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PEOPLE'S RIGHTS ARE PROTECTED

Detainee monitoring extended to include private aged care facilities & court cells



Privately-run aged care facilities and court cells will be monitored to ensure the people held in them are not subjected to cruel, inhuman, or degrading treatment.

The Chief Ombudsman already monitors the conditions and treatment of people detained in state-run health and disability places of detention, including those detained in dementia facilities.

The Ombudsman's National Preventive Mechanism (NPM) mandate was extended on 6 June 2018 and now covers responsibility for examining and monitoring the conditions and treatment of detainees in New Zealand's:

- prisons and court facilities
- immigration detention facilities
- health and disability places of detention (such as within hospitals and secure care facilities, including those in publically and privately-run aged care or dementia facilities)

- child care and protection and youth justice residences.

Monitoring of detainees in privately-run aged care facilities and court cells is not expected to start for at least 12-18 months. "We are currently working on understanding the scope of our role," says Peter Boshier, Chief Ombudsman.

"Our planning will include engaging the sector and industry bodies, visiting facilities, as well as talking to Parliament about the resources we will need to carry out our role effectively."

Find out more about the UN's Optional Protocol to the Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT), the work we do to protect detainees' human rights, and a fact sheet about monitoring private aged care facilities, [here](#).



EDITORIAL

From the Chief Ombudsman

Tēnā koutou

Now, more than ever, we need to be safeguarding the rights of individuals and promoting government accountability and transparency.

Visiting other countries, as I have done recently, as a Director of the International Ombudsman Institute, puts things into perspective. My colleagues in Vanuatu, for example, are just embarking on their journey to address corruption in their country (see story on page 4). New Zealand, by comparison, has well-established integrity institutions and organisations. But we can't be complacent.

With this in mind, in June I provided Parliament with my plan for 2018 to 2022. While I'm required to do this every four years, the pace of change and mandate here at the Office is such that it's becoming an annual occurrence.

My team and I spent a lot of time working out how we reach our goal of 'People are treated fairly'. We identified four things that would enable this: high public trust in government; peoples' rights protected; robust, independent oversight; and a contribution to regional stability and integrity institutions. We have made some significant changes to what we will be delivering over the next few years, and how we will measure our performance.

Key to this is continuing to build a solid foundation for our work: a well-run office delivering timely, quality services in keeping with Treaty of Waitangi principles. With my recently expanded mandate, we are also increasing our capacity to conduct more inspections (see story on page 1).

I remain committed to strengthening our outreach and education work, so future generations enjoy the same safeguards we do now. A copy of my strategic intentions for 2018 to 2022 is [here](#).

E noho rā

Peter Boshier
Chief Ombudsman



One of the most rewarding aspects of my role is interacting with the people who are safeguarding our future.

In July I was invited to address Ministry of Health, and Ministry of Business, Innovation & Employment, staff at their OIA days.

In August, I spoke to the public law students at Victoria University. I'm pictured here with Senior Lecturer, Dean Knight.

PEOPLE'S RIGHTS ARE PROTECTED

Intimidation and violence levels too high in Whanganui Prison

Our most recent OPCAT report identified high levels of intimidation and violence in Whanganui Prison.

With over 40 percent of inmates being gang members or affiliates, the Chief Ombudsman called on the Prison to put in place a localised gang strategy, among other recommendations.

There is an expectation that everyone feels, and is, safe from bullying and victimisation, including verbal and racial abuse, threats of violence, and assaults," he said.

Read the full report [here](#).

Disability rights – is New Zealand making them real?

The Independent Monitoring Mechanism (IMM) will be organising public consultations to take place to hear community thoughts and experiences about the current state of disability rights in New Zealand.

Consultation dates have yet to be set but find out more about how to join the conversation [here](#).

Our public sector agency fact sheets now available in Easy Read format

As part of our commitment to ensuring everyone understands their rights and options, we are making our resources more accessible.

Our fact sheets about what the Chief Ombudsman can, and can't do, in relation to common agency complaints are now also available in an Easy Read format for people who have difficulty reading and understanding written information.

Read our fact sheets [here](#).



Local authorities still have work to do

Thirty years on and some local authorities still have work to do in providing the public with timely access to official information.

Complaints to the Chief Ombudsman have recently resulted in:

- Auckland Council asked to apologise to Radio New Zealand over the way the Council dealt with a request for official information. Read the Opinion [here](#).
- Christchurch City Council releasing information about the cost of its library's digital touch-wall after Chief Ombudsman gets involved. Read the Media Statement [here](#).
- Wellington City Council asked to release most of the information requested about the Council's decision to allocate ratepayer funds to marketing support for Singapore Airlines. Read the Case Note [here](#).
- Napier City Council accepting that the public's interest in water issues should have been taken into account when making decisions about who attended meeting. Read the Case Note [here](#).

"Timely access to official information gives ratepayers and residents more opportunity to understand and influence the actions and decisions made at the local level," says Chief Ombudsman Peter Boshier.

ROBUST, INDEPENDENT OVERSIGHT

Call for better mental health support for detainees

We have repeatedly identified a lack of appropriate mental health support for people detained in prisons, health and disability facilities, and schools. Our proposed investigations have been deferred on the basis that other agencies have been tasked with tackling this issue: most recently, the Government Inquiry into Mental Health and Addiction.

The Chief Ombudsman has made a submission to the Inquiry Panel, calling for an integrated social model of care for people with disorders and disabilities of the mind. "I look forward with interest to seeing Panel's recommendations and if these will help improve conditions for detained people with mental disorders or disabilities," says Chief Ombudsman, Peter Boshier.

Read more about the Inquiry [here](#).

Complaints about OIA decisions on the rise

The number of complaints about Official Information Act (OIA) decisions is increasing. Most of the complaints received by the Office were from individuals, in response to agencies refusing or delaying their responses to requests for official information.

In the first six months of this year, the Office received new 697 OIA complaints, compared with 538 some 18 months ago. It completed 722 OIA complaints, around 27 percent of which were resolved through the early resolution process, and remedies were found for 249 complaints.

Read more about the Ombudsman's [latest OIA complaints data here](#).

Ground rules: Have you seen our latest OIA and LGOIMA resources?

Providing advice, guidance and training to help lift public performance – before things go wrong – is a key part of our role. As part of the Chief Ombudsman's push to clarify the OIA and LGOIMA 'ground rules' for agencies, we have recently published:

- Frivolous, vexatious and trivial – a [guide](#) to making a decision to refuse a request as frivolous or vexatious, and how to deal with challenging requesters (June 2018)
- Updated our [worksheets, templates and other resources](#) for responding to requests (June 2018)

All our resources are available [here](#). We also do a range of outreach work and speaking engagements. [Contact us](#) if you'd like a representative of the Office to talk at your next event.

INTERNATIONAL



Chief Ombudsman, Peter Boshier, and Vanuatu's Acting Ombudsman, Alain Wai Molgos, were interviewed by the local media in Port Vila in August, further enhancing the profile of the role of Ombudsmen, and the Vanuatu office's work.

Tales from the South Pacific

The Chief Ombudsman visited Tuvalu and Vanuatu recently as part of his ongoing work to learn from and assist in developing international best practise.

Peter Boshier described his visit to Tuvalu as “very warm, fruitful, and informative”. “This is a country of 10,600 people really challenged by climate change and infrastructure issues such as communication,” he said.

Having regularly visited Vanuatu in the past to work with judiciary and police, he was warmly welcomed back in his role as New Zealand's Chief Ombudsman. With already established relationships and insight into local issues, “it was made very clearly and strongly to me that there is a desire to have integrity enhanced in Vanuatu,” he said. “They acknowledge corrupt practices and seem determined to deal with them. The legislation in Vanuatu is some of the best I have seen - the Leadership Code powers and Ombudsman Act powers are immense, wide-ranging and coercive. With the combination of this excellent legislation, and willpower, I think good governance and integrity in Vanuatu could be given a real shot of adrenaline.”

The Chief Ombudsman welcomed recent [news](#) that the Ombudsman's Office in Tonga, which he visited in October 2017, has had a recent surge in the number of complaints it is receiving and investigating, and that almost all its recommendations are being implemented by government agencies.

He also welcomed Meleofa Mohenoa, a member of the Tongan Office's team, who will be spending this month working alongside us as part of her NZ Aid scholarship placement.

“New Zealand has the reputation and a responsibility to promote anti-corruption and integrity on the world stage. I am keen to learn from our neighbours and work with them on identifying effective ways to promote good governance.”

IN CASE YOU MISSED IT ...

See our story about local authorities, on page 3, for some of our most recent case notes and opinions. Other publications this quarter include:

[Case notes](#)

- PHARMAC decision to fund the metastatic melanoma cancer drug Keytruda
- Administrative error leads to loss of opportunity to name a road
- We're also in the process of updating a lot of our earlier case notes to make them more accessible, so watch this space.

[Opinions](#)

- New Zealand Defence Force mostly justified in withholding information about Operation Burnham.

Corporate documents

- [Strategic Intentions 2018/2022](#)



During the Chief Ombudsman's visit to Tuvalu in July, he attended the launch of a report into disability in Tuvalu, an issue dear to his heart.

Photographed with the Chief Ombudsman are: Deputy Prime Minister, the Hon. Maatia Toafa, and the Minister for Home Affairs, the Hon. Namoliki Sualiki Neemia.



Office of the Ombudsman

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