Depending on the findings of the Mid-Term Evaluation of the Pacific Ombudsman Alliance’s effectiveness in achieving its objectives and the Board of Governance’s own findings and responses to the review, activities in the third phase are likely to include:</p> <ul style="list-style-type: none"> • Shift to provision of direct service delivery functions, such as joint investigations • Continuation of core training, communications and legal support functions • Expanded criteria used in an annual process of peer review • More self directed activities from Pacific Island members 	<p>5 Years</p>	<p>July 2013 to June 2018</p>
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