



Ombudsman Quarterly Review

The quarterly update of Ombudsman news, reports, investigations and more.

ISSUE 41 AUTUMN 2023



From the Chief Ombudsman

It's about connection

Past instances of devastation have shown that the number of complaints I receive goes up in the months and years following an extreme event.

This is the time we hear from people who are making complaints about delays, and seeking information, decisions and actions made by both local and central government in response to the event.

The sheer scale of the recent extreme weather events including Cyclone Gabrielle has meant I have wanted to get involved as soon as possible to understand where the pressures are building for both the people affected and agencies involved.

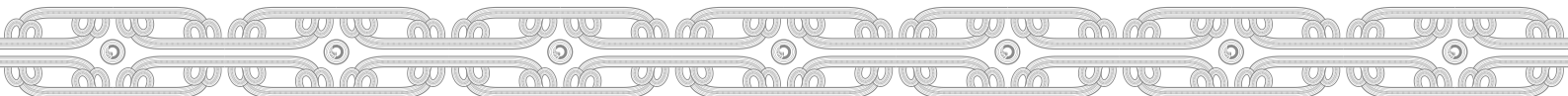
As Chief Ombudsman, I felt I could best understand the issues facing the largest number of people by personally visiting some of the regions hardest hit.

So far, I have visited Auckland, Gisborne, Wairoa, Napier, and Hastings. After listening first-hand to people's concerns, I feel I have an appreciation of the challenges each of these communities are facing.

I encouraged all of the local council leaders we met with, to be as open and transparent as possible, to proactively release information about their plans, actions and decisions and to make sure they are responding appropriately to requests for official information. Good decision-making and internal review processes are vital to ensure people are being treated fairly.

To support this, I have produced new guidance on official information requests during or following an extreme emergency event.

In my media interviews and meetings with community groups, I wanted to inform people about their rights and the services my office provides. I am also starting to





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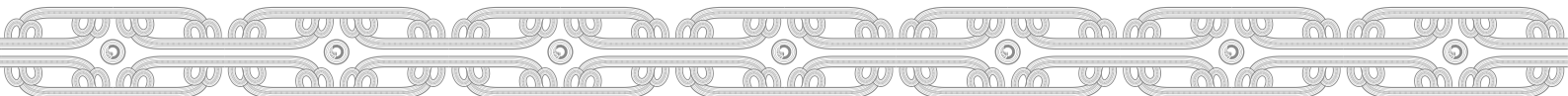
discuss with government some of the common concerns arising, to try and sort them out as soon as possible and so prevent a large number of complaints.

Over a number of years, I have been preparing for the Oversight of Oranga Tamariki System legislation which came into force on May 1 2023. This law gives me additional powers and duties when dealing with complaints and investigations relating to tamariki, rangatahi, and their whānau, in the Oranga Tamariki system. Members of my team have been meeting with many of the key stakeholders within the system. I want to acknowledge the dedication and passion of everyone involved and to thank them for their insights.

Finally, the opening of our new office space in Tāmaki Makaurau in April marked a milestone for this organisation. We were honoured to have the formal blessing led by representatives of Ngāti Whātua and by the presence of a number of special guests who joined our celebrations, and most importantly, my staff.

Ngā mihi,

Peter Boshier, Chief Ombudsman



Extreme Weather Engagement and Outreach

Insightful kanohi ki te kanohi discussions

In the wake of the extreme weather events including Cyclone Gabrielle, the Chief Ombudsman led a series of targeted engagements in Gisborne, Wairoa, Napier, Hastings, and Auckland.

Peter Boshier held discussions with mayors and chief executives of councils, along with groups like Citizen's Advice and Community Law.

Mr Boshier met with Iwi and Māori organisations in the different centres. He was supported by his Kaumatua, his Kaiwhakahaere, his Māori engagement team, Rōpū Māori Hononga Hapori as well as investigation and advisory staff from across his office.

These kanohi ki te kanohi discussions provided useful insights about the challenges ahead for this region's people and agencies.

The Ombudsman and his team listened to people's concerns and heard about the ways local authorities, Iwi and community organisations are supporting those most affected. It was also, importantly, an opportunity for the Ombudsman to make sure people knew about the services and resources his office provides to help them with concerns about central and local government acts and decisions.

Mr Boshier will continue his outreach and engagement programme in Coromandel and the Far North later this year.



(Left to right) Amohaere Houkamau, Director, Rau Tipu Rau Ora (Tairāwhiti Regional Leadership Group); Peter Boshier, Chief Ombudsman; Selwyn Parata, Chairman, Te Runanganui o Ngāti Porou; George Konia, Kaumatua, Ombudsman New Zealand.

Children in Care

Oversight of Oranga Tamariki System Act 2022 comes into force

The new law provides Peter Boshier with additional powers and duties when dealing with complaints and investigations relating to tamariki, rangatahi, and their whānau, in the Oranga Tamariki system.

[Read the media release](#)

[Read the news story](#)

One of the changes means that for the very first time, the Ombudsman now has oversight for care or custody providers.

A fact sheet and video message from the Chief Ombudsman have been created to support people through this change.

[Care agencies in the Oranga Tamariki system](#)



Investigations

Chief Ombudsman recommends MBIE apologises to MIQ seafarers

Mr Boshier investigated a complaint from two seafarers who had difficulties booking places under the COVID-19 Managed Isolation Allocation System between November 2020 and March 2022.

Mr Boshier found that the Ministry of Business, Innovation and Employment (MBIE) acted unreasonably in providing this advice for a number of reasons. This carried implications for the seafarer's rights under the Bill of Rights Act.

[Read the media release](#)

[Read the opinion](#)



Auckland Council/Waitematā Local Board's decision making in relation to the National Erebus Memorial

The Chief Ombudsman found that in two respects the council acted unreasonably in its approval and consents process for the memorial site in Dove-Meyer Robinson Park.

[Read the media release](#)

[Read the opinion](#)

Complaints Data

Chief Ombudsman publishes OIA and LGOIMA complaints information July - Dec 2022

Half-yearly data on Official Information Act (OIA) and Local Government Official Information and Meetings Act (LGOIMA) complaints figures show that the number of OIA complaints appear to be stable, while the number of complaints about requests under the LGOIMA has dropped slightly.

[Read the media release](#)

[View the complaints data](#)

Disability Rights

Oral submission on the Accessibility for New Zealanders Bill

Earlier this month, the Social Services and Community Select Committee heard Chief Ombudsman Peter Boshier raise concerns that the current Accessibility for New Zealanders Bill is unlikely to achieve its purpose: to accelerate accessibility. This is because the bill lacks minimum standards for accessibility and an accountability mechanism.

Peter Boshier says that by investing resource in a system without a robust mechanism, the proposed legislation risks us failing to meet our obligations under the United Nations Convention on the Rights of Persons with Disabilities.

Alongside Mr Boshier, the other Independent Monitoring Mechanism (IMM) partners (the Human Rights Commission and the Disabled People's Organisations Coalition) noted that there was also a lack of meaningful participation of disabled people in drafting the legislation itself.

[View the submission](#)

Updated guide on supporting disabled people to live on an equal basis with others

All New Zealanders have a right to be included: reasonable accommodation is a human right. 'Removing barriers: A guide for reasonable accommodation of disabled people in Aotearoa' provides useful definitions, best practice, real-life examples and is useful to everyone.

This joint publication was issued by New Zealand's Independent Monitoring Mechanism (IMM): the Ombudsman, the Human Rights Commission and the New Zealand Convention Coalition Monitoring Group.

[Read the updated guide](#)



Case Notes

Human error, lack of robust processes leading to delays in responding to OIA requests by Minister for Māori Development

In the second half of 2022, the Chief Ombudsman dealt with three separate complaints concerning delays by the Minister for Māori Development in responding to requests for official information under the Official Information Act 1982 (OIA).

All three complaints involved the Minister's failure to respond to the requester within the maximum statutory timeframe and, in two cases, the Minister failed to respond to requests from the Ombudsman for an explanation for the delays.

[Read the case note](#)



Decision to decline a character waiver and associated visa application

Immigration New Zealand (INZ) visa applicants must meet necessary requirements for good character. This case note discusses a complainant who in 2017 was granted a character waiver for a work visa; however, a subsequent 2018 visa application with the same information was declined.

[Read the case note](#)

Guides

New guide on official information requests during or following extreme emergency event

People need to feel confident and reassured about the decisions being made that affect them, especially after a crisis. It's essential that government and councils are responding to official information requests according to the law. This guide helps requesters and agencies with:

- tools and strategies to help agencies deal with requests
- considerations for requesters when making a request
- an outline on the obligations and timeframes in place for requests and local government meetings.

[Read the media release](#)

[Read the FAQs](#)

Fact Sheet

Chief Ombudsman's role examining and monitoring aged care facilities

This new fact sheet discusses what the Chief Ombudsman looks at and why when he examines aged care facilities, how to make a complaint about aged care, and more.

[Read the fact sheet](#)

Publications

The Office of the Ombudsman has produced a video in sign language about what the Chief Ombudsman does.

[Watch the video](#)

We have also commissioned a series of videos explaining the Official Information Act (OIA) and providing advice and guidance for in those in Deaf community using the Act to seek information from government agencies.

[Watch the video](#)

The Ombudsman Act has also been explained in New Zealand Sign Language.

[Watch the video](#)

International

Pacific region Ombudsmen gather for HR fundamentals workshop

Current and emerging Pacific region Ombudsmen and leaders of integrity institutions met in March to exchange ideas and workshop the skills required to mentor, train and coach their people. The workshop was co-facilitated by New Zealand and Victorian Ombudsman staff.

The workshop was hosted in Suva, Fiji and supported through a subsidy from the International Ombudsman Institute (IOI).



Workshop facilitators and participants from Ombudsman and integrity institutions in New Zealand, Australia, Cook Islands, Samoa, Tonga, Vanuatu, Papua New Guinea, Solomon Islands, and Kiribati.

International

IOI Executive Committee meeting in Vienna

In May 2023, Chief Ombudsman Peter Boshier and supporting staff attended the annual International Ombudsman Institute (IOI) Board of Directors Meeting in Vienna, Austria. Peter Boshier is currently the Second Vice-President of the IOI, an honour that enables him to continue strengthening connections with Ombudsmen around the globe.



Members of the International Ombudsman Institute Executive Committee, from left: Caroline Sokoni (Zambia), Gaby Schwarz (Austria), Peter Boshier (New Zealand), Chris Field (Australia), Diane Welborn (USA), Nashieli Ramírez Hernández (Mexico), Somsak Suwansujarit (Thailand), Andreas Pottakis (Greece).



OQR

Ombudsman

Kaitiaki Mana Tangata



Te Kaitiaki Mana Tangata Aotearoa
The Ombudsman New Zealand

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