

**Joint Standing Committee on Foreign Affairs, Defence
and Trade**

Human Rights Sub-Committee

**Inquiry into Human Rights and Good Governance
Education in the Asia Pacific Region**

Submission by the Commonwealth Ombudsman

November 2002

Introduction

For the last two years, the current Commonwealth Ombudsman (Ron McLeod AM) has been Vice President of the Australasia and Pacific Region of the International Ombudsman Institute (IOI). The IOI is a non-government, non-profit international professional body made up largely of Ombudsmen from around the world. In the last ten years the numbers of national Ombudsmen has expanded considerably. The institution is represented in excess of 130 countries and there is an expanding array of Ombudsmen at the provincial and local level in many countries, as well as many industry and specialised Ombudsmen. The concept has also been adopted with enthusiasm by the private sector in many countries, a good example of public sector best practice giving a lead to the private sector.

While modern ombudsman functions began in Scandinavia almost 200 years ago, there are examples in ancient Rome, in China and in some Islamic countries, of the existence of officials who have been empowered to investigate abuses or inefficiencies by public institutions or bodies which have adversely impacted on citizens. The concept therefore seems to have had a long, albeit somewhat disjointed history. However, its development since the middle of the last century has been spectacular to say the least. It is a particularly flexible model, which has found favour in a wide range of countries with quite different legal, political, social and cultural traditions.

The growth of Ombudsmen has been given enhanced impetus in recent times as developed countries and funding bodies like the World Bank have given high priority to assisting developing democracies to put in place a range of improved governance and accountability arrangements. The willingness of donor countries to continue to provide substantial financial and other forms of support to the developing nations of the world is becoming increasingly dependent upon strengthening their institutions of government. This trend has helped to stimulate a considerable number of countries to introduce Ombudsman offices as part of their institutional re-building programs.

In our own region we have seen the emergence of an Ombudsman in Thailand and Indonesia in recent years. Closer to home, almost before the physical rebuilding of the country began, the East Timorese created an Ombudsman office. There are very few countries in the Pacific basin which now do not have national Ombudsman offices. Those that do not have them under consideration.

The popularity of the Ombudsman model and its adoption and adaptation to a wide variety of specialised or limited jurisdictions generally reflects a growing level of awareness or sensitivity to the rights of individuals as citizens or as consumers to have some independent means of redress if they are unhappy with how they have been treated, either by their government or by big business. The idea of an Ombudsman being available to assist individuals in dealing with the significant power imbalance they often face in dealing with

these large organisations and agencies remains a powerful reason for their creation. Public sector ombudsmen have also been able to improve national institutions and governance both through cooperative education and training programs with agencies and through recommendations for remedies and systemic changes arising from complaint investigations.

The Commonwealth Ombudsman believes that a strong ombudsman service as part of a fully functioning administrative review structure is vital in ensuring effective governance through enhancing public confidence in government administration and providing effective remedies for deficiencies. The ombudsman thus becomes an indispensable part of fair and sustainable political and economic development.

Regional role of the Commonwealth Ombudsman

As the Commonwealth Ombudsman has reached a greater maturity, we have been able to consider the broader aspects of the role of ombudsmanship and to offer some direct assistance to emerging ombudsman offices in the countries in our region. In the last 12 months, for example, with the support of AusAID, we have hosted study tours and attendance at international seminars for ombudsmen and their staff from Indonesia, Thailand and East Timor. Staff of our office have visited Jakarta to assist in analysis of training needs and development of materials.

The office has recently sponsored three Indonesian Ombudsman staff to attend a three-week training course at the Australian National University, followed by a week of on-the-job investigation and information technology training in the Canberra office. A staff member of the Vanuatu Ombudsman is currently undertaking a two week placement with our investigation and IT teams. We plan to extend these initiatives to additional activities and other Ombudsman offices in future years.

The Commonwealth Ombudsman envisages that our office can become a centre of excellence, providing mentoring and training for ombudsman offices in the Asia Pacific region. This will include development of models of administrative review and best practice in complaint handling systems and databases. We have also taken an active role in the development and promulgation by IOI of a model complaint investigation procedure manual, for use by emerging ombudsmen worldwide.

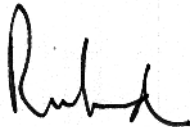
Initiatives and challenges for the future

Some ombudsmen in the Asia Pacific region face significant challenges in creating and delivering effective administrative review for citizens. These include weak political support, inadequate resourcing, political instability and lack of enabling legislation or statutory investigative powers. Many national ombudsmen face challenges with delivering services in provinces or regions where they have limited or no jurisdiction or where there is a need to deal with

several layers of government. The Commonwealth Ombudsman has over 25 years of experience in confronting many of these issues and developing workable solutions.

We believe that we can assist ombudsmen from our region to deal with the governance issues implicit in establishing their own effective functions and share our experience in areas including legislative development and refinement, provision of regional services, delivery of national and local ombudsman programs, creation and use of complaint management databases and effective use of limited resources to deliver electronic services, publicity and outreach programs.

These international cooperative projects have been made possible by accessing AusAID funding. Without this support, it would not have been possible for my office to undertake this program. AusAID is supporting a range of initiatives aimed at institutional strengthening in the emerging democracies of our region. The Commonwealth Ombudsman, through the international assistance we are giving, is supporting the priority being given by the Government to assisting these countries to improve their governance arrangements.



R N McLeod
Commonwealth Ombudsman