

8 News



Advice from Alan

The role of the Ombudsman

by Alan Knowsley, consultant, Rainey Collins Lawyers

If you have a complaint about a public sector organisation, then you

can make that complaint directly to the organisation as a first step. If that fails to resolve matters, you can raise your complaint with the Ombudsman. The Ombudsman can look into a wide range of matters, including official information requests, prisons, and the rights of disabled people, and generally has responsibility for encouraging good administration in the public service.

The Ombudsman is not part of the New Zealand Government and is instead an independent officer appointed by New Zealand Parliament. They have oversight of all the public service, including government ministries and departments, ministers, police, local authorities, Crown entities, state-owned enterprises, tertiary institutions, public hospitals, and state school boards.

The Ombudsman will investigate what has happened and why decisions were made as well as what information is held by the organisation. They can require information and documents, summon witnesses and examine them, and even enter any public sector premises.

If the Ombudsman decides to investigate, they will write to the relevant agency (usually the chief executive) to tell them about the investigation and to seek information that the agency has on the issue. Once the matter has been fully investigated, the Ombudsman will provide a copy of their provisional opinion to the agency to get feedback and perhaps further information. When that feedback and information has been considered, the Ombudsman will finalise their decision and recommendations.

The amount of complaints referred to the Ombudsman is very substantial and this causes resourcing issues as to which matters the Ombudsman will investigate and how long investigations take. It is unfortunately a long, slow process to get a matter dealt with.

If you have made an Official Information Act request, you must complain to the Ombudsman and they either decline to investigate or complete their investigation before you can take court action in relation to the actions of the agency. The delays in getting a decision from the Ombudsman can add substantial time to the process of getting a court decision.