



Agenda item 07(a)(iii): Change of PIDC Name Update

Recommendation

The PIDC Regular Annual Meeting is invited to **endorse** the proposed actions required to formalise the change of name for PIDC.

Purpose

This paper provides guidance on the remaining steps to be taken to bring into effect the change of name for PIDC from Pacific Immigration Directors' Conference to Pacific Immigration Development Community.

Background

2. At the 2017 Regular Annual Meeting Members agreed to change the organisation name from Pacific Immigration Directors' Conference to the Pacific Immigration Development Community, to better reflect the sustained and substantial work activities undertaken by the Secretariat to implement Members' priorities. Pacific Immigration Directors' Conference was seen as confusing as it implied that PIDC work was to only meet and was a 'one off' annual activity.

3. In previous reports to the Board on this matter, the Secretariat outlined the various steps required to make changes to the (a) PIDC MoU; (b) PIDC Constitution; and (c) the PIDC Headquarters Agreement with the Government of Samoa (GoS). In summary:

- (a) **MoU:** Paragraph VII of the MoU requires any amendment to be in writing and by mutual consent of each participant or Member country;
- (b) **Constitution:** Article 26 of the Constitution outlines a process to be undertaken to consider any amendments. This includes:
 - (i) The proposed amendment shall be in written communication provided to the Head of Secretariat at least 60 days before the annual or special general meeting of the PIDC where the amendment is to be considered;¹
 - (ii) The Head of Secretariat shall promptly circulate the proposed amendment to all Members of the PIDC²;

¹ PIDC Constitution, Article 26.1.

² Ibid, Article 26.1.

- (iii) The proposed amendment can be considered at the annual meeting of the PIDC or a special meeting as requested by a majority of the Members;³
- (iv) A special meeting can only be convened by the Head of Secretariat after not less than 60 days notice;⁴
- (v) The proposed amendment can only be adopted by consensus. The proposed amendment will be defeated if a consensus cannot be achieved;⁵
- (vi) The Head of Secretariat shall promptly transmit the approved text of the amendment to all Members of the PIDC;⁶ and
- (vii) The amendment shall enter into force 30 days after the date on which the amendment is agreed to.⁷

(c) ***Agreement between the Government of Samoa and PIDC:*** Article XII sets out the following process for modification or variation of the Agreement:

- (i) At the request of a party, the parties may consult on a proposed modification;⁸
- (ii) Six (6) months written notice must be provided by the party proposing a variation to the Agreement to the other party;⁹ and
- (iii) The variation shall only take effect upon agreement of both parties evidenced by an exchange of notes between the authorized representative of each party.¹⁰

4. As directed by the Board in September 2017, the Secretariat sought independent legal advice from a reputable law firm in Apia (MWK Lawyers) and based on this legal advice received on 18 January 2018 has proposed a number of next steps to implement the PIDC name change.

MOU

5. Members are requested to provide the written consent required under Paragraph VII of the MoU (refer to Attachment One) to form part of the 2018 Regular Annual Meeting Papers.

Constitution

³ Ibid, Article 26.2.

⁴ Ibid, Article 26.2.

⁵ Ibid, Article 26.3.

⁶ Ibid, Article 26.4.

⁷ Ibid, Article 26.5.

⁸ Agreement between the Government of the Independent State of Samoa and the Pacific Immigration Directors' Conference ("PIDC") represented by the Chairperson of the PIDC Management Board, Concerning the Establishment of the Secretariat for the PIDC, Article XII (1).

⁹ Ibid, Article XII(2).

¹⁰ Ibid, Article XII(3).

6. The Secretariat has made the necessary draft amendments to the Constitution (refer to Attachment Two) along with other amendments proposed and endorsed in 2018. The Secretariat circulated the amending text in April to Members for their information and Members were advised that the agreement on the new name had already been made at the 2017 Regular Annual Meeting and the organisation was now in the process of formalising the decision.

Headquarters Agreement

7. The Secretariat has already given the Government of Samoa six months notice of PIDC's intention to vary the text of the Headquarters Agreement by replacing the name Pacific Immigration Directors' Conference with Pacific Immigration Development Community. The Secretariat is working with Samoa and looks to formalise the amending text before the 2018 Regular Annual Meeting.