

12 December 2018

Four Local Government Official Information and Meetings Act practice investigations underway

The Chief Ombudsman Peter Boshier has commenced the next group of self-initiated investigations into the official information practices of the public sector.

These investigations aim to establish whether the agencies have the leadership, culture, organisational systems, policies and procedures in place to support good official information practices to achieve the purposes of the official information legislation relevant to their organisation.

The four agencies selected are all in the local government sector – the Far North District Council, Auckland Council, Greater Wellington Regional Council, and the Tasman District Council – and are all subject to the Local Government Official Information and Meetings Act 1987 (LGOIMA).

‘I have spoken to the Chief Executives of the agencies, and they all welcome the initiative’, says Mr Boshier.

‘The selection process takes into account my strategic priorities, which for this year includes a focus on local government, public perception of how an agency complies with its official information obligations, factors that might increase the public interest in how the agency is managing its obligations, and any complaints and contacts my Office has received.

‘I have signalled quite clearly in the past that I will be focussing more on local government, and I have ensured we are looking at different sizes of councils in various areas of the country to give us some diversity in the investigations.

‘Central government agencies, generally, have started to lift their game significantly in relation to official information legislation.

‘We want to see if councils are making the same progress, as both the LGOIMA and the OIA are lynchpins of openness and accountability in our democracy. They encourage New Zealanders to take part in issues that affect them, and they increase the transparency required by officials.’

The outcome of the investigations will provide New Zealanders with continuing trust and confidence in public sector agencies, and outline the standards to which government should aspire in terms of decision-making processes, transparency and accountability.

The initiative was flagged in the Office of the Ombudsman’s *Strategic Intentions 2017/21*, and for local government in the *Strategic Intentions 2018-22*, and was made possible by funding from Parliament.

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Surveying the agencies and the public

To assist in the investigations, the Chief Ombudsman will seek input from the agencies and their staff. Throughout the course of the investigations, areas of good practice may be identified, and where any areas of weakness are found, suggestions may be made for improvement.

The Chief Ombudsman is also keen to get the public's input into the process, and has set up surveys for those who have recently made a request to access information held by any of the four agencies, or who have engaged with the agencies through the LGOIMA process within the last 6-12 months.

The public stakeholder survey looks at the agency's processes, and the experience people had with the agency. It is not designed to reopen individual cases, and for any new complaint, the usual process of approaching the Ombudsman remains in place.

The surveys are open until 28 January 2019 and can be found by clicking the relevant link below:

[Greater Wellington Regional Council](#)

[Auckland Council](#)

[Far North District Council](#)

[Tasman District Council](#)

Background

The investigations will be conducted under the Ombudsmen Act 1975. Under the Act, an Ombudsman may investigate the administrative acts, decisions, omissions and recommendations of the agencies subject to it, and form an independent opinion on whether any aspect of their conduct was wrong, unreasonable or contrary to law.

The LGOIMA allows New Zealanders to have access to information held by councils, to enable the public to participate and hold governments and government agencies to account.

The Act sets out the obligations of local authorities in respect of requests for official information, applications for a Land Information Memoranda (LIM), and the administration of local authority meetings. The Chief Ombudsman's investigations will consider each of these functions.

Reports into the investigations for the Ministry for Culture and Heritage, the Ministry for the Environment, the Department of Conservation and Land Information New Zealand were published on 27 September 2018. In October, four more investigations were announced – Treasury, Horowhenua District Council, and Christchurch City Council, and Callaghan Innovation.

Process

These investigations will take place between December 2018 and June 2019, and the agencies will be offered an opportunity to comment on the Chief Ombudsman's provisional opinion. The final opinions will incorporate the agency's comments and feedback.

The agencies will be measured against criteria needed to achieve the purposes of the OIA and LGOIMA – leadership and culture, organisation structure, staffing and capability, internal policies, procedures and resources, current practices, and performance monitoring and learning.

It is anticipated the outcome of the investigations will be published and tabled in Parliament mid-2019.