

VOTE

Ombudsmen

Ombudsmen

Overview

Appropriations sought for Vote Ombudsmen in 2004/05 total \$5.213 million (GST inclusive). The whole of the Vote is committed to the investigation and resolution of complaints about government agencies at central, regional and local levels.

The Office expects to earn \$4.690 million of Revenue Crown in 2004/05.

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 cost of remuneration for the Chief Ombudsman and one Ombudsman pursuant to sections 8 and 9 of the Ombudsmen Act 1975. Remuneration costs for the third Ombudsman are a charge to Vote Courts.

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 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 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 and the Local Government Official Information and Meetings Act 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, 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.

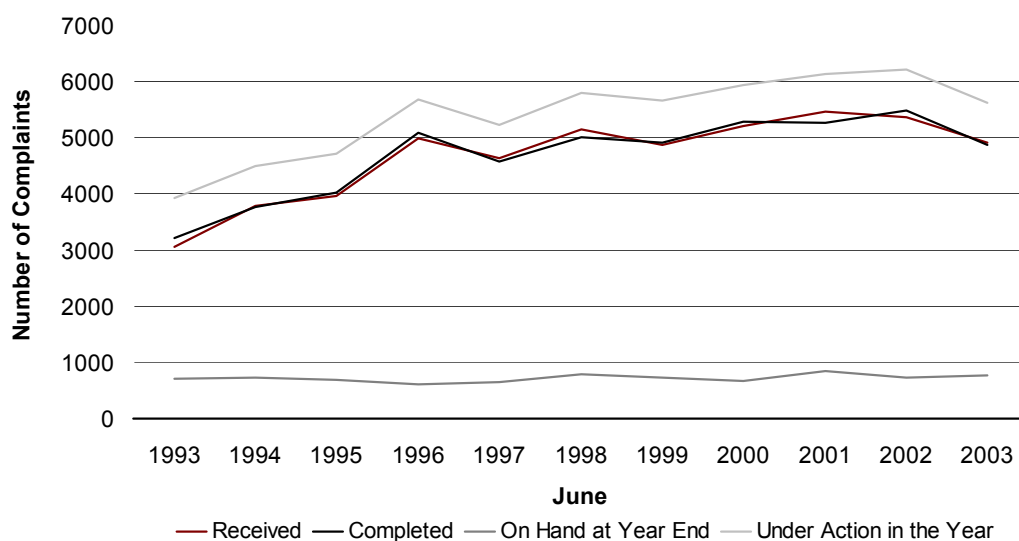
Part A2 - Trends in Vote Ombudsmen

For most of the past decade the quantity of complaints referred to the Ombudsmen for review has been reasonably stable at around 5,000 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. Experience suggests 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 around 6,000 to 6,500 investigations under action during each reporting year.

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

- an increased awareness of the official information legislation and a willingness 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 more often requesting access to source data so that they may form a view themselves rather than accepting advice from politicians and officials
- greater use of the Official Information Act by the public, parliamentarians and their 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: 2003 Annual Report of the Office of the Ombudsmen

Throughput of complaints

	1999/00 Actual	2000/01 Actual	2001/02 Actual	2002/03 Actual	2003/04 Forecast	2004/05 Forecast
Complaints on hand 1 July	663	854	723	763	650-750 a	650-750 a
Complaints Received	5,205	5,460	5,358	4,906	5,500 ab	5,500 a
Complaints Completed	5,281	5,269	5,489	4,866	5,500 ab	5,500 a
Working days (average) to complete:						
Ombudsmen Act complaint	30	34	35	38	39	39
Official Information Act complaint	64	60	79	72	69	69
Local Government Official Information and Meetings Act complaint	55	51	51	73	55	55
Protected Disclosures Act request	-	-	-	39	39	39
Staff numbers (FTE) c	39	39	41.5	41.4	45	45

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.

The Ombudsmen meet regularly with Chief Executives of public sector agencies with the objective of improving the understanding and operation of the Ombudsmen Act, 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 2004/05 reporting year with a total of approximately 6,000 to 6,500 complaints under action. The annual figure represents cases for which a file is made and an investigation commenced or advice/guidance given.

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.

Over the past decade, the workload of the Ombudsmen has increased significantly as a result of 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. More requests for access to information on policy advice and other similar matters are now being routinely received. By nature, these complaints are generally complex, sensitive and resource intensive.

In recent years, the main driver of the increased demand has been requests for investigation received from “parliamentary” sources and individuals. That demand is cyclic with greatest demand in the year preceding a General Election. Most recently a greater use by requesters and holders of official information 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 2004/05 year, the Office expects to:

- complete more or less the same number of complaints as are referred to the Ombudsmen for investigation during the 2004/05 reporting year
- limit the open caseload (all jurisdictions) at 30 June 2005 to between 650 and 750 complaints
- improve the timeliness within which complaints are resolved compared to that achieved in the 2003/04 reporting year.

Significant changes to the cost structure of the Office since 1995 are due to the following:

- from February 1995 remuneration costs for an Ombudsman, previously met from Vote Ombudsmen, became a cost to Vote Courts. The cost of the Chief Ombudsman's remuneration remains a charge to Vote Ombudsmen
- from 1 April 1995 the Ombudsmen adopted a higher profile within the prison service
- 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 remains a charge to Vote Courts.

A Supplementary Estimates increase 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 an increase to the office baseline to allow staff remuneration to more closely reflect rates paid by other government sector employers. 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 implementation of a communications strategy from 1 July 2004.

Reconciliation of New Initiatives to Appropriations

Initiative	Appropriations as shown in Part B	\$000 increase/(decrease)				
		2003/04	2004/05	2005/06	2006/07	2007/08
To Fund Implementation of a Communications Strategy	Departmental Output Class - Investigation and Resolution of Complaints About Government Administration	-	45	-	-	-
Baseline Funding Adjustment		-	419	835	835	835
To Fund the Regional Australasian and Pacific Ombudsmen Conference in 2005		-	17	-	-	-
Total Initiatives		-	481	835	835	835

Trends in Vote Ombudsmen - Summary of Appropriations and Crown Revenue

Types of Appropriation	1999/2000	2000/01	2001/02	2002/03	2003/04		2004/05 Appropriations to be Used				2005/06	2006/07	2007/08	
	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				
Operating Flows														
Classes of Outputs to be Supplied	3,714	3,799	4,282	4,609	4,778	4,766	4,711	502	-	-	5,213	5,577	5,567	5,577
Benefits and Other Unrequited Expenses	-	-	-	-	-	-	N/A	N/A	-	-	-	-	-	-
Borrowing Expenses	-	-	-	-	-	-	N/A	N/A	-	-	-	-	-	-
Other Expenses	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Capital Flows														
Capital Contributions	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Purchase or Development of Capital Assets	-	-	-	-	-	-	N/A	N/A	-	-	-	-	-	-
Repayment of Debt	-	-	-	-	-	-	N/A	N/A	-	-	-	-	-	-
Total Appropriations	3,714	3,799	4,282	4,609	4,778	4,766	4,711	502	-	-	5,213	5,577	5,567	5,577
Total Crown Revenue and Receipts	-	-	-	-	-	-	N/A	N/A	N/A	N/A	-	-	-	-

Part B - Statement of Appropriations

Part B1 - Details of Appropriations

	2003/04				2004/05		Description of 2004/05 Appropriations
	Vote		Estimated Actual		Vote		
Appropriations	Annual \$000	Other \$000	Annual \$000	Other \$000	Annual \$000	Other \$000	
Departmental Output Classes (Mode B Gross)							
Investigation and Resolution of Complaints About Government Administration	4,268	510	4,256	510	4,711	502	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 Classes (Mode B Gross)	4,268	510	4,256	510	4,711	502	
Total Appropriations	4,268	510	4,256	510	4,711	502	

Part C - Explanation of Appropriations for Output Classes

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 Classes

Output Class - Investigation and Resolution of Complaints about Government Administration

This class of outputs involves:

- the investigation under the Ombudsmen Act 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 and the Local Government and Official Information and Meetings Act
- 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 Appropriations for Capital Flows

Net Worth of Entities Owned

Statement of Estimated and Forecast Net Worth

	Balance Date	Estimated Net Worth 2004 \$ million	Forecast Net Worth 2005 \$ million
Office of the Ombudsmen	30 June	0.037	0.037

