

VOTE

Ombudsmen

Ombudsmen

Overview

Departmental Appropriations

Departmental appropriations sought for Vote Ombudsmen in 2005/06 total \$4.869 million (GST exclusive).

The whole of the Vote is committed to the investigation and resolution of complaints about government agencies at central, regional and local levels.

Details of appropriation spending appear in Parts B1 and C of this Vote.

Footnotes

- Note 1** The Office of the Ombudsmen is an Office of Parliament under the Public Finance Act 1989.
- Note 2** “Other” appropriations meet the full year cost of remuneration for the Chief Ombudsman and two Ombudsmen pursuant to sections 8 and 9 of the Ombudsmen Act 1975.

Ombudsmen

VOTE MINISTER: The Speaker of the House

ADMINISTERING DEPARTMENT: Office of the Ombudsmen (see Note 1)

The Speaker of the House is the Responsible Minister for the Office of the Ombudsmen

Part A - Statement of Objectives and Trends

Part A1 - Objectives for Vote Ombudsmen

The appropriations in Vote Ombudsmen help fulfil Parliament's intent through the Ombudsmen Act 1975, the Official Information Act 1982, the Local Government Official Information and Meetings Act 1987 and the Protected Disclosures Act 2000 and make an important contribution to the maintenance and enhancement of "open" government within New Zealand. Specifically, the Ombudsmen contribute to strengthening the New Zealand system of democracy through improved public administration and access to official information, and enhanced public confidence in government administration. The dissemination of information assists the public in understanding government administration.

The appropriations will purchase the independent investigation of complaints from the public:

- under the Ombudsmen Act 1975 arising from any act, omission, decision or recommendation relating to a matter of administration and affecting any person or body of persons in his/her/its personal capacity by any government agencies at central, regional or local level
- under the Official Information Act 1982 and the Local Government Official Information and Meetings Act 1987 about decisions on requests for access to official information held by any Minister of the Crown, or any government agencies at central, regional or local level
- where justified, the recommendation of appropriate remedial action to resolve those complaints
- investigations either on a complaint made to an Ombudsman by any person or body of persons, or in the case of investigations under the Ombudsmen Act 1975, by an Ombudsman of his/her own motion
- the maintenance of the Ombudsmen's extended involvement in the investigation of complaints from inmates in penal institutions
- a heightened presence within the tertiary education sector.

Under the Protected Disclosures Act 2000:

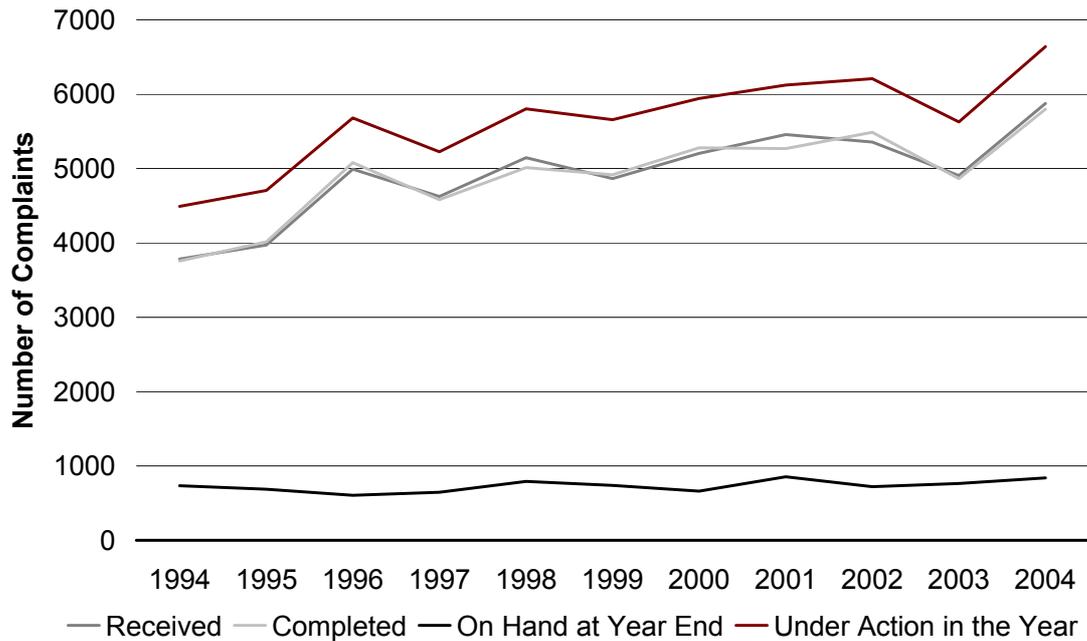
- to provide an employee who has made, or is considering making, a protected disclosure, information and guidance on the application of the legislation
- where a protected disclosure is made to an Ombudsman in the capacity of an "appropriate authority", to take such action on the matter as prescribed in the Act.

Part A2 - Trends in Vote Ombudsmen

For most of the past decade the quantity of complaints referred to the Ombudsmen for review has been reasonably stable at around 5,200 new requests for review within jurisdiction each year. In addition to the caseload of new work, a further 650 to 750 incomplete complaints are normally carried forward from the previous reporting year. Past experience indicates a further approximately 500 requests will be received but after initial consideration or investigation will be found to be outside jurisdiction. Although not within the Ombudsmen jurisdiction, guidance and assistance is given for these latter requesters. The total caseload of the Ombudsmen is generally around 6,000 to 6,700 investigations under action during each reporting year.

Over the same decade there has been a noticeable increase in the complexity of Ombudsmen Act 1975 and official information legislation complaints received. In particular, the complexity and sensitivity of Official Information Act 1982 complaints increased markedly over this period. The growth in work is attributable to multiple factors:

- the enactment of the State Sector Act 1988 appears to have led departments and organisations to more frequently consult with Ministers when requests are made for information involving policy advice tendered by officials
- a greater interest by the public at large in the governance of the country and of the advice and information tendered to Government by officials and government agencies
- an increased awareness of the official information legislation and greater preparedness by members of the public to question and seek explanations of government at all levels for the decisions and actions affecting them. The public and interested groups are routinely requesting access to source data so that they may form a view themselves rather than accepting advice from politicians and officials. By nature, these complaints are generally complex, sensitive and resource intensive
- the advent of MMP government has led to greater use of the Official Information Act 1982 by the public, parliamentarians and political party research units
- following the Logan Report on Mangaroa Prison, a higher profile within the prisons system from 1 April 1995
- from 1 January 2002 the Ombudsmen have had a greater presence within the tertiary education sector.

Figure 1 - Throughput - All complaints

Source: 2004 Annual Report of the Office of the Ombudsmen

Throughput of complaints

	2000/01 Actual	2001/02 Actual	2002/03 Actual	2003/04 Actual	2004/05 Forecast	2005/06 Forecast
Complaints on hand 1 July	854	723	763	763	650-750 a	650-750 a
Complaints Received	5,460	5,358	4,906	4,906	5,500 ab	5,500 a
Complaints Completed	5,269	5,489	4,866	4,866	5,500 ab	5,500 a
Working days (average) to complete:						
Ombudsmen Act complaint	34	35	38	38	39	39
Official Information Act complaint	60	79	72	72	69	69
Local Government Official Information and Meetings Act complaint	51	51	73	73	55	55
Protected Disclosures Act request	-	-	39	39	39	39
Staff numbers (FTE)	39	41.5	41.4	41.4	43.4 cd	45.4e

Notes:

- a Estimate only.
- b From 1 April 2001 the Ombudsmen adopted a higher profile in taxation matters and from 1 January 2002 a heightened presence in tertiary institutions.
- c Excludes the Ombudsmen.
- d Includes 2 additional staff to assist with complaints received from prison inmates.
- e Includes a new position to provide policy advice and training and a second appointment to the office "call centre".

The Ombudsmen meet regularly with Chief Executives of public sector agencies with the objective of improving the agencies understanding and application of the Ombudsmen Act 1975 and official information legislation in particular. The expectation is that organisations within the local, regional and central government sectors will, with greater knowledge of the legislation, be in an improved position to resolve many complaints at organisational level that would otherwise be referred to the Ombudsmen for review.

Demand for Ombudsman investigations is expected to remain reasonably stable in the 2005/06 reporting year with a total of approximately 6,000 to 6,700 complaints under action but with the new initiatives approved for the 2005/06 year it is expected more complaints, particularly those received from prison inmates, will be resolved using informal processes and in a timelier manner and without need to open a formal investigation file.

Additionally, the Office of the Ombudsmen extends advice to approximately 5,000 people each year, who contact it by telephone, by email or in person.

There is also a triennial variability in requests particularly in the official information jurisdictions that is cyclic in nature with greatest demand in the year preceding a General Election. Most recently a greater use by requesters and government agencies of consultants and legal advisers has been evident. This tends to generate a more adversarial environment in the consideration of requests and requires the commitment of more resources and time in their resolution.

With the resources provided for the 2005/06 year, the Office expects to:

- complete more or less the same number of complaints as are referred to the Ombudsmen for investigation during the 2005/06 reporting year
- limit the open caseload (all jurisdictions) at 30 June 2006 to between 650 and 750 complaints
- improve the timeliness within which complaints are resolved compared to that achieved in the 2004/05 reporting year
- resolve more complaints informally, particularly those received from prison inmates, without need to open a formal investigation file and in a more timely manner
- provide additional support and training to organisations subject to Ombudsman review in the application of the Ombudsmen Act 1975 and official information legislation in particular. The intention is to manage down demand for ombudsman interventions through improved decision making at departmental and organisational level.

Significant changes to the cost structure of the Office since 1996 are due to the following:

- for the 1997/98 and 1999/2000 financial years, the Officers of Parliament Committee approved a baseline adjustment to assist the Office to deal with the increased number and complexity of complaints received pending consideration of options to manage the caseload of the Ombudsmen, but the increases were lower than needed to reasonably fund the level of demand for investigations

- for the 2000/01 financial year the Officers of Parliament Committee approved the balance of the baseline adjustment sought in the 1998/99 year to ensure that the Office was reasonably resourced to meet the workload referred to it and based on costs at that time
- the Officers of Parliament Committee approved baseline increases for the 2001/02 financial year and out years to enable the Ombudsmen to adopt a heightened profile in matters of taxation from 1 April 2001 and in tertiary institutions from 1 January 2002
- the budget for the 2002/03 financial year included the full year cost of the Ombudsmen having a heightened presence within the tertiary education sector and some funding to meet remuneration pressures. Funding was also provided to meet remuneration costs associated with the appointment of a third Ombudsman from 5 December 2001. The remuneration cost for one Ombudsman remained a charge to Vote Courts
- a Supplementary Estimates increase in 2002/03 was approved to assist the office with mounting a defence to legal proceedings issued in the High Court
- the Officers of Parliament Committee approved a “one off” baseline increase for the 2003/04 financial year to assist the office in meeting legal defence costs associated with the High Court action. In the event the litigation was withdrawn and the additional funding was returned to the Crown as part of the 2003/04 Supplementary Estimates exercise
- the Officers of Parliament Committee approved as part of the 2004/05 Estimates an increase to the office baseline to allow staff remuneration to more closely reflect rates paid by other government sector employers. The funding was to be provided half in the 2004/05 year and half in the 2005/06 year. Additional and “one off” funding was provided to meet costs associated with hosting the regional conference of Australasian and Pacific Ombudsmen in Wellington in 2005 and the development of a communications strategy from 1 July 2004
- a Supplementary Estimates increase was approved in 2004/05 to meet the part year cost of remuneration for one Ombudsman previously a charge to Vote Courts being transferred to Vote Ombudsmen from 1 March 2005. Additional funding was also approved to recruit two new staff to assist with prison investigations and meet costs associated with the appointment of a new Ombudsman to succeed retiring Ombudsman Judge Anand Satyanand
- the 2005/06 Estimates include the full year cost of remuneration for 3 Ombudsmen. Previously the remuneration for one Ombudsman had been a charge to Vote Courts. The budget also provides the balance of funding approved in 2004/05 for staff remuneration. The Officers of Parliament Committee also approved a budgetary provision for two additional staff to provide training and policy advice and “Call Centre” support which will underpin a move in the office’s strategic direction towards a more pro-active positioning. In addition, funding was provided to continue the office communications strategy that aims to increase awareness within the various ethnic communities that now make up the New Zealand population of the role fulfilled by the Ombudsmen.

New Policy Initiatives by Appropriation

Initiative	Appropriations as shown in Part B	\$(000) increase/(decrease)				
		2004/05	2005/06	2006/07	2007/08	2008/09
Prison investigation support	Departmental Output Expense - Investigation and Resolution of Complaints About Government Administration	112	170	170	170	170
Recruitment costs	Departmental Output Expense - Investigation and Resolution of Complaints About Government Administration	21	-	-	-	-
Senior advisory support and training	Departmental Output Expense - Investigation and Resolution of Complaints About Government Administration	-	102	102	102	102
Strategic Direction	Departmental Output Expense - Investigation and Resolution of Complaints About Government Administration	-	65	65	65	65
Communications strategy	Departmental Output Expense - Investigation and Resolution of Complaints About Government Administration	-	20	20	20	20
Total Initiatives		133	357	357	357	357

Trends in Vote Ombudsmen - Summary of Financial Activity

	2000/01	2001/02	2002/03	2003/04	2004/05		2005/06 Appropriations to be Used				2006/07	2007/08	2008/09	
	Actual \$000	Actual \$000	Actual \$000	Actual \$000	Budget \$000	Estimated Actual \$000	By the Department Administering the Vote		For Non-Departmental Transactions		Total \$000	Estimated \$000	Estimated \$000	Estimated \$000
							Annual \$000	Other \$000	Annual \$000	Other \$000				
Appropriations														
Output Expenses	3,399	3,840	4,122	4,298	4,927	4,927	4,869	756	-	-	5,625	5,615	5,625	5,620
Benefits and Other Unrequited Expenses	-	-	-	-	-	-	N/A	N/A	-	-	-	-	-	-
Borrowing Expenses	-	-	-	-	-	-	N/A	N/A	-	-	-	-	-	-
Other Expenses	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Capital Expenditure	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Intelligence and Security Department Expenses and Capital Expenditure	-	-	-	-	-	-	-	-	N/A	N/A	-	-	-	-
Total Appropriations	3,399	3,840	4,122	4,298	4,927	4,927	4,869	756	-	-	5,625	5,615	5,625	5,620
Crown Revenue and Receipts														
Tax Revenue	-	-	-	-	-	-	N/A	N/A	N/A	N/A	-	-	-	-
Non-Tax Revenue	-	-	-	-	-	-	N/A	N/A	N/A	N/A	-	-	-	-
Capital Receipts	-	-	-	-	-	-	N/A	N/A	N/A	N/A	-	-	-	-
Total Crown Revenue and Receipts	-	-	-	-	-	-	N/A	N/A	N/A	N/A	-	-	-	-

Part B - Statement of Appropriations

Part B1 - Details of Appropriations

	2004/05				2005/06		
	Budget		Estimated Actual		Vote		
Appropriations	Annual \$000	Other \$000	Annual \$000	Other \$000	Annual \$000	Other \$000	Scope of 2005/06 Appropriations
Departmental Output Expenses (General)							
Investigation and Resolution of Complaints About Government Administration	4,321	606	4,321	606	4,869	756	The investigation and resolution of complaints about the administrative acts, omissions and decisions of Government at central, regional or local levels. (See Note 2) .
Total Appropriations for Departmental Output Expenses (General)	4,321	606	4,321	606	4,869	756	
Total Appropriations	4,321	606	4,321	606	4,869	756	

Part C - Explanation of Appropriations for Output Expenses

Introduction

The Ombudsmen are independent Officers of Parliament appointed by the Governor-General on the recommendation of the House of Representatives. Their function is to investigate and:

- form opinions on the merits of complaints about the administrative acts and decisions of government agencies at central, regional or local levels
- review decisions made about requests for access to official information held by any Minister of the Crown or central, regional or local government department or organisation
- provide guidance and information to employees who have made, or are considering making, a protected disclosure pursuant to the Protected Disclosures Act 2000 and fulfil the requirements of an “appropriate authority” pursuant to the Act.

They report annually and are accountable to Parliament rather than the Government.

The appropriations in this Vote were commended to the Governor-General by the House of Representatives in an address, on the recommendation of the Officers of Parliament Committee.

Part C1 - Output Expenses

Investigation and Resolution of Complaints about Government Administration

This output involves:

- the investigation under the Ombudsmen Act 1975 of complaints arising from the acts, omissions, decisions and recommendations of government agencies at central, regional or local levels
- the review of decisions on requests for information under the Official Information Act 1982 and the Local Government and Official Information and Meetings Act 1987
- the provision of guidance and information about making a protected disclosure pursuant to the Protected Disclosures Act 2000 and the Ombudsmen fulfilling the obligations of an “appropriate authority” under the Act.

Part E - Explanation of Capital Flows

Part E1 - Explanation of Movements in Department Net Asset Schedules

Explanation of Movements in Department's Net Asset Schedule

Details of Net Asset Schedule for Office of the Ombudsmen	Estimated Actual 2004/05 \$ million	Projected 2005/06 \$ million	Explanation of Projected Movements in 2005/06
Opening Balance	0.037	0.057	
Capital Injections	0.020	-	
Capital Withdrawals	-	-	
Surplus to be Retained (Deficit Incurred)	-	-	
Other Movements	-	-	
Closing Balance	0.057	0.057	

Part E3 - Explanation of Appropriations for Capital Expenditure

The \$20,000 capital injection provided in 2004/05 was to enable office partition alterations to the Ombudsmen's Christchurch accommodation.

