

Pacific Ombudsman Alliance ~ Network News

Fostering government integrity and good administration in the Pacific

Issue 27 – April 2012

ORGANISATIONAL ASSESSMENT TRIAL – VANUATU OMBUDSMAN

In June 2011, members of the Pacific Ombudsman Alliance (POA) discussed strategic planning for their individual offices and for the POA itself. The members asked the POA Secretariat to develop a tool that would enable each office to assess its own capacity across key organisational capabilities.

The Secretariat developed an organisational assessment tool (OAT) covering 20 elements – aspects of the organisation's capacity - grouped into five key dimensions. Each element is rated through discussions. The outcome is a broad overview of an organisation's capacity, and the identification of those areas that are particularly strong, or where further improvement is needed.

The POA will use the individual OAT assessments to develop a strategic plan based on members' current strengths and weaknesses. Supplemented by desk research, the OAT will help the members to discuss capacity needs in a common language and against similar markers. Over time, the POA will be able to use the OAT to show changes in capacity.

The POA Secretariat trialled the draft OAT at the Vanuatu Ombudsman's Office from 20 to 23 March.



L-r Alain Molgos, Lynley Ducker, Ombudsman Pasa Tosusu, Velma Karabani, Dorah Samuel, Kai Sinor

The trial involved an individual interview with the Ombudsman followed by a focus group discussion with the Ombudsman and the three investigative teams. The Secretariat then produced a full report comprising a record of the discussions and details of the office's structure, legislative framework and corporate/investigative processes.

As a result of this trial, the Secretariat has refined and improved the OAT, which we plan to use over the next few months with other POA members. The Secretariat thanks the Vanuatu Ombudsman and his staff for participating in the trial, talking openly with us about their organisation, and providing helpful feedback about the OAT process.

NEWS FROM THE OMBUDSMAN OF SAMOA

The Office of the Ombudsman of Samoa/ Komesina o Sulufaiga has put significant effort in 2011-12 into reviewing its role and developing new functions. This includes the audit/review of the Samoan Police Service (SPS) Professional Standards Unit (PSU) and the likely establishment of a Human Rights Institution in Samoa.

Long term placement of an adviser

As previously reported in *POA Network News*, Michael Woodhead, from Australia's Office of the Commonwealth Ombudsman, has been on a placement with the Samoa Ombudsman since July 2011. The placement is jointly funded by the Samoa Law and Justice Sector (L&JS) and POA.

Michael has worked with staff to improve complaints management, communication, networking and strategic engagement with government agencies. In addition, he has worked with staff in a number of areas to assist in the development of the audit/review role of the PSU and a public awareness program.



Wearing our new uniform – l-r Vaiao Eteuati, Folau Ioane, Seiao Saena, Michael Woodhead

Public awareness program and own motion investigations

The number of complaints during the past few years has been quite low. To address this, the office has recently taken two steps.

Public awareness – A proposal to the L&JS for funding for a public awareness program was successful. The office is developing an outreach program that will include TV advertisements in Samoan and English, and talks to young people at college and university levels and to non-government peak bodies. The office will also engage more intensively with government ministries and agencies. Outreach materials are in development, including carry bags printed with an Ombudsman message and new POA-funded brochures and bookmarks. It is anticipated that the public awareness program will result in an increased number of approaches to the office.

Focus on own motion investigations – The office has taken the strategic step of focusing on investigations under the Ombudsman’s own motion. This will complement the strategy of engagement with government ministries and agencies. Staff are developing processes to identify possible own motion topics, including from individual complaints, the media, whistle-blowers or issues identified as in the public interest. Significant media coverage has already resulted from the office’s own motion investigations of Customs issues. Of particular note is that several staff are involved in these

investigations, including the shared report writing, site visits and aspects of the investigation.



L-r Leti Seiuli, Maiava Iulai Toma (Ombudsman), Seiao Saena, Michael Woodhead at the signing of the MOU

Audit/review of the Samoa Police Service Professional Standards Unit

In January 2012, the Ombudsman and the Commissioner of the SPS signed a Memorandum of Understanding (MOU) already approved and signed by the Attorney General. The MOU provides for the office to conduct a quarterly audit/review of the PSU complaint-handling process and ad hoc reviews.

On 22 February 2012, the office conducted its first review of the PSU’s complaint-handling process and on 7 March 2012 provided a confidential draft report to the Commissioner for comment. A final report, including any comments from the Commissioner, will be provided to the Minister and the Attorney General.



L-r the Commissioner of Police, the Attorney General and the Ombudsman signing the MOU.

The office's new audit role attracted considerable comment in the media, including a supportive editorial in the *Samoa Observer*. The joint press release read, in part:

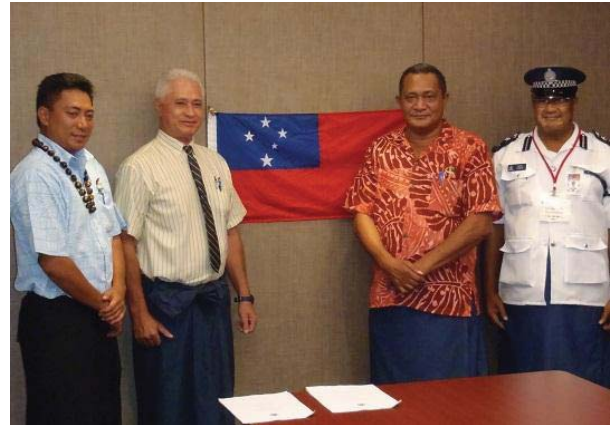
'The signing is a positive step forward in building confidence in the Samoa Police Service. The community in Samoa generally supports the Samoa Police Service which in turn relies on the community for support. The Office of the Ombudsman (the Ombudsman), with its integrity and good governance roles, adds transparency and credibility to the PSU and to its image in the community.'

'The Ombudsman's roles will help ensure the true independence of the PSU and safeguard its integrity. It would be known to all Samoans and to each Police officer that every investigation is open to inspection by the Ombudsman. This would have a flow on effect on the whole of the Samoa Police Service – the way that Police officers think and how they conduct themselves. This in turn will help ensure that the Samoa Police Service maintains the confidence of community by demonstrating a truly independent complaint handling process.'

Updating the Schedule of the *Komesina o Sulufaiga (Ombudsman) Act 1988*

The Schedule of the *Komesina o Sulufaiga (Ombudsman) Act 1988* includes a list of ministries and agencies that are within the jurisdiction of the office. The Schedule has not been updated since the office opened, but many ministries and agencies have changed names, been merged or eliminated and new agencies established. Consequently, the Schedule is out of date.

After consultation with the Attorney General's Office and advice from the New Zealand Ombudsman, the office developed a Cabinet submission based on an earlier policy paper. The Samoan Cabinet is considering the submission. The outcome of the submission will be that all relevant ministries and agencies will be under the office's jurisdiction.



L-r the Attorney General, the Ombudsman, the Commissioner and the Officer in Charge of the PSU at the signing of the MOU

Strategic planning day

On 5 March 2012, the office closed for a strategic planning day. The Ombudsman and all staff attended and contributed to a successful day. The program, facilitated by Michael Woodhead, included a SWOT (strengths, weaknesses, opportunities, threats) analysis of the office; development of a strategic plan for 2012-15, including public awareness activities; and a session on report writing. The development of the strategic plan and public awareness program are continuing.



Assistant Ombudsman Mauala Pepe Seiuli

In addition, the office has introduced structured weekly meetings to provide all staff with the opportunity to discuss, and have input into, current complaints, own motion investigations, office matters and management issues.

Digitalisation of files and the Complaint Handling Manual

The office is in the process of digitalising its records. The basic details of all complaints since 1990 have been entered on a database set up with the ongoing assistance of an Australian Federal Police (AFP) officer attached to the Samoa Australia Police Partnership. Details of the administration files will also be recorded on a parallel database.

Digitalisation will enable the office's newly developed archives policy to be put into operation. All investigation files older than five years will be destroyed unless a compelling reason exists to keep a file.

In addition, the office's Complaint Handling Manual has been digitalised for the first time, enabling a more efficient review of the Manual.

Human rights institution

The Government of Samoa has indicated a desire to place a human rights institution within the Office of the Ombudsman. A consultancy report regarding this proposal was produced with the support of the Asia Pacific Forum and presented to the Attorney General. A formal submission has been provided to the Cabinet for consideration and a decision. The Ombudsman, the staff and the adviser, Michael Woodhead, had significant input into the consultations.

A recent meeting in Apia of representatives from the Asia Pacific Forum, the office and the Attorney General indicated that the institution is planned to be in place by mid-2013.

Australian Youth Ambassadors for Development

The office was successful with a proposal for the placement of an Australian Youth Ambassador in the office in 2012-13. The role will support and assist in the development and implementation of an outreach and education strategy to the community and to government and non-

government agencies. It will also be involved in developing policies and procedures for the human rights institution that will help to differentiate the role of the institution from the traditional ombudsman's role. Recruitment for the position is underway.

REGIONAL WORKSHOP ON DEMOCRATIC INSTITUTIONS

At the invitation of Henry Ivarature, Governance Adviser to the Pacific Island Forum Secretariat (PIFS), a representative of the POA Secretariat visited Brisbane on 27 February to observe a regional workshop on democratic institutions. The workshop, convened by PIFS together with the Commonwealth Secretariat, brought together parliamentarians (former and current), constitutional office holders, donors and non-government organisations from across the Pacific.

It provided a forum for eminent thinkers, practitioners and government stakeholders to discuss the relationship between principles of democratic governance and the features of traditional governance structures in Pacific Island countries. Specifically, the group considered two key priorities: strengthening political parties and coalitions; and supporting parliamentary oversight committees.



Participants in the workshop (Kai Sinor, POA Secretariat, fourth from left top row)

In regard to the first priority, attendees discussed the ways in which political parties support communication between constituents and their representatives, and the importance of a well

organised, stable party system for a functioning representative democracy.

Former Prime Minister of Papua New Guinea (PNG), the Rt Hon. Mekere Morauta, spoke to the group on PNG's experience with legislative protections for the stability of political parties – the *Organic Law on the Integrity of Political Parties and Candidates (OLIPPAC)*. Before being ruled as unconstitutional, the OLIPPAC provided stability within government by restricting the ability of members of parliament to move between parties and coalitions. Between 2002 and 2011, there were no motions of no-confidence in the PNG Parliament.

In relation to the second priority, discussions emphasised the role of oversight committees in scrutinising incumbent governments. Participants noted that oversight functions are not exclusive to parliaments. Oversight is also maintained through the media, judiciary and civil society.

The group recognised that while some structural features of traditional governance systems can run counter to the principles of democratic governance, traditional governance structures can still fulfil an oversight and scrutinising role.

SOLOMON ISLANDS – OMBUDSMAN REAPPOINTMENT AND NEW PARTNERSHIP

We extend our congratulations to the Solomon Islands Ombudsman, Joe Poraiwai, on his re-appointment. Ombudsman Poraiwai was sworn in for another term on 22 March 2012.

The Solomon Islands Ombudsman and the Commonwealth Ombudsman have embarked on a new institutional partnership. The first part of the program is funded by RAMSI and the Queensland Ombudsman's Office.



Ombudsman Poraiwai (left) with Dan Thomas, former member of the POA Secretariat, at the members' meeting in Honiara in June 2011

The program is part of RAMSI's Accountability Program, which has identified a range of institutional strengthening and capacity development initiatives for the Ombudsman, Leadership Code Commission, and Auditor-General's office.

The first part of this program will focus on the Ombudsman's proposed new Complaint Management System and associated work practice development. Ultimately, we hope to create a long-term institutional strengthening partnership between the three ombudsman offices.

COOK ISLANDS

POA recognises the important contribution of the former Cook Islands Ombudsman, Janet Maki.

Ms Maki was a member of the POA Board and her active participation in POA governance and events helped shape our organisation. She resigned as Ombudsman in December 2011.

We wish Ms Maki every success and happiness in her new endeavours.

UPCOMING EVENT

A placement officer from the Commonwealth Ombudsman's office will work with the Auditor-General, Republic of the Marshall Islands, on a front-line complaint-handling system. This placement will start in May.

ANNUAL MEMBERS' MEETING

Save the date – the POA annual members' meeting will be held alongside the International Ombudsman Institute's (IOI) conference in Wellington, New Zealand.

The IOI conference is to be held from 12 to 16 November 2012. For more information, and to register, visit <http://www.confer.co.nz/wcioi/>.

CONTACT US

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