

Issue 2 / 2012 | Share this email 

This is the last edition of the Ombudsman Quarterly Report for 2012.

We hope that you find the publication useful in keeping you updated on developments within the Office of the Ombudsman and of assistance in providing you with new guidance and material that may be useful to you in your work or dealings with state sector agencies. We would welcome any suggestions for improvement and for topics on which you'd like further information.

Meantime, from all of us at the Office, we wish you all a very Happy Christmas and a peaceful New Year.

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## New Ombudsman announced



We are delighted that Professor Ron Paterson has been named Ombudsman designate to replace Dr David McGee who is not seeking a second term. Ron is currently Professor of Law at the Auckland University and will be taking up his new role in June 2013.

He was New Zealand Health and Disability Commissioner 2000–2010. With law degrees from Auckland and Oxford Universities, Ron has held Fulbright and Harkness Fellowships. He has researched and lectured in the United Kingdom, the United States, Canada and Australia, and is an international expert on complaints, healthcare quality and the regulation of health professions. Ron is co-editor of the textbook *Medical Law in New Zealand* (2006) and author of *The Good Doctor: What Patients Want* (2012). He is currently Chairman of the New Zealand Banking Ombudsman Scheme and a member of the Board of the Royal Australasian College of Physicians.

We worked with Ron on a number of issues when he was in his role as Health and Disability Commissioner. He brings a wealth of complaint handling skills and relevant experience to the role of Ombudsman and we are looking forward to welcoming him to the team.

You can read the Officers of Parliament Select Committee's recommendation [here](#).

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## IOI World Conference

On 14–16 November 2012 we hosted the 10th World Conference of the International Ombudsman Institute (IOI). The overall theme of the conference was *Speaking Truth to Power – the role of the Ombudsman in the 21st century*, but it touched on numerous issues including Ombudsman practice and ethics, human rights, freedom of information and public records. We had some fantastic pre-conference workshops from the Ontario Ombudsman on Sharpening Your Teeth Investigative Training and the New South Wales Deputy Ombudsman on Managing Unreasonable Complainant Conduct.

Highlights of the conference itself included speeches from the Rt Hon Helen Clark, Administrator of the United Nations Development Programme, and Michelle Bachelet, Under-Secretary General and Executive Director of UN Women. The speeches are available to read [here](#).

We will also have photos of the conference available on our new Flickr account which will go live in January and will be able to be accessed via [our website](#).



Traditional Maori welcome to the 10th World Conference of the International Ombudsman Institute. Bill Nathan, Chairman Ngati Poneke accompanies Dame Beverley Wakem, Celia Wade-Brown, Mayor of Wellington, Peter Kostelka, Secretary General IOI and the Rt Hon John Key, Prime Minister.

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## Dame Beverley re-elected President

At its Wellington meeting held on 15 November 2012, the International Ombudsman Institute (IOI) Board of Directors held elections to the Executive Committee of the IOI. Dame Beverley was elected President for a second term. Joining her on the Executive

Committee will be:

- IOI 1st Vice–President: Mr John R. Walters (Namibia)
- IOI 2nd Vice–President: Ms Diane Welborn (USA / Ohio)
- IOI Treasurer: Alan N. Lai (China / Hong Kong)

We congratulate all the newly elected members and wish them every success during their term in office.

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## Ombudsman Investigator receives a Christchurch Earthquake Award

John Haynes from the Christchurch Office of the Ombudsman was recognised with a Christchurch Earthquake Award at a ceremony on 18 December 2012. The awards are to honour people who undertook acts of heroism, service and kindness during the earthquakes. This award will acknowledge John's part in the rescue of 14 people, including his co-workers, from the 6th floor of the Forsyth–Barr building. John's extensive mountaineering experience and cool calm demeanour were an integral part of the rescue effort which involved lowering the 14 people from the 6th floor to the 3rd floor car park by rope. You can read a news article about his efforts [here](#).

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## Ombudsmen welcome new managers

On 10 December we welcomed two new managers to our Office, Janis Adair and Diana Pickard. They have both brought with them a wealth of operational and managerial experience in public sector and complaints handling bodies. We are very fortunate to have two very experienced and motivated managers joining us to assist meet the challenges of our busy work environment. Janis is the Manager of our new Early Resolution team and Diana is the Manager of our Investigations and Resolutions team. Both will be based in our Wellington office.

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## Ombudsman issues report of investigation into the Ministry of Education

Ombudsman David McGee has issued a report of his investigation into matters that have been publicly raised relating to the Ministry of Education's management of requests for information about the proposed closure of some Christchurch schools. The three specific matters that were the subject of the Ombudsman's investigation are:–

- That the Ministry advised the Christchurch City Council to refuse a request for

official information on the basis that the information was not held by the Council when the Ministry knew that it was held.

- That the Ministry advised a requester to withdraw a request for official information, suggesting that if he did so he would receive the information sooner.
- That a number of requests for official information were refused, at least in part, on the basis that the information concerned would eventually be made public in any case.

These matters were raised during the course of a TV3 broadcast of Campbell Live on 25 October 2012.

Dr McGee's conclusions and proposed actions relating to each matter are as follows.

- The Ministry's responses to the Christchurch City Council were wrong. An inappropriate suggestion was made in its original response and in its subsequent responses the Ministry failed to correct or address that fact in a meaningful manner. The Ministry has proposed reviewing its internal guidance and providing additional training for staff. Dr McGee will monitor and audit these initiatives.
- The Ministry was wrong to advise two principals to withdraw their official information requests in order that they may receive a better response. The Ministry has commenced action to review its Official Information Act processes. However, in light of wider concerns, the Chief Ombudsman will commence an investigation of OIA policy and practice in selected government agencies in the New Year.
- The Ministry's statement that certain information would be made available after the consultation was not inappropriate, as it was not made to discourage OIA requests, but as part of explanation of a specific refusal to release information under the OIA. Nonetheless, concerns remain about the adequacy and timeliness of information provided during the consultation process. Dr McGee intends to undertake an investigation into the policy and practice of the Ministry of Education regarding school closure consultations generally in the New Year.

Dr McGee's full report is available on [our website](#).

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## Deputy Ombudsman delivers an official information scorecard for local government

On 6 November 2012, the Deputy Ombudsman Leo Donnelly spoke to the Society of Local Government Managers Committee Advisors' Conference in Wellington. He was asked to give the local government sector a bit of a scorecard in terms of how they're managing and responding to official information requests.

The local government sector is diverse, and faces some very challenging situations. Our overall impression is that the sector is doing pretty well in managing and responding to official information requests. However, there are some things the sector could work on, including:

- building organisational awareness and understanding of the official information legislation;
- using the mechanisms that are available under the legislation to avoid breaches of the statutory timeframes for responding to requests;
- taking a more robust and considered approach to the application of the public interest test, where there's a reason for withholding official information under section 7(2); and
- being aware of the need to preserve their ability to create, maintain and access full and accurate business records when entering into contractual relationships with third parties.

Many of these points are equally applicable in the central government sector.

The Deputy Ombudsman also commended Dunedin City Council for its recent initiatives involving the proactive release of official information, including an online disclosure log available at [www.dunedin.govt.nz/oia](http://www.dunedin.govt.nz/oia). He said the Office of the Ombudsman is available to provide advice and encouragement to other agencies contemplating similar kinds of initiatives.

The Deputy Ombudsman's full speech is available in the [newsroom](#) on our website.

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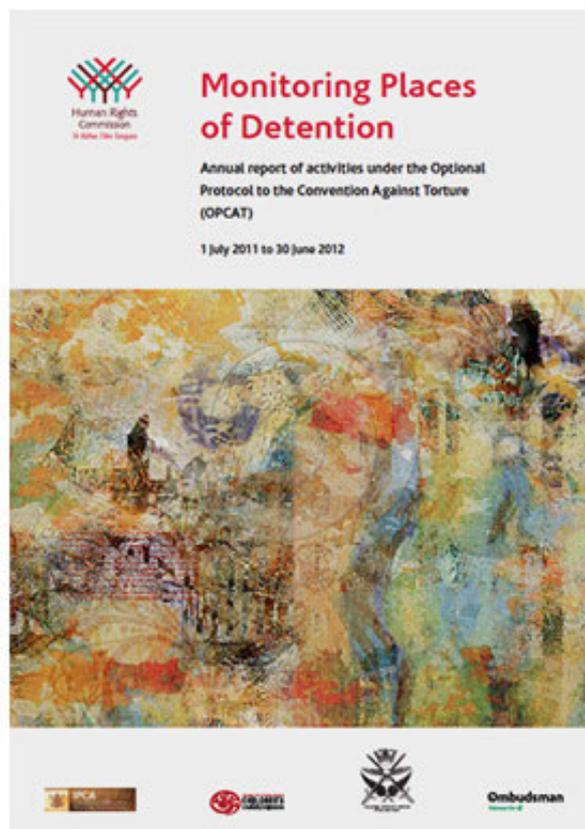
## First annual report on making disability rights real in New Zealand



December 3 was the International Day of Persons with Disabilities. It was also the day that the first joint annual report was presented to Parliament by the New Zealand independent mechanisms established to “promote, protect and monitor” New Zealand’s progress in implementing the United Nations Convention on the Rights of Persons with Disabilities. The purpose of the Convention is to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities. The New Zealand independent mechanisms appointed to report on implementation are the Ombudsman, the Human Rights Commission and the New Zealand Convention Coalition (a group of national disabled people’s organisations). You can read the annual report on [our website](#).

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## Annual report on monitoring places of detention under OPCAT



The 2011 annual report of the five organisations responsible for monitoring places of detention in New Zealand under the Optional Protocol to the Convention against Torture (OPCAT), Monitoring Places of Detention was tabled in Parliament this month. The five organisations are the Ombudsman, Children’s Commissioner, Independent Police Conduct Authority, Inspector of Service Penal Establishments and the Human Rights Commission. The Ombudsman is responsible for visiting prisons, health and disability places of detention and immigration detention facilities. We also have a joint responsibility with the Children’s Commissioner to monitor child care and protection residences and youth justice residences. Visits to all these places of detention continue to be an effective way of examining the conditions of detention and

the treatment of detainees so as to ensure that residents are not exposed to torture, brutality or inhuman treatment in New Zealand. Mental health was also a particular focus of this year's work. You can read the joint annual report of all five organisations on [our website](#).

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## Fact sheets on common agency complaints

We've been developing a range of fact sheets for complainants discussing commonly recurring types of complaints, so they know what the Ombudsman can and can't do, and what they need to do first before coming to the Ombudsman. There are fact sheets on:

- Work and Income complaints
- Accident Compensation Corporation complaints
- Immigration New Zealand complaints
- Inland Revenue Department complaints
- Earthquake Commission complaints
- Child, Youth and Family complaints.

The fact sheets are available under 'general information' on the publications and resources page of our website. In 2013 we'll be developing fact sheets on local government, health, education and housing complaints, so watch this space.

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## Teaching resources on learning to complain

The Ombudsman is part of a group of specialised New Zealand complaint handling organisations that has developed resources for teaching the language of complaint to new speakers of English. The resources are available free online for anyone to use. We have previously worked together to produce [www.complaintline.org.nz](http://www.complaintline.org.nz), an online directory to help people identify the right place to make a complaint.

The organisations' research suggests people from minority groups are under-represented as complainants. People who speak languages other than English, or are not confident readers, are less likely to use specialised complaint handling services.

The resources are being sent to community organisations to use in language classes or by home tutors. Anyone can download the sheets from our website or [www.complaintline.org.nz](http://www.complaintline.org.nz).

The language of complaint resources cover four topics:

- It's OK to complain
- Complaints about goods or services

- Writing to complain
  - Where to get more help with resolving a complaint.
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## South Island training opportunities in 2013

Ombudsman staff will be conducting training for agencies in the Otago and Southland areas in the New Year. We can provide training in various areas, including:

- dealing with official information requests;
- good decision making;
- effective complaint handling; and
- managing unreasonable complainant conduct.

Our training sessions are free interactive workshops, which are useful for:

- staff who are responsible for dealing official information requests and/or complaints;
- managers who wish to gain an understanding of the measures they need to put in place to support their staff;
- staff who receive requests and/or complaints; and
- staff who receive general enquiries from the public and/or media.

We are currently planning when and where the training sessions will be held, based on interest from participants. If you wish to participate in a training session, or for more information, please contact Assistant Ombudsman Bridget Hewson on 0800 802 602, [bridget.hewson@ombudsman.parliament.nz](mailto:bridget.hewson@ombudsman.parliament.nz)

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## Christmas office closures

Our offices in Wellington, Auckland and Christchurch will close on Friday 21 December 2012 at 5pm and will reopen at 8.30am on Monday 7 January 2013.



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