

Submission by the  
Commonwealth Ombudsman

**New international development policy  
and performance framework**

Submission by the Commonwealth Ombudsman, Michael Manthorpe PSM

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## Introduction and summary

The Office of the Commonwealth Ombudsman (the Office) welcomes the opportunity to make a submission to support the development of the Department of Foreign Affairs and Trade's new policy and performance framework.

We have 20 years' experience working in partnership with ombudsman and allied integrity agencies in the Indo-Pacific region, to develop institutional capacity in delivering robust oversight of government administration. We have worked in bilateral partnerships with up to four countries to deliver targeted advice, training and development, and have also worked in multilateral partnerships with up to 16 countries to foster stronger regional integrity networks.

Our strong track record in working with integrity agencies in the Indo-Pacific region means we are well placed to continue our bilateral capacity building work. We are also well placed to lead a more integrated multilateral approach to support integrity agencies in the region. For a modest investment we, potentially in partnership with other integrity agencies in Australia, could have a significant impact on the integrity and resilience of government in our region.

## Background

The purpose of the Office is to:

- provide assurance that the organisations we oversight act with integrity and treat people fairly
- influence systemic improvement in public administration in Australia and the region.

We seek to achieve our purpose through:

- correcting administrative deficiencies through independent review of complaints about Australian Government administrative action
- fostering good public administration that is accountable, lawful, fair, transparent and responsive
- assisting people to resolve complaints about government administrative action
- providing assurance that Commonwealth, state and territory law enforcement, integrity and regulatory agencies are complying with statutory requirements and have sound administrative practices in relation to certain covert, intrusive and coercive powers.

The Office works with the Department of Foreign Affairs and Trade (DFAT) to deliver partnership programs with Ombudsman offices and integrity agencies in the Indo-Pacific region as part of the Australian aid program. The Office currently works in partnership with the:

- Ombudsman Republik of Indonesia
- Ombudsman Commission of Papua New Guinea
- Office of the Ombudsman of Samoa and the Samoa Audit Office
- Office of the Ombudsman Solomon Islands and Leadership Code Commission.

We work closely with our international partners to:

- foster and share best practice across our partnerships and the wider Indo-Pacific region
- strengthen the relationships between our Office and our international partners, as well as building relationships between similar organisations in the Indo-Pacific region
- strengthen institutional capacity at all levels.

We achieve this by providing technical assistance, delivering targeted training, supporting professional development and internships and through senior leadership engagement.

## **Response to Terms of Reference**

### **Supporting Australia’s international development efforts in the Indo-Pacific**

The work of ombudsmen and integrity bodies is about ensuring governments deliver fair, accountable and responsive services. Strong ombudsmen institutions are an important part of sustainable, resilient and robust governance frameworks, which in turn support strategic and economic development.

We know the Australian Government is making a significant investment in infrastructure and in facilitating private sector investment in the Pacific. For these investments to provide the greatest benefit, good, reliable and responsive public administration is necessary. Australia has a comparative advantage in supporting the development of government integrity frameworks and institutions.

Many of our partners are tasked with functions beyond traditional ombudsman office roles. Those functions can include administering leadership code legislation, developing or overseeing the implementation of Freedom of Information policy and legislation, and participating in the development and implementation of anti-corruption and integrity mechanisms. By working in a more integrated fashion with other integrity agencies engaged in capacity building in the region, we could provide more holistic support to regional integrity agencies, delivering a greater return for the Australian Government’s investment.

### **Our partnership programs**

We currently have bilateral partnership agreements in place with four Indo-Pacific countries. An overview of our history, funding and program objectives are in Table 1.

All of our partnership activities are jointly designed with our partners and focus on targeted training on best practice complaint handling, conducting investigations, leadership and government oversight.

Table 1—Bilateral partnerships

<p><b>Indonesia</b></p> <p>Ombudsman Republik Indonesia (ORI) and the Office of the Commonwealth Ombudsman Prospera Partnership 2019–20</p>	<p>The Office has had a partnership with ORI since 2000. ORI is the peak national complaint-handling agency in Indonesia, and is responsible for oversight of state administration and public services, including those delivered by state enterprises and others. It consists of nine Ombudsmen who are allocated to an area of expertise such as land, police, education and health.</p> <p>This partnership is one of the longest standing Indonesian-Australian agency partnerships. The partnership is funded by DFAT’s Indonesian Economic and Trade section and we work closely with Prospera.</p> <p>Our current agreement, with a total of \$1,872,960 in funding over 3 years, expires in June 2020.</p> <p>The Office works with ORI to deliver activities such as investigations skills and complaint handling training with a focus on best practice, accountability and good decision-making principles.</p> <p>Our partnership objectives are to:</p> <ul style="list-style-type: none"> <li>• foster and support interactions between Indonesian and Australian Government agencies to build leadership qualities, universal ombudsman values, and increase knowledge and skills</li> <li>• focus on greater transparency and accountability of government and support ORI to guide government agencies, and contribute to a stronger public service.</li> </ul>
<p><b>Papua New Guinea</b></p> <p>Twinning Arrangement between the Ombudsman Commission of Papua New Guinea (OCPNG) and the Office of the Commonwealth Ombudsman</p>	<p>The Office has been working with the OCPNG since 2005. On 30 May 2017, the Office entered into the current bilateral agreement with DFAT to deliver a Twinning Program to the OCPNG. This twinning program is funded by DFAT’s Papua New Guinea (PNG) Governance program.</p> <p>Our current agreement, with a total of \$1,598,606 in funding over 3 years, expires in June 2020.</p> <p>Our twinning activities support the broader objectives of the Australian development partnership with PNG to support the core capabilities of the public service in PNG, improve accountability and reduce corruption.</p>
<p><b>Solomon Islands</b></p> <p>Partnership program with Solomon Islands Accountability Institutions and the Office of the Commonwealth Ombudsman</p>	<p>In June 2018 we entered into our first bilateral partnership with the Ombudsman Office of the Solomon Islands (OOSI) and the Leadership Code Commission (LCC). This bilateral partnership received a total of \$345,648 in funding for 16 months. Between June 2018 and October 2019, we delivered a total of 11 activities.</p> <p>Our new 16 month partnership agreement with OOSI and LCC is due to commence in February 2020.</p> <p>The objective of the partnership is to improve the capability of both OOSI and LCC. Activities will assist partners with carrying out their functions, strategic planning and organisational reform.</p>

<p><b>Samoa</b></p> <p>Partnership program with the Office of the Ombudsman of Samoa (OOS), the Samoa Audit Office (SAO) and the Office of the Commonwealth Ombudsman</p>	<p>In July 2018 we entered into our first bilateral partnership with OOS and SAO. The partnership received a total of \$144,132 in funding for 12 months. Between July 2018 and June 2019, we delivered a total of eight activities.</p> <p>Our current agreement, with a total of \$450,000 in funding over three years, expires in June 2022.</p> <p>The current 2019–20 partnership program will deliver low cost, high impact activities that focus on providing leadership mentoring in organisational reform and staff development, support to increase technical capability to fulfil functions and improved corporate capability, including strategic planning, communications and project management.</p>
<p><b>Pacific</b></p> <p>Pacific Ombudsman Alliance (POA) program and the Pacific Integrity Network (PIN)</p>	<p>In 2009 we were funded \$2,880,846 over seven years to work with 16 countries in the pacific region to deliver the POA program. The POA supported individual member countries by funding and implementing various activities, while also having a recipient-led focus, by being a network for liaison and mentoring as well as a peak body to address common issues.</p> <p>Between 2014 and 30 June 2018, we were funded \$1,099,323, to work with seven countries as part of the PIN (formerly the Pacific Governance and Anti-corruption program), which was focused on improving investigations and public reporting on corruption by Pacific integrity leaders. The PIN also created an ongoing regional network of allied integrity bodies that supported ongoing collaboration and learning.</p>

## Multilateral and bilateral engagement

We consider there is value in both multilateral and bilateral partnerships, and that both approaches can be complementary.

From 2009 to 2016, the Office worked with 16 countries in the Pacific as part of a DFAT funded multilateral partnership, the POA, and with seven countries between 2014 and 2018, as part of the PIN.

With a greater focus on regional outcomes, our multilateral relationships enabled the sharing of learnings across common cultures and issues. Regular member meetings helped to facilitate a community of practice between senior leaders, allowing them to draw on a professional network of colleagues. The programs also used expert advice and experience from other integrity bodies in the region. Access to these organisations provided a valuable pool of expertise and exposure to a variety of ways ombudsmen and integrity organisations conduct their business. A multi-lateral approach was also cost effective with multiple partners benefitting from the various activities delivered.

We currently have bilateral partnership agreements in place with four Indo-Pacific countries, which have allowed us to provide more targeted and tailored support to our partners. They have enabled a greater focus on delivering longer-term, multi-phased activities, which contribute to capability development for our partner organisations and countries. A bilateral approach has also allowed us to establish close institutional relationships with our partners and remain responsive to their evolving needs, priorities and emerging issues.

## **Opportunities and risks**

The Australian Government's significant support for major infrastructure and public and private sector investment in the Indo-Pacific region, provides both opportunities and risks. The Office can support the Australian Government's investment through fostering more robust national integrity systems and strengthening linkages between the Indo-Pacific region's integrity agencies. This in turn can help improve public administration and reduce corruption risks.

Our regional neighbours have noticed the Office's withdrawal in recent years from various regional activity, which creates space into which others can move. In particular, as funding for our regional activities has come to an end, our Pacific partners have welcomed the fact that the New Zealand Ombudsman has secured funding to do more work to support the Pacific region. Working with our trans-Tasman neighbours, with whom we have excellent relationships, we could make a real difference at a low cost, but as things stand our absence from regional activity leaves Australia appearing – in this area at least – as not pulling its weight.

As a leading integrity agency, we want to ensure we can learn from and offer support and advice to the region. The Office hears about the difficulties many of the integrity agencies in these small countries face in building capability and influencing systemic change in challenging circumstances, where they are frequently the lone voice against endemic institutional corruption. The Office can fill a gap for these integrity agencies, helping them to build capability and bringing together their leadership for regional networking and mentoring.

A multilateral regional approach would allow the Office to deliver expertise cost-effectively to a wide range of agencies, which would foster regional co-operation and support a greater awareness of good governance and robust public administration. In some instances, Ombudsman institutions in the Indo-Pacific fulfil other roles such as human rights protection, anti-corruption investigation and the like. This means that a coordinated approach with other Australian integrity agencies would lead to a greater return on Australia's overall investment in this area. We are aware, for example, that the Australian Public Service Commission and other integrity agencies also play some role in the Pacific, but in our view a more coordinated approach could have real benefits for the Pacific and could optimise the effectiveness of our respective efforts.

In developing a new policy and performance framework, it is important to consider how to remove bureaucratic processes that result in disproportionate administrative overheads for small agencies receiving modest funding through partnership agreements. While acknowledging the importance of accounting for our funded activities, we need to look for opportunities to reduce the cost of administration, negotiating, monitoring and reporting on agreements, to ensure that available funds are directed to delivering capacity building activities. Where possible, the Australian Government should consider a streamlined approach to administration for other Australian Government agencies.

## **Our ongoing role in international development**

We consider our development work with our Indo-Pacific partners delivers significant benefits in support of Australia's broader strategic and economic investment activity. By expanding our role to a multilateral program, potentially in partnership with other integrity agencies in Australia, we could have an even more significant impact on the integrity and resilience of government in our region for a modest investment.

We have a proven track record with successful bilateral and multilateral relationships, having managed bilateral agreements since 2000, and multilateral agreements between 2009 and 2018.

Through these agreements we have made a significant contribution to enhancing the effectiveness of various ombudsmen and integrity bodies in the region.

With appropriate funding, we would be happy to play a lead role in a more integrated approach. Partnering with other Australian government bodies would provide greater insight into the broader context within which integrity institutions operate and create opportunities for shared learnings. We could also draw on the expertise of other Australian integrity bodies to support our partners with some of their non-traditional ombudsman functions, such as audit, leadership and corruption oversight.

A more integrated approach would also help to identify any gaps in the assistance we are providing and ensure our work across the region is not duplicated. It would help in fostering a stronger regional network of integrity bodies and a platform to promote and support good governance and accountable public administration. This in turn would link to the five pillars of Australia's membership on the Human Rights Council, and in particular the promotion of good governance by strengthening regional democratic institutions. We are confident this would result in tangible contributions to both Australia's and our partner countries' development goals.