



Annual Report 2021/2022

Mr Speaker

I submit to you my report for the year 1 July 2021 to 30 June 2022.

Peter Boshier

Chief Ombudsman

2021/2022

Pūrongorongo o te Kaitiaki Mana Tangata

Report of the Ombudsman for the year ended 30 June 2022

Presented to the House of Representatives pursuant to section 29 of the Ombudsmen Act 1975

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1 Introduction

The past year has been an extremely busy one. The COVID-19 pandemic has continued to create new challenges and Aotearoa New Zealand is grappling with a continually shifting environment – socially and economically.

No doubt these are a factor in my increasing workload. The 7,321 Ombudsmen Act and official information complaints received over the 2021/2022 year set a new record – up 31 percent on the year before – the highest volume ever received by the Ombudsman. There were also increasing demands for public engagement and agency advice.

I completed 38 percent more official information complaints than the year before and obtained 1,135 remedies.

I resolved 40 percent of official information complaints that would otherwise have been subject to a formal investigation. I also investigated a third of the 2,591 official information complaints I received, with 350 requiring final opinions to be issued. In

the majority of the 112 official information cases where I identified a deficiency, the agency was unjustified in its decision to refuse official information (51 percent) or did not act in accordance with the legislated timeframes resulting in a delay in decision-making (22 percent).

I also formally investigated 584 Ombudsmen Act complaints, 25 percent more than the year before, with 452 requiring final opinions. I completed 17 percent more Ombudsmen Act complaints than the year before and obtained 482 remedies. Despite these increases, the high standards for timeliness and quality my office is known for continued to be met, in part due to the growth in the number of staff I employ to meet the demand for my services, and our ability to adapt quickly as circumstances demand.

I had anticipated and been preparing for the ongoing surge in complaints. The additional temporary funding I received from Parliament (for three years) allowed me to establish two

additional early resolution and investigations teams. I also have a triage system to help me receive, assess, and prioritise complaints, and completion targets that must be met.

I am grateful to Parliament for its continued recognition of the important work I do and its support in helping me ensure New Zealand continues to be one of the best democracies in the world in terms of openness, transparency, and accountability.

We are living in difficult times, where misinformation, disinformation, conspiracy theories, and mistrust seem so easily spread, but I am reassured that Aotearoa New Zealand continues to be perceived as one of the world's least corrupt countries. This was particularly heartening given this was a time when the Government was fully exercising its powers over citizens in order to respond to the pandemic. Our country shares the top spot as being perceived to have the least corrupt public sector in the world with Denmark and Finland, according to the Transparency International 2021 Corruption Perceptions Index.

That is not to say that mistakes and poor decisions were not made, and I have not been afraid to call these out when I found them. But it is worth noting Aotearoa New Zealand has retained a steady ranking at the top of the global index for close to two decades, and the Ombudsman's role and work as an independent oversight Officer for Parliament has been a key contributor to these results.

I am proud to say that my work continues to have positive outcomes for society. 2022 is a significant year for the Ombudsman, marking 60 years since the role was established in Aotearoa New Zealand – the first Ombudsman outside of Scandinavia. Six decades and counting of providing services to New Zealanders that ensure their rights and hold central and local government to account.

We also mark 40 years of the Official Information Act this year, 35 years of the Local Government Official Information and Meetings Act and 15 years as a signatory to the Optional Protocol on the Convention Against Torture (OPCAT).

This year I welcomed the passage through Parliament of the Protected Disclosures (Protection of Whistleblowers) Act 2022 which updates the law to better protect whistleblowers in the workplace.

I am also continuing a programme to increase the capability and responsiveness of my staff working in the children in care space to meet the challenge of my expanded jurisdiction mandated in the Oversight of Oranga Tamariki System Act 2022.

I published a number of significant opinions and self-initiated investigation reports this year, including:

- an opinion on the process followed by Manatū Taonga Ministry for Culture and Heritage in consulting on the location for the National Erebus Memorial in Auckland;
- *Oversight*, my investigation report into the Ministry of Health's oversight of services for people with an intellectual disability and high and complex needs; and
- a thematic report following inspections of six MIQ facilities visited between October and December 2020.

My engagement with Māori goes from strength to strength. With the guidance of my Māori panel Pūhara Mana Tangata, I am building cultural capability within my office and reinforcing the relationships I have established, including with the Kiingitanga. The panel now includes a Kiingitanga member, and my internship programme is in its second successful year. The panel published its own report – [Te Pūrongo nā te Pūhara Mana Tangata ki te Kaitiaki Mana Tangata](#) – on its first two years of operation.

My disability advisory panel, Te Rōpū Kaiārahi Hauātanga, which is made up of New Zealanders with lived experience of disability, has been meeting regularly. It provides me with valuable guidance and insight which inform my work in this area, including as part of the International Monitoring Mechanism's submission to Parliament and the United Nations on the status of disability rights in New Zealand Aotearoa, and ensuring the disabled community's voice is reflected in the outcomes of my work.

Ensuring the welfare and dignity of our most vulnerable citizens is at the heart of what I do, and in my OPCAT role, I examined 62 places of detention in the past year - those places where people are not free to leave at will. They include secure health and disability and aged care facilities, prisons and managed isolation and quarantine facilities. I made 185 recommendations for improvement and was pleased that at the time of this report to Parliament, 161 of those were accepted.

My work with fellow integrity agencies across the globe continues apace. I was elected Second Vice President of the International Ombudsman Institute, and despite travel restrictions I have collaborated and engaged virtually this year with integrity agencies and Ombudsmen in 13 Asian and Pacific nations. My international development and engagement team is providing education and advice, and a pilot version of an Ombudsman self-assessment tool to benchmark against international standards has been completed.

Finally, I wish to express my deep gratitude to my staff for working together and supporting each other to manage the complex issues and significant workload arising this year. Their unflinching dedication, professionalism, and positive spirit is second to none.

Peter Boshier

Chief Ombudsman



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2021/22 at a glance

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Inform the public to enable them to take constructive action to realise their rights

- 20 percent more visitors to the Ombudsman website.
- Made 255 external resources available to the public.
- 68 percent public awareness of the Ombudsman.

Improve public sector capability to do its work and make decisions

- Provided 43 external speeches, presentations, and training sessions to public sector agencies.
- Published 55 new or updated guides and case notes.
- Provided advice or comment to public sector agencies on 406 occasions.
- Published data about official information complaints.

Formal consultation to assist public sector agencies to make specific decisions

- Responded to consultations on 17 applications for authorised access to personal information on the motor vehicle register.
- Provided comment or guidance on six petitions under consideration by the Petitions Committee.
- Advised the Cabinet Office on the annual release of information from the ministerial conflicts of interest register.
- Responded to one consultation about disclosure of information to private sector organisations under the Customs and Excise Act.

Enable serious wrongdoing to be disclosed and investigated and whistleblowers protected

- Completed 70 protected disclosures and enquiries within three months of receipt.
- Updated four protected disclosures guides.
- Welcomed the passage of the Protected Disclosure (Protection of Whistleblowers) Act, which came into effect 1 July 2022.

Break down the barriers that prevent disabled people from participating equally in society

- Submitted to Parliament and the United Nations *Disability Rights, How is New Zealand Doing*, a report about the status of disability rights in Aotearoa New Zealand.
- Sought regular advice from my Disability Advisory Panel Te Rōpū Kaiārahi Hauātanga to ensure that the voices of disabled people are reflected in my work.
- Commenced implementation of an Accessibility Strategy to lead by example to meet obligations under the United Nations Convention on the Rights of Persons with Disabilities (the Disability Convention) and achieve my vision to be fully accessible to disabled New Zealanders.

Improve the conditions and treatment of people in detention

- Visited 62 places of detention where people are not free to leave at will, such as prisons or secured health and disability facilities.
- Sixteen percent of visits to places of detention were unannounced (this was reduced to address health and safety concerns due to COVID 19).
- Made 185 recommendations for improvement, 161 of which were accepted.

Ensure official information is increasingly available and not unlawfully refused

- Timeliness and quality standards for complaints remained high.
- Received 2,591 official information complaints and 376 other contacts concerning official information matters. This is a 37 percent increase in official information complaints and other contacts received compared with 2020/21.
- Completed 38 percent more official information complaints compared with 2020/21.
- Resolved 44 percent of official information complaints¹ and obtained 1,135 remedies for the benefit of the individual or public administration.
- Investigated a third of all official information complaints considered resulting in 350 final opinions (over half of complaints investigated).
- A total of 70 official information investigations² resulting in 84 recommendations.³
- Completed eight systemic official information practice investigations revisiting my predecessor's report *Not a Game of Hide and Seek*.

Identify flawed public sector decision-making and processes and how to resolve them

- Timeliness and quality standards for complaints remained high.
- Received 4,730 Ombudsmen Act (OA) complaints and 5,561 other contacts concerning OA matters. This is a 23 percent increase in OA complaints received compared with 2020/21.

- Completed 17 percent more OA complaints compared with 2020/21.
- Resolved 36 percent of OA complaints⁴ and obtained 482 remedies for the benefit of an individual or public administration.
- Investigated 584 OA complaints – 25 percent more than last year,⁵ and formed 452 final opinions, 78 percent of all complaints investigated.
- A total of 55 investigations resulted in 90 recommendations.
- Progressed the systemic investigation of the Department of Corrections/Ara Poutama actions to improve prisoner welfare and rehabilitation.

Learn from, and assist to develop, international best practice

- Elected as Second Vice President of the International Ombudsman Institute.
- Collaborated and engaged with Ombudsmen and integrity agencies across 13 Pacific and Asian countries.
- Delivered presentations to share my experiences of proactive release of Cabinet material, monitoring of mental health facilities, right to information, and human rights related systemic interventions.
- Completed a pilot version of an 'Ombudsman Self-Assessment Tool' to aid in benchmarking against international standards.

1 Measure does not include complaints which were outside an Ombudsman's jurisdiction, or referred to another complaint-handling agency, or where the discretion not to investigate a complaint was exercised.

2 62 complaint based and eight systemic investigations.

3 80 complaint based and four systemic recommendations.

4 Resolution as defined above.

5 465 OA complaints investigated in 2020/21.



3 Background

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Nature and scope of the Ombudsman's functions

As Chief Ombudsman, I am an Officer of Parliament. I am appointed by the Governor-General on the recommendation of Parliament. I am responsible to Parliament and independent of the Government.

My purpose

My overall purpose is to investigate, review, and inspect conduct and decision-making and provide advice and guidance in order to ensure people are treated fairly.

My functions

My functions are to:

- inform the public to enable them to take constructive action to realise their rights;
- improve public sector capability to do its work and make decisions;
- respond to formal consultations that assist public sector agencies to make specific decisions;
- deal with requests for advice and guidance about alleged serious wrongdoing;⁶
- protect and monitor disability rights in Aotearoa New Zealand;⁷
- monitor and examine places of detention to prevent torture or other forms of cruel, inhuman or degrading treatment or punishment;⁸

- review, investigate, and resolve complaints about decisions on requests for access to official information;⁹
- monitor general compliance and good practice by public sector agencies in managing and responding to official information requests;¹⁰
- resolve and investigate complaints about decision-making and conduct in the public sector;¹¹
- contribute to systemic improvement by identifying, resolving, and investigating concerns with public sector administration and decision-making;¹² and
- learn from, and assist to develop, international best practice.

My contribution

In carrying out my functions, I provide Parliament and the New Zealand public with an independent and impartial check on:

- the quality, fairness, and integrity of administrative conduct and decision-making;
- the conditions and treatment of people in detention, and the prevention of torture or cruel, inhuman or degrading treatment or punishment; and
- the implementation of the rights in the Disability Convention.

6 Under the Protected Disclosures Act 2000. The Protected Disclosures (Protection of Whistleblowers) Act 2022 came into force 1 July 2022.

7 The Ombudsman is part of the Independent Monitoring Mechanism protecting and monitoring implementation in New Zealand of the *United Nations Convention on the Rights of Persons with Disabilities*.

8 The Ombudsman is a National Preventive Mechanism under the Crimes of Torture Act 1989. This Act fulfils New Zealand's responsibilities under the *United Nations Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment*.

9 Under the Official Information Act 1982 and the Local Government Official Information and Meetings Act 1987.

10 Through investigation under the Ombudsmen Act 1975.

11 Under the Ombudsmen Act.

12 Under the Ombudsmen Act.

In my interventions, I can help to protect people's rights and reduce overall downstream costs caused by poor decision-making and ineffective processes.

What is the extent of my oversight?

I have authority to investigate approximately 4,000 agencies in the public sector, including:

- government departments and ministries;
- local authorities;
- crown entities;
- state-owned enterprises;
- district health boards;¹³
- tertiary education institutions;
- school boards of trustees; and
- Ministers of the Crown and the Police (in relation to decisions on requests for official information).

I also have the designation to monitor and examine private sector facilities funded by and/or accountable to the public sector in the detention of aged care recipients and those in isolation or quarantine.

Outcomes and impacts sought by the Ombudsman

My strategic direction is guided by the functions assigned to me by Parliament.

I oversee a range of key democratic and human rights measures aimed at safeguarding the rights of individuals and increasing transparency and accountability.

My overall goal is that people are treated fairly. The high-level outcomes aimed at achieving this goal are that:

- there is high public trust in government;
- people's rights are respected, protected, and fulfilled;¹⁴
- Parliament is assured robust and independent oversight is taking place; and
- Aotearoa New Zealand contributes to regional stability and supports integrity institutions.

¹³ As at 1 July 2022 district health boards were disestablished and merged into Te Whatu Ora.

¹⁴ Previous wording of protecting and restoring rights has been updated to more accurately reflect New Zealand's international human rights obligations under the International Covenant on Economic Social and Cultural Rights (ICESCR) and the International Covenant on Civil and Political Rights (ICCPR). See <https://www.ohchr.org/en/what-are-human-rights/international-bill-human-rights>.

Ombudsman Outcomes Framework

My Outcomes Framework demonstrates the connections between the services I deliver through to my ultimate goal.

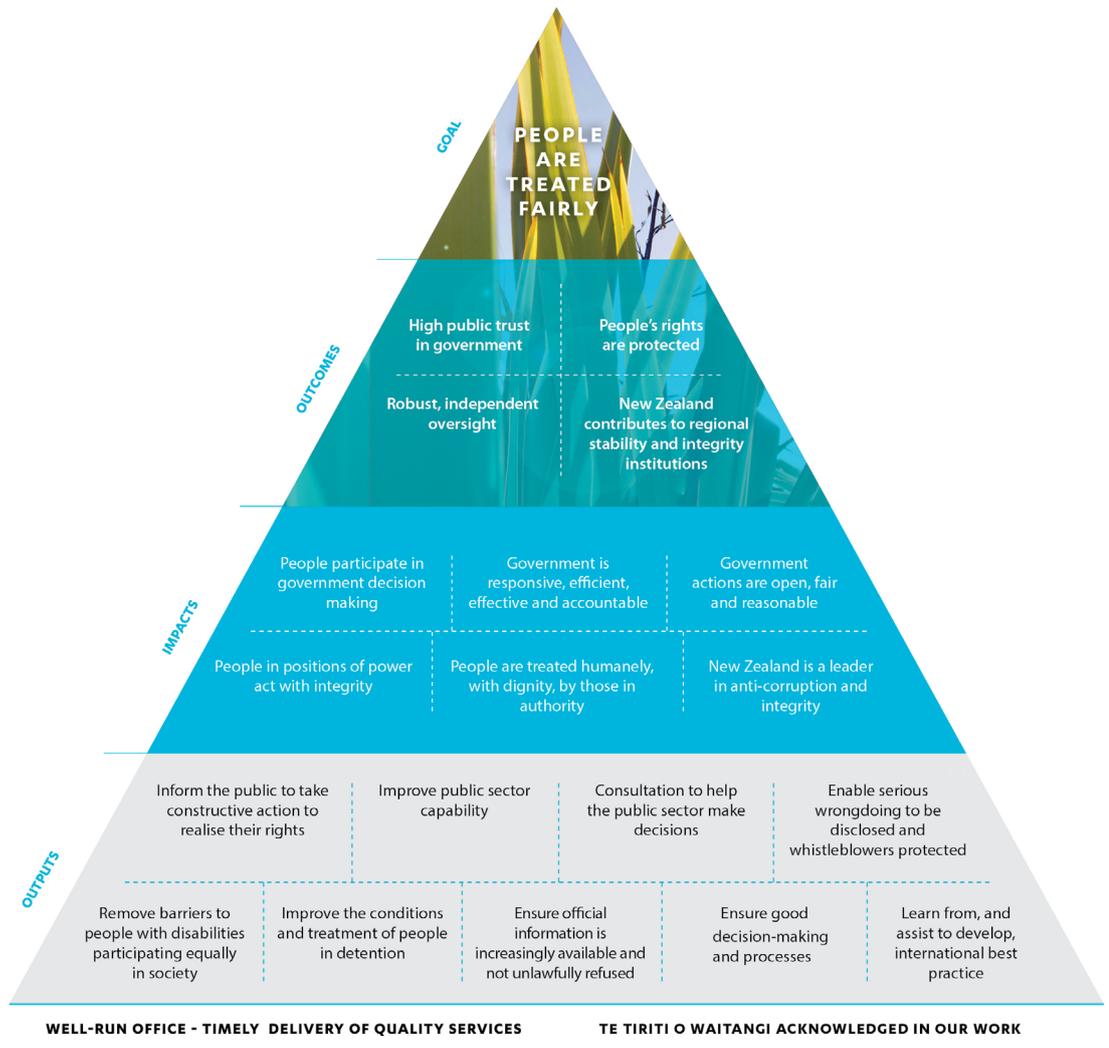


Figure 1: Ombudsman outcomes framework.

[See Appendix 1 for text alternative version of this diagram.](#)

Te Tiriti o Waitangi

The Treaty of Waitangi

Te Tiriti o Waitangi / The Treaty of Waitangi¹⁵ (Te Tiriti) is relevant in two significant ways to my work.

First, I acknowledge Te Tiriti and will ensure my own processes and decision-making are consistent with its principles.¹⁶ One of my highest priorities as Chief Ombudsman is to be more responsive to tangata whenua. In practical terms this means I:

- aim to not make decisions that are inconsistent with Te Tiriti and its principles;
- engage Māori to understand their views when determining matters that affect their rights and interests; and
- incorporate tikanga in all aspects of my work, including investigatory, monitoring, and internal policy or process development.

Secondly, and significantly, Te Tiriti, its principles, and tikanga are a source of obligations in a variety of ways for public sector bodies and must be factored into the Ombudsman's review of those bodies. In this way, the Ombudsman can help to ensure the Crown's obligations under Te Tiriti and its principles are being upheld and applied.

I have several initiatives in place to help staff develop their capability in these areas, in particular so that they are appropriately skilled and confident in te ao Māori tikanga, and Te Tiriti. Specific measures I have in place are:

- Commencing a te ao Māori Transformation Programme, to include:
 - › te ao Māori strategy project,
 - › te ao Māori cultural capability and competency project covering tikanga protocols, te reo, and te ao Māori, and
 - › Māori and Community Outreach and Engagement Strategy project;
- Pūhara Mana Tangata, my panel of eminent rangatira who advise me on engagement with Māori;
- a kaupapa-Māori focused and tikanga-led staff reference group; and
- an ongoing internship programme with Kiingitanga.

I have also set up a dedicated Rōpū Māori Hononga Hapori (Māori and Community Engagement Team), to provide specialist support for my staff and effective outreach and engagement.

I am fully committed to embedding te ao Māori within all of my work.

Impacts

To achieve the high-level outcomes set out in the above framework I seek to make an impact in a number of areas.

¹⁵ I acknowledge there are two texts with different meanings.

¹⁶ My status as an Officer of Parliament means I am not a 'Crown' treaty partner, but the Courts are increasingly expecting any entities that perform public functions to act in line with Te Tiriti, reflecting its constitutional importance. My role and institutional independence from the Crown means that there may be particular contexts where the Crown's Treaty obligations do not apply in the same terms to my work.

People are able to participate in government decision-making

In a modern democracy, the public must be able to participate in government decision-making. This is achieved in various ways, including through greater openness, fairness, and transparency of government information and decision-making. Parliament has tasked me with investigating the administrative conduct of public sector agencies and their decisions. My proactive interventions and investigation of complaints can help ensure information is made available to the public and that decision-making is fair and transparent.

Public participation in government decision-making contributes to higher trust in government and protection of people's rights.

Government is responsive, efficient, effective, and accountable

I provide independent oversight through my powers to investigate, review, and inspect. My independent oversight assists agencies to identify and correct deficiencies and promote greater accountability for the decisions made. Improving administration and decision-making will result in better outcomes for the public.

When the government is responsive, efficient, effective, and accountable it gives effect to a robust and independent oversight, ensuring people's rights are protected, and overall high public trust.

Government actions, systems, processes, and legislation are open, fair, and reasonable

A fair, reasonable, and open government is fundamental to our society. Well-designed systems, processes, and legislation provide a solid foundation. Parliament has charged me with providing proactive advice, guidance, and learning to help lift public sector

performance. The targeted interventions I undertake can assist to improve government actions from the outset.

Public trust in government, the protection of individuals' rights, independent oversight, and contribution to regional stability are all impacted by whether government actions are open, fair, and reasonable.

People in positions of power act with integrity

People in positions of power have a responsibility to act with integrity. Dishonesty and corruption have no place in New Zealand. They undermine public trust and are contrary to the ethos of treating people fairly. I have the legislated function to promote and protect whistleblowing. Having mechanisms like these to expose and investigate serious wrongdoing is essential.

Similar to the previous impact, all of my identified outcomes are affected by people in positions of power acting with integrity.

People are treated humanely and with dignity and respect by those in authority

Everyone has a right to be treated humanely, and with dignity and respect. Aotearoa New Zealand has recognised this by signing and ratifying various international human rights conventions. As such we, as a country, have a responsibility to ensure our words match our deeds by monitoring how people are treated. I have been designated a key role under United Nations conventions to monitor the rights of disabled people and the treatment of those in certain places of detention.

Those in authority must treat people with dignity and respect in order to ensure people's rights are protected, and for there to be high public trust in government.

Aotearoa New Zealand is a leader in promoting anti-corruption and integrity

Aotearoa New Zealand has an opportunity to promote good government on the world stage. Aotearoa New Zealand's influence and responsibility are particularly acute in the Asia-Pacific region. We are also sought out worldwide as a leader in anti-corruption and integrity. Ombudsmen around the world have a key role in acting as integrity institutions. I work with my international Ombudsmen colleagues to develop, share, and learn from best practice in this area.

New Zealand being a leader in promoting integrity and anti-corruption has a direct impact on Aotearoa New Zealand's contribution to regional stability and integrity institutions, and high trust in government.

Impact measures

There are two high-level measures of these impacts. They relate to the overall status of society and the public sector, to which the Ombudsman is but one contributing factor.

My first impact measure is through the Kiwis Count Survey, administered by Te Kawa Mataaho Public Service Commission. This is *'a nationwide survey asking New Zealanders about their experiences using public services, how they have been treated when using those services, and how they rate the quality of the services they have used'*.¹⁷ The quarterly summaries of the Kiwi Count Survey track the experience of trust in the public sector and trust in the public sector brand. On average, 62 percent of the public had trust in the public sector brand in 2021/22. When first reported in March 2012, the trust in the public sector was at 41 percent and reached an all-time high in December 2020 at 69 percent.

My second impact measure is how Aotearoa New Zealand rates in public service probity¹⁸ as measured by the Transparency International Corruption Perceptions Index.¹⁹ My target is for New Zealand to be one of the top three countries. The Index ranks 180 countries and territories by their perceived levels of corruption in the public and political sectors. For the fourth consecutive year, New Zealand ranked first in the world as the least corrupt, tied with Denmark and Finland.

Outputs

In order to achieve these impacts, I carry out work under nine output areas. My work in these areas are discussed in [Part 4](#) (with detailed statistics in [Part 6](#) and [7](#)).

17 See <https://publicservice.govt.nz/research-and-data/kiwis-count/> for more information.

18 The quality of having strong moral principles; honesty and decency.

19 See <https://www.transparency.org/en/cpi>.



4 Outputs and operations

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Inform the public to enable them to take constructive action to realise their rights

The public must be informed in order to participate in government decision-making or take action when they believe they have not been treated fairly, nor with dignity and respect.

I work to ensure that the public understand their rights and options, have reasonable expectations about what the public sector should provide, and have a reasonable understanding and expectation of what the Ombudsman can do.

External resources and presentations to the public

I undertake a range of public awareness-related activities so everyone can easily access and understand the information and resources I publish. I do this through maintaining a website and social media presence, publishing information and resources, and public engagements – such as interviews, presentations, and hui.

I continue to adapt and enhance my methods of communication to promote a better understanding about my role and how I can assist members of the public. I aim to bring attention to the role of the Ombudsman and its importance in the democratic institution of a fair and just government. I take a proactive approach by releasing public statements and messaging across a range of platforms. I also deliver the information in different formats, including videos, to increase the reach of my messaging to a broader range of New Zealanders. In this ever-changing environment, I continue to

research and develop new and creative communication tools to reach wider and more diverse groups of people.

Currently I am tracking the public's interaction with the Ombudsman website – a total of 183,027 visitors this year; an increase of 20 percent. As I increase the Ombudsman presence on other platforms and social media, I will look to objectively measure and track the effect in these areas.

Public awareness and directed outreach

In line with my vision *'Tuia kia ōrite – Fairness for All,'* I continue to focus on expanding my engagement with groups of people who have not had much engagement with successive Ombudsmen. I have adopted the disability community's *'nothing about us without us'* approach. My updated inclusive practices will be modelled to ensure that all voices are heard.

In 2021/22, I initiated a series of Community Outreach Workshops with Ombudsmen across the Pacific region. These workshops facilitated shared learning about the different methods of community engagement with Pacific peoples in New Zealand. Lessons learned from these workshops will help to inform the development of my te ao Māori and community engagement transformation programmes, which will influence how I engage with communities across Aotearoa New Zealand, including Māori, Pacific, ethnic, and youth.

As mentioned above, I continue to research, develop, and use different practices and communication tools to effectively connect with different groups of people. I have two panels which provide me with their expertise and insights on issues that benefit from advice from those with lived experience or first-hand knowledge of the circumstances.

Pūhara Mana Tangata²⁰ was established in December 2019 to provide me with sound advice and guidance on engagement and communication on matters that impact Māori. I have published a report written by Pūhara Mana Tangata on its work to support me over the past two years.²¹ This report highlights what work has been undertaken, what has been achieved, and advice on where I should focus my attention and efforts for the future. In summary, it is recommended by Pūhara Mana Tangata that my key areas of focus should be raising awareness among Māori about the work of the Ombudsman and supporting internal capability building to ensure effective ongoing engagement with Māori. I must ensure my relevance to all New Zealanders in a way that incorporates the interests of te ao Māori.

A Disability Advisory Panel, Te Rōpū Kaiārahi Hauātanga, also supports me to ensure the voices of disabled people are reflected in my work. This panel is discussed in more detail later in the [Accessibility and active engagement with disabled people](#) section.

I am also continuing my research and development on how I can better engage with young people. This includes how I communicate with tamariki and rangatahi who have made a complaint to me. The work I have undertaken with school curriculum programmes to develop resources to promote students' awareness of their rights is almost complete. This work, along with learnings from my oversight of complaints concerning children in care, is essential to understanding what tools, resources, and processes I need to develop in order to better engage with the young people of Aotearoa New Zealand.

20 The panel is comprised of eight senior Māori leaders and rangatahi.

21 See <https://www.ombudsman.parliament.nz/resources/inaugural-puhara-mana-tangata-report-20202021>.

Failure of Immigration New Zealand to provide interpreter at border

In 2016, Immigration New Zealand (INZ) interviewed the complainant upon their arrival to New Zealand. The interview was recorded and conducted in English, without the assistance of an interpreter, despite that the complainant spoke limited English. The INZ officer concluded that the complainant had breached the conditions of previous visitor visas and had failed to inform INZ the reason for entry. The complainant was refused entry and returned to their home country.

In 2019, the complainant brought their concerns to the Chief Ombudsman after the conclusions from the 2016 interview negatively impacted the assessment of their subsequent visa application. INZ's position was that it had conducted the interview in a fair and reasonable manner; the complainant had declined the opportunity to use an interpreter during the 2016 interview.

The Ombudsman reviewed the footage of the interview and confirmed that the complainant had consented to being interviewed without an interpreter. However, it also clearly showed the complainant was not fluent in English and appeared visibly confused and struggled to answer many of the questions. It was clear to the Ombudsman that the complainant did not fully understand many of the interviewer's questions and was unable to provide adequate answers to these questions.

The Ombudsman was concerned that INZ did not exercise discretion and arrange for an interpreter once it became clear during the interview that the complainant was not fluent in English. The Ombudsman formed the opinion that INZ's decision to conduct the interview without the assistance of interpreter was unreasonable.

[Read the full case note on the Ombudsman website.](#)

I track the general public's awareness of the New Zealand Ombudsman, and how I can assist them, through a market research survey. Overall, 68 percent of those surveyed had heard of the Ombudsman. Similar to previous surveys, respondents over 60 years old were more likely to be aware of the Ombudsman (94 percent). When compared with last year, the survey showed an increased awareness for respondents who were under 30 (30 percent) or between 45 and 59 (80 percent). Significant targeted engagement programmes continue to attempt to lift awareness levels among Maori which remained persistent at 59 percent.²² Awareness amongst Asian communities

increased (50 percent); and awareness for Pacific peoples (65 percent) was the highest since commencement of this survey in 2012.

Outcomes and learnings from the survey results and targeted outreach are incorporated more widely in all the work I undertake. Increased and diverse resources will ensure a more inclusive way of engaging with the public.

22 This is a slight drop from 61 percent in 2020/21.

Improve public sector capability to do its work and make decisions

Improved capability in the public sector enables the Government to be responsive and effective as well as assisting to maintain Aotearoa New Zealand's leading role in the promotion of integrity and anti-corruption. An important part of my work is the learning, advice, and guidance offered to agencies and other stakeholders. I monitor and review developments in the public sector, and identify relevant skills and knowledge gaps to best target my efforts.

I also participate in initiatives to build capability and improve practice. This support is provided with an aim to:

- lift public sector capability to improve administration, decision-making, and complaint-handling capability; and
- improve compliance with official information legislation, whistleblowing legislation, and international conventions, including those concerning the rights of disabled people and people in detention.

Delay in responding to a request for information about cannabis-related medicines

The Ministry of Health extended the timeframe for responding to a request for information. On the final date of the extended timeframe the Ministry wrote to the complainant, stating it had granted the request but additional time was required to prepare the information for release.

The Ombudsman's investigation found that the Ministry had delayed in scoping the request and had undertaken internal consultation with the subject matter expert. The 'consultation' appeared to be scoping work by the subject matter expert. The Ombudsman considered this kind of work to be a routine part of the collation and research in the early processing of information requests, as opposed to 'consultations necessary to make a decision'. Therefore, section 15A(1)(b) of the OIA did not apply.

The Ombudsman was also not satisfied that the letter sent on the final day of the extension was a decision within the terms of the OIA. While it stated the Ministry was 'granting' the request, the Ministry confirmed that it was still collating the information at the time of the 'decision' and that not all information within the scope of the request was likely to be released. At the time of the completion of the Ombudsman's investigation the Ministry's decision was yet to be finalised.

Overall, the Ombudsman considered that there had been a failure by the Ministry to meet the obligations imposed by section 15 of the OIA. The failure to meet these statutory obligations is contrary to law.

[Read the full case note on the Ombudsman website.](#)

Unreasonable extension of time limit for internal consultations

The Ombudsman received a complaint about the decision to extend information requests for statistics relating to OIA request handling by the New Zealand Security Intelligence Service (NZSIS) and Government Communications Security Bureau (GCSB).

The agencies advised that due to the nature of the information held, and potential implications of release on national security, it was important for additional layers of review to have oversight of all the information released – communications team, a manager review, and Director-General. In these circumstances, the response could not be drafted and internal review procedures completed within the 20-working day maximum time limit.

The Ombudsman acknowledged the sensitivity of the information held by the agencies and the volume of work being dealt with at that time. However, he did not consider that the routine review process described by the agencies were consultations necessary to make a decision on the request for the purposes of extending the time limit under the OIA. Arrangements for any such consultation should be built into standard procedures for information requests.

In circumstances where the consultations are genuinely needed before a proper decision cannot reasonably be made within the original time limit, an extension may be made. Such consultations are distinct from engagements between staff in making a decision, such as peer review and sign out.

The Ombudsman formed the opinion that the agencies' decision to extend the timeframe was unreasonable.

[Read the full case note on the Ombudsman website.](#)

Advice and guidance

In 2021/22, I commented on 39 legislative, policy, and administrative proposals. These included comments on Cabinet papers, Bills, and administrative policies and procedures. Pleasingly, over the year I have noticed an increase in communications of this nature from agencies. Agencies have invited me to provide formal submissions as well as engage in *kōrero* early in the development process. It gives me reassurance to see that government departments and other public sector agencies see the Ombudsman as a valuable resource when drafting their policies. A [list of the key submissions](#) I made this year is available in Part 7.

Additionally, I provided advice to public sector agencies on 335 occasions; primarily in relation to processing official information requests. While I do not tell agencies what to do with 'live' requests, I provide guidance around an agency's obligations and options open for the agency to consider.

Learning

In 2021/22, I facilitated 26 training sessions²³ and 17 speeches/presentations for public sector agencies. Training topics included official information, complaints-handling, and managing unreasonable complainant conduct. I continue to offer wider reaching information-sharing sessions at the Official

23 A list of agencies that received [Ombudsman learning](#) is available in Part 7.

Information Forum²⁴ based on the needs of agency leaders and practitioners. This forum is open to staff from all public sector agencies subject to the OIA, providing an opportunity to come together, discuss official information practices, issues, and share learning experiences. I received positive feedback from most attendees of all the sessions I offered, reporting that the information provided would help them in their work.

I have noticed an enduring effect that COVID-19 and social distancing have had on the ability to offer and provide training and learning opportunities. I acknowledge that there is a greater need than ever to customise my approach to make learning delivery more agile. Over the past year, I have begun work to consider how to offer quality and accessible core learning using eLearning.

The development of eLearning modules is in progress and will be phased in over time for different audiences. I have begun the launch of this programme of work by reviewing

internal training courses for my staff. I will then look to update the learning for public sector agencies, followed by international audiences. I expect this change of style will ensure core learning is timely, empowers learners, and offers more autonomy. The ultimate aim is to develop capability and coverage and enhance the speed to competence for all learners.

Guidance materials

I continue my programme of work to develop or update the suite of guidance and resources available to public sector agencies. Each year, I complete a needs-based assessment to prioritise which topics are most relevant or would be the most useful. I consider a number of factors to determine the greatest need or what topic would be most useful to give effect to public sector capability improvement. A [list of the guides](#) I published this year, with links to my website, is available in Part 7.

Requests for information deemed vexatious and not in good faith due to offensive language

A complainant made a number of information requests to Inland Revenue Department (IR) for information on the same subject. IR refused these requests for being vexatious, under section 18(h) of the OIA, due to the language it deemed 'offensive, excessive, and disproportionate, and ... raised safety or security concerns'. IR considered each request 'to be offensive and an abuse of the right to access official Information'.

The Ombudsman's investigation considered the wording of the request and the correspondence between IR and the complainant over the preceding year. The Ombudsman formed the final opinion that IR was entitled to refuse the four requests on the basis that the wording and language of the requests were vexatious. The Ombudsman found the wording of each of the four requests showed an apparent lack of good faith in the responsibilities and functions of IR and was offensive and disrespectful to IR staff. The approach and language used by the complainant exceeded what would be considered proper and acceptable by any government department.

Read the [full case note](#) and related [official information guide](#) on the Ombudsman website.

24 Facilitated by Te Kawa Mataaho Public Service Commission. See <https://www.publicservice.govt.nz/guidance/official-information/official-information-forum/> for more information.

These guides are supplemented by my publication of case notes and opinions formed on complaints and data on all the Official Information Act (OIA) and Local Government Official Information and

Meetings Act (LGOIMA) complaints I receive. The biannual data publication aligns with the data on OIA requests made to agencies as compiled and published by Te Kawa Mataaho Public Service Commission.

Ministerial notifications and the obligation to communicate decisions ‘as soon as reasonably practicable’

The Ombudsman received a complaint regarding New Zealand Police’s obligations to communicate a decision ‘as soon as reasonably practicable’. The complainant had received Police’s decision on the 20th working day after receiving the information request.

The Ombudsman established that Police was actively working on the request until day 16, when the decision was finalised and approved. This meant that Police was in a position to communicate its decision to the requester at this point.

Police notified the Minister on day 16, then communicated its decision to the complainant on day 20, having received no comment from the Minister. Police explained that it had a “72-hour ‘no surprises’ ministerial notification period’ for all requests that have an increased interest by members of the public or marked as having a ‘High Organisational Impact’.

Ministerial notification is the process of letting the Minister know about the decision an agency has taken on a request and will be communicating to the requester. The purpose of notifying decisions is to enable the Minister to prepare for the possibility of public commentary. While not expressly provided for in the OIA, notification is permissible provided it does not interfere with an agency’s ability to comply with its OIA obligations. This includes the obligation to communicate that decision to the requester ‘as soon as reasonably practicable’. The blanket application of a standard three to five working-day period of notice in situations where that is not required is likely to be unreasonable. Agencies should keep adequate records and be prepared to justify the need for, and period of, advance notice in each case.

Police did not demonstrate that a 72-hour notice period was necessary. The Chief Ombudsman formed the final opinion that Police failed to communicate its decision on the request to the requester as soon as reasonably practicable, as required by section 15(1) (b) of the OIA. The Ombudsman did not make any recommendations in this case, as Police informed him it had amended its ministerial notifications practice during the investigation.

[Read the full case note on the Ombudsman website.](#)

While my guidance materials are formulated with the aim to improve public sector capability, they are also available to members of the public.

Formal consultation to assist public sector agencies to make specific decisions

Providing sound and timely input to public sector agencies as part of a formal consultation process provides the public and stakeholders with confidence that agencies are receiving a relevant, independent perspective when they are making decisions, improving practices, and reporting. I do this by:

- meeting both legislated and agreed requirements for the Ombudsman's formal input in decision-making; and
- participating effectively in advisory and working groups.

I ensure agencies and Parliament are aware that I can provide formal input where relevant and that appropriate frameworks are developed to provide input while remaining independent. Each year I provide comment to the Cabinet Office on the annual release of information from the ministerial conflicts of Interest register.

In 2021/22, I provided comment to Waka Kotahi (New Zealand Transport Agency) on 17 applications for authorised access to personal information on the motor vehicle register,²⁵ and to New Zealand Customs relating to a disclosure of information to private sector organisations.²⁶

Section 13(4) of the Ombudsmen Act has long provided the ability for any committee to refer any petition to the Ombudsman for 'investigation and report'. Since August 2020, standing order 378(2) also gave the Petitions Committee discretion to '*request assistance from the Ombudsmen for the consideration of a petition (whether the petition is before the Petitions Committee or another select committee)*'. I have provided guidance this year on six petitions and continue to establish a protocol with the Committee to address our respective confidentiality and secrecy obligations.

25 Under section 241 of the Land Transport Act 1998.

26 Under section 317 of the Customs and Excise Act.

Enable serious wrongdoing to be disclosed and investigated and whistleblowers protected

Ensuring that serious wrongdoing²⁷ is brought to light and investigated by appropriate authorities will lead to greater transparency and accountability and ultimately higher trust in government. Mechanisms to expose and investigate serious wrongdoing will be effective only when people have the confidence to come forward and whistleblowers are protected. Insiders will often be the only ones with knowledge of serious wrongdoing. If they are unaware of the protections available to them, or do not feel confident raising their concerns through the appropriate channels, these incidents are likely to go undetected.

The new whistleblower legislation, *Protected Disclosures (Protection of Whistleblowers) Act 2022*, received royal assent on 13 May 2022 and came into effect on 1 July 2022. This Act was a complete redraft defining a new regime while maintaining the same purpose of facilitating the disclosure and investigation of serious wrongdoing in the workplace and providing protection to the employees who make the disclosures.

I actively engaged in the legislation development process to impart learnings from my experience and expertise in this area. I have also been working to update all available guidance on the Ombudsman website to align with the commencement date of 1 July 2022.²⁸ I welcome the changes under the new Act and the continued fundamental role the Ombudsman plays in such an important part of good government and governance.

In 2021/22, I continued with the activities under my role and functions under the, now, previous legislation, which were to:

- raise general awareness of whistleblowing processes and protections;
- provide advice and guidance to potential whistleblowers;
- review and guide public sector agencies in their investigations of serious wrongdoing; and
- receive and investigate disclosures of serious wrongdoing, or refer them to other authorities as appropriate.

I responded to 70 protected disclosures and enquiries from potential whistleblowers and organisations. Through the provision of advice and guidance, I continued to raise public awareness about protected disclosures and the Ombudsman's role.

To gauge these outreach efforts, I commissioned a market research company to conduct a survey about the awareness and knowledge of whistleblowing. Awareness of whistleblowing legislation remains low. However, a majority of respondents (59 percent) would look to the Ombudsman to seek advice about serious wrongdoing. I will look to compare levels of the public's understanding of whistleblowing over the next year to see the impact of the new Act.

²⁷ As defined in [section 10 of the Protected Disclosures \(Protection of Whistleblowers\) Act 2022](#)

²⁸ Three of these resources had also been updated during 2021/22 to reflect necessary changes. These amendments have been overtaken by the larger updates in July 2022.

Break down the barriers that prevent disabled people from participating equally in society

The *United Nations Convention on the Rights of Persons with Disabilities* (the Disability Convention) exists to promote, protect, and ensure the full and equal enjoyment of all human rights and fundamental freedoms by disabled people. Disabled people face barriers to participating equally in society. These barriers can be physical, attitudinal, technological, systemic, and economic. Barriers may also be present when information is not available in a way that is accessible to everyone. Aotearoa New Zealand can make disability rights real by breaking down these barriers.

The Ombudsman, the Human Rights Commission, and the Disabled Peoples' Organisations Coalition form Aotearoa New Zealand's Independent Monitoring Mechanism (IMM) under Article 33 of the Disability Convention. The role of the IMM is to promote, protect, and monitor the implementation of the rights set out in the Disability Convention, and contribute to effective and transformative change. The composition of the IMM ensures disabled people play an active role in monitoring disability rights to ensure the Government is implementing the Disability Convention in Aotearoa New Zealand.

I ensure that disability rights are at the heart of my work and culture, as well as network and collaborate with disabled people and other stakeholders.

Accessibility and active engagement with disabled people

I continue to strive to ensure public information about my role is accessible to all New Zealanders by providing key information in a range of accessible formats. This allows people to get the information they need in a way they can understand.

As my role and functions grow, and understanding around accessibility increases, I work to ensure I am meeting the needs of disabled people wanting to engage with the services I provide, as well as those who may wish to seek employment opportunities within my office. I have developed, and am now implementing, an accessibility strategy, and accompanying three-year action plan. This strategy will enable me to lead by example and achieve my vision of being fully accessible to disabled New Zealanders.

To support my work in the disability space, I have set up a Disability Advisory Panel, *Te Rōpū Kaiārahi Hauātanga*, made up of people with lived experience of disability, to ensure that the voices of disabled people are reflected in my work. *Te Rōpū Kaiārahi Hauātanga* has met three times to provide advice on disability rights matters across areas under my jurisdiction and remit. I look forward to continuing engagement with the panel on contemporary issues that are important to disabled people.

Monitoring disability rights

In early 2022, the IMM held a series of interactive dialogues with disabled people to review the implementation of the Disability Convention in Aotearoa. These discussions examined the key issues raised in the IMM's two most recent monitoring reports²⁹ on implementation of the Disability Convention. These discussions are reflected in a report to update the United Nations Committee on the Rights of Persons with Disabilities, and the New Zealand Parliament and public, on the priority areas that prevent disabled people in New Zealand from realising their full suite of human rights as set out in the Disability Convention.³⁰

Ongoing disability rights focus in investigations and inspections

When disability rights issues are raised, I use my Ombudsmen Act powers to resolve complaints and investigate concerns about administrative conduct by public sector agencies. I am also able to explicitly ask an agency how it has taken a particular article of the Disability Convention into account when considering a complaint.

29 *Making Disability Rights Real 2014-2019* and *Making Disability Rights Real in a Pandemic*.

30 Published in August 2022: *Ngā Motika Hauātanga: Kei te pēhea a Aotearoa? / Disability Rights: How is New Zealand doing?*

Lack of review mechanism for community participation services funding unreasonable

The Chief Ombudsman received a complaint about the level of Community Participation Services provided by the Ministry of Social Development (MSD). MSD uses the Ministry of Education's Ongoing Resourcing Scheme (ORS) assessment to determine funding for Community Participation Services for people with disabilities from the time they leave school until they turn 65. 'High Needs' classification provides access to bulk-funded community participation programmes at an average rate of \$4,100 per contracted place per year. A classification of Very High Needs entitles the person to individualised funding for community participation support, to a maximum of \$15,676.80 per person per year.

In 1999, the complainant's son left school classified as 'High Needs' under the ORS. The complainant considered that the ORS assessment was incorrect and his son should have been classified as 'Very High Needs' during his school years. The complainant considered that his son's needs had increased and the bulk-funded programme was not suitable. MSD had advised that it could provide funding based only on the ORS assessment as it had no mechanism to review ORS assessments.

MSD advised that no specific legislation or regulatory framework covered its Community Participation Services funding. MSD acknowledged that ORS assessments are focused on measuring the level of support needed to access education. In instances where individual support needs increase after schooling is completed, discretionary or individualised funding may be available through the Ministry of Health.

The Ombudsman formed the opinion that it was unreasonable for MSD to use ORS assessments to determine funding for Community Participation Services for people with disabilities. It was not fair for MSD to make important decisions that directly affect disabled people's day-to-day lives without providing any avenue to review or challenge the level of funding awarded. The Ombudsman considered that MSD was obliged to provide an avenue for people to challenge the accuracy of the ORS assessment. It is important that disabled people have access to Community Participation Services funding that matches their current needs.

[Read the full case note on the Ombudsman website.](#)

I also note issues as they arise in inspections of places of detention. Disability rights continues to be an area of focus for my inspections. I am aware that a significant proportion of detainees have a disability, or have experience of mental health distress. It is important to ensure these people receive appropriate support, and are able to request reasonable accommodation when necessary.

Improve the conditions and treatment of people in detention

I am designated as a National Preventive Mechanism (NPM) under the *United Nations Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment* (OPCAT). The purpose of the OPCAT role is to prevent torture and other cruel, inhuman or degrading treatment or punishment of persons who are detained. In carrying out this role, I undertake various activities including examining the treatment and conditions of persons in up to 491 facilities over the 2021/22 year.³¹

My role as an NPM has a preventive purpose to:

- carry out regular and unfettered monitoring, including examination of places of detention;
- use information and evidence from various sources to assess conditions in places of detention;
- comment on law, policy, and procedure that encourages the improvement of conditions and treatment;
- make and track recommendations to prevent torture or ill-treatment, and to improve the conditions of detention and treatment of detainees, including identifying and promoting good practice according to international standards.

Visits and inspections

A key activity as an NPM is visiting and examining places of detention on a regular basis. In addition to being a primary function of my OPCAT role, it also ensures Aotearoa New Zealand is seen as a good global citizen, adhering to agreed international human rights conventions. In 2021/22, I carried out a total of 62 visits to places of detention, details of these visits are available in [Part 7](#) of this document. This brings the total number of visits conducted over the 15-year period of the Ombudsman's operation under OPCAT to 725.

The COVID-19 global pandemic has been 'front and centre' in my OPCAT role. The frequently changing circumstances and government advice required that I continuously reviewed the operational approach to conducting OPCAT examinations and made sure that on-site visits were safe and aligned with public health measures. My approach during this time included announcing visits to these high-risk sites, undertaking shorter targeted inspections (focusing on specific areas of interest, such as impact of COVID-19 on treatment and healthcare in prisons), and an increased number of drop-in visits. I updated my internal policies to demonstrate my commitment to consult, cooperate, and coordinate with each place of detention when health and safety duties are shared. More information about these examinations, including links to reports published this year, is available in [Part 7](#).

³¹ Comprising 19 prisons; 373 health and disability places of detention (including 33 managed isolation and quarantine facilities, 254 privately run aged care facilities, and four substance addiction units); one immigration detention facility; one remand facility; one Public Protection Order (PPO) residence; and 22 court facilities (under joint designation with the Independent Police Conduct Authority).

The ongoing flow-on effects of COVID-19 and my targeted inspection programme are such that I must find the correct balance in where I direct my resources. In 2021/22, I made it a priority to provide agencies with reports on pre-pandemic examinations. The completion of these deferred reports means that only 58 percent of inspection reports were provided to agencies within target time frames. I have taken steps to address the enduring impacts. The measures I have put in place should be fully realised in the coming years.

Each place of detention contains a wide variety of people, often with complex and competing needs. All have to be managed within a framework that is consistent and fair to all. While I appreciate the complexity of running such facilities and caring for detainees, my role is to monitor whether conditions and treatment are appropriate and set up in a way that prevents the possibility of torture or other cruel, inhuman or degrading treatment, or punishment occurring. This year, I made 185 recommendations, of which 161 (87 percent) were accepted. A further breakdown of these recommendations can be found in [Part 7](#).

Prisons and PPO

I examined nine of the 19 prisons across Aotearoa New Zealand. (Full list of inspections in [Part 7](#).) These targeted and drop-in visits allowed for a view of ongoing and emerging issues across the prison systems. The Department of Corrections had progressed some issues previously identified in my inspections, and I noted positive and innovative practice in discrete areas at a number of prisons. However, I identified a few common themes of concern, including:

- poor physical environments, including the use of segregation;
- lack of robust oversight of use of force, including pepper spray; and

- limited access to rehabilitation and reintegration activities, in part due to managing the risk of COVID-19.

I am particularly concerned about the use of force as it relates to the recent amendments to the Corrections Regulations 2005³² regarding the use of pepper spray. Specifically, I am concerned, and have advised Corrections and Parliament, that in my view the regulations permit the use of pepper spray in enclosed spaces and in cases of ‘passive resistance,’ which may be a breach of international human rights standards. A number of my OPCAT reports have raised serious concerns around the use of pepper spray.³³

Isolation and quarantine facilities

I had established an inspection programme for Managed Isolation and Quarantine (MIQ) facilities to provide the public and Parliament assurance that the basic human rights of people isolated for health reasons are being respected. With the change in government policy, this work programme was adapted to include alternative accommodation where people had to isolate due to COVID-19.

These COVID-19 specific examinations were carried out with full regard for health and safety based on the experience gained in the targeted COVID-19 specific examinations³⁴ of 2019/20. I was mindful of the ‘do no harm’ principle and of the need to enter facilities and carry out examinations in a way that was safe, effective, and supportive in this environment. My inspections were all announced and required robust health and safety procedures. In total, I completed 26 COVID-19 specific examinations, and made 27 recommendations for improvement. My activities in this context were world-leading as many other countries’ NPM’s did not inspect facilities during the pandemic.

32 [Regulatory Impact Statement: Use of pepper spray in custodial settings](#).

33 See, for example, [Final report on an unannounced inspection of Auckland Prison under the Crimes of Torture Act 1989](#), December 2020; [Report on an unannounced follow up inspection of Otago Corrections Facility under the Crimes of Torture Act 1989](#), June 2019.

34 See inspection purpose and criteria: <https://www.ombudsman.parliament.nz/resources/criteria-opcat-covid-19-inspections>.

The majority of MIQ facilities were decommissioned following two significant announcements in March 2022, re-opening of borders and no further need for unvaccinated New Zealand citizens, and those eligible to travel to New Zealand, to enter MIQ or self-isolate. The last MIQ facilities were closed in June 2022. Overall, it was pleasing to see that the services offered by MIQ improved from the time the facilities were stood up until they were decommissioned, and that the Ministry of Business, Innovation, and Employment (MBIE) was responsive to the majority of my findings and recommendations.

After the Government policy change, the Ministry of Health took over responsibility for the day to day operation of 'Alternative Isolation Accommodation' when individuals or families did not have somewhere suitable to self-isolate after testing positive for COVID-19, or as a household contact, funded by MBIE. Monitoring these 'facilities' involved intelligence gathering to understand the conditions and treatment of persons who are isolating and develop an informed approach. This reinforced my decision to take a risk-based approach about what constitutes a 'place of detention' and how I give effect to the preventive purpose of my role as an NPM.

Through the examination of these accommodations, I have identified some emerging themes, including:

- inconsistencies in the information provided to people staying in the facilities, particularly in relation to their legal rights;
- unlawful restrictions imposed on the ability to leave the premises for the purpose of exercise;³⁵
- inconsistent and disproportionate monitoring of facilities by security staff;

- challenges with a consistent means to provide food to people staying in the facilities; and
- significant variation in the quality of accommodation across regions.

Health and disability facilities

There are a range of health and disability facilities or units which are publicly funded or operated, including acute mental health inpatient, forensic mental health inpatient, forensic intellectual disability, and older persons mental health units. Many of the issues I identified through my examinations this year have been ongoing, despite my previous recommendations that related to:

- incomplete recording of consent for treatment;
- use of seclusion rooms, and other non-designated rooms, as bedrooms;
- lack of privacy (for ablutions) in seclusion rooms; and
- up-to-date restraint training for staff.

I also raised concerns about the treatment of voluntary residents and have begun self-initiated action to resolve this issue under the Ombudsmen Act 1975.

Aged Residential Care Facilities

In this year I undertook inspections of aged residential care facilities in line with the programme of work started in 2019/20. I completed 10 full examinations and two visits specifically to focus on the restrictions in place under the red 'traffic light' letting of the COVID-19 Protection Framework.³⁶ I am beginning to build a picture of some of the issues impacting on the conditions and treatment of residents living in secure care. Themes I identified in my examinations include:

35 [COVID-19 Public Health Response \(Self-isolation Requirements and Permitted Work\) Order 2022.](#)

36 [https://covid19.govt.nz/traffic-lights/history-of-the-covid-19-protection-framework-traffic-lights/.](https://covid19.govt.nz/traffic-lights/history-of-the-covid-19-protection-framework-traffic-lights/)

- significant dedication to resident wellbeing among the staff providing care, despite limited resources;
- a negative impact on residents due to staff shortages and COVID-19 restrictions;
- low awareness of processes for establishing authority for residents to be detained in secure care;
- inconsistent ability for residents to freely access outdoor areas that are suitable for exercise, social interaction, and engagement with the natural environment; and
- impacts on residents' living environments due to required maintenance or upgrades.

This programme of work has already influenced facility-level change in several private aged care facilities. A particularly good result was that I saw one facility shift its focus towards the human rights of the residents as opposed to an audit health lens. From a preventative perspective, it is important for staff and residents' whanau to understand that although the residents are detained in a secure dementia facility, all their human rights remain.

Other OPCAT activities

The OPCAT role is broad and goes beyond on-site visits and examinations. I also report to Parliament, engage in constructive dialogue with detaining agencies, and co-operate with other NPMs and civil society. In 2021/22 I engaged with agencies on a number of issues, including:

- engagement with key agencies regarding COVID-19 measures, including home isolation and practices in prisons;
- finalised and published my expectations for the conditions and treatment in aged care facilities;
- consultation on expectations for the conditions and treatment in prisons, mental health facilities, and intellectual disability secure services;
- provided comment on the Department of Corrections' proposal to amend the Corrections Regulations 2005 regarding the use of pepper spray;
- finalised a framework with the Independent Police Conduct Authority to conduct inspections of court facilities, including draft expectations; and
- participated in webinars and conferences organised by civil society and international partners, including the Nga Tūmanakotanga Symposium.

Ensure official information is increasingly available and not unlawfully refused

The Official Information Act 1982 (OIA) and Local Government Official Information and Meetings Act 1987 (LGOIMA) give the public the ability to request official information held by Ministers of the Crown and public sector agencies. Making official information increasingly available, and assuring the public that access is not denied unnecessarily, will lead to greater transparency and accountability within the public sector, and facilitate public participation in the making and administration of laws and policies. Under both Acts, I independently investigate and review complaints about actions and decisions of public sector agencies on official information requests. I also monitor agencies' official information practices, resources, and systems.³⁷ This serves to both enhance public trust and confidence in government and increase the availability of official information. In this context, I:

- provide resolution-oriented and impartial complaint-handling;
- undertake interventions and investigations to identify where official information practices, resources, and systems are vulnerable;
- obtain early resolutions, form opinions, and make recommendations;
- provide advice to agencies and support them to resolve complaints; and
- report on and monitor the implementation of my suggestions and recommendations.

I also publish official information complaints data concerning both central and local government, and report on the outcome of key complaints and investigations to assist in improving official information practice across the public sector.

37 Using my general investigation powers under the Ombudsmen Act.

Council not entitled to withhold internal workshop presentation

A journalist requested a copy of the information presented at a workshop to discuss the short listed options for how Palmerston North's wastewater would be managed and treated for the next 35 to 50 years. Palmerston North City Council refused the PowerPoint presentation under section 7(2)(f)(i) of the LGOIMA – that release would inhibit the exchange of the free and frank opinions that are necessary for the effective conduct of public affairs. The council stated that the information was created during a complex infrastructure project. It had concerns that if the information was made public it would impact the flow of information from project officers to councillors, which would in turn compromise the decision-making.

The PowerPoint was highly technical, factual information in moderate and neutral terms. It did not include sensitive, revealing, or controversial information, nor did it include option preferences. It also did not contain 'off the cuff' and imprecise remarks, nor have an identifiable author. The Ombudsman was not persuaded that the release of the information in the PowerPoint would have such an inhibiting or chilling effect.

The Ombudsman acknowledged that the information presented related to matters that had not been finalised. The shortlisted wastewater treatment options were subject to further technical assessments. However, the information was considered, well-researched, and professionally presented. It could not be considered as draft or 'brainstormed' material. The Ombudsman did not consider the fact that the information was subject to change provided a basis for withholding.

Overall, the Ombudsman was not persuaded by the council's comments about the likely harm that would occur and that release of the information would have any chilling effect. The Ombudsman formed the opinion that section 7(2)(f)(i) of the LGOIMA did not apply and the council was wrong to have refused the information request.

[Read the full case note on the Ombudsman website.](#)

Enquiries

I receive a number of enquiries from members of the public, mainly over the telephone, prior to a complaint being made. I typically treat matters as formal *complaints* once they have been put in writing.³⁸ I define these initial enquires and phone calls as '*other contacts*' and I spend time responding to them with advice and assistance.

If I am contacted prior to a formal complaint being made, this is my first opportunity to consider the issues within my jurisdiction and the best course of action I may be able to take for the individual. When someone comes to me with an issue, they are typically looking for remedial action or accountability from the agency they are complaining about.

With this in mind, one of the services I offer is the provision of advice and guidance about the best, and most efficient, way the complainant's concerns can be addressed.

Enquiries about official information generally relate to a member of the public seeking clarification about an agency's obligations under the OIA or LGOIMA. I respond to most of these enquiries (89 percent) by providing a plain language explanation of the legislation or by inviting the individual to send me a copy of the agency's decision for my review.

³⁸ See sections 28(3A) of the OIA, and 27(3A) of the LGOIMA.

In 2021/22, I received 376 enquiries related to my jurisdiction under official information legislation (OIA/LGOIMA). I invited 118 individuals (32 percent) to make a complaint in writing for my consideration and investigation.

Complaints

In 2021/22, I received a total of 2,591 official information complaints (2,230 OIA, 361 LGOIMA). Excluding a bulk complaint from a single individual,³⁹ the volume of complaints I received is a 19 percent increase on last year. A significant number of complaints can be attributed to issues arising from the Government's response to the global pandemic. A third (2,151) of all the complaints⁴⁰ I received in 2021/22 related to COVID-19 and the response to the pandemic; 21 percent of these related to official information matters. One-third of COVID-19 official information complaints related to vaccinations.

Fifty-eight percent of official information complaints I received were from the general public and 12 percent were from the media. As usual, most official information complaints (80 percent) were about a refusal or a delay in making a decision on an information request. However, complainants were significantly more concerned with delays as opposed to their requests being refused. A breakdown of the nature of official information complaints is available in [Part 7](#), tables 12 and 19.

This year, 32 percent of official information complaints were made against government departments, 46 percent against other public sector agencies, 14 percent against local government agencies, and 8 percent against Ministers. The proportions continue to be consistent year on year.

39 I received a large number of complaints from a researcher, 541 complaints, which accounted for 21 percent of all official information complaints.

40 Under the OIA, LGOIMA, and Ombudsmen Act

Requests for information relating to the COVID-19 vaccination programme

The Ombudsman received a complaint related to a request for a broad range of clinical information provided to the New Zealand Medicines and Medical Devices Safety Authority (Medsafe) by the pharmaceutical companies developing the COVID-19 vaccine, as well as the names of the members of the COVID-19 Vaccine Advisory Group and the Medicines Assessment Advisory Committee. The Ministry of Health refused both of these requests.

During his investigation, the Ombudsman considered that section 9(2)(ba)(ii) was the most relevant reason for refusal for the clinical information – the information is subject to an obligation of confidence. The information included large volumes of scientific and research data, and a number of intellectual property rights were involved. The Ministry stated that, ‘the vaccine information was given to Medsafe, to allow Medsafe to assess [the vaccines] for safety and efficacy under the Medicines Act, in the strictest confidence’. The Ministry stated that section 23B of the Medicines Act required the Minister to keep the information confidential.

The Ministry considered that the companies might choose not to sell or market their medicines in New Zealand if their commercial information, including patents and trade secrets, was released. This would likely compromise New Zealand’s ability to secure vaccines in future.

The Ombudsman was satisfied that the clinical information, including safety trial data, was subject to an obligation of confidence. The Ombudsman accepted that release would be contrary to the Government’s commitments to the suppliers. The Ombudsman also accepted that there was a real risk that disclosure of the requested information would likely result in pharmaceutical companies not applying for their medicines to be approved for use in New Zealand.

The Ombudsman considered that substantial amount of publicly available information on the Ministry's website on vaccine data and statistics met the required level of accountability and enabled informed public debate about vaccine clinical research. In the circumstances, the Ombudsman did not consider that the public interest in releasing the information outweighed the interest in withholding it, given the real risk that its release would disincentivise pharmaceutical companies participating in the Medsafe approval process.

In relation to the names of the members of the COVID-19 Vaccine Advisory Group and the Medicines Assessment Advisory Committee, the Ombudsman's general position is that there is little basis for withholding officials' names as all that would be revealed is what they do in their official capacity. However, withholding names may be justified in certain circumstances. The Ministry explained that Ministry/Medsafe staff have been the subject of abuse and threats via email, telephone calls and social media, from people who disagree with the position taken by Ministry staff and committees in relation to the approval of medicines, including vaccines. The examples provided were significantly more serious than what could be considered routine criticism or feedback.

Overall, the Ombudsman concluded that release of the requested information would result in officials being specifically targeted in a manner that would amount to improper pressure or harassment in terms of section 9(2)(g)(ii) of the OIA. He accepted that such harassment would deter people from taking up positions on these committees or working on particular approvals and that this would prejudice the effective conduct of public affairs, namely the ability of Medsafe to act effectively as a regulator of medicines.

The Ombudsman formed the final opinion that section 9(2)(ba)(ii) applied to the requests for clinical data and section 9(2)(g)(ii) applied to the request for names of the experts for the COVID-19 Vaccine Advisory Group and the Medicines Assessment Advisory Committee at the time the original decisions were made on these requests.

[Read the full case note on the Ombudsman website.](#)

Resolution and forming opinions

Based on the expertise and knowledge of successive Ombudsmen, I employ a framework of complaints-handling processes that provides a consistent, fair, and independent investigation of the acts and decisions of agencies.

One of the key elements to effective complaints-handling is responding to complaints promptly and handling them objectively and fairly, with remedies provided where appropriate. I continue to use a resolution-focused approach to encourage

remedial action for the benefit of the complainant as well as for the benefit of public administration.

Overall in 2021/22, I obtained resolution for 40 percent of complaints⁴¹ that would otherwise have been subject to a full investigation. I resolved 375 official information complaints and obtained 1,135 remedies. The vast majority of these remedies were for the benefit of the individual, including access to information they had been denied by way of a changed decision or an omission rectified. Detailed breakdowns of the remedies under each piece of legislation are provided in [Part 7](#).

41 375 official information complaints and 285 Ombudsmen Act complaints.

A focus on resolution does not limit my ability to identify administrative deficiency where it is occurring. The Ombudsman is impartial and is not an advocate for either the complainant or the agency concerned. After a full investigation and review of a decision about official information, I formed a final opinion on 354 complaints in 2021/22. In the majority of the 112 official information cases where I identified a deficiency, the agency was unjustified in its decision to refuse official information (51 percent) or did not act in accordance with the legislated timeframes resulting in a delay in decision making (22 percent).

In 2021/22, I completed a total of 1,811 OIA and 267 LGOIMA complaints and I made 80 recommendations. This represents a 38 percent increase in OIA and LGOIMA complaints completed, compared with 2020/21 (1,223 OIA and 284 LGOIMA).

Timeliness and quality assurance

I report timeliness and clearance rates across all complaint types—OIA, LGOIMA and Ombudsmen Act. I completed 73 percent of all complaints within three months, 83 percent within six months, and 94 percent within 12 months. The ability to maintain high timeliness and clearance rates is a true testament to the capacity and capability of my staff when compared to the extraordinary volumes of complaints received this year. In 2021/22, I received the highest volume of complaints in New Zealand Ombudsman history. The last time such a spike in complaints occurred was following the Canterbury earthquakes in 2012/13, and even then it was at a much lower level.

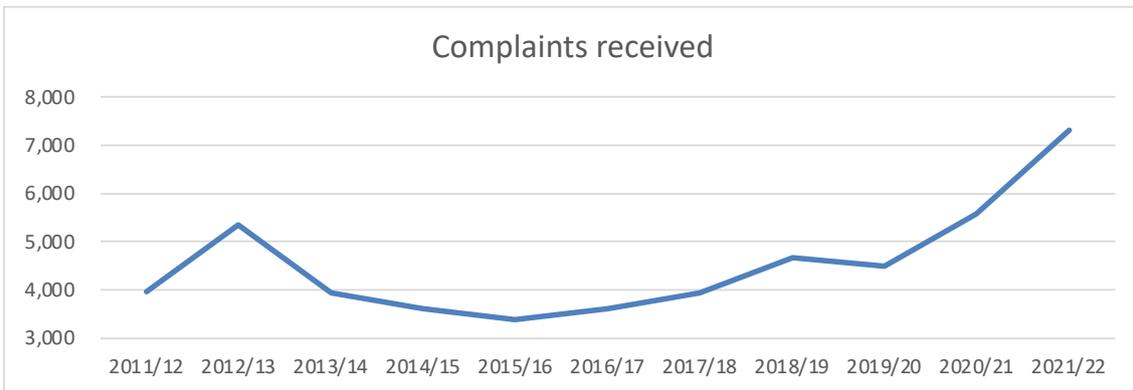


Figure 3: *Complaints received since 2011/12.*

[Link to text alternative version of Figure 3.](#)

While I expected complaints to increase this year given my predictive data modelling (largely as a result of COVID and significant government reforms), the ‘surge’ in complaints was significant – 7,321 complaints received in 2021/22. This is a 31 percent increase from complaints received in the 2020/21 year (which itself experienced a 24 percent increase on 2019/20). This increased volume of work has been managed through increasing the number of staff assisting me with managing complaints, the establishment of additional early resolution and investigation teams with the support of Parliament, and maintaining a flexible and agile approach to complaint triaging, allocation, and investigation management.

I performed formal quality assurance checks across a random sample of all completed complaints and other contacts (OIA, LGOIMA, and Ombudsmen Act). Eighty-seven percent of the complaints and other contacts

reviewed met internal quality standards. In addition to quality sampling, I also ensure quality through peer review and a robust in-house learning programme.

Unreasonable advice about decision to exclude public

Under the LGOIMA, meetings of the Portage Licensing Trust must be open to the public unless a resolution is passed to exclude the public. In February 2020, the trust passed a resolution to exclude the public from four items on the agenda of an ordinary meeting. The trust believed that these items would be likely to result in the disclosure of information that is necessary to withhold to maintain the effective conduct of public affairs. A complaint was received about the decision to exclude the public from the item about the trust's submission to the Justice and Electoral Committee for the 2019 Electoral Systems Review.

The trust did not provide the Ombudsman with any official record or other documentation that illustrated why it was considered that information about the submission posed a real risk of improper pressure or harassment that would affect the conduct of public affairs.

The Ombudsman formed the final opinion that the trust had acted unreasonably and that the trust had not satisfied the requirements of section 46A, given the absence of any supporting documents, the failure to provide any reasons for its decision, and no apparent real risk of improper pressure or harassment.

[Read the full case note on the Ombudsman website.](#)

Official information practice investigations

My ability to investigate administrative conduct in relation to official information practices under the Ombudsmen Act, gives me a unique perspective based on different angles of public sector administration.

My proactive investigations to review public sector agencies' official information practices look at five key areas that have a significant impact on OIA and LGOIMA compliance and practice. These are:

- leadership and culture;
- organisation structure, staffing, and capability;
- internal policies, procedures, and resources;
- current practices; and
- performance monitoring and learning.

I finalised my investigations into the official information practices of the Accident Compensation Corporation, the New Zealand Customs Service, Ministry of Health, Ministry of Justice, Ministry of Social Development, Ministry of Transport, New Zealand Defence Force, and Te Kawa Mataaho Public Service Commission.⁴²

This concluded the set of 12 investigations I launched when I decided to revisit former Chief Ombudsman Dame Beverley Wakem's 2015 report, *Not a Game of Hide and Seek*.

The COVID-19 pandemic offered me a unique opportunity to expand my follow-up investigation of my predecessor's report by exploring the resilience of all 12 central government agencies in relation to the OIA during such unusual circumstances. In 2021/22, I developed a thematic report summarising the key themes emerging

⁴² Four investigations were completed in the 2020/21 reporting year.

from the 12 individual investigations. I intend to publish the thematic alongside the 12 individual reports in the 2022/23 reporting year.

My aim is to provide an independent assurance to the public and to Parliament as to the OIA compliance capabilities within these agencies and where relevant, highlight good practices, identify any vulnerabilities,

and overall advance government accountability and transparency. My reports make recommendations where agencies ought to improve their current arrangements, including to enable them to maintain resilience and compliance should a pandemic or natural disaster occur at some point in the future.

Identify flawed public sector decision-making and processes and how to resolve them

Under the Ombudsmen Act (OA), I can investigate public sector agencies' administrative conduct by way of a complaint or on my own initiative. My independent oversight assists public sector agencies to identify and correct administrative deficiencies, including when significant or systemic issues are identified. In doing so, I provide a means of improving administration and decision-making over time. In this context, I:

- provide resolution-oriented and impartial complainthandling;
- undertake interventions and investigations to identify where administrative practices, resources, and systems are vulnerable;
- obtain early resolutions, form opinions, and make recommendations;
- provide advice to agencies and support them to resolve complaints; and
- report on and monitor the implementation of my suggestions and recommendations.

I continue to report on the outcome of key complaints and investigations to assist in improving administrative practice across the public sector.

Board of Trustees decision to expel student on basis of gross misconduct not justified

A student's family made a complaint about the decision of a school board of trustees to suspend and then expel the student after an incident where the student swore at a teacher. The Chief Ombudsman investigated whether the Board followed a reasonable process in relation to the suspension hearing and whether the decision to expel had been reasonable. He also considered whether the single event which triggered the suspension, met the threshold for 'gross misconduct'.

The Board conceded that the family was not provided with all relevant information 48 hours prior to the suspension hearing, as required. The Chief Ombudsman was not satisfied that the student and his family had an adequate opportunity to comment. Furthermore, the documentation did not show a pattern of ongoing misconduct by the student, which could have supported an argument by the family that the behaviour was an isolated incident.

The Board is required to undertake a balancing exercise that included all relevant circumstances. Records of the deliberations were insufficiently detailed to enable the Chief Ombudsman to be confident that all relevant factors were considered, including whether leniency would have been appropriate. Nor was the Chief Ombudsman confident that the Board had undertaken a reasonable and fair balancing exercise.

The Chief Ombudsman was ultimately not satisfied that the incident met the threshold for gross misconduct under the Education Act 1989. Ministry of Education Guidelines require a high threshold for gross misconduct, that must be serious enough to justify removing the student from school. While the Board maintained that the behaviour constituted gross misconduct on the basis of its standards, the Chief Ombudsman noted judicial authority that a breach of school rules does not, in itself, meet the statutory requirement for gross misconduct. The Chief Ombudsman considered that the Board had overstated the harm of the student remaining at the school. The Chief Ombudsman accepted that the behaviour required a robust response, however there were a number of alternative actions that could have been considered.

[Read the full case note on the Ombudsman website.](#)

Enquiries

As mentioned previously, I receive enquiries from members of the public prior to a complaint being made.⁴³ I spend a significant amount of time responding to these enquires and phone calls (*other contacts*). This is my first opportunity to consider the best course of action for the individual as well as provide advice and guidance about the best, and most efficient, way the complainant's concerns can be addressed.

Overall, the majority of issues brought before me through phone calls relate to OA matters that can be appropriately addressed through the provision of an explanation or advice, or on matters that should be raised directly with the relevant agency in the first instance. Under the OA, recourse to the Ombudsman should be a matter of last resort. It has been a long-standing practice of Ombudsmen not to intervene in a matter if the agency complained about has not had an adequate opportunity to respond to any complaints first. I generally expect a complaint to have been sent first to the chief executive of the agency or to the agency's nominated complaints service. This was the case for a quarter (1,483 or 25 percent) of OA *'other contacts'* I received over the year.

In 2021/22, I received 5,561 enquiries related to matters falling under my jurisdiction under the OA. On 535 occasions, these matters related to the impacts of COVID-19. I invited 836 complainants (14 percent) to make a complaint in writing for my consideration and investigation as they had already exhausted any other options.

Complaints

I received a total of 4,730 OA complaints in 2021/22 (a 23 percent increase on 2020/21). Eighty-nine percent of complaints were received from the general public and eight percent were from prisoners.

This reflects the intent of the functions of the Ombudsman, which is to provide recourse for people personally affected by the administrative conduct of public sector agencies. Sixty-four percent of OA complaints were made against central government agencies. Other public sector agencies accounted for 18 percent of OA complaints and 12 percent were made against local government agencies. The proportion of complaints has shifted more towards central government agencies, likely due to important government policy decisions over the year. The agencies generating significant numbers of complaints tend to be ones that interact with, and impact upon, large numbers of people. These agencies have been consistently the highest complained about over the years.

The substantial increase in complaints, which can be largely attributed to issues arising from the Government's response to the global pandemic, continues to have a significant impact. One-third (2,151) of all the complaints I received in 2021/22 related to COVID-19 and the response to the global pandemic, 79 percent of these complaints were OA complaints. The majority of COVID-19 OA complaints related to booking of managed isolation and quarantine (MIQ) (29 percent), MIQ fee waivers (15 percent), and the wage subsidy scheme (12 percent).

I continued to utilise systems for triaging and managing incoming complaints to ensure I remain flexible and agile in a rapidly evolving environment where new and emerging issues regularly appear. I rely on my knowledge and experience to prioritise complaints. In order to be effective, I must be efficient in how I identify early resolution opportunities, or reach the stage of being able to form a final opinion on complaints, and where relevant, recommend a fair and appropriate remedy.

43 I typically treat matters as formal *complaints* once they have been put in writing. See section [16\(1A\) of OA](#).

I use a number of processes and tools to identify urgent and time sensitive issues to ensure these complaints are assessed and allocated as quickly as possible. Similar types of enquiries and complaints were frequently managed together where they suggested there may be a system issue within a public sector agency. This approach also enabled consistent and timely consideration of the matters raised. Additionally, I published case notes on my findings which were likely to have a wider impact.

An example of this was in response to the more than 200 complaints I received about the Ministry of Business, Innovation, and

Employment's (MBIE) Managed Isolation Allocation System (MIAS). During my triage and assessment process, I identified that many members of the public had experienced similar difficulties when trying to obtain a voucher to be placed in managed isolation and quarantine. I decided to address these concerns by commencing a self-initiated investigation, as opposed to considering each complaint individually. The investigation framework is available on the Ombudsman website.⁴⁴ I expect to finalise this investigation and report on my findings to Parliament in 2022/23.

Misunderstanding that led to decision to refuse to issue a Code Compliance Certificate

After installing a solid fuel heater, the complainant was required to obtain a Code Compliance Certificate. The complainant contacted the Council to apply for the certificate and provided relevant documentation. The complainant asked to be contacted if anything further was necessary.

Two years later, the Council contacted the complainant to advise that the required documentation to issue a certificate was still outstanding. The complainant understood the relevant information had been provided and felt the Council had not followed his initial request to contact him if anything further was necessary. The complainant contacted the Ombudsman at this point, and was redirected to make a complaint directly to the chief executive of the Council.

Three months later, the Council had confirmed its decision to refuse to issue a certificate and the complainant had not received any response from the complaint to the chief executive.

The Ombudsman made preliminary inquiries about the Council's decision and lack of response to the complaint. The Council advised that there had been a misunderstanding about some of the information received and Council acknowledged it had not handled the matter well. The Council took steps to obtain the necessary documentation, then issued the certificate.

The Council apologised to the complainant for not responding to his complaint, and for the misunderstanding. As the Ombudsman's inquiries resolved the complaint, no investigation was necessary.

[Read the full case note on the Ombudsman website.](#)

44 <https://www.ombudsman.parliament.nz/resources/investigation-framework-administration-managed-isolation-allocation-system-ministry>

Resolution and forming opinions

The methodology and best practice for effective complaint-handling can be applied to a range of topics and jurisdictions. I apply my complaint-handling framework to the investigation of administrative conduct of agencies.

As stated in the official information section, a key element to effective complaint-handling is responding promptly, objectively, and fairly, with remedies provided where appropriate. In 2021/22, I obtained resolution for 285 OA complaints that would otherwise have been subject to a full investigation, and obtained 482 remedies in relation to OA matters. The majority of these remedies were for the benefit of the individual, including apologies, financial remedies, provision of an adequate explanation for the decision, rectification of actions and omissions, as well as reconsideration or changes to decisions that had impacted them. Detailed breakdowns of the remedies under each piece of legislation are provided in [Part 7](#). The data supports my experience that public sector agencies are generally receptive to Ombudsman investigations and enquiries, and usually take the opportunity to examine their conduct and remedy any administrative deficiencies that have occurred.

Being resolution-focused does not limit my ability to identify occurrences of administrative deficiency. After a full investigation, I formed a final opinion on 452 OA complaints in 2021/22 – as compared to 352 complaints in 2020/21. A vast majority (81 percent) of my final opinions identified no administrative deficiency in the actions or decisions of the agency. It is important for the public to be able to make a complaint to address their concerns or to receive assurance that agencies are acting appropriately. Of particular significance, in 85 percent of my opinions on COVID-19 related complaints, I did not identify an administrative deficiency.

It is clear that the public were impacted significantly by Government decisions on COVID-19 specific matters and knew to raise these with the Ombudsman.

In the 84 OA cases where I identified a deficiency, more than half (54 percent) were due to an unreasonable, unjust, oppressive, or discriminatory act, omission, or decision made by the agency, a third (27 percent) were because of a procedural deficiency, and 14 percent were due to inadequate advice, explanation, or reasons.

In 2021/22, I completed a total of 4,165 OA complaints. This represents a 17 percent increase in OA complaints completed compared with 2020/21 (3,547).

This year, I made 90 recommendations, 97 percent were accepted.⁴⁵

45 Three recommendations were pending acceptance or action as of the date of this report.

Unreasonable decision of Board of Trustees to trespass student without opportunity to comment

The Ombudsman received a complaint about a Board of Trustees' decision to trespass a student from another school for two years because the student had organised a fight with another student on school grounds. The trespass notice meant the student was unable to travel on the school bus, as the bus passed through the school's bus bay on the way to the student's own school.

The Ombudsman investigated the decision of the board to trespass the student from the school, focusing on whether the board undertook a fair and reasonable process. The Ombudsman observed that he did not intend to substitute his view about whether a trespass notice should have been issued nor did he condone the behaviour of the students involved in the fight.

The board did not follow an appropriate decision-making process when reaching its decision to trespass the student. The Ombudsman was not satisfied the family was provided with the opportunity to comment before the board finalised its decision. The Ombudsman recommended the board reconsider its decision to issue the trespass notice, and apologise to the family.

[Read the full case note on the Ombudsman website.](#)

Timeliness and quality assurance

Timeliness and quality assurance, which is reported across all complaint types, is discussed above in the section *Ensure official information is increasingly available and not unlawfully refused*, in the [Timeliness and quality assurance](#) section.

Children in care

From 2019, I commenced development of an enhanced complaints and investigations function as part of Parliament's desire for me to have a strengthened independent oversight regime for the Oranga Tamariki system.

During 2021/22, I continued to develop this enhanced role, by:

- growing the size of the dedicated team to assist me to resolve and investigate complaints from and about children in care;
- ongoing development of digital communication and social media tools to enhance the accessibility for complainants;
- enhancing tikanga-informed complaints handling practice; and
- enhancing complaints-handling practices to be child-centric and trauma-informed.

Over 2021/22, I received 218 complaints against the Ministry, and a further 259 enquiries. I completed 237 complaints and obtained 57 remedies – 81 percent for the benefit of the individual and 19 percent for the benefit of public administration.

I have seen an increase in tamariki, rangatahi, and caregivers contacting me directly about their experience engaged in the Oranga Tamariki system. Many concerns are often the result of inadequate kōrero and planning from the Ministry, which have resulted in recommended resolutions that include the Ministry providing meaningful kano ki

te kanohi apologies and hui that provide complainants with a full understanding of Oranga Tamariki actions and decisions (tika and pono).

Systemic improvement

Since commencement in May 2021, I have progressed substantively the systemic investigation into Ara Poutama Aotearoa – Department of Corrections. I expect to complete this investigation in the next year. The investigation is considering the acts and/or omissions by Ara Poutama Aotearoa in responding to concerns and suggestions for improvement by oversight entities to identify whether, in the context of the Department's Te Tiriti o Waitangi and stewardship obligations, there are any systemic issues that may be affecting its ability to achieve significant and sustained change in:

- the treatment and conditions of persons detained in corrections facilities;
- the provision of constructive activities for those in the Department's care; and
- the performance monitoring and review measures put in place to ensure good practice and sound decision-making by the Department.

Evaluation and monitoring

I evaluate and monitor the implementation of recommendations made in my systemic investigations. This work goes beyond making recommendations for specific improvements; I work with agencies to facilitate meaningful and effective implementation to improve outcomes for New Zealanders.

Following the completion of my recent systemic investigations, I have been working directly with Oranga Tamariki – Ministry for Children⁴⁶ and the Ministry of Health⁴⁷ to apply an outcomes-based lens to

implementation of my recommendations. This approach assists to identify how to implement the recommendations to best achieve their objectives, tailoring actions for greatest beneficial impact.

I also continue to actively monitor the performance of the public sector, taking an early resolution approach to matters of concern where that is appropriate. During the year I also continued to monitor and review all deaths that occurred while in the custody of Corrections.

46 [He Take Kōhukihuki / A Matter of Urgency](#)

47 [Off the Record](#) and [Oversight](#)

Learn from, and assist to develop, international best practice

In 1962, Aotearoa New Zealand was the first country outside Scandinavia to establish an Ombudsman. I am a member of the International Ombudsman Institute (IOI), which is a global organisation of Ombudsman institutions comprised of 205 independent Ombudsman member institutions from over 100 countries.

The IOI describes the role of an Ombudsman as:

...to protect the people against violation of rights, abuse of powers, unfair decisions and maladministration. They play an increasingly important role in improving public administration while making the government's actions more open and its administration more accountable to the public.

The Ombudsman model developed by New Zealand has been widely copied throughout the Ombudsman world and other countries seek my advice and experience. The systems and processes I employ are widely viewed as international best practice. I learn from and assist integrity institutions particularly in Asia and the Pacific, and work with them to lift regional and international best practice. I work with others to build and improve tools, frameworks, methodologies, and resources, as well as improve my own practices by benchmarking internationally and learning from my international counterparts. I do this by:

- building quality relationships and partnerships with other integrity institutions and integrity focused organisations;
- leading and supporting regional and international Ombudsman networks;
- providing tailored learning and resources;
- building on experience of cross-cultural relationships in New Zealand, and actively seeking to understand cultural diversity and local circumstances;
- identifying and sharing best practice issues; and
- ensuring that my international work is co-ordinated with other New Zealand agencies.

I am committed to learning from and fostering relationships with other nations' integrity organisations. This includes engaging with my international colleagues, hosting international delegations, participating in international Ombudsman and Information Commissioner networks, and providing learning and assistance to international Ombudsmen or Ombudsman-type organisations. I focus on engaging in a way that respects each Ombudsman's independence, and is sustainable, collaborative, and mindful of different cultures and ways of working.

Networks and delegations

Three Chief Ombudsmen from New Zealand have held the presidency of the IOI.⁴⁸ This year I held the position of Regional President of the Australasia and Pacific Region (APOR) of the IOI until March 2022, when I was elected to the global leadership role of Second Vice President of the IOI. I continued my programme of engagements with colleagues in the Asia-Pacific region to promote good governance, integrity, and anti-corruption.

In May 2022, I participated in the IOI board of directors meeting in New York as part of the IOI's strategy to strengthen its relationship with the United Nations (UN). I also led an international working group to successfully review and update the IOI's APOR bylaws.

With the return of international travel, I am well-placed to continue to utilise the learnings and improvements in global virtual communication arising out of the COVID-19 lockdowns, while also reconnecting and building relationships with international stakeholders *kanohi ki te kanohi* (face to face).

I have a longstanding relationship with Te Mato Akamoeau – the Cook Islands Office. In June 2022, I was finally able to travel to Rarotonga to meet and welcome Niki Rattle, the new Cook Islands Ombudsman. This visit gave me insights into the Cook Islands environment and further understanding of how I can engage with the Cook Islands community in Aotearoa New Zealand.

I was also able to host a delegation from the Tonga Office of the Ombudsman. The primary purpose of visiting Aotearoa New Zealand was to undertake community engagement and awareness with the Tongan community in New Zealand. We were able to share valuable *kōrero* about community engagement, complaints, and corporate services management.

Presentations and learning opportunities

This year, I completed pilots of 'Investigation Skills' and 'Train the Trainer' learning in collaboration with the Vanuatu Office of the Ombudsman. This work was a series of blended learning modules related to the key skills required to undertake an Ombudsman investigation and support for emerging leaders. Feedback from this pilot will be used to improve and further develop the course content for a wider audience.

I presented at, and participated in, a range of virtual events this year, providing an opportunity for me to learn from my international counterparts. These events aim to establish and strengthen institutions and frameworks that promote good governance, transparency, and anti-corruption. Some of these presentations included:

- a webinar hosted by the Office of the Australian Information Commissioner (OAI) on the New Zealand Ombudsman's experience in preparing for proactive release of Cabinet material;
- an Australian 'Official Visitors Programme' webinar on monitoring mental health;
- Right to Information webinar to public servants in Samoa in collaboration with The United Nations Pacific Regional Anti-Corruption Project;
- a 'virtual study visit' on anti-corruption, good governance, and integrity to Malaysian students and public officials; and
- sharing how I use data insights in my work with the Thailand Office of the Ombudsman.

I also responded to a range of ad hoc requests for advice and guidance across my jurisdiction and expertise. I continue to publish the *Waka Tangata* newsletter twice a year. This newsletter covers news and views from Ombudsmen in the Pacific and Australasia, and provides an opportunity for Ombudsmen in the region to learn about recent investigations and practice in overseas jurisdictions.

48 Sir John Robertson was a Director of the International Ombudsman Institute from 1988 and President of the IOI for two years from 1992 to 1994; Sir Brian Elwood was President of IOI from 1999 to 2003; and Dame Beverley Wakem was President of IOI from 2010 to 2014.

Benchmarking against international standards

I completed the first pilot version of an 'Ombudsman Self-Assessment Tool' (OSAT) in 2021/22. The OSAT will assist Ombudsmen, primarily in the Asia-Pacific region, to assess themselves against international best practice standards, including the Principles on the Protection and Promotion of the Ombudsman Institution – 'The Venice Principles', and the United Nations Resolution on Ombudsman and Mediator Institutions. The results of a pilot within my own office, Te Mato Akamoeau – the Cook Islands Office of the Ombudsman, and the office of Western Australia Ombudsman will be used to inform future development.



5

Organisational health and capability

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Financial and asset management

Vote Ombudsmen had an appropriation of \$42,559 million (excluding GST) for the year ended 30 June 2022. Personnel and accommodation costs accounted for 73 percent of the actual amount spent. The remaining spending was primarily on professional services, maintenance, depreciation, travel, and training.

There is little expenditure of a discretionary kind. What discretionary financial resources do exist are allocated in a planned, prioritised, and contestable manner. The allocation of every dollar is closely scrutinised to ensure the investment is the best use that can be made of the limited resources available. Discretionary funding may be spent on critical projects to support my work or staff training and is overseen by my executive committee.

Greentree accounting and reporting software is my primary accounting tool. The financial reports generated by the system deliver detailed information on a business unit basis and are reported monthly to senior management. A range of internally developed spreadsheets use information generated from Greentree to provide budget projections for the current and future years. These contribute to the effective use of my assets, and assist in identifying any potential problems at an early stage. Greentree continues to be enhanced to ensure its efficiency and provide a better service to both the finance team and budget managers.

When procuring goods and services, I seek the best price possible by negotiation or competitive quote, in accordance with my procurement policy. I also negotiate term supply arrangements where there is an identified potential for savings.

I work closely with the Treasury and Audit New Zealand. The liaison allows me to benefit from their advice and guidance in matters relating to improving transparency of performance and reporting systems, and ensures there is a sound understanding of the working environment and issues I face.

People, performance, and capability

My staff

As at 30 June 2022, I had 176 employees.⁴⁹

The regional breakdown was:

- Auckland (10 percent—17 people)
- Wellington (90 percent—159 people)

In terms of gender representation:

- 71 percent of my staff identify as female
- 28 percent of my staff identify as male
- One percent of my staff identify as gender diverse

Further details are set out below.

Role	Number	% of total staff	% Female	% Male	% Gender Diverse
Senior Managers (excluding Chief Ombudsman)	7	4	86	14	-
Managers	20	11	60	40	-
Operations staff	86	49	75	25	-
Specialist staff	29	16	66	32	2
Administration and support staff	34	20	71	27	2

In terms of working arrangements, 49 percent of employees were covered by an individual employment agreement as at 30 June 2022, and 51 percent of employees were covered by one Collective Agreement. Of the permanent employees, 9 percent work part-time.

While my work is very interesting and engaging, employee turnover is inevitable for a variety of reasons. My staff are highly trained and are in-demand within the wider public sector, other integrity agencies, and law firms. A number of staff also left to reconnect with family once the borders opened. Twenty-eight staff left voluntarily in the 2021/22 year, resulting in a voluntary staff turnover for the year of 19.3 percent.

Health, safety, and wellbeing

The health, safety, and wellbeing of my staff have been especially important to me this year whilst they carry out all aspects of their roles. Initiatives have included developing a Wellbeing Strategy that incorporates te whare tapa whā principles, promoting mental health activities and support, and bringing to the attention of my staff the importance of looking after their mental health. I also piloted a professional support programme, in addition to the current Employee Assistance Programme services, to help staff cope with distressing situations they may face in their role.

The arrival of Omicron in New Zealand meant that I needed to put in place a number of measures to ensure my staff were kept safe and well. This applied not only within the office environment where I introduced bubble arrangements, additional cleaning

⁴⁹ These figures do not include vacancies or casuals. Temporary resources were engaged to assist in the delivery of key priority projects as necessary.

measures, the provision of PPE gear, rapid antigen tests, and flu vaccinations, but also included developing mitigating steps to support my staff when they were required to go off-site as part of their role.

Diversity, equity, and inclusion

I remain committed to attracting and retaining a diverse, skilled, and engaged workforce and recognise that enabling work-life balance through flexible working arrangements is a core component of a healthy and productive work environment. The continuation of my flexible working programme enables greater productivity, and supports mental health and wellbeing.

In line with my strategic vision, I have undertaken to develop a programme to instil cultural competence and confidence in all my staff as part of a 'cultural transformation.' This is also in response to the expected statutory requirements in my enhanced children in care oversight function. Areas of focus this year included ongoing upskilling of my staff, particularly in the areas of Māori engagement skills, development of Māori cultural capability including te reo lessons and a noho marae, and an internship programme in partnership with Kiingitanga.

Leadership capability

I have recognised the need to invest in my leaders so that they have the skills needed to help them lead effectively, particularly as my jurisdiction grows. I am proud to share that a further nine leaders have been through a blended learning Leadership Essentials programme this year.

Other activities aimed to enhance the capability of my staff and support them in their roles this year included:

- implementation of a learning management system – Te Puna Mātauranga;
- addition of learning and development specialists;
- updating a suite of office practice learning to include a blended learning approach and more self-directed learning;
- identifying opportunities for professional development for my staff to develop specific skills, including internal secondments and project work;
- ongoing review and improvement of onboarding procedures for new staff; and
- a review and update of existing human resources policies and practices.

Well-run office

Information and communications technology

I have continued to invest in the security of my systems and applications during the year so that the systems remain robust, as well as carrying out proactive upgrades, patching, and maintenance. The impacts of the global pandemic generated a priority to review the technology my staff and I use in the course of undertaking my work.

Changes in work arrangements due to the global pandemic have provided valuable insights in, not only how to work remotely and securely, but also identifying the benefits of investing in virtual collaboration tools. I invested in a new phone system that enhances the ability of my staff to communicate with colleagues and stakeholders safely and securely whether they are working on-site in the office, or remotely. I am also looking to install several upgrades for other communication tools, including improved video conferencing and shared screen options. I piloted options in my Wellington office location to ensure the technology is fit for purpose.

While most work is conducted electronically, I recognise that hard copies may still be necessary or more efficient in certain cases. This year I also completed a full printer system upgrade and replacement.

Information and knowledge management

I have continued work this year on reviewing and improving my information management technologies, structure, and related policies, processes, and practices. I was recently audited by Archives New Zealand about my adherence to my obligations under the Public Records Act 2005. The audit of my information management systems identified a high degree of confidence and that I am committed to delivering high-quality, trusted information to decision-makers, other government organisations, and stakeholders.

All complaints and other contact records are stored and managed in a customised Case Management System (CMS). A significant project to replace this system with a business process management system that will meet the growing needs of the office is underway. In the meantime, I continue to complete minor upgrades to my current system for improved performance. I make use of workflow management tools to automate and streamline many processes and tasks.

I continue to expand and develop my capacity and capability to analyse data and gather intelligence from the complaints I receive and the work I undertake. Greater use of data-modelling of trends has continued to provide me with valuable insights into upcoming work pressures and the issues that are affecting citizens.

Sustainability

The Carbon Neutral Government Programme (CNGP) has been set up to ‘accelerate the reduction of emissions’ within the New Zealand public sector.⁵⁰ This programme encourages Officers of Parliament to measure, verify, and report on annual carbon emissions, as well as develop emissions reduction plans and set targets for 2025 and 2030. I have begun work in this area and will report on my emission in 2022/23.

I have mapped my progress against the CNGP indicators, as set out in the table below.

Level of awareness of CNGP information and resources	Experience in emissions measurement	Progress on setting reduction targets	Progress on developing reduction initiatives	Progress on achieving emissions reductions
Medium	New	Targets in development	Plans in development	Impact to be measured

While I work on larger projects to reduce my carbon footprint, I encourage and actively engage with sustainability initiatives around my offices.

Having regard to the initial priority areas, I do not have a vehicle fleet and the buildings in which my staff are located do not have coal-fired boilers. My key areas of focus are therefore travel emissions, building energy efficiency and waste minimisation. In early 2021, I invited Sustainability Trust to present a waste minimisation workshop to my staff. Since then, I have implemented several waste reduction measures including recycling, eWaste recycling, and composting, as well as switching to eco-friendly and fairtrade consumables.

Security

I aim to align security protocols with the Protective Security Requirements⁵¹ – the New Zealand Government’s expectations for managing personnel, physical, and information security. I have been monitoring and responding to the environment to ensure my actions and security measures align with mandated requirements and best practice as far as possible, given my independent constitutional position.

I developed a security strategy to achieve fit for purpose security measures that are threat-driven and risk-based. I have designated staff and a governance board that focus security measures, and commission an external threat assessment and work plan each year. I have also embedded physical and cybersecurity induction and learning modules for all of my staff.

50 See <https://environment.govt.nz/what-government-is-doing/areas-of-work/climate-change/carbon-neutral-government-programme/>.

51 See <https://protectivesecurity.govt.nz/>



Risk management

My 2021-26 *Strategic Intentions* identified my key risks, and set out the strategies I would use to manage these risks. In summary, the key risks are:

- damage to the Ombudsman’s credibility or reputation;
- work pressures and finite resources;
- loss of relevance; and
- loss of international credibility and reputation.

I also face staffing and accommodation risks, including those arising from:

- the departure of key staff and the consequent loss of expertise and experience;
- physical and electronic security;
- impacts on staff health and safety, and the efficient use of resources arising from unreasonable complainant conduct; and
- significant events and natural disasters including fire and earthquakes.

All of these risks continued to be key factors influencing my priorities during pandemic planning this year. They were also core drivers for my actions and response to the work as a result of flow-on effects from the global pandemic.

I already had targeted measures in place to manage these specific risks. I continue to invest in projects aimed at developing organisational values, promoting positive health and safety policies and practices in the workplace, and enabling my staff to be confident in both responding appropriately in an emergency and ensuring business continuity when faced with a significant event. My senior management team and I were well-placed to respond quickly and continue to adjust plans with agility

and confidence in a pandemic situation which remained fast-moving, novel, and unprecedented.

This year, I initiated an Information Risk Assessment initiative to help my staff identify and manage issues or risks in how I create, manage, or share information. While I am not subject to the Privacy Act 2020, this project is intended to be in the spirit of ‘privacy impact assessments’ that are commonly undertaken by agencies under the Privacy Act.



6 Financial and performance

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Statement of responsibility

I am responsible, as Chief Ombudsman, for:

- the preparation of financial statements and the statements of expenses and capital expenditure and for the judgements expressed in them;
- having in place a system of internal control designed to provide a reasonable assurance as to the integrity and reliability of financial reporting;
- ensuring that end-of-year performance information on the appropriation is provided in accordance with sections 19A to 19C of the Public Finance Act 1989, whether or not that information is included in this Annual Report; and
- the accuracy of any end-of-year performance information, whether or not that information is included in the annual report.

Peter Boshier

Chief Ombudsman
30 September 2022

In my opinion:

- the annual report fairly reflects operations, progress, and organisational health;
- these financial statements fairly reflect the financial position of the Ombudsman for the year ended 30 June 2022 and operations for the year ended on that date; and
- the forecast financial statements fairly reflect the forecast financial position of the Ombudsman as at 30 June 2022 and operations for the year ending on that date.

Meaw-Fong Phang

Chief Financial Officer
30 September 2022



Independent Auditor's Report

To the readers of the Office of the Ombudsman's annual report for the year ended 30 June 2022

The Auditor-General is the auditor of the Office of the Ombudsman (the Office). The Auditor-General has appointed me, Clint Ramoo, using the staff and resources of Audit New Zealand, to carry out, on his behalf, the audit of:

- the financial statements of the Office on pages 69 to 90, that comprise the statement of financial position, statement of commitments, statement of contingent liabilities and contingent assets as at 30 June 2022, the statement of comprehensive revenue and expense, statement of changes in equity, and statement of cash flows for the year ended on that date and the notes to the financial statements that include accounting policies and other explanatory information;
- the performance information prepared by the Office for the year ended 30 June 2022 on pages 16 to 49 and 64 to 68; and
- the statements of expenses and capital expenditure of the Office for the year ended 30 June 2022 on pages 91 to 92.

Opinion

In our opinion:

- the financial statements of the Office on pages 69 to 90:
 - present fairly, in all material respects:
 - its financial position as at 30 June 2022; and
 - its financial performance and cash flows for the year ended on that date; and
 - comply with generally accepted accounting practice in New Zealand in accordance with Public Benefit Entity Standards Reduced Disclosure Regime.
- the performance information of the Office on pages 16 to 49 and 64 to 68:
 - presents fairly, in all material respects, for the year ended 30 June 2022:

- what has been achieved with the appropriation; and
- the actual expenses or capital expenditure incurred compared with the appropriated or forecast expenses or capital expenditure; and
- complies with generally accepted accounting practice in New Zealand.
- the statements of expenses and capital expenditure of the Office on pages 91 to 92 are presented fairly, in all material respects, in accordance with the requirements of section 45A of the Public Finance Act 1989.

Our audit was completed on 30 September 2022. This is the date at which our opinion is expressed.

The basis for our opinion is explained below. In addition, we outline the responsibilities of the Chief Ombudsman and our responsibilities relating to the information to be audited, we comment on other information, and we explain our independence.

Basis for our opinion

We carried out our audit in accordance with the Auditor-General's Auditing Standards, which incorporate the Professional and Ethical Standards and the International Standards on Auditing (New Zealand) issued by the New Zealand Auditing and Assurance Standards Board. Our responsibilities under those standards are further described in the Responsibilities of the auditor section of our report.

We have fulfilled our responsibilities in accordance with the Auditor-General's Auditing Standards.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

Responsibilities of the Chief Ombudsman for the information to be audited

The Chief Ombudsman is responsible on behalf of the Office for preparing:

- financial statements that present fairly the Office's financial position, financial performance, and its cash flows, and that comply with generally accepted accounting practice in New Zealand;
- performance information that presents fairly what has been achieved with each appropriation, the expenditure incurred as compared with expenditure expected to be incurred, and that complies with generally accepted accounting practice in New Zealand and;
- statements of expenses and capital expenditure of the Office, that are presented fairly, in accordance with the requirements of the Public Finance Act 1989.

The Chief Ombudsman is responsible for such internal control as is determined is necessary to enable the preparation of the information to be audited that is free from material misstatement, whether due to fraud or error.

In preparing the information to be audited, the Chief Ombudsman is responsible on behalf of the Office for assessing the Office's ability to continue as a going concern. The Chief Ombudsman is also responsible for disclosing, as applicable, matters related to going concern and using the going concern basis of accounting, unless there is an intention to merge or to terminate the activities of the Office, or there is no realistic alternative but to do so.

The Chief Ombudsman's responsibilities arise from the Public Finance Act 1989.

Responsibilities of the auditor for the information to be audited

Our objectives are to obtain reasonable assurance about whether the information we audited, as a whole, is free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinion.

Reasonable assurance is a high level of assurance, but is not a guarantee that an audit carried out in accordance with the Auditor-General's Auditing Standards will always detect a material misstatement when it exists. Misstatements are differences or omissions of amounts or disclosures, and can arise from fraud or error. Misstatements are considered material if, individually or in the aggregate, they could reasonably be expected to influence the decisions of readers, taken on the basis of the information we audited.

For the budget information reported in the information we audited, our procedures were limited to checking that the information agreed to the Office's Strategic Intentions 2021-2025, Estimates of Appropriation and Supplementary Estimates of Appropriation 2021/2022 for Vote Ombudsmen, and the 2021/22 forecast financial figures included in the Office's 2020/21 Annual Report.

We did not evaluate the security and controls over the electronic publication of the information we audited.

As part of an audit in accordance with the Auditor-General's Auditing Standards, we exercise professional judgement and maintain professional scepticism throughout the audit. Also:

- We identify and assess the risks of material misstatement of the information we audited, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for our opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.
- We obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Office's internal control.

- We evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by the Chief Ombudsman.
- We evaluate the appropriateness of the reported performance information within the Office's framework for reporting its performance.
- We conclude on the appropriateness of the use of the going concern basis of accounting by the Chief Ombudsman and, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the Office's ability to continue as a going concern. If we conclude that a material uncertainty exists, we are required to draw attention in our auditor's report to the related disclosures in the information we audited or, if such disclosures are inadequate, to modify our opinion. Our conclusions are based on the audit evidence obtained up to the date of our auditor's report. However, future events or conditions may cause the Office to cease to continue as a going concern.
- We evaluate the overall presentation, structure and content of the information we audited, including the disclosures, and whether the information we audited represents the underlying transactions and events in a manner that achieves fair presentation.

We communicate with the Chief Ombudsman regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that we identify during our audit.

Our responsibilities arise from the Public Audit Act 2001.

Other information

The Chief Ombudsman is responsible for the other information. The other information comprises the information included on pages 1 to 15, 50 to 63, and 93 to 125, but does not include the information we audited, and our auditor's report thereon.

Our opinion on the information we audited does not cover the other information and we do not express any form of audit opinion or assurance conclusion thereon.

Our responsibility is to read the other information. In doing so, we consider whether the other information is materially inconsistent with the information we audited or our knowledge obtained in the audit, or otherwise appears to be materially misstated. If, based on our work, we conclude that there is a material misstatement of this other information, we are required to report that fact. We have nothing to report in this regard.

Independence

We are independent of the Office in accordance with the independence requirements of the Auditor-General's Auditing Standards, which incorporate the independence requirements of

Professional and Ethical Standard 1: International Code of Ethics for Assurance Practitioners issued by the New Zealand Auditing and Assurance Standards Board.

Other than in our capacity as auditor, we have no relationship with, or interests in, the Office.

Clint Ramoo
Audit New Zealand
On behalf of the Auditor-General
Wellington, New Zealand

Statement of objectives and service performance for the year ended 30 June 2022

This section provides detailed reporting on performance against targets. Key targets are included in *The Estimates of Appropriations for the Government of New Zealand for the year ended 30 June 2022*. Full details can be found on the Treasury's website.

Decisions in response to the global pandemic continue to have an impact on service performance during this reporting period.

Over the course of the year, 2,150 COVID-19 complaints and other matters were under consideration. There were 1,616 COVID-19 related complaints received and 26 COVID-19 focused inspections of places of detention were conducted. Further detail is provided in footnotes below.

Investigation and resolution of complaints about government administration

Performance measures	2021/22	2021/22	2020/21
	Budget standard	Actual	Actual
IMPACT MEASURES			
Increasing public trust in public sector brand based on personal service experience ⁵² (new measure)	Annual average is higher than previous year	62%	-
New Zealand ranked as one of the leading countries in public service probity ⁵³	NZ in top 3 on average over next 5 years	In 2021, New Zealand ranked first	In 2020, New Zealand ranked first

Output 1 – Inform the public to enable them to take constructive action to realise their rights

DEMAND-DRIVEN MEASURES

# of new or updated external resources and presentations for the public ⁵⁴	80	255⁵⁵	125
# of media mentions of the Ombudsman	1,100	1,112	1,118
# of unique visitors to Ombudsman website	165,000	183,027	152,817

PROACTIVE MEASURES

% of members of the public who have heard of the Ombudsman	70%	68%	69%
% of complainants who found the Ombudsman website useful ⁵⁶	80%	90%	95%

52 Te Kawa Mataaho Public Service Commission administers the Kiwi Count survey to measure the trust and confidence of New Zealanders in the Public Service, see <https://www.publicservice.govt.nz/our-work/kiwis-count-survey/>.

53 Using the Transparency International Corruption Perceptions Index to track perceptions of public trust in government in New Zealand, see <https://www.transparency.org/en/cpi/2020/index/nzl>.

54 Including speeches, presentations, interviews, media statements, resources, and training sessions provided via the website, social media, or to public forums, media, opposition research units, and community organisations.

55 The measure was amended in 2019/20 to specifically include interviews and media statements, which resulted in a higher than forecast number.

56 Based on a survey of randomly selected complainants.

The accompanying notes form part of these financial statements.

* Financial forecast figures are from the Budget Economic Forecast Updates (BEFU) forecasts which have not been audited.

Performance measures	2021/22	2021/22	2020/21
	Budget standard	Actual	Actual

Output 2 – Improve public sector capability to do its work and make decisions

DEMAND-DRIVEN MEASURES

# of requests for advice or comment ⁵⁷ from public sector agencies ⁵⁸ responded to	350	406	374
# of external speeches, presentations, and training (learning) sessions provided to public sector agencies	20	43	44

PROACTIVE MEASURES

% of public sector agency participants in Ombudsman external training sessions who report the training will assist them in their work ⁵⁹	95%	100%	100%
# of guidance materials for public sector agencies produced or updated	30	55	79
% of public sector agencies which report Ombudsman information resources assist them in their work ⁶⁰	80%	90%	88%
% of public sector agencies satisfied with our communication overall ⁶¹	75%	82%	85%

Output 3 – Formal consultation to assist public sector agencies to make specific decisions

PROACTIVE MEASURES

# of formal consultations completed	10–100 ⁶²	24	19
% of formal consultations completed within 3 months ⁶³ from date of receipt	100%	100%	100%

Output 4 – Enable serious wrongdoing to be disclosed and investigated and whistleblowers protected

DEMAND-DRIVEN MEASURE

# of requests and enquiries completed	80	70	117
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PROACTIVE MEASURES

% of requests and enquiries completed within 3 months ⁶⁴ from date of receipt	85%	96%	98%
% of completed requests and enquiries meeting internal quality standards, following random quality assurance check	85%	76%	92%

57 Including on legislation, policies, procedures, administrative processes, and decision-making.

58 All references to public sector agencies include Ministers' offices.

59 Based on a survey of training participants.

60 Based on a survey of public sector agencies that were the subject of investigation in the reporting year.

61 Based on a survey of public sector agencies that were the subject of investigation in the reporting year.

62 The majority of these are consultations under section 241 of the Land Transport Act. The number of consults has ranged between 7 and 129 with no identifiable pattern since 2010.

63 Counted as 90 calendar days.

64 Counted as 90 calendar days.

The accompanying notes form part of these financial statements.

* Financial forecast figures are from the Budget Economic Forecast Updates (BEFU) forecasts which have not been audited.

Performance measures	2021/22	2021/22	2020/21
	Budget standard	Actual	Actual
# of guidance materials and resources produced or updated that assist serious wrongdoing to be disclosed and investigated	2	4	2

Output 5 – Break down the barriers that prevent disabled people from participating equally in society

PROACTIVE MEASURES

# of reports, submissions, guides, and resources produced or updated that assist to break down the barriers that prevent disabled people from participating equally in society	5	15	13
% of external stakeholders ⁶⁵ satisfied that the Ombudsman provides an effective contribution to Independent Monitoring mechanism (IMM) activities	80%	100%	100%

Output 6 – Improve the conditions and treatment of people in detention

PROACTIVE MEASURES

# of inspections and visits to places of detention	70	62	90
# of COVID specific inspections and visits to places of detention	-	26	17
% of unannounced inspections and visits	40% ⁶⁶	16% ⁶⁷	26% ⁶⁸
% of reports sent to places of detention within 4 months ⁶⁹ of inspection (amended measure)	95%	58% ⁷⁰	-
% of reports peer reviewed against internal quality standards	70%	96%	100%
% of formal recommendations accepted	80%	87%	78%

Outputs 7 & 8 – Complaint-handling and investigations⁷¹

DEMAND-DRIVEN MEASURES

# of official information complaints completed	1,600	2,078	1,507
# of official information other contacts completed	350	371	437

65 Including Disabled Peoples' Organisations, Human Rights Commission, Office for Disability Issues, and Health and Disability Commissioner.

66 The internationally accepted standard is for at least one third of inspections to be unannounced.

67 The COVID-19 global pandemic has been 'front and centre' in my NPM monitoring role requiring a shift in operational approach when conducting OPCAT examinations and make sure that on-site visits were safe and aligned with public health measures. This included announcing visits to these high-risk sites.

68 For health and safety reasons it was decided to announce all COVID-19 inspections, and a number of announced orientation visits to aged care facilities were conducted as part of setting up this programme of work.

69 Counted as 120 calendar days.

70 Inspection programme required resources to be pivoted to COVID-19 specific inspections. Flow on effects from the change in focus resulted in some inspection reports not being completed in the usual timeframes.

71 Measures for Outputs 7 and 8 are combined. Refer to [Strategic intentions 2019/23](#).

The accompanying notes form part of these financial statements.

* Financial forecast figures are from the Budget Economic Forecast Updates (BEFU) forecasts which have not been audited.

Performance measures	2021/22	2021/22	2020/21
	Budget standard	Actual	Actual
# of Ombudsmen Act 1975 (OA) complaints completed	3,200	4,165	3,547
# of OA other contacts completed	5,000	5,547	5,840
PROACTIVE MEASURES			
% complaints and other contacts considered	100%	100%	100%
% net clearance rate ⁷² of complaints	100%	93% ⁷³	91% ⁷⁴
% net clearance rate of other contacts	100%	100%	100%
% of complaints completed within 3 months ⁷⁵ of receipt	70%	73%	72%
% of complaints completed within 6 months ⁷⁶ of receipt	80%	83%	82%
% of complaints completed within 12 months ⁷⁷ of receipt	95%	94%	93%
% of other contacts completed within 1 month ⁷⁸ from date of receipt	99%	99%	99%
% of complaints resolved prior to formal opinion ⁷⁹	40%	40%	42%
% of complainants satisfied with our service ⁸⁰	50%	30%	42%
% of completed complaints and other contacts meeting internal quality standards, following random quality assurance check ⁸¹	85%	86%	85%
# of official information practice investigations completed	8	8	8
# of self-initiated interventions for systemic improvement completed (amended measure)	2–5	2	2
% of OA and official information recommendations accepted	80%	98%	99%
% of public sector agencies satisfied the Ombudsman's opinions are fair ⁸²	75%	72%	69%

72 'Net clearance rate' means the total number of complaints closed in the reporting year as a proportion of the total number of complaints received during the year.

73 There was a 31% increase in complaints received in the 2021/22 year, primarily due to COVID-19 specific issues. The target for net clearance rate was set on the basis that expected intake levels would be around 4,800 new complaints for the 2021/22 year. However, I received 7,314 new complaints in the 2021/22 year, 152% of the expected volume.

74 There was an unprecedented 24% increase in complaints received in the 2020/21 year, primarily due to COVID-19 specific issues.

75 Counted as 90 calendar days.

76 Counted as 180 calendar days.

77 Counted as 365 calendar days.

78 Counted as 30 calendar days.

79 Measure does not include complaints which were outside an Ombudsman's jurisdiction, or referred to another complaint-handling agency, or where I exercised my discretion not to investigate a complaint.

80 Based on a survey of randomly selected complainants. Selection does not include complainants where the discretion not to exercise a complaint was exercised.

81 I also have other measures in place to ensure quality, including review of all correspondence by senior staff with authorisation.

82 Based on a survey of public sector agencies who were the subject of investigation in the reporting year.

The accompanying notes form part of these financial statements.

* Financial forecast figures are from the Budget Economic Forecast Updates (BEFU) forecasts which have not been audited.

Performance measures	2021/22	2021/22	2020/21
	Budget standard	Actual	Actual

Output 9 – Learn from, and assist to develop, international best practice

DEMAND-DRIVEN MEASURES

# of requests for collaboration with overseas ombudsmen and integrity institutions responded to ⁸³ (new measure)	15	34	-
# of international initiatives facilitated or delegations and placements hosted (amended measure)	4–20	6	20 ⁸⁴

PROACTIVE MEASURES

# of resources and publications for overseas stakeholders produced or updated (amended measure)	4	5	2
% of overseas stakeholders who report value in collaboration (amended measure)	95%	100%	100%
% of ombudsmen and integrity institutions who report that their relationship with my office assists them in their work (new measure)	80%	100%	-

The cost of delivery of these results is detailed in the next section.

83 This includes advice, guidance, speeches, presentations, and training sessions.

84 Global pandemic prevented international travel. There was a shift toward more virtual engagement with overseas stakeholders.

The accompanying notes form part of these financial statements.

* Financial forecast figures are from the Budget Economic Forecast Updates (BEFU) forecasts which have not been audited.

Statement of comprehensive revenue and expense for the year ended 30 June 2022

30/06/21 Actual		Notes	30/06/22 Actual	30/06/22 Main estimates	30/06/22 Supp. estimates	30/06/23 Unaudited forecast IPSAS*	
\$(000)			\$(000)	\$(000)	\$(000)	\$(000)	
	Revenue						
29,009	Revenue Crown		42,559	46,369	42,559	51,256	
-	Other revenue			-	-	-	
29,009	Total revenue		<u>42,559</u>	<u>46,369</u>	<u>42,559</u>	<u>51,256</u>	
	Expenses						
18,420	Personnel costs	3	22,875	24,217	24,217	27,232	
6,880	Other operating costs	4	7,861	20,640	16,830	22,351	
727	Depreciation and amortisation	5	757	850	850	925	
432	Capital charge	6	495	662	662	748	
26,459	Total expenses		<u>31,988</u>	<u>46,369</u>	<u>42,559</u>	<u>51,256</u>	
2,550	Surplus/(deficit)		10,571	-	-	-	
-	Other comprehensive revenue and expense		-	-	-	-	
2,550	Total comprehensive revenue and expense		10,571	-	-	-	

Explanations of major variances against the original 2021/22 budget are provided in Note 18.

The accompanying notes form part of these financial statements.

* Financial forecast figures are from the Budget Economic Forecast Updates (BEFU) forecasts which have not been audited.

Statement of financial position as at 30 June 2022

Explanations of major variances against the original 2021/22 budget are provided in Note 18.

30/06/21 Actual		Notes	30/06/22 Actual	30/06/22 Main estimates	30/06/22 Supp. estimates	30/06/23 Unaudited forecast IPSAS*	
\$(000)			\$(000)	\$(000)	\$(000)	\$(000)	
	Assets						
	<i>Current assets</i>						
11,619	Cash and cash equivalents		25,072	9,253	13,379	12,956	
256	Other current assets	7	391	217	217	269	
11,875	Total current assets		25,463	9,470	13,596	13,225	
	<i>Non-current assets</i>						
2,024	Property, plant and equipment	8	1,823	3,603	1,939	2,575	
841	Intangible assets – software & trademarks	9	677	2,306	643	2,117	
2,865	Total non-current assets		2,500	5,909	2,582	4,692	
14,740	Total assets		27,963	15,379	16,178	17,917	
	<i>Liabilities</i>						
525	Creditors and other payables	10	1,437	1,117	1,348	1,328	
100	Provisions		-	-	-	-	
98	Leasehold incentive – current portion [^]		98	-	-	-	
2,550	Return of operating surplus	11	10,571	-	-	-	
1,141	Employee entitlements	12	2,416	1,159	1,159	1,235	
4,414	Total current liabilities		14,522	2,276	2,507	2,563	
2	Employee entitlements	12	-	5	5	5	
423	Leasehold Incentives		199	424	424	326	
425	Total non-current liabilities		199	429	429	331	
4,839	Total liabilities		14,721	2,705	2,936	2,894	
9,901	Net assets		13,242	12,674	13,242	15,023	
9,901	General funds	14	13,242	12,674	13,242	15,023	
9,901	Total Equity		13,242	12,674	13,242	15,023	

[^] This current liability has no liquidity impact.

Explanations of major variances against the original 2021/22 budget are provided in Note 18.

The accompanying notes form part of these financial statements.

* Financial forecast figures are from the Budget Economic Forecast Updates (BEFU) forecasts which have not been audited.

Statement of changes in equity for the year ended 30 June 2022

30/06/21 Actual		Notes	30/06/22 Actual	30/06/22 Main estimates	30/06/22 Supp. estimates	30/06/23 Unaudited forecast IPSAS*
\$(000)			\$(000)	\$(000)	\$(000)	\$(000)
8,645	Balance at 1 July		9,901	9,901	9,901	13,242
2,550	Total comprehensive revenue and expense for the year		10,571	-	-	-
	Owner transactions					
1,256	Capital injections		3,341	2,773	3,341	1,781
(2,550)	Return of operating surplus to the Crown		(10,571)	-	-	-
9,901	Balance at 30 June	12	<u>13,242</u>	<u>12,674</u>	<u>13,242</u>	<u>15,023</u>

Explanations of major variances against the original 2021/22 budget are provided in Note 18.

The accompanying notes form part of these financial statements.

* Financial forecast figures are from the Budget Economic Forecast Updates (BEFU) forecasts which have not been audited.

Statement of cash flows for the year ended 30 June 2022

30/06/21 Actual		Notes	30/06/22 Actual	30/06/22 Main estimates	30/06/22 Supp. estimates	30/06/23 Unaudited forecast IPSAS*
\$(000)			\$(000)	\$(000)	\$(000)	\$(000)
Cash flows from operating activities						
29,009	Receipts from the Crown		42,559	46,369	42,559	51,256
-	Receipts from other revenue				-	
(18,373)	Payments to employees		(21,598)	(24,287)	(24,229)	(27,182)
(7,737)	Payments to suppliers		(7,015)	(20,329)	(16,131)	(22,492)
94	Goods and services tax (net)		(246)	-	-	
2,993	<i>Net cash from operating activities</i>		13,700	<u>1,753</u>	<u>2,199</u>	<u>1,582</u>
Cash flows from investing activities						
(630)	Purchase of property, plant and equipment	7	(543)	(1,763)	(568)	(1,326)
(57)	Purchase of intangible assets – software	8	-	(1,210)	-	(1,709)
-	Sale of property, plant and equipment and leasehold improvements		0	-	-	-
(687)	Net cash from investing activities		(543)	<u>(2,973)</u>	<u>(568)</u>	<u>(3,035)</u>
Cash flows from financing activities						
1,256	Capital injection		3,341	2,773	3,341	1,781
(1,432)	Return of operating surplus		(2,550)	-	(2,550)	-
(432)	Payment for capital charge		(495)	(662)	(662)	(748)
(608)	<i>Net cash from financing activities</i>		296	<u>2,111</u>	<u>129</u>	<u>1,033</u>
1,698	Net increase /(decrease) in cash		13,453	891	1,760	(420)
9,921	Cash at beginning of the year		11,619	8,362	11,619	13,376
11,619	Cash at end of the year		25,072	<u>9,253</u>	<u>13,379</u>	<u>12,956</u>

Explanations of major variances against the original 2021/22 budget are provided in Note 18.

The accompanying notes form part of these financial statements.

* Financial forecast figures are from the Budget Economic Forecast Updates (BEFU) forecasts which have not been audited.

Statement of commitments as at 30 June 2022

Non-cancellable operating lease commitments

The Ombudsman leases accommodation space and photocopiers as a normal part of its business in Auckland and Wellington. There are no operating or unusual restrictions placed on the Ombudsman by any of its leasing arrangements.

The agreements for the photocopiers have a non-cancellable period, generally of five years. The accommodation leases are long-term and non-cancellable until expiry except if the premises become untenable under the terms of the lease agreement. The annual lease payments are subject to three-yearly reviews. The amounts disclosed below as future commitments are based on the current rental rate for each of the leased premises.

30/06/21 Actual \$(000)		30/06/22 Actual \$(000)
	Non-cancellable operating lease commitments	
1,674	Less than one year	1,644
1,202	One to two years	1,643
3,274	Two to five years	3,991
646	More than five years	-
6,796	Total non-cancellable operating lease commitments	7,278

The Office also has commitments to an Auckland lease and one of the Wellington lease agreements starting after 30 June 2022.

Capital commitments

The Ombudsman has signed a contract with an ICT vendor on 1 June 2021 to replace the complaints management system. The total contract value was \$1.479 million and the Office has incurred operating costs of \$0.534 million since July 2021 to June 2022. The remaining \$0.889 million is likely to be a split between capital and operating.

The accompanying notes form part of these financial statements.

* Financial forecast figures are from the Budget Economic Forecast Updates (BEFU) forecasts which have not been audited.

Statement of contingent liabilities and contingent assets as at 30 June 2022

Unquantifiable contingent liabilities

As at 30 June 2022, the Ombudsman has no unquantifiable contingent liabilities.

(As at 30 June 2021 the Ombudsman had no unquantifiable contingent liabilities).

Quantifiable contingent liabilities

As at 30 June 2022, the Ombudsman does not have any quantifiable contingent liabilities.

(As at 30 June 2021, the Ombudsman had one quantifiable contingent liability).

Unquantified contingent assets

As at 30 June 2022, the Ombudsman does not have any unquantifiable contingent assets (2021 nil).

Quantified contingent assets

As at 30 June 2022, the Ombudsman does not have any quantifiable contingent assets (2021 nil).

The accompanying notes form part of these financial statements.

* Financial forecast figures are from the Budget Economic Forecast Updates (BEFU) forecasts which have not been audited.

Notes to the financial statements

1. COVID-19 disclosure

As the Ombudsman's main source of income is appropriated as Vote Ombudsmen from Parliament, my revenue stream was not impacted by the COVID-19 pandemic and similarly, I did not incur significant financial costs. Therefore, there was no significant financial impact on disclosure.

2. Statement of accounting policies for the year ended 30 June 2022

Reporting entity

The Ombudsman holds an Office of Parliament pursuant to the Public Finance Act 1989 and is domiciled in New Zealand. The Ombudsman is an Officer of Parliament and is appointed by the Governor-General on the recommendation of Parliament. The Ombudsman is responsible to Parliament and independent of the Government.

The primary purpose, functions, and outcomes of the Ombudsman are to investigate, review, and inspect, conduct and decision-making within government, and some private facilities, and provide advice and guidance in order to ensure people are treated fairly.

The overall outcome sought is that people are treated fairly. The high-level outcomes of achieving this goal are that there is high public trust in government; people's rights are respected and protected; Parliament is assured of robust and independent oversight; and New Zealand contributes to regional stability and supports integrity institutions.

The Ombudsman provides services to the public rather than making a financial return. Accordingly, the Ombudsman has designated itself a public benefit entity (PBE) for financial reporting purposes.

The financial statements of the Ombudsman are for the year ended 30 June 2022. The financial statements were authorised for distribution by the Chief Ombudsman on 30 September 2022.

Basis of preparation

The financial statements have been prepared on a going concern basis, and the accounting policies have been applied consistently throughout the year.

Changes in accounting policy

There have been no changes in accounting policies since the date of the last audited financial statements.

Statement of compliance

The financial statements of the Ombudsman have been prepared in accordance with the requirements of the Public Finance Act 1989, which include the requirement to comply with New Zealand generally accepted accounting practices (NZ GAAP), and Treasury instructions.

The financial statements have been prepared in accordance with Tier 2 PBE Standards.

These financial statements comply with PBE Financial Reporting Standards (FRS).

Measurement base

The financial statements have been prepared on a historical cost basis.

The accompanying notes form part of these financial statements.

* Financial forecast figures are from the Budget Economic Forecast Updates (BEFU) forecasts which have not been audited.

Functional and presentation currency

The financial statements are presented in New Zealand dollars and all values are rounded to the nearest thousand dollars (\$000). The functional currency of the Ombudsman is New Zealand dollars.

Standards issued are not yet effective and not early adopted

Standards and amendments, issued but not yet effective that have not been early adopted, and which are relevant to the Ombudsman are:

Amendment to PBE IPSAS 2 Cash Flow Statement

An amendment to PBE IPSAS 2 requires entities to provide disclosures that enable users of financial statements to evaluate changes in liabilities arising from financing activities, including both changes arising from cash flows and non-cash changes. This amendment is effective for the year ending 30 June 2023, with early application

permitted. This amendment will result in additional disclosures. The Ombudsman does not intend to early adopt the amendment.

PBE IPSAS 4 Financial instruments

PBE IPSAS 41 replaces PBE IFRS 9 Financial Instruments and is effective for the year ending 30 June 2023, with earlier adoption permitted. The Ombudsman has assessed that there will be little change as a result of adopting the new standard as the requirements are similar to those contained in PBE IFRS 9. The Ombudsman does not intend to early adopt the standard.

PBE FRS 48 Service Performing Reporting

PBE FRS 48 replaces the service performance reporting requirements of PBE IPSAS 1 Presentation of Financial Statements and is effective for the year ending 30 June 2023, with early adopted permitted. The Ombudsman has not yet determined how application of PBE FRS 48 will affect its statement of service performance. It does not plan to adopt the standard early.

Summary of significant accounting policies

Revenue

The specific accounting policies for significant revenue items are explained below:

Revenue Crown

Revenue from the Crown is measured based on the Ombudsman's funding entitlement for the reporting year. The funding entitlement is established by Parliament when it passes the Appropriation Acts for the financial year. The amount of revenue recognised takes into account any amendments to appropriations approved in the Appropriation (Supplementary Estimates) Act for the year and certain other unconditional funding adjustments formally approved prior to balance date.

The accompanying notes form part of these financial statements.

* Financial forecast figures are from the Budget Economic Forecast Updates (BEFU) forecasts which have not been audited.

The Ombudsman considers there are no conditions attached to the funding and it is recognised as revenue at the point of entitlement.

The fair value of revenue from the Crown has been determined to be equivalent to the amounts due in the funding arrangements.

Other expenses

Other expenses are recognised as goods and services received.

Cash and cash equivalents

Cash and cash equivalents includes cash on hand and funds on deposit with banks, and is measured at face value.

The Ombudsman is only permitted to expend its cash and cash equivalents within the scope and limits of its appropriations.

Other current assets

Other current assets are short-term debtors and prepayments that are recorded at their face value less any provision for impairment.

A receivable is considered impaired when there is evidence that the Ombudsman will not be able to collect the amount due. The amount of the impairment is the difference between the asset's carrying amount of the receivable and the present value of the amounts expected to be collected.

Property, plant, and equipment

Property, plant, and equipment consists of leasehold improvements, furniture, and office equipment. The Ombudsman does not own any vehicles, buildings, or land.

Property, plant, and equipment are shown at cost, less accumulated depreciation and impairment.

In general, fixed assets with a unit cost of more than \$1,000, or if the unit cost is \$1,000 or less but the aggregate cost of the

purchase exceeds \$3,000, are capitalised. However, for specific assets such as mobile phone handsets, the Ombudsman may decide to capitalise the purchase due to its economic useful life exceeding one year.

Additions

The cost of an item of property, plant, and equipment is recognised as an asset only when it is probable that future economic benefits or service potential associated with the item will flow to the Ombudsman and the cost of the item can be measured reliably.

In most instances an item of property, plant, and equipment is initially recognised at its cost. Where an asset is acquired through a non-exchange transaction, it is recognised at fair value as at the date of acquisition.

Disposals

Gains and losses on disposals are determined by comparing the proceeds with the carrying amount of the asset. Gains and losses on disposals are reported net in the surplus or deficit. When revalued assets are sold, the amounts included in revaluation reserves in respect of those assets are transferred to general funds.

Subsequent costs

Costs incurred subsequent to initial acquisition are capitalised only when it is probable that future economic benefits or service potential associated with the item will flow to the Ombudsman and the cost of the item can be measured reliably.

The costs of day-to-day servicing of property, plant, and equipment are recognised in the surplus or deficit as they are incurred.

The accompanying notes form part of these financial statements.

* Financial forecast figures are from the Budget Economic Forecast Updates (BEFU) forecasts which have not been audited.

Depreciation

Depreciation is provided on a straight-line basis on all property, plant, and equipment, at rates that will write-off the cost (or valuation) of the assets to their estimated residual values over their useful lives. The useful lives and associated depreciation rates of classes of assets held by the Ombudsman are set out below.

Equipment	Useful life	Percent
Computer equipment	4 years	25%
Plant and other equipment	3-5 years	20%
Furniture and fittings	5-10 years	10%
Leasehold improvement	Lease term	Lease term

Leasehold improvements are depreciated over the unexpired period of the lease or the estimated remaining useful lives of the improvements, whichever is the shorter.

The residual value and useful life of an asset is reviewed, and adjusted if applicable, at each financial year-end.

Intangible assets

Software acquisition and development

Acquired computer software licences are capitalised on the basis of the costs incurred to acquire and bring to use the specific software.

Costs that are directly attributable in the creation, production, and preparation of internally generated software are recognised as intangible assets.

Amortisation

The carrying value of an intangible asset with a finite life is amortised on a straight-line basis over its useful life. Amortisation begins when the asset is available for use and ceases at the date that the asset is derecognised. The amortisation charge for each period is recognised in the surplus or deficit.

Work in progress amortisation occurs only when assets are completed and in use.

Useful lives of software

The useful life of software is determined at the time the software is acquired and brought into use, and is reviewed at each reporting date for appropriateness. For computer software licences, the useful life represents management's view of the expected period over which the Ombudsman will receive benefits from the software, but not exceeding the licence term.

For internally generated software developed by the Ombudsman, the useful life is based on historical experience with similar systems as well as anticipation of future events that may impact on the useful life, such as changes in technology.

Estimating useful lives and residual values

At each balance date, the useful lives and residual values of property, plant, and equipment are reviewed. Assessing the appropriateness of useful life and residual value estimates of property, plant and equipment requires a number of factors to be considered, such as the physical condition of the asset, expected period of the use of the asset by the Ombudsman, and expected disposal proceeds from the future sale of the asset.

The accompanying notes form part of these financial statements.

* Financial forecast figures are from the Budget Economic Forecast Updates (BEFU) forecasts which have not been audited.

An incorrect estimate of the useful life or residual value will affect the depreciation expense recognised in the surplus or deficit, and carrying amount of the asset in the statement of financial position. The Ombudsman minimises the risk of this estimation uncertainty by:

- physical inspection of assets;
- asset replacement programmes;

- review of second hand market prices for similar assets; and
- analysis of prior asset sales.

The Ombudsman has not made significant changes to past assumptions concerning useful lives and residual values. The useful lives and associated amortisation rates of major classes of intangible assets have been estimated as set out below.

Computer software	Useful life	Percent
Acquired computer software	4 years	25%
Internally generated software	10 years	10%

Impairment of property, plant and equipment, and intangible assets

The Ombudsman does not hold any cash-generating assets. Assets are considered cash-generating where their primary objective is to generate a commercial return.

Property, plant, and equipment and intangible assets held at cost that have a finite useful life are reviewed for impairment whenever events or changes in circumstances indicate that the carrying amount may not be recoverable. An impairment loss is recognised for the amount by which the asset’s carrying amount exceeds its recoverable service amount. The recoverable service amount is the higher of an asset’s fair value less costs to sell and value in use.

Value in use is the present value of the asset’s remaining service potential. Value in use is determined using an approach based on either a depreciated replacement cost approach, restoration cost approach, or a service units approach. The most appropriate approach used to measure value in use depends on the nature of the impairment and availability of information.

If an asset’s carrying amount exceeds its recoverable service amount, the asset is regarded as impaired and the carrying

amount is written down to the recoverable amount. The total impairment loss is recognised in the surplus or deficit.

The reversal of an impairment loss is recognised in the surplus or deficit.

Payables

Short-term payables are recorded at the amount payable.

Provisions

Onerous contracts

A provision for onerous contracts is recognised when the expected benefits or service potential to be derived from a contract are lower than the unavoidable cost of meeting the obligations under the contract.

The provision is measured at the present value of the lower of the expected cost of terminating the contract and the expected net cost of continuing with the contract.

Employee entitlements

Short-term employee entitlements

Employee entitlements that are due to be settled within 12 months after the end of the period in which the employee renders

The accompanying notes form part of these financial statements.

* Financial forecast figures are from the Budget Economic Forecast Updates (BEFU) forecasts which have not been audited.

the related service are measured based on accrued entitlements at current rates of pay. These include salaries and wages accrued up to balance date, annual leave earned but not yet taken at balance date, and long service leave gratuities expected to be settled within 12 months.

The Ombudsman recognises a liability and an expense for performance pay where there is a contractual obligation, or where there is a past practice that has created a constructive obligation and a reliable estimate of the obligation can be made.

The Ombudsman's employment agreement for its staff provides for an 'open ended' sick leave entitlement, accordingly there is no sick leave liability for accounting purposes.

Long-term employee entitlements

Employee benefits that are due to be settled beyond 12 months after the end of period in which the employee renders that related service, such as long service leave, have been calculated on an actuarial basis. The calculations are based on:

- likely future entitlements based on years of service, years to entitlement, the likelihood that staff will reach the point of entitlement, and contractual entitlements information; and
- the present value of the estimated future cash flows.

The Ombudsman's terms and conditions of employment do not include a provision for retirement leave. Long service leave is available to two long-serving staff under 'grandparent' employment terms. Long service leave is not otherwise available to Ombudsman staff.

Long service leave

Note (12) provides an analysis of the exposure in relation to estimates and uncertainties surrounding the long service leave liability.

Presentation of employee entitlements

Annual leave, vested long service leave and non-vested long service leave expected to be settled within 12 months of balance date are classified as a current liability. All other employee entitlements are classified as a non-current liability.

Superannuation schemes

Defined contribution schemes

Obligations for contributions to KiwiSaver and other cash accumulation schemes are recognised as an expense in the surplus or deficit as incurred.

Equity

Equity is the Crown's investment in the Ombudsman and is measured as the difference between total assets and total liabilities. Equity is disaggregated and classified as taxpayers' funds.

Commitments

Commitments are future expenses and liabilities to be incurred on contracts that have been entered into at balance date. Information on non-cancellable capital and lease commitments are reported in the statement of commitments.

Cancellable commitments that have penalty or exit costs explicit in the agreement on exercising that option to cancel are reported in the statement of commitments at the value of that penalty or exit cost.

Capital commitments

Capital commitments are the aggregate amount of capital expenditure contracted for the acquisition of property, plant, and equipment and intangible assets that have not been paid for or not recognised as a liability at a balance date.

The accompanying notes form part of these financial statements.

* Financial forecast figures are from the Budget Economic Forecast Updates (BEFU) forecasts which have not been audited.

Cancellable capital commitments that have penalty or exit costs explicit in the agreement on exercising that option to cancel are reported at the lower of the remaining contractual commitment and the value of those penalty or exit costs (that is, the minimum future payments).

Goods and services tax (GST)

All items in the financial statements and appropriation statements are stated exclusive of GST, except for receivables and payables, which are stated on a GST inclusive basis. Where GST is not recoverable as input tax, then it is recognised as part of the related asset or expense.

The net amount of GST recoverable from, or payable to, the Inland Revenue Department (IRD) is included as part of receivables or payables in the statement of financial position.

The net GST paid to, or received from the IRD, including the GST relating to investing and financing activities, is classified as an operating cash flow in the statement of cash flows.

Commitments and contingencies are disclosed exclusive of GST.

Remuneration paid to Ombudsmen is exempt from GST pursuant to Part 1 section 6(3)(c) of the Goods and Services Tax Act 1985.

Income tax

Ombudsman is a public authority and consequently is exempt from the payment of income tax. Accordingly, no provision has been made for income tax.

Statement of cost accounting policies

The Ombudsman has one output expense appropriation. All the Ombudsman's costs with the exception of the remuneration of the Ombudsmen are charged to this output.

There have been no changes in cost accounting policies since the date of the last audited financial statements.

Critical accounting estimates and assumptions

In preparing these financial statements, the Ombudsman has made estimates and assumptions concerning the future.

These estimates and assumptions may differ from the subsequent actual results. Estimates and assumptions are continually evaluated and are based on historical experience and other factors, including expectations of future events that are believed to be reasonable under the circumstances. The estimates and assumptions that have a significant risk of causing a material adjustment to the carrying amounts of assets and liabilities within the next financial year are discussed below.

Critical judgements in applying accounting policies

Management has exercised the following critical judgements in applying accounting policies for the year ended 30 June 2022.

Budget and forecast figures

Basis for the budget and forecast figures

The 2022 Budget are the main Estimates figures for the year ended 30 June 2022 and were published in the 2020/21 Annual Report (Unaudited Forecast 30/6/22). They are consistent with the Ombudsman's best estimate financial forecast information submitted to the Treasury for the Budget Economic Forecast Update (BEFU) for the year ended 30 June 2022.

The 2023 forecast figures (Forecast) are for the year ending 30 June 2023 which are consistent with the best estimate financial forecast information submitted to the Treasury in the Budget and Forecasting Update for the year ending 30 June 2023.

The accompanying notes form part of these financial statements.

* Financial forecast figures are from the Budget Economic Forecast Updates (BEFU) forecasts which have not been audited.

The budget and forecast figures are unaudited and have been prepared using the accounting policies adopted in preparing the financial statements.

The budget figures have been prepared in accordance with NZ GAAP, using accounting policies that are consistent with those adopted in preparing these financial statements.

The financial forecasts are based on Budget Economic Forecast Update (BEFU) and have been prepared on the basis of assumptions as to future events that the Ombudsman reasonably expects to occur, associated with the actions it reasonably expects to take.

These forecast financial statements have been compiled on the basis of existing government policies and ministerial expectations at the time the statements were finalised.

These forecast financial statements were compiled on the basis of existing parliamentary outcomes at the time the statements were finalised.

The main assumptions are as follows:

- There are no significant events or changes that would have a material impact on the BEFU forecast.

- Factors that could lead to material differences between the forecast financial statements and the 2021/22 actual financial statements include changes to the baseline budget through new initiatives, or technical adjustments.

Authorisation statement

The forecast financial statements for Budget 2022 were authorised for issue on 13 April 2022 by the Chief Ombudsman, who is responsible for the forecast financial statements as presented. The preparation of these financial statements requires judgements, estimations, and assumptions that affect the application of policies and reported amounts of assets and liabilities, and income and expenses. The estimates and associated assumptions are based on historical experience and various other factors that are believed to be reasonable under the circumstances. Actual financial results achieved for the period covered are likely to vary from the information presented, and the variations may be material.

It is not intended that the forecast financial statements will be updated subsequent to presentation.

The accompanying notes form part of these financial statements.

* Financial forecast figures are from the Budget Economic Forecast Updates (BEFU) forecasts which have not been audited.

3. Personnel costs

Salaries and wages are recognised as an expense because employees provide services.

30/06/21 Actual		30/06/22 Actual	30/06/22 Main estimates	30/06/21 Supp. Estimates	30/06/23 Unaudited forecast IPSAS*
\$(000)		\$(000)	\$(000)	\$(000)	\$(000)
16,662	Salaries and wages	20,300	23,228	23,228	25,391
675	Employer contributions to staff superannuation	804	989	989	1,841
1,083	Other personnel costs	1,771	-	-	
<u>18,420</u>	Total personnel costs	22,875	24,217	24,217	27,232

Employer contributions to superannuation plans include contributions to KiwiSaver and other complying cash accumulation plans. Tax on employer contributions are included under Other Personnel costs as funded by the employer.

4. Other operating costs

30/06/21 Actual		30/06/22 Actual	30/06/22 Main estimates	30/06/22 Supp. Estimates	30/06/23 Unaudited forecast IPSAS
\$(000)		\$(000)	\$(000)	\$(000)	\$(000)
1,601	Operating accommodation lease expenses	1,480	1,574	1,574	1676
265	Accommodation costs – other	369	-	-	-
46	Audit fees – for audit of financial statements	79	45	45	60
90	Publications, books and statutes	145	87	87	87
420	Travel	320	362	391	391
260	Communication costs	368	160	160	160
4,198	Other costs	5,100	18,379	14,573	20,212
<u>6,880</u>	Total other operating costs	7,861	<u>20,607</u>	<u>16,830</u>	<u>22,586</u>

Other operating costs exclude depreciation and capital charges.

The accompanying notes form part of these financial statements.

* Financial forecast figures are from the Budget Economic Forecast Updates (BEFU) forecasts which have not been audited.

5. Depreciation and amortisation

30/06/21 Actual		30/06/22 Actual	30/06/22 Main estimates	30/06/22 Supp. estimates	30/06/23 Unaudited forecast IPSAS
\$(000)		\$(000)	\$(000)	\$(000)	\$(000)
66	Furniture and fittings	75	73	73	97
186	Plant and equipment and other	160	207	207	216
318	Computer equipment	358	368	368	377
157	Intangible assets – software	164	202	202	235
<u>727</u>	Total depreciation and amortisation	<u>757</u>	<u>850</u>	<u>850</u>	<u>925</u>

6. Capital charge

The Ombudsman pays a capital charge to the Crown on its taxpayers' funds as at 30 June and 31 December each year. The capital charge is recognised as an expense in the financial year to which the charge relates.

The capital charge rate was 5% for the year ended 30 June 2022 (Year ended 2021, 5%).

7. Other current assets

30/06/21 Actual		30/06/22 Actual	30/06/22 Main estimates	30/06/22 Supp. estimates	30/06/23 Unaudited forecast* IPSAS
\$(000)		\$(000)	\$(000)	\$(000)	\$(000)
5	Receivables	6	-	-	-
94	Receivables (GST)	-	-	-	-
157	Prepayments	385	217	217	269
<u>256</u>	Total receivables	<u>391</u>	<u>217</u>	<u>217</u>	<u>269</u>

8. Property, plant, and equipment

Movements for each class of property, plant, and equipment are set out below.

2022	Plant & equipment \$(000)	Leasehold improvements \$(000)	IT equipment \$(000)	Furniture & fittings \$(000)	Total \$(000)
Cost					
Balance at 30 June 2021	415	1,394	2,090	747	4,646
Additions	72	40	219	212	543
Disposals and write-offs	-	(317)	-	(51)	(368)
Balance at 30 June 2022	487	1,117	2,309	908	4,821
Accumulated depreciation and impairment losses					
Balance at 30 June 2021	224	873	1,151	386	2,634
Depreciation	62	98	358	75	593
Accumulated depreciation on disposals	-	(191)	-	(38)	(229)
Balance at 30 June 2022	(286)	(780)	(1,509)	(423)	(2,998)
Carrying amounts:					
At 30 June 2021	191	521	939	373	2,024
At 30 June 2022	201	337	800	485	1,823

2021	Plant & equipment \$(000)	Leasehold improvements \$(000)	IT equipment \$(000)	Furniture & fittings \$(000)	Total \$(000)
Cost					
Balance at 30 June 2020	297	1,510	2,179	769	4,755
Additions	138	-	418	74	630
Disposals	(20)	(116)	(507)	(84)	(727)
Balance at 30 June 2021	415	1,394	2,090	759	4,658
Accumulated depreciation and impairment losses					
Balance at 30 June 2020	206	792	1,297	384	2,679
Depreciation	38	148	318	66	570
Accumulated depreciation on disposals	(20)	(67)	(464)	(64)	(615)
Balance at 30 June 2021	224	873	1,151	386	2,634
Carrying amounts:					
At 30 June 2020	91	718	882	385	2,076
At 30 June 2021	191	521	939	373	2,024

9. Intangible assets

2022	Acquired software \$(000)	Internally generated software \$(000)	Trademark (\$000)	Total \$(000)
Cost				
Balance at 30 June 2021	1,175	311	6	1,492
Additions	-	-	-	-
Balance at 30 June 2022	1,175	311	6	1,492
Accumulated depreciation and impairment losses				
Balance at 30 June 2021	381	270	-	651
Amortisation	164	-	-	164
Balance at 30 June 2022	545	270	-	815
Carrying amounts				
At 30 June 2021	794	41	6	841
At 30 June 2022	630	41	6	677

2021	Acquired software \$(000)	Internally generated software \$(000)	Trademark (\$000)	Total \$(000)
Cost				
Balance at 30 June 2021	1,298	311	6	1,615
Additions	57	-	-	57
	(180)	-	-	(180)
Balance at 30 June 2022	1,175	311	6	1,492
Accumulated depreciation and impairment losses				
Balance at 30 June 2020	409	264	-	673
Amortisation	152	6	-	158
Accumulated amortisation on disposal	(180)	-	-	(180)
Balance at 30 June 2021	381	270	-	651
Carrying amounts				
At 30 June 2020	889	47	6	942
At 30 June 2021	794	41	6	841

There are no restrictions over the title of the Ombudsman's intangible assets, nor are any intangible assets pledged as security for liabilities.

10. Creditors and other payables

Creditors and other payables are non-interest bearing and are normally settled on 30-day terms. Therefore, the carrying value of creditors and other payables approximates their fair value.

30/06/21 Actual		30/06/22 Actual	30/06/23 Unaudited forecast IPSAS
\$(000)		\$(000)	\$(000)
525	Trade creditors and accruals	1,191	630
0	GST Payable	246	698
<u>525</u>	Total creditors and other payables	1,437	1,328

11. Return of operating surplus

There is a surplus of \$10,571,000 to be repaid for the 2022 financial year (2021, \$2,550,000).

12. Employee entitlements

30/06/21 Actual		30/06/22 Actual	30/06/22 Main estimates	30/06/22 Supp. Estimates	30/06/23 Unaudited forecast IPSAS
\$(000)		\$(000)	\$(000)	\$(000)	\$(000)
	<i>Current liabilities</i>				
805	Annual leave	1,057	705	705	932
-	Long service leave	-	-	-	-
334	Superannuation, superannuation contribution withholding tax and salaries	1,359	454	454	303
1,139	Total current liabilities	2,416	1,159	1,159	1,235
	<i>Non-current liabilities</i>				
2	Long service leave	-	5	5	5
1,141	Total for employee entitlements	2,416	1,164	1,164	1,240

13. Equity (taxpayers' funds)

30/06/21 Actual		30/06/22 Actual	30/06/23 Unaudited forecast IPSAS
\$(000)		\$(000)	\$(000)
	General Funds		
8,645	Balance at 1 July	9,901	13,242
2,550	Net operating surplus	10,571	-
1,256	Capital injections	3,341	1,781
(2,550)	Provision for repayment of surplus to the Crown	(10,571)	-
<u>9,901</u>	Total Equity at 30 June	<u>13,242</u>	<u>15,023</u>

14. Capital management

The Ombudsman's capital is its equity, which comprises taxpayer funds. Equity is represented by net assets.

The Ombudsman manages its revenues, expenses, assets, liabilities, and general financial dealings prudently. The

Ombudsman's equity is largely managed as a by-product of managing revenue, expenses, assets, liabilities and compliance with Parliament budget processes, Treasury instructions, and the Public Finance Act 1989.

15. Financial instruments

The Ombudsman's financial instruments are limited to cash and cash equivalents, debtors and other receivables, creditors and other payables, and employee entitlements. These activities expose the Ombudsman to low levels of financial instrument risks, including market risk, credit risk, and liquidity risk.

Market Risk

Currency risk

Currency risk is the risk that the fair value of future cash flows of a financial instrument will fluctuate because of changes in foreign exchange rates.

The Ombudsman incurs a small portion of operating expenditure in foreign currency, and risk is minimised through prompt settlement. Recognised liabilities that are payable in foreign currency were nil at balance date (2021: Nil)

Interest rate risk

Interest rate risk is the risk that the fair value of a financial instrument will fluctuate, or the cash flows from a financial instrument will fluctuate, due to changes in market interest rates.

The Ombudsman has no interest-bearing financial instruments and, accordingly, has no exposure to interest rate risk.

Credit risk

Credit risk is the risk that a third party will default on its obligation to the Ombudsman, causing the Ombudsman to incur a loss.

In the normal course of the Ombudsman's business, credit risk arises from receivables and deposits with banks.

The Ombudsman is permitted to deposit funds only with Westpac, a registered bank with high credit ratings. For its other financial instruments, the Ombudsman does not have significant concentrations of credit risk.

The Ombudsman's maximum credit exposure for each class of financial instrument is represented by the total carrying amount of cash and cash equivalents, and net receivables.

There is no collateral held as security against these financial instruments.

Liquidity risk

Liquidity risk is the risk that the Ombudsman will encounter difficulty raising liquid funds to meet commitments as they fall due.

In meeting its liquidity requirements, the Ombudsman closely monitors its forecast cash requirements with cash draw-downs from the New Zealand Debt Management Office. The Ombudsman maintains a target level of available cash to meet liquidity requirements.

The Ombudsman's financial liabilities are outlined in Note 10: Creditors and other payables. These are all due to be settled on 30-day terms.

Categories of financial instruments

Actual 2021 \$(000)		Actual 2022 \$(000)
	Loans and receivables	
11,619	Cash and cash equivalents	25,072
256	Debtors and other receivables (note 7)	391
11,875	Total	25,463
	Financial liabilities measured at amortised cost	
525	Creditors and other payables (note 10)	1,437
1,141	Employee entitlements (note 12)	2,416
1,666	Total	3,853

The carrying value of cash and cash equivalents approximates their fair value.

16. Related party information

The Ombudsman is a wholly owned entity of the Crown. The Ombudsman acts independently, and its main source of revenue is Parliament.

Related party disclosures have not been made for transactions with related parties that are within a normal supplier/recipient relationship on terms and conditions no more or less favourable than those that it is reasonable to expect the Ombudsman would have adopted in dealing with the party at arm's length in the same circumstances. Further, transactions with government agencies

(for example, government departments and Crown Entities) are not disclosed as related party transactions when they are consistent with the normal operating arrangements

between government agencies and undertaken on the normal terms and conditions for such transactions.

All related party transactions have been entered into on an arm’s length basis.

Key management personnel compensation

Actual 2021 \$(000)		Actual 2022 \$(000)
	Leadership Team, including the Chief Ombudsman	
1,120	Remuneration and other benefits	1,191
4	Full-time equivalent staff	4

17. Events after the balance sheet date

There were no post-balance sheet date events in regard to the Ombudsman’s financial statements for the year ended 30 June 2022.

18. Significant variances from budgeted financial performance

Explanations for major variances from the Ombudsman’s original 2021/22 budget are as follows:

Statement of comprehensive revenue and expenses

Revenue Crown

Revenue Crown was less than budgeted due to an expense transfer to 2022/23.

Other operating costs

Other operating costs were less than budgeted due to staff travelling significantly less than expected in 2021/22 (both overseas and domestically), multiple training cancellations due to COVID, and a delay in a number of significant projects such as the Case Management System replacement project, and the Learning Management System project. Also the OPCAT investigations area received funding that it could not spend due to COVID restrictions and the delay in finding premises and contractors. An expense transfer of \$4.1 million from

2020/21 compounded the problem but in 2023 funding should be more fully utilised and there will also be an in-principle transfer of funds to 2023 which will reduce the variance this year.

Statement of cash flows

The cash variance results from the operating surplus to be returned in 2022/23, primarily caused by delays in recruitment and ICT and other projects. The cash balance was also impacted by a delay in the purchase of intangible assets, as outlined below.

Statement of financial position

Intangible Assets

Intangible assets were considerably lower than expected as there have been delays with the Case Management System replacement project.

Appropriation statements

The following statements report information about the expenses and capital expenditure incurred against each appropriation administered by the Ombudsman for the year ended 30 June 2022.

Statement of expenses and capital expenditure against appropriations for the year ended 30 June 2022

30/06/21 Actual		30/06/22 Actual	30/06/22 Main estimates	30/06/22 Supp. Estimates	30/06/23 Unaudited forecast IPSAS
\$(000)		\$(000)	\$(000)	\$(000)	\$(000)
	Vote Ombudsmen				
	Appropriation for output expenses				
28,598	Investigation and resolution of complaints about government administration	31,508	45,906	42,096	50,793
411	Remuneration of Ombudsmen (Permanent Legislative Authority)	480*	463	463	463
29,009	Sub total	31,988	46,369	42,559	51,256
687	Office of the Ombudsmen appropriation for capital expenditure (Permanent Legislative Authority)	543	2,973	568	1,781
<u>29,696</u>	Total	<u>32,531</u>	<u>49,342</u>	<u>43,127</u>	<u>53,037</u>

*This is a Permanent Legislative Authority and not subject to breaches of appropriation.

Statement of expenses and capital expenditure incurred without, or in excess of, appropriation or authority for the year ended 30 June 2022

Nil (2020/21 Nil).

Statement of the Ombudsman's capital injections for the year ended 30 June 2022

30/06/21 Actual		30/06/22 Actual	30/06/22 Main estimates	30/06/22 Supp. estimates	30/06/23 Unaudited forecast IPSAS
\$(000)		\$(000)	\$(000)	\$(000)	\$(000)
1,256	Office of the Ombudsman appropriation for capital injections. (Permanent Legislative Authority)	3,341	2,773	3,341	1,781

Statement of the Ombudsman's capital injections without, or in excess of, authority for the year ended 30 June 2022

	30/06/22 Actual	Authority at the time of the breach	Amount without or exceeding appropriation
	\$(000)	\$(000)	\$(000)
Office of the Ombudsman - Capital injection	3,341	2,773	568

The Ombudsman obtained approval through the Officers of Parliament Committee (OPC) for an additional capital injection of \$568,000 during 2021/22. The Office drew down the funds prior to it being authorised in the Appropriation (2021/22 Supplementary Estimates) Bill 2022 and unfortunately, authority to use imprest supply during the interim was not sought. As a result, the payment was made in excess of Cabinet authority to use imprest supply.



7 Analysis, statistics, and directory

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Guidance and Resources

Key submissions on legislation and draft Cabinet papers included:

- Adult Decision Making Capacity Law review
- Charities Act review
- Civil Aviation Bill
- COVID-19 Public Health Response Amendment Bill (No 2)
- Data and Statistics Bill
- Earthquake Commission Act review
- Education and Training (Teaching Council Fees and Costs) Amendment Bill
- Intelligence and Security Act review
- Mental Health Act repeal and replacement
- Oversight of Oranga Tamariki System and Children and Young People's Commission Bill
- Screen Industry Workers Bill review

Key submissions on policy or administrative proposals included:

- Auckland Council's draft Unreasonable Complainant Conduct policy
- Department of Corrections external complaints review
- Department of Internal Affairs options for changes to the LIM system
- Domestic Tertiary Learner Dispute Resolution Scheme draft rules
- Immigration New Zealand proposed approach to false, misleading, or withheld information
- Inspector-General of Defence policy
- Kāpiti Coast District Council draft LGOIMA requests policy
- Local Government Commission report on good governance
- Management Agency's draft OIA policy
- National Action Plan Against Racism
- Ombudsmen (Rainbow Ombudsman) Amendment Bill
- Protective Security Requirements classification regime and Declassification policy
- Public Inquiry into the Earthquake Commission
- Public Service Commission media guide
- Royal Commission Redress Report
- UNESCO survey on Public Access to Information as an information oversight body

[Return to advice section in text.](#)

Organisations engaged in Ombudsman learning

- Department of Corrections
- Department of Internal Affairs
- Earthquake Commission
- Inland Revenue Department
- Kapiti Coast District Council
- Manawatu District Council
- Massey University
- New Zealand Qualifications Authority
- NZ On Air
- Office of the Children’s Commissioner
- Porirua City Council
- Tasman District Council
- Tauranga City Council
- Te Kawa Mataho Public Service Commission
- Toi Mai Workforce Development Council
- Whanganui District Council
- Worksafe New Zealand

[Return to learning section in text.](#)

Resources and guidance published in 2021/22 include:

- [Regulatory policy design during COVID-19 pandemic](#)
- [Requesting official information - a brief guide for media](#)
- [FAQs about official information requests during COVID-19](#)

[Return to guidance section in text.](#)

OPCAT examinations

The 62 visits and inspections were at the sites set out in the table below.

Name of facility	Type of visit	
Aged Care		
Aspiring Enliven Care Centre, Hawea Dementia Unit	Full	Announced
Bradford Manor (Dunedin)	Full	Announced
Charles Fleming	Drop In	Announced
Colwyn House Napier	Full	Announced
Norfolk Lodge	Full	Announced
Okere House (Whanganui)	Full	Announced
Star Centre, Palmerston North Hospital, STAR1 Ward	Follow-up	Unannounced
Stokeswood Rest Home, Rotary Dementia Unit	Targeted	Announced
Takanini Lodge	Full	Announced
Te Wiremu House Lifecare and Village	Full	Announced
Ultimate Care Palliser, Wairarapa	Full	Announced
Winara Care Home, Windsor Court Community	Full	Announced
Public Protection Order		
Christchurch Public Protection Order	Follow-up	Announced
Community / Intellectual Disability		
Kenepuru Hospital, Haumietiketike Unit	Drop In	Unannounced
Kenepuru Hospital, Haumietiketike Unit	Drop In	Announced
Mental Health		
Whakatāne Hospital, Te Toki Maurere	Follow-up	Unannounced
Gisborne Hospital, Te Whare Awhiora	Targeted	Announced
Hawke's Bay Fallen Soldier's Memorial Hospital, Ngā Ra Rākau	Targeted	Announced
Henry Rongomau Bennett Centre	Drop In	Announced
Henry Rongomau Bennett Centre, Maatai (Ward 33)	Follow-up	Announced
Henry Rongomau Bennett Centre, Puna Awhi-Ruarua (Ward 32)	Follow-up	Announced
Henry Rongomau Bennett Centre, Puna Poi Poi (Ward 31)	Follow-up	Announced
Hilmorton Hospital, Te Awakura	Drop In	Announced
Rotorua Hospital, Te Whare Oranga Tangata o Whakaue	Follow-up	Announced
Taranaki Hospital, Te Puna Waiora	Targeted	Announced
Tauranga Hospital, Te Whare Maiangiangi	Follow-up	Unannounced

Prison		
Arohata Prison	Targeted	Announced
Auckland Region Women's Corrections Facility	Drop In	Announced
Christchurch Women's Prison	Targeted	Announced
Hawke's Bay Prison	Targeted	Announced
Manawatu Prison	Targeted	Announced
Rimutaka Prison	Targeted	Announced
Rolleston Prison	Drop In	Announced
Spring Hill Corrections Facility	Drop In	Announced
Whanganui Prison	Drop In	Announced
Managed Isolation and Quarantine		
Arena Court Motel	Drop In	Announced
Bella Vista Motel	Drop In	Unannounced
Century Park Motor Lodge	Drop In	Unannounced
Chateau on the Park	Full	Announced
Crowne Plaza Christchurch	Full	Announced
Distinction Hotel Christchurch	Full	Announced
Four Points by Sheraton	Drop In	Announced
Grand Mercure	Full	Unannounced
Grand Millennium Hotel Auckland	Full	Announced
Holiday Inn Auckland Airport	Full	Announced
Jet Park Hotel Auckland Airport	Drop In	Announced
Kennedy Park Resort	Drop In	Announced
MidCentral District Health Board accommodation	Drop In	Announced
Novotel Christchurch Airport	Follow-up	Announced
Ossies Motel	Drop In	Announced
Paraparaumu Motel	Drop In	Announced
Pickwick House	Drop In	Announced
Pullman Hotel	Full	Announced
Quality Hotel Elms	Full	Unannounced
Ramada	Drop In	Announced
SAC(AT), Nova Star	Drop In	Announced
So Hotel	Drop In	Announced
Sudima Christchurch Airport	Full	Announced
Taihape Motel	Briefing note	Announced
Tatum Park Campground	Briefing note	Unannounced
Tuscany Gardens Motor Lodge	Briefing note	Unannounced
Whanganui District Health Board Housing	Briefing note	Announced



Final reports published in 2021/22 are set out in the table below.

Report	Date of publication
Health and disability	
<i>Ward 21, Palmerston North Hospital</i>	02/05/2022
<i>Te Whare Maiangiangi Unit, Tauranga Hospital Primary tabs</i>	28/04/2022
<i>Te Toki Maurere Unit, Whakatāne Hospital</i>	28/04/2022
<i>Thematic report on inspections of secure intellectual disability facilities</i>	13/04/2022
<i>Ward 10a and Helensburgh Cottage, Wakari Hospital Dunedin</i>	02/02/2022
<i>Wāhi Oranga Mental Health Admission Unit, Nelson Hospital</i>	02/02/2022
<i>Ward 6C, Dunedin Hospital</i>	02/02/2022
<i>Fraser McDonald Unit, Auckland District Health Board</i>	02/02/2022
<i>Manaakitanga Inpatient Unit, Te Nīkau Grey Base Hospital</i>	02/02/2022
<i>Haumietiketike Unit, Rātonga-Rua-O-Porirua Campus</i>	28/10/2021
<i>Tāwhirimātea Rehabilitation Unit, Rātonga-Rua-O-Porirua Campus</i>	28/10/2021
<i>Rangipapa Forensic Acute Mental Health Unit, Rātonga-Rua-O-Porirua Campus</i>	28/10/2021
<i>Pūrehurehu Forensic Acute Mental Health Unit, Rātonga-Rua-O-Porirua Campus</i>	28/10/2021
<i>Stanford House, Whanganui Hospital</i>	05/08/2021
<i>Te Awhina, Whanganui Hospital</i>	05/08/2021
COVID-19 specific	
<i>Thematic report on inspections of Managed Isolation and Quarantine Facilities</i>	17/08/2021

[Return to OPCAT section in text.](#)

The recommendations made in final inspection reports are set out in the table below.

Facility Type	Recommendations made	Recommendations accepted
Prisons	18	18
COVID-19 specific places of detention	27	26
Others (including aged care and mental health facilities)	131	108

[Return to OPCAT section in text.](#)

Throughput of complaints and other contacts

1. Matters received and under consideration for reported year and previous four years

	2017/18	2018/19	2019/20	2020/21	2021/22
On hand as at 1 July	1,294	916	1,009	1,132	1,680
Adjustment ⁸⁵	+8	(10)	+41	+30	+37
Received during the year	11,468	11,886	11,862	13,185	14,791
Total under consideration	12,770	12,802	12,912	14,347	16,508
Completed during the year	(11,846)	(11,793)	(11,740)	(12,639)	(13,705)
On hand at 30 June	916	1,009	1,132	1,680	2,760

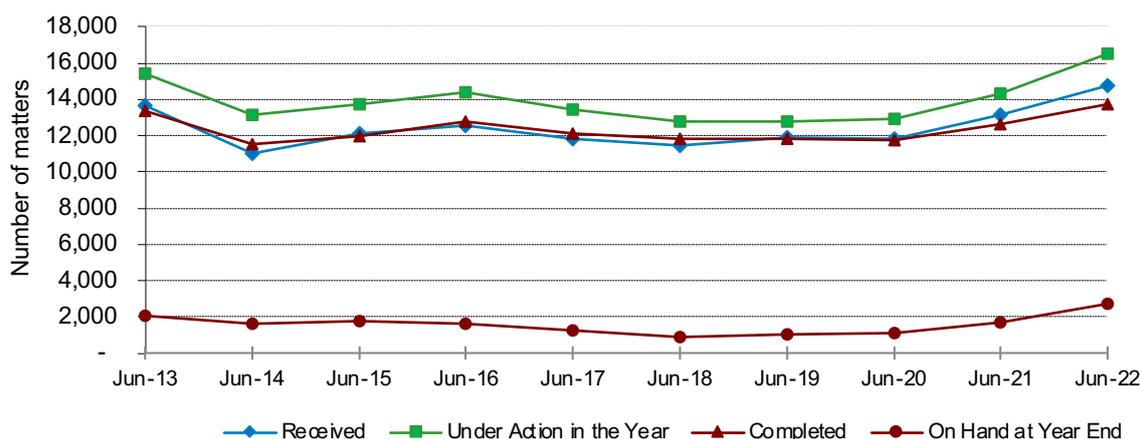


Figure 4: Overall throughput of work over the past 10 years.

[Link to text alternative version of Figure 4.](#)

85 Adjustments are changes made to reported statistics post completion of a reporting year and matters received on 1 July 2021.

2. Breakdown of matters received and under consideration for reported year and previous four years

	2017/18	2018/19	2019/20	2020/21	2021/22
On hand at 1 July					
Ombudsmen Act	430	295	382	518	840
Official Information Act	651	429	477	438	612
Local Government Official Information and Meetings Act	144	98	128	125	168
Protected Disclosures Act	2	3	1	4	3
Other contacts	42	43	21	27	34
Other work	33	38	41	50	60
Total	1,302	906	1,050	1,162	1,717
Received during the year					
Ombudsmen Act	2,263	2,413	2,811	3,862	4,730
Official Information Act	1,378	1,901	1,329	1,394	2,230
Local Government Official Information and Meetings Act	299	364	354	324	361
Protected Disclosures Act	8	39	78	116	71
Other contacts	7,475	7,120	7,217	7,443	7,374
Other work	45	49	73	46	25
Total	11,468	11,886	11,862	13,185	14,791
Completed during the year					
Ombudsmen Act	2,398	2,355	2,665	3,547	4,165
Official Information Act	1,598	1,859	1,371	1,223	1,811
Local Government Official Information and Meetings Act	344	339	353	284	267
Protected Disclosures Act	7	41	74	117	70
Other contacts	7,475	7,143	7,212	7,435	7,341
Other work	24	56	65	33	51
Total	11,846	11,793	11,740	12,639	13,705
On hand at 30 June					
Ombudsmen Act	296	354	500	815	1,379
Official Information Act	427	469	428	599	1,018
Local Government Official Information and Meetings Act	97	122	123	163	257
Protected Disclosures Act	3	1	5	3	4
Other contacts	45	22	27	38	66
Other work	48	41	49	62	36
Total	916	1,009	1,132	1,680	2,760

Contact type—who matters were received from

3. Contact type

	2020/21	2021/22
General public – individuals	9,213	10,935
Prisoners and prisoner advocates	2,705	2,055
Researchers	12	550
Departments, government organisations, and local authorities	445	460
Media	344	361
Companies, associations and incorporated societies	280	234
Members of Parliament	36	65
Review agency (Privacy Commissioner, Independent Police Conduct Authority, Health and Disability Commissioner)	50	44
Special interest groups	28	36
Ombudsman self-initiated	46	21
Political party research units	7	11
Trade unions	12	9
Other	4	4
Select committees	-	4
Ministers	3	2
Total	13,185	14,791

Age profile of open and closed complaints and other contacts

4. Age profile – all complaints and other contacts closed in 2021/22

	Year ended 30/06/19	Year ended 30/06/20	Year ended 30/06/21	Year ended 30/06/22
Aged 6 months or less from date of receipt	96%	94%	93%	92%
Aged between 7 and 12 months from date of receipt	3%	4%	4%	5%
Aged more than 12 months from date of receipt	1%	2%	3%	3%

5. Age profile – all complaints and other contacts remaining open at 30 June 2022

	Year ended 30/06/19	Year ended 30/06/20	Year ended 30/06/21	Year ended 30/06/22
Aged 6 months or less from date of receipt	75%	66%	73%	54%
Aged between 7 and 12 months from date of receipt	19%	30%	26%	35%
Aged more than 12 months from date of receipt	6%	4%	1%	11%

Detailed analysis of complaints and other contacts

Ombudsmen Act (OA)

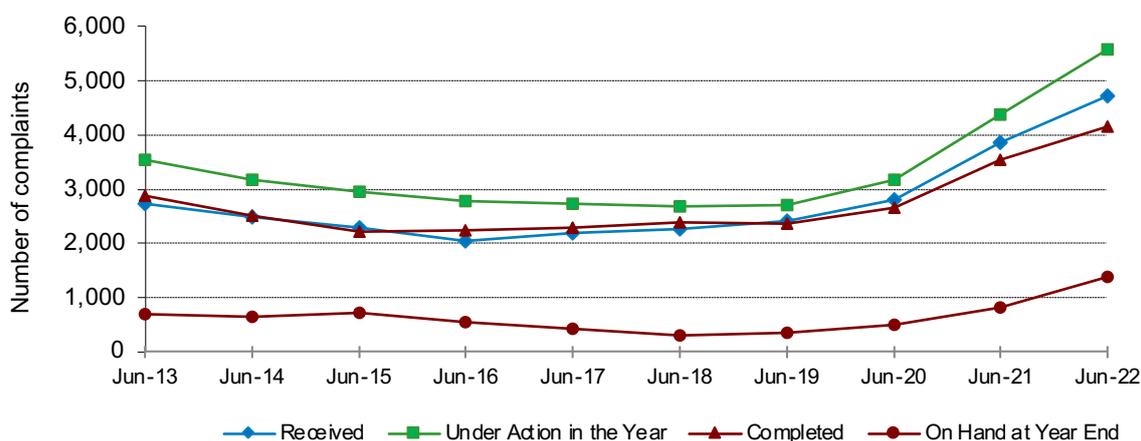


Figure 5: OA complaints received and actioned over the past 10 years.

[Link to text alternative version of Figure 5.](#)

6. OA complaints received from

	2020/21	2021/22
General public – individuals	3,212	4,215
Prisoners and prisoner advocates	499	385
Companies, associations and incorporated societies	118	84
Media	19	23
Special interest groups	2	11
Members of Parliament	4	6
Researcher	-	3
Departments, government organisations and local authorities	4	2
Political party research units	1	1
Review agency	3	-
Total	3,862	4,730

7. OA complaints received against

	2020/21	2021/22
Government departments	2,161	3,029
Local authorities (all)	600	580
<i>District Councils</i>	260	266
<i>City Councils</i>	237	234
<i>Council controlled organisations</i>	71	51
<i>Regional Councils</i>	32	27
Other organisations state sector (all)	842	835
<i>Boards of Trustees (schools)</i>	128	92
<i>District Health Boards</i>	64	56
<i>Universities</i>	43	43
<i>Polytechnics</i>	26	16
Ministers	51	71
Not specified	208	215
Total	3,862	4,730

8. OA complaints received—greater than or equal to 15 complaints

	2020/21	2021/22
Government departments		
Ministry of Business, Innovation and Employment	710	1,122
Department of Corrections	566	467
Ministry of Social Development	254	420
Ministry of Health	49	413
Oranga Tamariki - Ministry for Children	232	182
Inland Revenue	109	144
Ministry of Justice ⁸⁶	25	26
Ministry of Education	42	37
Department of Internal Affairs	31	35
Ministry of Foreign Affairs And Trade	5	26
Department of Conservation	25	21
Department of the Prime Minister and Cabinet	15	15
Local authorities		
Auckland Council	84	83
Christchurch City Council	37	37
Auckland Transport	51	34

86 Not including courts and tribunals.

	2020/21	2021/22
Wellington City Council	29	32
Tasman District Council	25	24
Far North District Council	16	22
Hamilton City Council	17	18
Masterton District Council	6	16
Ministers		
Prime Minister	6	22
Other organisations state sector		
Accident Compensation Corporation	110	115
New Zealand Post Limited	66	70
New Zealand Police	58	50
New Zealand Transport Agency	42	47
Health and Disability Commissioner	48	41
Kāinga Ora – Homes and Communities	32	28
Privacy Commissioner	30	27
Independent Police Conduct Authority	21	24
Earthquake Commission	16	20
Worksafe New Zealand	13	17
Teaching Council of Aotearoa New Zealand	14	16

9. How OA complaints were dealt with

	2020/21	2021/22
Outside jurisdiction		
Agency not listed in schedule	298	295
Scheduled agency otherwise outside jurisdiction	101	138
<i>Subtotal</i>	399	433
Referred		
Referred to Health and Disability Commissioner	40	26
Referred to Privacy Commissioner	20	15
Referred to Independent Police Conduct Authority	19	26
Referred to Inspector-General of Intelligence and Security	1	-
<i>Subtotal</i>	80	67
No investigation undertaken		
Withdrawn by complainant or no response from complainant	202	488
Right of appeal to Court or Tribunal	149	182
Adequate alternative remedy – complain to agency first	1,296	1,505

	2020/21	2021/22
Adequate alternative remedy – complaint referred to agency by Ombudsman	58	28
Adequate alternative remedy – recourse to other agency	31	30
Out of time	7	5
Trivial	-	1
Frivolous, vexatious, or not in good faith	-	4
Insufficient personal interest	7	3
Explanation, advice or assistance provided	510	540
Investigation unnecessary	143	81
<i>Subtotal</i>	2,403	2,867
Resolved without investigation		
Remedial action to benefit complainant	153	186
Remedial action to improve state sector administration	25	-
Remedial action to benefit complainant and improve state sector administration	5	2
Provision of advice/explanation by agency or Ombudsman that satisfies complainant	17	26
<i>Subtotal</i>	200	214
Investigation discontinued		
Withdrawn by complainant or no response from complainant	9	37
Further investigation unnecessary	31	18
Agency to review	14	4
<i>Subtotal</i>	54	59
Resolved during investigation		
Remedial action to benefit complainant	46	59
Remedial action to benefit complainant and improve state sector administration	11	4
Provision of advice/explanation by agency or Ombudsman that satisfies complainant	2	8
<i>Subtotal</i>	59	71
Investigation finalised (final opinion formed)		
Administrative deficiency identified – recommendation/s	77	55
Administrative deficiency identified – no recommendation	34	29
No administrative deficiency identified	240	368
Issues cannot be determined	1	-
<i>Subtotal</i>	352	452
OA self-initiated – no investigation		
<i>Subtotal</i>	-	1
<i>Administration – adjustment</i>	-	1
<i>Under consideration at 30 June</i>	815	1,379
Total	4,362	5,544

10. Nature of deficiency identified where final opinion formed on OA complaints

	2020/21	2021/22
Administrative deficiency in an individual case		
Unreasonable, unjust, oppressive or discriminatory act, omission or decision	46	45
Procedural deficiency	38	23
Inadequate advice, explanation or reasons	16	12
Unreasonable delay	5	8
Factual error or mistake	6	5
Legal error	3	4
Wrong action or decision	3	3
Unprofessional behaviour or misconduct by an official	-	3
Administrative deficiency in the agency or system of government		
Flawed agency processes or systems	17	7
Government or agency policy - unreasonable or harsh impact	12	1
Inadequate knowledge or training of agency staff	-	1

11. Nature of remedy obtained for OA complaints

	2020/21	2021/22
Individual benefit		
Omission rectified	71	91
Apology	86	86
Decision changed	65	84
Reasons/explanation given	65	75
Decision to be reconsidered	84	46
Financial remedy	53	45
Public administration benefit		
Change in practice/procedure	33	21
Law/policy/practice/procedure to be reviewed	45	19
Provision of guidance or training to staff	23	9
Change in law/policy	4	4
Provision of additional resources	2	2

Official Information Act (OIA)

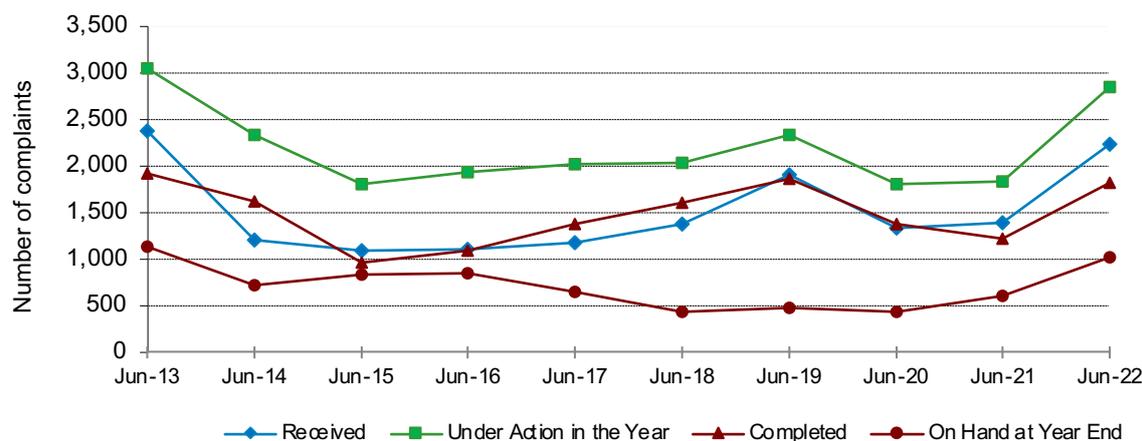


Figure 6: OIA complaints received and actioned over the past 10 years

[Link to text alternative version of Figure 6.](#)

12. Nature of OIA complaints made

	2020/21	2021/22
Delay in making decision	312	879
Refusal – general information request	746	884
Incomplete or inadequate response	97	172
Extension	83	123
Refusal – personal information about individual	73	64
Delay in releasing information	30	27
Other	17	24
Decision not made as soon as reasonably practicable	12	20
Manner or form of release	9	10
Refusal – statement of reasons	3	9
Charge	4	6
Refusal – personal information about body corporate	3	6
Neither confirm nor deny existence of information	2	3
Condition	1	3
Refusal – internal rules affecting decisions	1	-
Correction – personal information about body corporate	1	-
Total	1,394	2,230

13. OIA complaints received from

	2020/21	2021/22
General public – individuals	897	1,207
Researchers	9	543 ⁸⁷
Media	259	270
Companies, associations, and incorporated societies	103	98
Members of Parliament	26	52
Prisoners and prisoner advocates	63	23
Special interest groups	15	14
Political party research units	6	10
Trade unions	10	9
Select Committee	-	4
Departments, government organisations, and local authorities	3	-
Review agency	3	-
Total	1,394	2,230

14. OIA complaints received against

	2020/21	2021/22
Government departments	635	820
Other organisations state sector (all)	643	1,197
<i>District Health Boards</i>	85	52
<i>Boards of Trustees (schools)</i>	37	583 ⁸⁸
<i>Universities</i>	43	44
Ministers	101	206
Not specified	15	7
Total	1,394	2,230

87 Received 541 complaints from one individual against school boards of trustees.

88 As above.

15. OIA complaints received – greater than or equal to 15 complaints

	2020/21	2021/22
Government departments		
Ministry of Health	120	285
Ministry of Business, Innovation and Employment	94	81
Department of Corrections	100	62
Department of the Prime Minister and Cabinet	19	53
Ministry of Social Development	22	37
Oranga Tamariki—Ministry for Children	34	36
Ministry of Justice	40	35
Ministry of Foreign Affairs and Trade	33	29
Ministry for Primary Industries	35	26
Ministry of Education	27	21
Department of Internal Affairs	11	20
Inland Revenue Department	13	19
Department of Conservation	34	18
Ministry for the Environment	8	17
New Zealand Defence Force	-	15
Ministers		
Minister for COVID-19 Response	6	34
Prime Minister	5	35
Minister of Police	15	16
Minister of Health	8	15
Other organisations state sector		
New Zealand Police	237	240
New Zealand Transport Agency	30	43
Accident Compensation Corporation	22	28
Health New Zealand	-	26
WorkSafe New Zealand	34	24
University of Waikato	5	17
Waikato District Health Board	28	16

16. How OIA complaints were dealt with

	2020/21	2021/22
Outside jurisdiction		
Agency not listed in schedule	12	6
Scheduled agency otherwise outside jurisdiction	61	54
<i>Subtotal</i>	73	60
Referred		
Referred to Privacy Commissioner	62	53
<i>Subtotal</i>	62	53
No investigation undertaken		
Withdrawn by complainant or no response from complainant	173	331
Adequate alternative remedy – complain to agency first	5	9
Adequate alternative remedy – complaint referred to agency by Ombudsman	1	1
Frivolous, vexatious, or not in good faith	-	9
Explanation, advice or assistance provided	45	48
Investigation unnecessary	174	604
<i>Subtotal</i>	398	1,002
Resolved without investigation		
Remedial action to benefit complainant	104	93
Remedial action to improve state sector administration	-	1
Remedial action to benefit complainant and improve state sector administration	1	2
Provision of advice/explanation by agency or Ombudsman that satisfies complainant	35	54
<i>Subtotal</i>	140	150
Investigation discontinued		
Withdrawn by complainant or no response from complainant	37	52
Further investigation unnecessary	72	47
Agency to review	-	4
<i>Subtotal</i>	109	103
Resolved during investigation		
Remedial action to benefit complainant	150	139
Remedial action to benefit complainant and improve state sector administration	3	1
Provision of advice/explanation by agency or Ombudsman that satisfies complainant	16	22
<i>Subtotal</i>	169	162
Investigation finalised (final opinion formed)		
Administrative deficiency identified – recommendation/s	43	46
Administrative deficiency identified – no recommendation	36	49
No administrative deficiency identified	191	185
Issues cannot be determined	1	1
<i>Subtotal</i>	271	281
<i>Administration – adjustment</i>	1	-
<i>Under consideration at 30 June</i>	599	1,018
Total	1,822	2,829

17. Nature of deficiency identified where final opinion formed on OIA complaints

	2020/21	2021/22
Administrative deficiency in an individual case		
Refusal not justified – in part	33	26
Refusal not justified – in whole	20	26
Delay deemed refusal	12	14
Unreasonable extension	8	14
Otherwise wrong or unreasonable	2	4
Undue delay in releasing information	1	4
Unreasonable delay	1	3
Unreasonable, unjust, oppressive, or discriminatory act, omission, or decision	-	1
Unreasonable charge	2	1
Unreasonable conditions	-	1
Procedural deficiency	-	1
Factual error or mistake	-	1
Flawed agency processes or systems	-	1
Inadequate knowledge/training or agency staff	-	1

18. Nature of remedy obtained for OIA complaints

	2020/21	2021/22
Individual benefit		
Omission rectified	203	605
Decision changed	238	184
Reasons/explanation given	90	99
Decision to be reconsidered	38	54
Apology	19	37
Financial remedy	1	1
Public administration benefit		
Change in practice/procedure	6	5
Provision of guidance or training to staff	2	5
Law, policy, practice, or procedure to be reviewed	-	4
Provision of additional resources	-	2

Local Government Official Information and Meetings Act (LGOIMA)

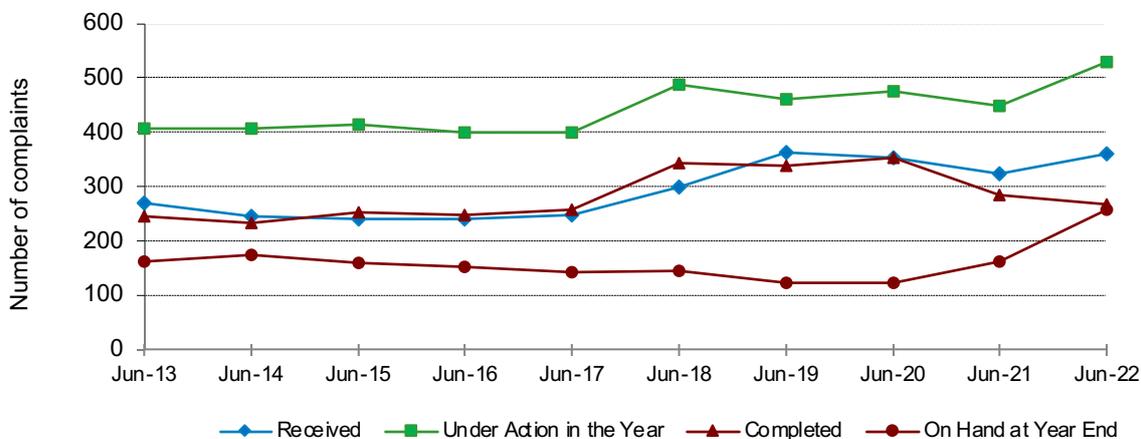


Figure 7: LGOIMA complaints received and actioned over the past 10 years.

[Link to text alternative version of Figure 7.](#)

19. Nature of LGOIMA complaints made

	2020/21	2021/22
Refusal – general information request	167	192
Delay in making decision	56	69
Incomplete or inadequate response	50	61
Extension	14	18
Charge	10	5
Decision not made as soon as reasonably practicable	7	5
Delay in releasing information	12	4
Refusal – personal information about individual	3	3
Other	2	1
Neither confirm nor deny	1	1
Refusal – statement of reasons	1	1
Condition	-	1
Refusal – personal information about body corporate	1	-
Total	324	361

20. LGOIMA complaints received from

	2020/21	2021/22
General public – individuals	253	289
Media	34	44
Companies, associations and incorporated societies	29	21
Special interest groups	6	3
Departments, government organisations and local authorities	2	2
Members of Parliament	-	2
Total	324	361

21. LGOIMA complaints received against (and greater than or equal to 15 complaints)

	2020/21	2021/22
District councils	110	140
City councils	155	172
<i>Auckland Council</i>	38	63
<i>Christchurch City Council</i>	18	33
<i>Wellington City Council</i>	29	27
Regional councils	21	18
	2020/21	2021/22
Council Controlled Organisations	35	24
<i>Auckland Transport</i>	17	14
Other	3	7
Total	324	360

22. How LGOIMA complaints were dealt with

	2020/21	2021/22
Outside jurisdiction		
Scheduled agency otherwise outside jurisdiction	8	3
<i>Subtotal</i>	8	3
Referred		
Referred to Privacy Commissioner	3	4
<i>Subtotal</i>	3	4
No investigation undertaken		
Withdrawn by complainant or no response from complainant	48	47
Right of appeal to Court or Tribunal	1	-
Adequate alternative remedy – complain to agency first	3	1
Explanation, advice or assistance provided	9	11
Investigation unnecessary	44	38
<i>Subtotal</i>	105	97
Resolved without investigation		
Remedial action to benefit complainant	24	17
Remedial action to benefit complainant and improve state sector administration	1	1
Provision of advice/explanation by agency or Ombudsman that satisfies complainant	4	6
<i>Subtotal</i>	29	24

	2020/21	2021/22
Investigation discontinued		
Withdrawn by complainant or no response from complainant	13	8
Agency to review	-	2
Further investigation unnecessary	17	13
<i>Subtotal</i>	30	23
Resolved during investigation		
Remedial action to benefit complainant	33	40
Remedial action to benefit complainant and improve state sector administration	-	1
Provision of advice/explanation by agency or Ombudsman that satisfies complainant	2	-
<i>Subtotal</i>	35	41
Investigation finalised (final opinion formed)		
Administrative deficiency identified – recommendation/s	19	16
Administrative deficiency identified – no recommendation	7	10
No administrative deficiency identified	48	49
<i>Subtotal</i>	74	75
<i>Under consideration at 30 June</i>	163	257
Total	447	524

23. Nature of deficiency identified where final opinion formed on LGOIMA complaints

	2020/21	2021/22
Administrative deficiency in an individual case		
Refusal not justified – in part	10	9
Delay deemed refusal	2	5
Unreasonable extension	-	5
Otherwise wrong or unreasonable	-	3
Refusal not justified – in whole	-	3
Undue delay in releasing information	2	1
Unreasonable delay	-	1

24. Nature of remedy obtained for LGOIMA complaints

	2020/21	2021/22
Individual benefit		
Decision changed	50	49
Omission rectified	53	48
Apology	2	15
Reasons or explanation given	9	9
Decision to be reconsidered	17	8
Public administration benefit		
Provision of guidance or training to staff	-	4
Change in practice/procedure	1	3
Law, policy, practice, or procedure to be reviewed	-	2
Change in law or policy	-	1

Other contacts

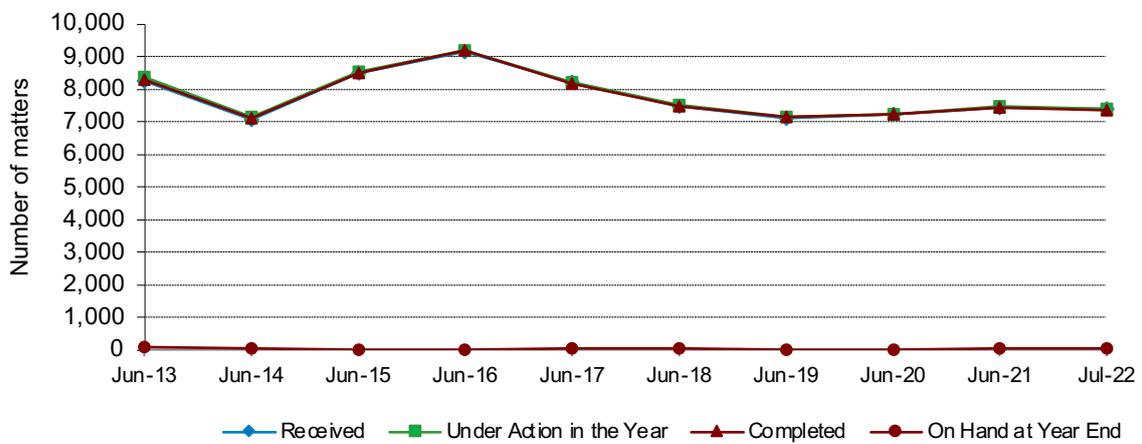


Figure 8: Other contacts received and actioned over the past 10 years.

[Link to text alternative version of Figure 8.](#)

25. Other contacts received about

	2020/21	2021/22
Ombudsmen Act matters	5,875	5,561
Copy correspondence, material sent for information only	396	545
Official Information Act matters	369	328
Agency requests for advice	333	356
Other	208	336
Requests for information held by the Ombudsman	143	147
Local Government Official Information and Meetings Act matters	68	48
Consultation by review agency (Privacy Commissioner, Independent Police Conduct Authority, Health and Disability Commissioner)	42	44
OPCAT matters	9	9
Total	7,443	7,374

26. Other contacts received from

	2020/21	2021/22
General public – individuals	4,746	5,157
Prisoners and prisoner advocates	2,143	1,647
Departments, government organisations, and local authorities	429	452
Review agencies (Privacy Commissioner, Independent Police Conduct Authority, Health and Disability Commissioner)	44	44
Media	32	24
Companies, associations, and incorporated societies	28	31
Members of Parliament	6	5
Special interest groups	4	8
Other	4	-
Ministers	3	2
Researchers	3	4
Trade unions	1	-
Total	7,443	7,374

27. Other contacts concerned

	2020/21	2021/22
Department of Corrections	2,369	1,878
Other government agencies	1,298	1,700
Other organisations (state sector)	1,055	1,042
Agencies not subject to jurisdiction	599	471
Local authorities	527	408
Ministers	31	57
Not specified	1,564	1,818
Total	7,443	7,374

28. How other contacts were dealt with

	2020/21	2021/22
Explanation, advice or assistance provided	4,059	3,731
Complain to agency first	1,488	1,501
Individual advised to complain in writing/send relevant papers	757	850
No response required (including copy correspondence, FYI)	630	773
Complain to other agency – other	115	91
Complain to other agency – Health and Disability Commissioner	94	131
Withdrawn	67	45
Complain to other agency – Independent Police Conduct Authority	66	70
Complain to other agency – Privacy Commissioner	61	66
Matter referred to agency by Ombudsman	51	40
Matter to be transferred to Ombudsman by other review agency	38	37
Resolved – provision of advice/explanation which satisfies individual	4	1
Resolved – remedial action to benefit individual	2	5
<i>Under consideration at 30 June</i>	38	66
Total	7,473	7,407

29. Nature of remedy obtained for other contacts

	2020/21	2021/22
Omission rectified	-	3
Decision changed	2	1
Provision of additional resources	-	1

Geographical distribution of complaints and other contacts received in year to 30 June 2022⁸⁹

30. Geographical location

	Other contacts	OA	OIA	LGOIMA	Other work	2021/22	2020/21
Auckland	912	1,061	938	73	2	2,986	2,328
Bay of Plenty	71	130	35	17	1	254	181
Northland	124	126	20	10	1	281	272
Waikato	243	284	73	23	2	625	648
Taranaki	35	56	15	1	1	108	67
Hawke's Bay	111	81	32	5	-	229	181
Manawatu/Whanganui	175	137	62	11	2	387	383
Wairarapa	23	33	11	11	-	78	66
East Cape	8	14	6	1	-	29	35
Wellington	461	320	295	54	7	1,137	1,069
Total North Island	2,163	2,242	1,487	206	16	6,114	5,230
Nelson/Marlborough	55	106	18	29	1	209	174
Dunedin	36	44	19	8	-	107	109
Otago	88	86	19	10	1	204	208
Southland	66	61	11	3	1	142	142
Canterbury	71	63	13	4	1	152	187
Christchurch	267	240	68	28	2	605	468
Westland	22	26	5	4	-	57	62
Chatham Islands	1	3	-	-	-	4	3
Total South Island	606	629	153	86	6	1,478	1,353
Location not known	4,580	1,732	598	82	49	7,041	6,558
Overseas	71	357	26	-	-	454	309
Total	7,420	4,960	2,264	374	71	15,089	13,450

89 This table includes complaints and other contacts. Complaints and other contacts may be made jointly with other persons. As a consequence, the number of complaints and other contacts recorded on the basis of region exceeds the number of issues that were the subject of a complaint or other contact.

Directory

Legal authorities for establishing the Ombudsman

The Ombudsman is appointed pursuant to sections 8 and 13 of the Ombudsmen Act 1975, and reports annually to Parliament pursuant to this Act and the Public Finance Act 1989. The Ombudsman is an Officer of Parliament pursuant to section 3 of the Ombudsmen Act 1975, and the Public Finance Act 1989.

Contacting the Ombudsman

Free phone: 0800 802 602

www.ombudsman.parliament.nz

Email: info@ombudsman.parliament.nz

Post: PO Box 10152, Wellington 6143

Fax: 04 471 2254

Wellington

Level 7, 70 The Terrace

Auckland

Level 10, 55-65 Shortland Street

Appendix 1 : Text alternative versions of diagrams and graphs

Ombudsman's Outcomes Framework diagram

General Notes

This framework diagram demonstrates the linkages between the services we deliver through the Office's outputs, and the outcomes and impacts we are seeking to achieve.

The diagram features a triangle, divided horizontally into four sections and is set on two key foundations.

The first section 'Goal' forms the triangle's peak and notes the Office's key goal—it is set against a photograph of the tips of harakeke (flax); the next section (dark/black—also set against the photograph of harakeke) sets out the 'Outcomes'; below this in a blue section are the 'Impacts', and the bottom section (light grey) sets out the Outputs. Underpinning the diagram which could be seen as the foundation of the triangle, are 'Well-run Office—timely delivery of quality services and Tiriti o Waitangi acknowledged in our work'.

Text in each section

Note: text is set out from left to right in even rows to fit the section of the triangle.

Goal—People are treated fairly.

Outcomes—High public trust in government; People's rights are protected; Robust independent oversight; New Zealand contributes to regional stability and integrity institutions.

Impacts—People participate in government decision-making; Government is responsive, efficient, effective, and accountable; Government actions are open, fair, and reasonable; People in positions of power act with integrity; People are treated humanely, with dignity by those in authority; New Zealand is a leader in anti-corruption and integrity.

Outputs—Inform the public to take constructive action to protect their rights; Improve public sector capability; Consultation to help the public sector make decisions; Enable serious wrongdoing to be disclosed and whistleblowers protected; Remove barriers to people with disabilities participating equally in society; Improve the conditions and treatment of people in detention; Ensure official information is increasingly available and not unlawfully refused; Identify flawed public sector decision-making; Learn from, and assist to develop, international best practice.

[Return to Outcomes Framework section in document.](#)

The following tables, replicate the data featured in graphs in Figures 3 to 8.

Figures 3: Complaints received since 2011/12

Year	Complaints received	Rate of change from previous year
2011/12	3,962	-46%
2012/13	5,350	35%
2013/14	3,928	-27%
2014/15	3,617	-8%
2015/16	3,388	-6%
2016/17	3,613	7%
2017/18	3,940	9%
2018/19	4,676	19%
2019/20	4,493	-4%
2020/21	5,578	24%
2021/22	7,321	31%

[Return to Figure 3 in text.](#)

Figure 4: Overall throughput of work over the past 10 years

Year	Received	Under Action in the Year	Completed	On Hand at Year End
Jun-13	13,684	15,430	13,358	2,072
Jun-14	11,044	13,116	11,505	1,602
Jun-15	12,151	13,753	11,964	1,787
Jun-16	12,595	14,382	12,786	1,591
Jun-17	11,846	13,437	12,141	1,294
Jun-18	11,468	12,770	11,846	916
Jun-19	11,886	12,802	11,793	1,009
Jun-20	11,862	12,912	11,740	1,132
Jun-21	13,185	14,347	12,639	1,680
Jun-22	14,791	16,508	13,705	2,760

[Return to Figure 4 in text.](#)

Figure 5: OA complaints received and actioned over the past 10 years

Date	Received	Under Action in the Year	Completed	On Hand at Year End
Jun-13	2,745	3,548	2,878	687
Jun-14	2,478	3,165	2,510	647
Jun-15	2,304	2,951	2,226	727
Jun-16	2,054	2,781	2,241	542
Jun-17	2,191	2,733	2,285	430
Jun-18	2,263	2,693	2,398	296
Jun-19	2,413	2,709	2,355	354
Jun-20	2,811	3,165	2,665	500
Jun-21	3,862	4,380	3,547	815
Jun-22	4,730	5,570	4,165	1,379

[Return to Figure 5 in text.](#)

Figure 6: OIA complaints received and actioned over the past 10 years

Date	Received	Under Action in the Year	Completed	On Hand at Year End
Jun-13	2,373	3,040	1,912	1,129
Jun-14	1,207	2,338	1,623	712
Jun-15	1,090	1,798	960	838
Jun-16	1,100	1,933	1,084	849
Jun-17	1,174	2,022	1,375	647
Jun-18	1,378	2,025	1,598	427
Jun-19	1,901	2,328	1,859	469
Jun-20	1,329	1,798	1,371	428
Jun-21	1,394	1,832	1,223	599
Jun-22	2,230	2,842	1,811	1,018

[Return to Figure 6 in text.](#)

Figure 7: LGOIMA complaints received and actioned over the past 10 years

Date	Received	Under Action in the Year	Completed	On Hand at Year End
Jun-13	271	407	245	162
Jun-14	246	408	233	174
Jun-15	240	414	253	161
Jun-16	240	400	247	153
Jun-17	248	400	258	142
Jun-18	299	488	344	144
Jun-19	364	461	339	122
Jun-20	354	476	353	123
Jun-21	324	449	284	163
Jun-22	361	529	267	257

[Return to Figure 7 in text.](#)

Figure 8: Other contacts received and actioned over the past 10 years

Date	Received	Under Action in the Year	Completed	On Hand at Year End
Jun-13	8,263	8,364	8,283	80
Jun-14	7,081	7,161	7,112	50
Jun-15	8,480	8,530	8,497	34
Jun-16	9,166	9,200	9,185	15
Jun-17	8,198	8,213	8,168	45
Jun-18	7,475	7,520	7,475	45
Jun-19	7,120	7,165	7,143	22
Jun-20	7,217	7,239	7,212	27
Jun-21	7,443	7,470	7,435	38
Jul-22	7,374	7,408	7,341	66

[Return to Figure 8 in text.](#)

[Document ends]

