Real Life Scenarios

• Being sent the wrong power bill?
• Application for permanent residency declined without being explained the reasons?
• For countless occasions you find yourself in the waiting room to see your doctor only to find after waiting for a few hours, you’re asked to please come again tomorrow?
• Applied for a job and does not hear from the employment authorities, only to hear on the news a new appointment, neither of whom you knew applied for the job? You find out it was a transfer to fill a vacancy?
The Ombudsman

- Ombudsmen Act 1962 (NZ)
- Pacific Island Forum Members with Ombudsman service- Australia, Cook Islands, New Zealand, PNG, Samoa, Solomon Islands
- Auckland Declaration 2004-

We seek a Pacific in which its cultures, traditions and religious beliefs are valued, honoured, developed...and respected for the quality of its governance
October 2005: The Pacific Plan
- 4 Pillars
  - Economic Growth, Sustainable Development, Security and Good Governance

October 2008: The Pacific Ombudsman Alliance
- To share and provide technical assistance and resources among its members
- To assist and develop Ombudsman and Ombudsman like services to Forum members without an Ombudsman service
- To develop culturally appropriate resources
Board of the Pacific Ombudsman Alliance:
Commonwealth Ombudsman- Australia
Chief Ombudsman- Papua New Guinea
Ombudsman- Cook Islands
Chief Ombudsman- New Zealand
Chief Ombudsman- NSW
Representative for Non-Ombudsman Members- Niue
Functions of the Ombudsman

“to investigate any decision or recommendation made, or any act done or omitted relating to a matter of administration in or by any Department and affecting any person or body of persons in that person’s personal capacity”
Benefits and Usefulness

• Independent oversight body
• Promotes open and responsible government by holding officials accountable for their decision, action or omission
• Receives complaints against possible abuse of power and unlimited discretion of government/public authorities
• Conducts private investigations and can resolve the matter at any stage of the investigation where necessary
• Unfettered access to relevant files
• Not burdened by strict rules of evidence, basic formalities and long delays of courts
• Guarantee protection of public interests
Among the most important factors behind governance and failure are the absence of openness, lack of checks and balance with regard to exercise of power and discretion, and lack of institutional opportunities for raising the citizens voice against abuse of power, maladministration, violation of rights, negligence, nepotism and corruption that take place at the interface between the citizens and the administrator

*Iftekharuzzaman (2007), Bangladesh*
Legal Culture

CONSTITUTION (1974)

{Legislative Assembly}

Executive (Cabinet)

{Minister}

Niue Public Service Commission

Secretary to Government

Heads of Departments

Officers of Government
Legal Culture/ Administrative Culture

Niue Public Service Regulations 2004
• Application
• Purpose

• National Integrated Strategic Plan 2009-2013

• Department Corporate Plans
Ombudsman Bill 2006

- Established by law

- Independence
  - Appointment Process
  - Office of the Legislature
  - Budget Support

- Jurisdiction
  - May investigate complaints on its own motion
  - Receives complaints from any member of the public
  - Receives complaints and matters for investigation referred to by the Premier

  ... relating to a matter of administration by any Department
Challenges and the way forward

A gap in the system is an opportunity to improve

• Political will
• Culturally appropriate approaches
• Institutional capacity
• Meritorious appointment
• Budget support
• Internal monitoring mechanism

“Protect the individual and you will protect society”
Acknowledgements

• Organisers- Pacific Science Intercongress

• French Embassy- Wellington (NZ)

• Government of Niue

• Pacific Ombudsman Alliance