

3 December 2019

Tauranga and Porirua City Councils in next round of LGOIMA practice investigations

Chief Ombudsman Peter Boshier has announced a further two self-initiated investigations into the official information practices of selected councils.

The investigations aim to establish whether councils have the leadership, culture, organisational systems, policies and procedures in place to support good official information practices.

The councils selected for investigation are Tauranga City Council and the Porirua City Council. These follow the announcement of investigations of the practices of the Buller District Council and Invercargill City Council in early November.

‘I have spoken to the Chief Executives of the two councils, and they both welcome the initiative’, says Mr Boshier. ‘The selection process takes into account my strategic priorities, which for this year includes a continuing 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.

‘In addition to continuing my practice investigations into how central government agencies fulfil their obligations under the Official Information Act (OIA), this tranche of investigations focuses on the local government sector under the Local Government Official Information and Meetings Act (LGOIMA).

‘We want to see if councils are making the same progress as central government, 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 increase the transparency required by officials.’

Mr Boshier said the investigations were integral to his long-term strategy to help raise the quality of official information delivery from the public sector.

‘I have to reinforce that the reports are not exercises in casting blame or being critical for criticism’s sake – they are also not used to rank agencies. Reports are tailored to each agency.

‘The key thing about these reports is that they not only help the agency involved, they also show other agencies what good practice can look like, and thereby help them improve as well.

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

The Chief Ombudsman is also keen to get the public’s input into the process, and has set up a survey for those who have recently made a request to access information held by the councils, or who have engaged with them through the LGOIMA processes within the last 6-12 months.

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Surveying the agencies and the public

To assist in the investigations, the Chief Ombudsman will seek input from the public, councils 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 survey looks at the councils' processes, and peoples' experiences with them. They are not designed to reopen individual cases. For a new complaint, the usual process of approaching the Ombudsman remains. The survey is open until **Friday 24 January 2020** and is available on the following links:

[Tauranga City Council](#)

[Porirua City 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 public sector agencies, and form an independent opinion on whether any aspect of their conduct was wrong, unreasonable or contrary to law.

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

Process

The investigations will take place between November 2019 and June 2020, and the councils will be offered an opportunity to comment on the Chief Ombudsman's provisional opinion. The final opinion will incorporate the councils' comments and feedback.

The councils will be measured against criteria needed to achieve the purposes of the 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 in mid-2020.

Councils investigated to date (published reports)

- Horowhenua District Council (June 2019)
- Greater Wellington District Council (July 2019)
- Tasman District Council (July 2019)
- Auckland Council (August 2019)
- Far North District Council (August 2019)
- Christchurch City (November 2019).