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PEOPLES' RIGHTS ARE PROTECTED

Guide now available for making a complaint to UN Disability Committee

Under the United Nations Convention on the Rights of People with Disabilities, the New Zealand Government has a duty to protect and promote the rights of all disabled people.

New Zealand's Independent Monitoring Mechanism (IMM) under the Convention has released a guide on how to make complaints to the UN Disability Committee.

The Ombudsman's Manager Disability Rights Chloe Longdin-Prisk talked on Access Radio about the new guide and about how disability rights are protected in New Zealand. You can listen to the interview [here](#).

Someone can complaint to the Disability Committee if they believe their rights are being denied under the Convention, and has not resolved the issue with agencies here. A complaint can result in the Committee investigating and making recommendations for improvement if necessary.

When and how to make a complaint to the Committee is the focus of the new guide *Making complaints to the UNDC: a guide for New Zealanders*. It's available on our [website](#), along with audio and EasyRead versions.

The IMM is made up of the Human Rights Commission, the Office of the Ombudsman and the Disabled People's Organisations Coalition.



Martine Abel-Williamson QSM speaking at the launch of Making complaints to the United Nations Disability Committee: a guide for New Zealanders, in May.

Matariki

Matariki, the Seven Sisters, rises in late June this year, marking the winter solstice, the turn of the seasons toward spring, and the Māori New Year.

Here in the Office, we'll be enjoying a Matariki feast and each other's company.

We wish you all the best for a productive and positive year ahead.

What?

The UN Disability Committee considers complaints when your rights have been denied or abused under the CRPD.

Who?

A disabled person, a group of disabled people, or somebody making a complaint on their behalf.

When?

The abuse must have happened after NZ acceded to the CRPD-OP on 4 November 2016, or started before and is still happening.

EDITORIAL

FROM THE CHIEF OMBUDSMAN

Tēnā koutou

In today's volatile world, it's more important than ever that we protect and uphold our democratic and human rights institutions, and promote transparent governance and fairness for all. The more we connect and work together, the stronger we are individually and collectively.

New Zealand's Office of the Ombudsman has a proud history of supporting the development of integrity and justice institutions in the Asia-Pacific region. We're now in a position to increase and intensify these connections, for the benefit of all of us across the region.

Over the past few years, I've hosted and visited a number of Ombudsmen and their senior representatives from across the region. My staff have connected with countries including Australia, East Timor, Japan, Vietnam, Tonga, Samoa and the Cook Islands to deliver training and guidance and share expertise.

Last year, we launched the new publication [Waka Tangata](#), connecting and showcasing the work of Ombudsmen across the Asia-Pacific; and on 1 April this year I took up my role as President of the Asia-Pacific Ombudsman Region (APOR).

With the support of Parliament and the International Ombudsmen Institute, we're now developing a more integrated programme of support and capability building across the region. Our first initiative is an Ombudsman Investigator Training workshop that will be open to all APOR integrity agencies.

The two-day programme will be delivered in Fiji at the end of July, and the focus will be on the tools, frameworks, methodologies and resources required for robust investigation and monitoring. A 'typical complaint' will be taken through the whole process, from first communication to recommendation or other outcome.

Bringing agencies from different jurisdictions together will also help foster the connections, networking, and mutual learning that are so crucial to developing robust justice and integrity institutions across our region.

Benefits flow back to this Office too. Our engagement helps us learn more about the culture of the Asian and Pacific communities here in New Zealand, and the best ways we can meet their needs.

I'm grateful to Parliament for the funding to carry out this work. The commitment of our Asia-Pacific neighbours to transparency and accountability is very real. It's an honour to provide tangible support.

E noho rā

Peter Boshier



INTERNATIONAL

Training for prison inspections in Vanuatu

A recent example of the training our Office can provide in the Pacific was the visit of three of our staff to Vanuatu in late March, to deliver training in prison investigations and inspections.

The two-day workshop provided practical skills on handling prisoner complaints, investigating systemic prisoner issues, conducting inspections, and writing effective reports under the Optional Protocol to the Convention Against Torture (OPCAT).

The training also triggered many useful discussions and connections among the Vanuatu Ombudsman's Office, Police, Correctional Services, Border Control and the Health Department.

The importance of these relationships was reinforced, and we were impressed by the strong collective desire to do things differently.

Since our training, two prison visits have been carried out by the Vanuatu Ombudsman, following a period of years in which none took place. This is an encouraging start, and we'll stay in touch with the Vanuatu Ombudsman and agencies to provide further support as needed.



Port Vila Correctional Facility.



International Ombudsmen meet in Mexico

On 1 April, Chief Ombudsman Peter Boshier formally took up his role as Regional President of the Australia-Pacific Ombudsman Organisation (APOR).

APOR is one of six regional chapters of the International Ombudsman Institute, an alliance of more than 190 Ombudsman institutions across the world.

In May Mr Boshier represented APOR at the IOI Board meeting in Mexico, along

with Australian State Ombudsmen and APOR Directors Chris Field and Deborah Glass.

Find out more about the [IOI](#) and get the latest APOR news in our [Waka Tangata](#) newsletter.

Pictured left are Mexican Ombudsman, Luis Raul Gonzalez Perez, and New Zealand Ombudsman and APOR Regional President, Peter Boshier.

Progress toward prisoner safety at Hawke's Bay



Inside the Prison's youth facility.

Hawke's Bay Regional Prison has made significant progress towards improving prisoner safety, after the Chief Ombudsman expressed concerns about levels of violence and intimidation in the facility.

An unannounced inspection in December 2016 identified a high level of violence and tension in the prison, particularly in the High Security Units.

A follow-up inspection in November last year found that tension levels had reduced, staff were more actively engaged with prisoners, and prisoners had access to a greater range of activities—all contributing to a more positive and safe atmosphere. Inspectors also found that monthly incident reporting showed fewer violent cases.

The Chief Ombudsman welcomed the positive progress but noted the prison still needed to improve conditions for remand and at-risk prisoners. In particular, he repeated his concerns about at-risk prisoners in the Intervention and Support Unit.

The 2016 and follow-up reports into conditions and treatment at Hawke's Bay Regional Prison are available [here](#).

Call for leadership in protected disclosures

Chief Ombudsman Peter Boshier has issued a call for leadership from businesses and government agencies in raising awareness of whistle blowing law in New Zealand.

The Protected Disclosure Act (PDA) sets out how employees who witness wrongdoing in the workplace can confidentially report it, and the protections in place for those employees.

"The PDA is important legislation that covers all of New Zealand's 2.6 million employees", Mr Boshier said. "However, a recent survey by my Office found fewer than one in ten New Zealanders are aware of the Act.

"The survey also found that while a fifth of respondents had witnessed serious wrongdoing at work, only a third of them had made a protected disclosure about the issue".

Only 40% of all respondents currently in work felt their jobs would be safe if they reported the wrongdoing, 34% said their job wouldn't be safe and 27% were unsure. Lower paid workers were less convinced about their job security if they reported wrongdoing (31%).

Mr Boshier said it was essential for executive teams and boards to raise awareness of the PDA and reduce the risk of fraud and other serious misconduct going unreported.

"Every business and agency needs policies and procedures to protect whistle blowers, and staff must be aware of them. Make sure people know how to speak up and know they'll be protected when they do so".

The Ombudsman will shortly issue guidance on the processes organisations ought to have in place to make reporting as easy as possible, and without fear of repercussion for the whistle blower.



Everyone reporting serious wrongdoing should have total faith that they are protected under the Act, says the Chief Ombudsman.

Consultation open on NZ's progress report to UN

Consultation is open until 17 June on the Government's draft report for the United Nations on the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment.

New Zealand is one of more than 160 countries that have ratified the Convention, which prohibits torture and ill-treatment of people in detention.

The draft report is our seventh to the UN since New Zealand signed the Convention in 1989, and responds to a list of issues

provided by the UN Committee.

These include what measures NZ has taken to combat violence against women, including domestic violence; the rights of refugees and asylum seekers; the treatment of detainees; and the effectiveness of the criminal justice system and prisons.

The draft report and consultation tool are on the Ministry of Justice [consultations](#) page. The final report will be sent to the UN later this year.

New oversight role announced



The Office is preparing on a number of fronts for our expanded role in overseeing complaints and investigations relating to children in care, particularly with Oranga Tamariki—Ministry for Children.

We're identifying the resourcing we'll need for the role, starting work on the design of the new procedures, and most importantly learning the best ways for our Office to engage with youth, particularly rangatahi.

A high proportion of New Zealand's children and young people in care are Māori, and we must put these young people/rangatahi at the centre of our work.

Our Office can make a real and positive difference to the lives of children and young people in care, and we'll engage closely with tangata whenua and youth to plan for this important new work. [Read more](#)

Anniversary time

A reminder that regional anniversary days are no longer counted as working days in calculating the timeframes for a Local Government Official Information and Meetings Act (LGOIMA) request.

If you're responding to a LGOIMA request, calculate the 20-working-day timeframe—use our [online calculator](#) if you wish. Check to see whether your regional anniversary day falls within this timeframe. If it does, add another working day to your calculations.

For example:

- Canterbury local authority receives LGOIMA request Friday 1 November
- 20 working day timeframe for response is Friday 29 November
- 15 November is Canterbury Anniversary day, so add another working day: timeframe is now Monday 2 December.

Requests for commercial information

Check out our new guidance for agencies and local authorities considering official information requests:

- The OIA and the [public tender](#) process
- [Consulting third parties](#) on an OIA request
- Withholding [commercial information](#) under the OIA
- Withholding [negotiations information](#) under the OIA.

Each guide includes detailed case studies, and the consultation guide also includes template letters and worksheets.

Improving public sector complaints handling

We're helping with research by the University of Newcastle Australia into the benefits of good complaints handling in public sector organisations. Read [more](#).

What's in a name?

Submissions are open until 21 June on the Ombudsmen (Protection of Name) Amendment Bill.

Under the Bill, requests to use the name 'Ombudsman' will go to the Minister of Justice for decision making, rather than the Chief Ombudsman as at present.

The Banking Ombudsman and Insurance & Financial Services Ombudsman will continue to use their name. [Read more](#).

In case you missed it ...

Keep checking our [Newsroom](#) for the latest news and information.



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