

Performance Information for Appropriations

Vote Ombudsmen

MINISTER(S) RESPONSIBLE FOR APPROPRIATIONS: Speaker of the House of Representatives (M78)

ADMINISTERING DEPARTMENT: Office of the Ombudsmen

MINISTER RESPONSIBLE FOR OFFICE OF THE OMBUDSMEN: Speaker of the House of Representatives

Part 1 - Summary of the Vote

Part 1.1 - Overview of the Vote

The Speaker is responsible for appropriations in Vote Ombudsmen in 2009/10 totalling \$8.141 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 these appropriations are set out in Parts 2-6 below.

Part 1.2 - High-Level Objectives of the Vote

Objectives of the Vote

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, the Crimes of Torture Act 1989 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 and participating in 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 prisoners in penal institutions including the monitoring of death in custody investigations conducted by Inspectors of Corrections and selected serious incidents, and
- a heightened presence within the tertiary education sector.

Under the Crimes of Torture Act 1989:

- fulfilling the requirements as "National Preventive Mechanism" for prisons, mental health, immigration detention facilities and residences established under section 364 of the Children, Young Persons and Their Families Act 1989, and
- reporting annually to Parliament in respect of inspections undertaken under the Act.

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, and
- 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 1.3 - Trends in the Vote

Summary of Financial Activity

	2004/05	2005/06	2006/07	2007/08	2008/09		2009/10			2010/11	2011/12	2012/13
	Actual \$000	Actual \$000	Actual \$000	Actual \$000	Budgeted \$000	Estimated Actual \$000	Departmental Transactions Budget \$000	Non- Departmental Transactions Budget \$000	Total Budget \$000	Estimated \$000	Estimated \$000	Estimated \$000
Appropriations												
Output Expenses	4,925	5,511	5,802	6,148	7,369	7,369	7,407	-	7,407	7,407	7,407	7,407
Benefits and Other Unrequited Expenses	-	-	-	-	-	-	N/A	-	-	-	-	-
Borrowing Expenses	-	-	-	-	-	-	-	-	-	-	-	-
Other Expenses	-	-	-	727	624	624	611	-	611	611	611	611
Capital Expenditure	-	-	-	214	361	361	123	-	123	123	123	123
Intelligence and Security Department Expenses and Capital Expenditure	-	-	-	-	-	-	-	N/A	-	-	-	-
Total Appropriations	4,925	5,511	5,802	7,089	8,354	8,354	8,141	-	8,141	8,141	8,141	8,141
Crown Revenue and Capital Receipts												
Tax Revenue	-	-	-	-	-	-	N/A	-	-	-	-	-
Non-Tax Revenue	-	-	-	-	-	-	N/A	-	-	-	-	-
Capital Receipts	-	-	-	-	-	-	N/A	-	-	-	-	-
Total Crown Revenue and Capital Receipts	-	-	-	-	-	-	N/A	-	-	-	-	-

Analysis of Significant Trends

The bulk of the movement in departmental appropriations in Vote Ombudsmen which are detailed in the Summary of Financial Activity table above, are largely driven by movements in departmental output expenses required to maintain an efficient, effective and professional Ombudsmen function. More recent movements include new work responsibilities given the Ombudsmen. Details of significant movements within each appropriation are shown below.

Departmental Output Expenses

The baseline movements amounting to approximately \$3 million during the period detailed in the Summary of Financial Activity are due to:

- Parliament 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. Half the funding was provided 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 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 provided the balance of funding approved in 2004/05 for staff remuneration. Parliament also approved a budgetary provision for two additional staff to provide training and policy advice and "call centre" support which underpins 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
- the 2006/07 Estimates allow for the full-year cost of additional staff approved in the previous year
- a Supplementary Estimates increase was approved for 2006/07 to meet part-year office accommodation rental increases in Wellington and Auckland and preliminary costs associated with the office being host to the 2007 Information Commissioners International Conference
- the 2007/08 Estimates provide 'one-off' increases to the office baseline to meet costs associated with hosting the 2007 Information Commissioners International Conference and recruitment costs for a third permanent Ombudsman. Additional funding has been provided to allow staff remuneration to more closely reflect rates paid by other government sector employers. The funding was provided half in the 2007/08 year and half in the 2008/09 year. Funding has also been provided for costs associated with the Ombudsmen being designated the "National Preventive Mechanism" for prisons under the Crimes of Torture Act 1989 and an additional investigating officer. Further funding has been provided for the full-year cost of increased office accommodation rentals at Auckland and Wellington
- the 2007/08 Supplementary Estimates provide 'one-off' funding for costs associated with a review of the Criminal Justice Sector, recruitment costs for a third Ombudsman, technical support to the Ombudsmen, NZAID funding to Pacific nation attendees at the 2007 Information Commissioners International Conference. Funding has also been provided to support the Ombudsmen's enhanced role within prisons, and
- budget increases were approved for 2008/09 to meet costs associated with the Ombudsmen being a "National Preventive Mechanism" under the Crimes of Torture Act 1989, strengthening policy, strategic planning, quality review and training capabilities and, further enhancing the Ombudsmen role in prisons to include the monitoring of investigations of deaths in custody undertaken by the Inspectors of Corrections and selected other serious incidents. Funding has also been provided for an office accommodation rental increase at Christchurch.

Departmental Other Expenses

Movements in Departmental Other Expenses are wholly attributable to determinations issued by the Remuneration Authority relating to Ombudsmen remuneration and to decisions by Parliament regarding the number of Ombudsmen appointed at any one time. During the 2008/09 year a decision was made to not appoint a third permanent Ombudsman for the foreseeable future. The funding provision for 2008/09 and outyears was reduced as a consequence.

The cost of Ombudsmen remuneration was previously met as a Departmental Output Expense. From 2007/08, remuneration costs for all Officers of Parliament including the Ombudsmen, have been reclassified as a Departmental Other Expense. For comparative purposes all Ombudsmen remuneration costs have been removed from the Departmental Output Expense chart (Figure 2) and are now detailed in Figure 3 - Trends in Departmental Other Expenses above.

Capital Expenditure

Movements in the provision for capital expenditure follow:

- The 2007/08 Estimates provided a capital contribution of \$73,000 to Vote Ombudsmen for accommodation alteration costs associated with the Ombudsmen being designated as a National Preventive Mechanism under the Crimes of Torture Act 1989.
- An additional capital contribution of \$238,000 was approved as part of the 2007/08 Supplementary Estimates to meet further accommodation alteration changes required at Wellington office and computer and furniture/fittings costs associated with the Ombudmen's enhanced role in prisons.
- The reduced budgetary provision of \$123,000 for 2009/10 and outyears reflects capital expenditure intentions for the foreseeable future.

Part 2 - Details and Expected Performance for Output Expenses

Part 2.1 - Departmental Output Expenses

Intended Impacts, Outcomes and Objectives

Intended Impacts, Outcomes or Objectives of Appropriations	Appropriations
Improved administration, accountability, transparency and 'open' government	Investigation and Resolution of Complaints about Government Administration

Investigation and Resolution of Complaints About Government Administration (M78)

Scope of Appropriation

This appropriation is limited to the investigation and resolution of complaints about the administrative acts, omissions and decisions of Government at central, regional or local levels.

Expenses and Revenue

	2008/09		2009/10
	Budgeted \$000	Estimated Actual \$000	Budget \$000
Total Appropriation	7,369	7,369	7,407
Revenue from Crown	7,369	7,369	7,407
Revenue from Other	-	-	-

Reasons for Change in Appropriation

The increase in the Appropriation results from the full-year cost the Ombudsmen's enhanced role within prisons and the Ombudsmen's role as a National Preventive Mechanism under the Crimes of Torture Act 1989.

Output Performance Measures and Standards

Performance Measures	2008/09		2009/10
	Budgeted Standard	Estimated Actual Standard	Budget Standard
Raising Awareness and Increasing Accessibility			
Make operational visits (clinics) by staff and Ombudsmen to local authorities and smaller population centres.	Meet	Meet	Meet
Make presentations to community groups of the role of the Ombudsmen and their jurisdiction.	Meet	Meet	Meet

Performance Measures	2008/09		2009/10
	Budgeted Standard	Estimated Actual Standard	Budget Standard
An average of 2 visits by investigating staff to each of the 40 public sector tertiary institutions throughout New Zealand.	100%	100%	100%
Publishing information pamphlets on the functional role of the Ombudsman and Ombudsmen jurisdiction to schools, service groups, government bodies at central regional and local level and to other users or potential users of the Ombudsmen's services.	25	25	25
Publishing the office's Annual Report to the House of Representatives and financial statements and any other reports appropriate for public release.	Meet	Meet	Meet
Publishing the Ombudsmen's report as National Preventive Mechanism for prisons, immigration, mental health detention facilities and residences established under section 364 of the Children, Young Persons and Their Families Act 1989.	Meet	Meet	Meet
Maintaining a presence on the internet and providing information and resources relating to the Ombudsman role within New Zealand.	Meet	Meet	Meet
Preparing and distributing the Ombudsmen's Quarterly Review (<i>Te Arotake</i>) and Practice Guidelines to make available information about the Ombudsmen's general approach to major issues which come before them.	Meet	Meet	Meet
Preparing and distributing the Case Notes of the Ombudsmen on a quarterly basis.	4	4	4
Quality, Professional and Unbiased Investigation of Complaints			
All complaints to be investigated by suitably qualified and trained staff.	Meet	Meet	Meet
All final opinions on complaints are to be made or drawn by an Ombudsman.	Meet	Meet	Meet
Regularly conduct a survey of randomly selected complainants and government agencies about the perceived professionalism and timeliness of the Ombudsmen's investigations.	Meet	Meet	Meet
Maintain an internal review process for particularly complex complaints or those identified as having policy implications.	Meet	Meet	Meet
Quantity			
Complete investigations under the Ombudsmen Act 1975.	7,200	7,200	7,200
Complete investigations under the Official Information Act 1982.	1,300	1,300	1,300
Complete investigations under the Local Government Official Information and Meetings Act 1987.	180	180	180
Provide guidance and information under the Protected Disclosures Act 2000.	15	15	15
Complete between 10 and 15 inspections of detention facilities under the Crimes of Torture Act 1989 and United Nations Convention Against Torture and publishing of inspection reports.	10 - 15	10 - 15	10 - 15
Number of investigations open at year end	800 - 900	800 - 900	800 - 900
Conduct preliminary consideration or investigation of complaints later found to be outside the Ombudsmen's jurisdiction.	505	505	505

Performance Measures	2008/09		2009/10
	Budgeted Standard	Estimated Actual Standard	Budget Standard
Timeliness of Investigation - Average Number of Working Days to Complete an Investigation			
Ombudsmen Act 1975 - general complaints	62	62	62
Ombudsmen Act - prisoner complaints	10	10	10
Official Information Act 1982	72	72	72
Local Government Official Information and Meetings Act 1987	54	54	54
Timeliness of Investigation - Age Profile as at 30 June 2010 of Open (incomplete) Complaint Investigations from Date of Receipt			
Ombudsmen Act 1975 - general complaints:			
• Open complaints 6 months and under	90%	90%	90%
• Open complaints 7 to 9 months	5%	5%	5%
• Open complaints 10 to 12 months	3%	3%	3%
• Open complaints >12 months	2%	2%	2%
Ombudsmen Act 1975 - prisoner complaints:			
• Open complaints 6 months and under	99%	99%	99%
• Open complaints 7 to 9 months	1%	1%	1%
• Open complaints 10 to 12 months	-	-	-
• Open complaints >12 months	-	-	-
Official Information Act 1982:			
• Open complaints 6 months and under	80%	80%	80%
• Open complaints 7 to 9 months	6%	6%	6%
• Open complaints 10 to 12 months	4%	4%	4%
• Open complaints >12 months	10%	10%	10%
Local Government Official Information and Meetings Act 1987:			
• Open complaints 6 months and under	88%	88%	88%
• Open complaints 7 to 9 months	7%	7%	7%
• Open complaints 10 to 12 months	4%	4%	4%
• Open complaints >12 months	1%	1%	1%
Protected Disclosures Act 2000:			
• Open requests for guidance and assistance 6 months and under	100%	100%	100%
Timeliness of Investigation - Age Profile as at 30 June 2010 of Completed Complaint Investigations from Date of Receipt			
Ombudsmen Act 1975 - general complaints			
• Completed within 6 months from date of receipt	90%	90%	90%
• Completed within 7 to 9 months from date of receipt	5%	5%	5%

Performance Measures	2008/09		2009/10
	Budgeted Standard	Estimated Actual Standard	Budget Standard
• Completed within 10 to 12 months from date of receipt	3%	3%	3%
• Completed >12 months from date of receipt	2%	2%	2%
Ombudsmen Act 1975 - prisoner complaints:			
• Completed within 6 months from date of receipt	-	-	95%
• Completed within 7 to 9 months from date of receipt	-	-	3%
• Completed within 10 to 12 months from date of receipt	-	-	1%
• Completed >12 months from date of receipt	-	-	1%
Official Information Act 1982:			
• Completed within 6 months from date of receipt	80%	80%	80%
• Completed within 7 to 9 months from date of receipt	6%	6%	6%
• Completed within 10 to 12 months from date of receipt	4%	4%	4%
• Completed >12 months from date of receipt	10%	10%	10%
Local Government Official Information and Meetings Act 1987:			
• Completed within 6 months from date of receipt	80%	80%	80%
• Completed within 7 to 9 months from date of receipt	6%	6%	6%
• Completed within 10 to 12 months from date of receipt	4%	4%	4%
• Completed >12 months from date of receipt	10%	10%	10%
Protected Disclosures Act 2000:			
• Completed requests for guidance and assistance within 6 months from date of receipt	100%	100%	100%

Current and Past Policy Initiatives

Policy Initiative	Year of First Impact	2008/09 Budgeted \$000	2009/10 Budget \$000	2010/11 Estimated \$000	2011/12 Estimated \$000	2012/13 Estimated \$000
Capability building	2005	401	401	401	401	401
Capability maintenance	2006	117	117	117	117	117
Capability maintenance	2007	240	480	480	480	480
Implementation United Nations Convention Against Torture	2007	189	160	160	160	160
Capability building	2007	162	159	159	159	159
Enhanced Ombudsmen role within prisons	2008	69	1,285	1,323	1,323	1,323
Capability building	2008	-	290	290	290	290
Capability maintenance	2008	-	14	14	14	14

Part 5 - Details and Expected Results for Other Expenses

Part 5.1 - Departmental Other Expenses

Intended Impacts, Outcomes and Objectives

Intended Impacts, Outcomes or Objectives of Appropriations	Appropriations
Improved administration, accountability, transparency and 'open' government - Ombudsmen remuneration	Investigation and Resolution of Complaints about Government Administration

Remuneration of Ombudsmen PLA (M78)

Scope of Appropriation

This appropriation is limited to remuneration expenses for the Ombudsmen as authorised by sections 8 and 9 of the Ombudsmen Act 1975.

Expenses

	2008/09		2009/10
	Budgeted \$000	Estimated Actual \$000	Budget \$000
Total Appropriation	624	624	611
Revenue from the Crown	624	624	611

Reasons for Change in Appropriation

The Remuneration Authority issued a new determination for the Ombudsmen.

Current and Past Policy Initiatives

Policy Initiative	Year of First Impact	2008/09 Budgeted \$000	2009/10 Budget \$000	2010/11 Estimated \$000	2011/12 Estimated \$000	2012/13 Estimated \$000
Reversion to two Ombudsmen	2005	(220)	(220)	(220)	(220)	(220)
Appointment of third Ombudsman and Ombudsmen remuneration adjustments	2007	299	285	285	285	285

Part 6 - Details and Expected Results for Capital Expenditure

Part 6.1 - Departmental Capital Expenditure

Intended Impacts, Outcomes and Objectives

Intended Impacts, Outcomes or Objectives of Appropriations	Appropriations
Maintain and upgrade capability through the routine replacement of the Office of the Ombudsmen information technology and office equipment and fittings.	Investigation and Resolution of Complaints about Government Administration Capital Expenditure

Office of the Ombudsmen - Capital Expenditure PLA (M78)

Scope of Appropriation

This appropriation is limited to the purchase or development of assets by and for the use of the Office of the Ombudsmen, as authorised by section 24(1) of the Public Finance Act 1989.

Capital Expenditure

	2008/09		2009/10
	Budgeted \$000	Estimated Actual \$000	Budget \$000
Forests/Agricultural	-	-	-
Land	-	-	-
Property, Plant and Equipment	347	347	119
Intangibles	14	14	4
Other	-	-	-
Total Appropriation	361	361	123

Reasons for Change in Appropriation

The Ombudsmen's role in prisons was enhanced from 2008/09. The bulk of the capital and intangible expenditure incurred in 2008/09 is associated with the enhanced role. The reduction in capital expenditure in 2009/10 reflects the budget returning to routine replacement and maintenance levels.