

**ESTABLISHMENT OF THE OFFICE  
OF THE FIC CHIEF TRADE ADVISOR  
(OCTA) FOR PACER PLUS RELATED  
ACTIVITIES**

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## A. PROJECT SUMMARY

<b>Project Objective</b>	To provide the technical assistance necessary to fully support FICs in their engagement in PACER Plus related activities and negotiations.
<b>Estimated Results</b>	Forum Island Countries (FICs) conclude a PACER Plus Agreement which effectively supports the sustainable development of the FICs and contributes to their gradual and progressive integration into the international economy.
<b>Duration of the Project</b>	Until PACER Plus negotiations have concluded.
<b>Project Beneficiaries</b>	Direct beneficiaries: FIC Government Officials, FIC Ministers, FIC negotiators Final beneficiaries: FIC private sector, FIC civil society, FIC non-state actors
<b>Project Budget</b>	US\$15,658,436

## B. INTRODUCTION

1. At their October 2007 meeting Pacific ACP (PACP) Trade Ministers directed the Pacific Islands Forum Secretariat (PIFS), to prepare a proposal for the establishment of an Office of the Chief Trade Adviser (OCTA) for PACER Plus negotiations. The proposal was developed, endorsed by PACP Trade Ministers, and sent to potential donors for their consideration in early 2008 and formal responses to the proposal were received from Australia, New Zealand, and the Commonwealth Secretariat in November 2008. This proposal has been revised through subsequent discussions and comments received from Forum Island Countries (FICs), Australia and New Zealand. All parties recognize the need for support to assist FICs participate in PACER Plus effectively and therefore the urgency of early establishment of the OCTA as a prerequisite to the agreement to commence negotiations.

## C. BACKGROUND

2. The Pacific Agreement on Closer Economic Relations (PACER) was opened for signature on 18 August 2001 and entered into force on 3 October 2002. The overall objective of PACER is to establish a framework for the gradual trade and economic integration of the economies of the Forum Members in a way that is truly supportive of sustainable development of the FICs and to contribute to their gradual and progressive integration into the international economy.

3. As outlined in the PACER Plus Joint Roadmap, Forum Members are mindful of the need for the approach and pace of trade and economic integration to depend upon the different sizes, stages of development and unique circumstances of each FIC.

4. At the 2005 Forum Trade Ministers Meeting (FTMM) Ministers agreed that there was a need to move beyond the South Pacific Regional Trade and Economic Cooperation Agreement (SPARTECA) between Australia, New Zealand and the FICs towards a more comprehensive framework for trade and economic cooperation between them, as provided for under PACER, to foster economic growth, investment and employment in the Pacific region.

5. The Trade Ministers directed the PIFS, in close consultation with Forum Members, to:

- a. commission a joint study to investigate the potential impacts of a move towards a comprehensive framework for trade and economic cooperation between Australia, New Zealand and the FICs; and
- b. undertake a gap analysis of FIC needs in respect to capacity-building, trade promotion and structural reform taking into account the study recently completed on fiscal reform and any conclusions reached by the Forum Economic Ministers Meeting (FEMM) 2005 on this study.

6. Forum Trade Ministers also agreed in 2005 that on completion of the joint study and gap analysis, Forum Trade Officials should meet to consider the joint study and gap analysis, and make appropriate recommendations to Forum Trade Ministers.

7. In considering the above Report and the recommendations of officials the 2007 FTMM stressed that any PACER Plus arrangement must be much more than a simple trade agreement if it is to succeed in providing a workable framework for deepening regional trade and economic cooperation among the Members, covering such issues as temporary movement of natural persons and fisheries management. The FTMM recalled the overall objective of PACER (see above) and recognized the need for the private sector and other non-state actors (NSAs) to be involved from the beginning in both the development of policies and the design of initiatives to remove the barriers to trade. The Ministers noted that future studies of the above nature should be given the requisite time to address the full spectrum of issues, including practical and hands-on advice and draw more fully on national expertise.

8. The concept of an independent CTA to assist the FICs in the PACER Plus process was initially submitted to PACP Leaders at their meeting in Nadi in October 2006. Leaders were supportive of the concept but requested that PACP Trade Ministers consider the specific details and approve the proposal.

9. In accordance with the above decision, the proposal was tabled at the PACPTMM in Port Vila in November 2006. The Ministers considered and noted the importance of the proposal;

however, they requested the PIFS '*to prepare a paper exploring the options for the establishment of an independent office that would be responsible for leading international trade negotiations between FICs and other states*'.

10. The Joint Meeting of the PACP Trade Ministers, National Authorising Officers (NAOs) and Regional Authorising Officer (RAO), held on 31 July – 1 August 2007:

- c. **agreed** that the negotiating structure of the OCTA should be based on the Office being totally independent from the PIFS, with the flexibility to allow FICs to approach the negotiations on either a bilateral or on a sub-regional level;
- d. **agreed** also that the core functions of the office should be advisory, coordination, facilitation and representation on PACP trade issues; and
- e. **instructed** the PIFS to prepare an issues paper on the way forward on the establishment of the OCTA, taking into account the issues raised by PACP States.
- f. At their October 2007 meeting FIC Trade Ministers considered a possible structure for the proposal FIC Office of the Chief Trade Advisor (OCTA) for PACER Plus and requested the Secretariat to assist in the establishment of the Office. Following this mandate, the Secretariat revised the proposal for the OCTA which was subsequently endorsed by FIC Trade Ministers in early 2008. During this period the Secretariat also wrote to potential donors seeking funding for the OCTA.

11. At the 2008 FTMM Ministers:

- i. **reaffirmed** that PACER Plus be more than a typical FTA, with sufficient flexibility to take account of different capacity, country contexts and stages of development in the region;
- ii. **directed** officials to formulate a detailed roadmap on PACER Plus to establish a comprehensive framework for trade and economic cooperation between Australia and New Zealand and the FICs as envisaged by Trade Ministers and endorsed by Leaders, for consideration by Trade Ministers in 2009;
- iii. **recognised** the priority placed by FICs on the early appointment of a Chief Trade Advisor;
- iv. **mandated** officials to continue informal discussions on PACER Plus and accepted the offers by Australia and New Zealand to fund three further informal discussions, following on from the Auckland informal discussions, and directed officials to report back to ministers after each informal discussion;

- v. **agreed** that Australia will organise and fund the first of these informal discussions to be held within the region this year and that this discussion further consider the mechanism of FIC engagement in PACER Plus, in particular, the proposed funding and terms of reference of a CTA in terms of the mandate given by FIC Trade Ministers, and to consider a roadmap as to the future path of FIC engagement with PACER Plus;
- vi. **recognised** the strong shared desire and agreement to move forward with PACER Plus by commencing work to build national negotiation capacity of FICs, and welcomed Australia and New Zealand's support through the provision of trade fellowships, funding for national studies, further technical capacity-building workshops for officials, and support for developing policy capacity of civil society and non-state actors in FICs;

12. At the 2008 PACP Leaders meeting the CTA was discussed and the meeting emphasized the importance of informal meetings in the negotiation process and the need for the CTA to be in position and provided with sufficient resources to assist FICs through the entire consultation phase. The meeting also noted the decision of the Forum Trade Ministers to continue informal discussions on PACER Plus, and the three informal meetings to be hosted by Australia and New Zealand (ANZ) over the coming year. The meeting directed the PACP Trade Ministers to expedite and intensify efforts to establish a CTA or some other mechanism to provide the services and support envisaged from the CTA.

13. At the 2008 Forum Leaders Meeting, the Leaders endorsed the 2008 FTMM decisions, in particular: the need for officials to formulate a detailed road map on PACER Plus, with a view to Leaders agreeing at the 2009 Forum to the commencement of negotiations; and the strong shared desire and agreement to move forward with PACER Plus by commencing work to build national negotiation capacity of Pacific Islands Countries with support from Australia and New Zealand, recognising the priority placed by Pacific Island Countries on the early appointment of a Chief Trade Advisor.

14. As outlined above, officials discussed the draft proposal for the establishment of the OCTA in November 2008, February 2009 and May 2009 in a series of informal consultations. The proposal below has been prepared for consideration of Forum Trade Ministers in June 2009.

#### **D. RELEVANCE OF THE PROJECT**

15. Previous experience of regional trade negotiations, and the recent developments with respect to PACER Plus discussions as outlined above have highlighted the need for FICs to prepare well for and be well supported during future PACER Plus activities. In addition to this, for

many FICs the importance of trade with Australia and New Zealand heightens the need for appropriate assistance during all phases of the PACER Plus process.

16. FICs will require extensive assistance in order to overcome the constraints imposed by the small size of many FIC economies and governments and the corresponding lack of capacity for FICs to engage in the PACER Plus process. As outlined in the Pacific Regional Trade and Economic Cooperation Study, endorsed by Forum Trade Ministers in 2007, developing and implementing national economic policy presents significant demands on national resources and the simultaneous participation in negotiations is a greater burden than can reasonably be met by the professional staff of many FICs. FIC participation in PACER Plus will entail specific knowledge and coordination well beyond what is required for most other negotiations due to the probable breadth of issues to be incorporated. Also, coordination of trade policy across FIC governments is extremely weak compared to their negotiating counterparts. These shortcomings impede both the development of trade policy and FIC participation in trade negotiations and will require considerable resources in order to fully address these issues to allow FICs to meaningfully engage in the PACER Plus process.

17. Strengthening regional integration and investigating the potential impacts of a comprehensive framework for trade and economic cooperation between Australia, New Zealand and the FICs are recognized as key priorities under the Pacific Plan. As highlighted above, the concept of a CTA to support the region to prepare for and participate in negotiations with Australia and New Zealand on trade and economic cooperation has been endorsed by FIC Leaders.

## **E. DESCRIPTION OF THE PROJECT**

### **Objective**

18. The Office of the CTA will provide the technical assistance necessary to fully support FICs in their engagement in PACER Plus related activities and negotiations.

### **Governance**

19. The Governing Board will comprise [Trade Ministers or their] Trade Officials from each Forum Island Country.<sup>1</sup> This structure will ensure FIC ownership and control over the direction, priorities and activities of the OCTA work programme.

20. The OCTA will operate separately from, and adopt those elements of the PIFS' operational framework that are relevant, such as human resource management, accounting and financial management and procurement systems. It will report to, and receive direction solely from, the Governing Board.

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<sup>1</sup> Further details can be found in Annex 4.

21. The OCTA will adopt and use the same financial management regulations as operated by PIFS, consistent with the law in Vanuatu and the maintenance of a financial management system independent of the PIFS. The oversight of financial management will be the responsibility of the Chief Financial Officer who will report to the Chief Trade Advisor.

### **Functions**

22. The functions of the OCTA will be as directed by the Governing Board. Consistent with the decision of the FIC Trade Ministers in 2007 the core functions of the OCTA will be:

**(i) advice and facilitation of capacity building**

The OCTA will provide technical advice to FIC Trade Officials and Ministers on PACER Plus issues. Advice will not be limited to that provided by OCTA staff but will be provided, when required, by technical expertise from a variety of external sources. This will include advice to strengthen the capacity of FICs and facilitation of training and capacity building for FICs in areas where they are deficient either at a national, sub-regional or regional level as required. FIC Trade Ministers directed at their meeting of October 2007 that funding should be made available through the OCTA to assist capacity building at the national level for FICs.

**(ii) coordination**

The OCTA will coordinate FIC activities in preparation for and during the conduct of PACER Plus negotiations. The OCTA will be the primary point of contact between New Zealand and Australia and the FICs for the dissemination of information and correspondence out of negotiation sessions. FIC Trade Ministers directed at their meeting of March 2008 that the CTA be the only point of contact between Australia and New Zealand and the FICs for all PACER Plus matters where the region negotiates as a whole, whilst recognizing the role of PIFS as Secretariat to PACER.

**(iii) facilitation**

The OCTA will facilitate the provision of policy guidance and technical advice to FICs and disseminate information on PACER Plus issues to relevant stakeholders;

**(iv) representation**

The OCTA will represent FICs on PACER Plus issues when required and as directed by the OCTA Governing Board and reflecting the FIC Trade Ministers' decision of March 2008.

23. These functions will apply to the OCTA throughout the PACER Plus process, however, the specific roles and responsibilities of the OCTA will change and develop as required by the activities taking place.

24. The structure and functions as outlined below are indicative and should be considered flexible to change according to the developing needs of FICs. The roles and responsibilities of the OCTA can be altered through the appropriate processes of the OCTA Governing Board as detailed in Annex 4.

25. The overall technical functions, roles and responsibilities of the OCTA are outlined below. The roles and responsibilities of individual staff members are detailed in Annex 3. The Job Descriptions for staff roles are indicative only and are subject to change by the CTA and OCTA Governing Board once the CTA has been appointed.

## **Structure**

### **Technical Roles and Responsibilities of the Office:**

23. These functions will apply to the OCTA throughout the PACER Plus process, however, the specific roles and responsibilities of the OCTA will change and develop as required by the activities taking place at each stage. During the course of negotiations and consultations the roles and responsibilities of the OCTA will include the following:

#### **(i) advice and facilitation of capacity building**

- a) attend all discussions and negotiations between FICs and Australia and New Zealand and provide the relevant briefings and technical advice;
- b) assist FICs to commission and/or conduct relevant research, including through assisting with developing Terms of Reference and selection and recruitment of consultants;
- c) establish a mechanism and resources to enable the OCTA and FICs to access external technical assistance as required. This mechanism should be flexible and should not limit the pool of technical advice available.
- d) support FICs to conduct national consultations, including supporting in-country consultation meetings;
- e) assist FICs to consolidate the outcomes of national studies and consultations where necessary including with respect to the potential coverage of negotiations, the modality for interaction during the negotiation phase, and the overarching structure of the agreement to be negotiated.
- f) Facilitate relevant training, technical assistance and capacity building activities for FICs, including, but not limited to, improving national capacity and technical skills.

#### **(ii) coordination**

- a) establish the office and recruit staff as outlined in the CTA recruitment policy (see below);

- b) establish a mechanism to monitor all PACER Plus related technical assistance provided to FICs on a national, sub-regional or regional level;
- c) Develop a 12 month work programme and budget for the OCTA for approval by the OCTA Governing Board
- d) convene regular meetings of the OCTA Governing Board as necessary. The purpose of the Governing Board will include coordinating FIC positions on relevant issues, monitoring and, where necessary, directing, the OCTA work programme; and maintain awareness of all PACER Plus related technical assistance provided to FICs on a national, sub-regional or regional level.

**(iii) facilitation**

- a) establish a mechanism to ensure close coordination with FICs on issues relating to PACER Plus;
- b) establish a point of contact for NSAs and other relevant stakeholders to access PACER Plus related information and establish a mechanism by which information is disseminated to stakeholders;
- c) ensure that relevant stakeholders are included and informed during the consultation process;
- d) support FICs to build, to the extent possible, a national consensus on the country's future engagement with the PACER Plus process.

**(iv) representation**

- a) attend all PACER Plus related meetings;
- b) represent FICs on PACER Plus issues when required and as directed by the OCTA Governing Board on issues of common interest and where there is agreement.
- c) participate in consultations.

**Accountability**

46. Day to day oversight of the office will be the responsibility of the CTA and Advisors, however, the overall direction and activities of the OCTA will be the responsibility of the OCTA Governing Board. The OCTA Governing Board will be the main decision making body of the OCTA and will approve the work programme and budget of the OCTA. The work programme will be endorsed by FIC Trade Ministers at their annual meeting.

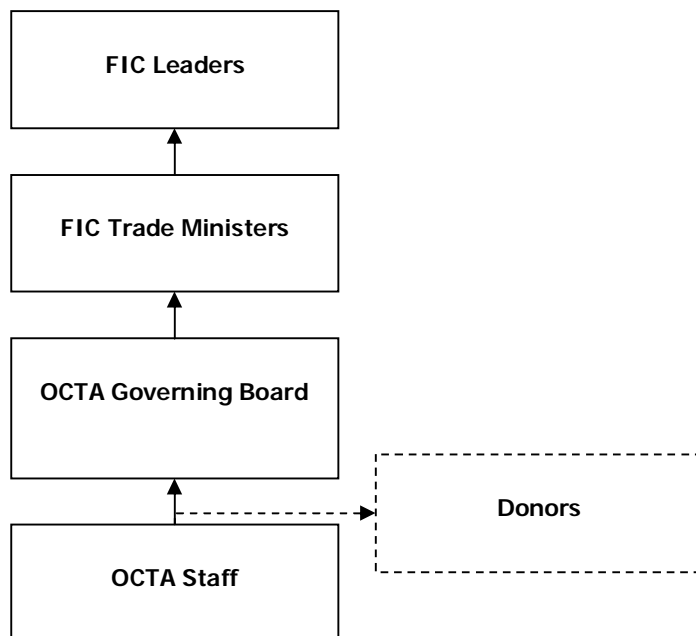
47. It will be the responsibility of the CTA, in collaboration with staff, to develop an appropriate work programme and budget for the OCTA. The OCTA annual work programme and budget will provide an accountability framework to enable FICs, through the OCTA Governing Board, to plan, monitor and engage on OCTA plans, priorities and performance. The work

programme will include detailed financial and non-financial planning and reporting cycles, and a performance evaluation process for both senior and junior CTA Office Staff.

48. The work programme will be formulated in line with the stage of the PACER Plus process and priority issues at the time and will take account of the resources available to achieve those objectives. The work programme and budget will require the approval of the OCTA Governing Board and FIC Trade Ministers before coming into force.

### Reporting

49. Reporting Structure:



50. The OCTA Governing Board will report to Ministers once a year at the annual FIC Trade Ministers meeting. Ministers will report to FIC Leaders at their annual meeting. A step-by-step outline of the reporting guidelines is provided in Annex 9 attached.

### OCTA Governing Board

51. Annex 4 contains details of the Structure, Roles and Responsibilities, and working procedures of the OCTA Governing Board.

### Relationship of the OCTA with donors

52. The funding arrangement will ensure that Australia and New Zealand do not compromise or influence the advice, activities or representational role of the CTA. A transparent financing

agreement will give FICs and observers confidence that the OCTA is independent from Australia and New Zealand, despite the funding relationship between the two groups. A sample funding arrangement is attached as Annex 5. Funding arrangements should not preclude funding sources other than from Australia and New Zealand from contributing to the establishment or implementation of the OCTA office and work programme.

53. As outlined above in the description of the OCTA Reporting Committee, once OCTA establishment processes and a broad agreement on the role and functions of the OCTA has been achieved by all parties, Australia and New Zealand involvement with the OCTA will be limited to receiving monitoring reports covering acquittals of funding and updates on activities undertaken. Summary financial reporting will be provided to donors on a semi-annual basis and will be supported by regular independent audits of financial and non-financial performance. As outlined in the recruitment process below, there will be no Australia or New Zealand involvement with the establishment phase of the OCTA in order to maintain the FICs' control of appointments and work programmes.

#### **Recruitment**

54. It is agreed by FIC Trade Ministers that the appointment of the CTA will be a transparent and fair process which involves the participation of all FICs. PIFS will facilitate the recruitment process in consultation with FICs.

#### **Relationship with other stakeholders**

55. FICs will require technical assistance and facilitation of capacity building support from the OCTA with respect to specific PACER Plus issues which require a level of confidentiality and independence that cannot be provided by any other bilateral or regional agency.

56. The design and implementation of the OCTA work programme will require clear references to, and coordination with programmes relevant to PACER Plus already in place and those under development to ensure that the roles and functions of the office are complementary to, and coordinated with, other regional and bilateral trade initiatives. The OCTA would participate in relevant fora to ensure that it is collaborating and coordinating with other trade-related activities taking place that are relevant to PACER Plus.

#### **PIFS**

57. The role of PIFS will be to support the establishment and operation of the OCTA so as to contribute to the FICs' gradual and progressive integration into the international economy. Until such time as the OCTA is established and functioning Forum Trade Ministers have agreed that

PIFS provide assistance to the Forum Island Countries in PACER Plus activities until such time as the CTA is appointed.

58. PIFS will provide technical assistance to FICs as requested by the OCTA. It will be imperative that the OCTA and PIFS establish clear relationships to ensure each is able to undertake its respective role effectively. Given the PIFS' ongoing role in coordinating regional assistance to FICs, collaboration with PIFS with respect to logistics and support for meetings will maximize the efficient use of resources.

59. The PIFS will retain its designated functions under Articles 5(2), 6(2), 11(2)-(3), 14(2), 15, 17, 18(2), 19(3), 21, 23 and Annex 1 of PACER. Pursuant to Article 17(1) of PACER, PACER Parties agree that PIFS should provide secretariat services for PACER 'and other international agreements established pursuant to Part 2 ('Pacific Economic Integration Initiatives') of PACER. The PIFS will retain its role in the convening of the annual Forum Trade Ministers Meeting.

60. The functions of the OCTA clearly limit its role to supporting FICs in their preparation for and negotiation of PACER Plus. As such, the OCTA shall be dissolved once negotiations have concluded. If negotiations result in the agreement of any new trade or development arrangements, PIFS will retain its current role in implementation of that arrangement, in collaboration with other relevant stakeholders as appropriate.

#### **Other regional/international organizations**

61. The OCTA will coordinate with other regional agencies as required.

#### **Non-state actors**

62. The OCTA will build into its work programme information dissemination to, and engagement with, non-state actors in respect of PACER Plus. National governments will have responsibility for ensuring that non-state actors within their country are engaged in the development of trade policy or positions and informed on progress made, and may call upon the OCTA for assistance in this.

#### **Project Implementation**

Location

63. Forum Trade Ministers agree that the OCTA be in Port Vila, Vanuatu.

#### **F. SUSTAINABILITY OF THE PROJECT**

64. The sustainability of the trade advisory and trade negotiation capacity within national trade departments is a key concern when building capacity at the regional level. There will be a

need for the OCTA to ensure that a balance between national and regional capacity development is maintained. The OCTA will use the national plans outlined above to determine the level of support required by each Government at the national level

65. It is clear that for some FICs, a considerable level of support will be necessary as the capacity of national trade departments to conduct the required activities in relation to the PACER Plus process is not present and would not be efficient to develop. The centralized provision of support to FICs throughout this process addresses the key concern of many FICs that are unable to develop or sustain national capacity to take part in complex trade negotiations. The OCTA, in consultation with individual FICs, will use the national plans to assess where capacity supplementation is necessary and where capacity building of national departments is necessary. This assessment will take into account relevant activities being undertaken by donors, other regional bodies and international organizations.

66. As outlined above, the functions of the OCTA clearly limit its role to supporting FICs in their preparation for and negotiation of PACER Plus. As such, the OCTA shall be dissolved once negotiations have concluded. If negotiations result in the agreement of any new trade or development arrangements, PIFS will retain its current role in implementation of that arrangement, in collaboration with other relevant stakeholders as appropriate.

## **G. SUMMARY BUDGET**

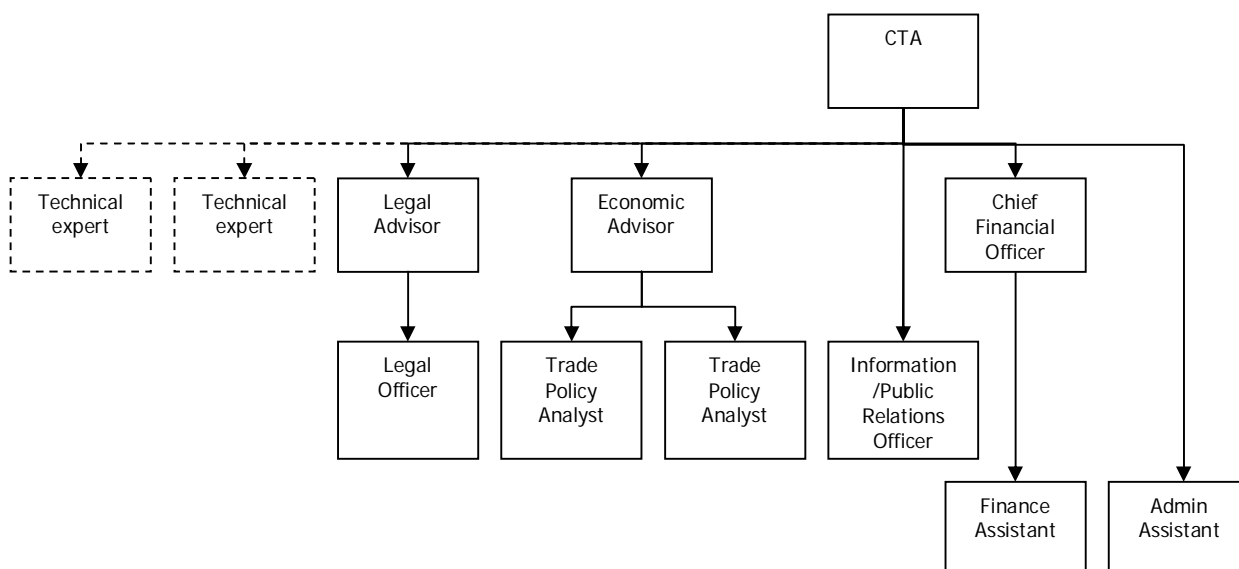
67. The total budget for the Office will be USD\$15,658,436 over a period of 6 years. This funding for the OCTA will be sourced from donors. A summary budget is provided below. Further detail is found in Annex 8 of the proposal.

68. The budget and structure are based on the careful assessment of the needs of FICs to enable their effective engagement in the PACER Plus negotiation process. Effective engagement will require the OCTA to assist the 14 FICs at the national level to develop their negotiating positions, including consultation with government officials and stakeholders, collection and analysis of data, support during formal consultations and negotiating meetings. Due to the constraints imposed by distance, transportation links and availability of government officials and stakeholders, the experience of PIFS during the EPA negotiations demonstrates the need for two trade policy analysts to undertake this work in addition to the CTA and advisory staff.

69. The Information/Public Relations Officer is essential to ensure that all relevant stakeholders are kept fully informed and engaged in the consultative processes. Given negative perceptions of trade liberalization initiatives in the Pacific this position could be crucial building national consensus and support for the PACER Plus process.

70. Australia advised the FTOM that two back-office financial support staff are required to provide appropriate financial management oversight.

**Structure**



Budget Line	Year 1 National consultations	Year 2 National Consultations	Year 3 Formal Consultations	Year 4 Negotiations	Year 5 Negotiations	Year 6 Negotiations	Total
Staff costs	988,485	1,037,911	1,397,214	1,487,076	1,540,430	1,617,452	8,068,568
Research and strategy papers	560,000	560,000	280,000	280,000	280,000	280,000	2,240,000
Training linked to domestic consultations	280,000	280,000	140,000	140,000	140,000	140,000	1,120,000
Meetings	257,538	257,538	257,538	257,538	257,538	257,538	1,545,228
Travel	344,000	344,000	134,000	134,000	134,000	134,000	1,224,000
Office overheads	110,000	110,000	110,000	110,000	110,000	110,000	660,000
Recruitment	25,000	0	0	0	0	0	25,000
Audit	5,000	5,000	5,000	5,000	5,000	5,000	30,000
Contingency (5%)	128,501	129,722	116,188	120,681	123,348	127,200	745,640
<b>Total</b>	<b>2,698,524</b>	<b>2,724,171</b>	<b>2,439,940</b>	<b>2,534,295</b>	<b>2,590,316</b>	<b>2,671,190</b>	<b>15,658,436</b>

71. The FICs' proposed budget includes funding for two additional technical experts during the formal consultation and negotiation phases (years 3-6). The salary costs allow for inflation and performance related salary increases at a rate of 5% per year.

72. In addition to the above budget, the positions of Chief Financial Officer and Financial Assistant as noted in the organizational chart above will be funded by Australia. In each case the salary package will be equivalent to an identical position at PIFS. Recruitment costs of the CTA and CFO will be funded by Australia. The CTA will be responsible for recruiting the CFO. Additional expenses incurred beyond the above budget arising from financial management may be sought from Australia should the situation arise.

73. The indicative staff costs have been calculated on the basis of current expenditure on equivalent roles within the PIFS and include salary, superannuation, housing allowance, education allowance, and establishment grants. The costs of three meetings of OCTA Governing Board are also included and budgeting is based on the experience of PIFS in convening regional meetings.