



## Ombudsman Quarterly Review

The quarterly update of Ombudsman news, reports, investigations and more.

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**Ombudsman**  
Tuia kia ōrite • Fairness for all

# From the Chief Ombudsman

In 2017, I published *A Question of Restraint*, my first thematic OPCAT report into the Department of Corrections. The report concerned the Department's use of mechanical restraints such as tie-down beds and waist restraints.



I found that in the case of five prisoners, the use of tie-down beds or waist restraints amounted to cruel, inhumane or degrading punishment under Article 16 of the Convention Against Torture.

After publication of my report, the Department announced it was banning the use of tie-down beds in all its prisons: proof that external scrutiny and independent monitoring can prompt significant and positive change.

This May, I announced another comprehensive, 'deep dive' investigation concerning the Department. This investigation will examine why, despite repeated concerns raised by me and other oversight bodies, some areas of treatment and conditions for prisoners simply aren't improving.

For this investigation I'll be looking right across the prison system, rather than individual sites. I'll be looking at what systemic factors within Corrections may be preventing sustained and significant improvement in the treatment of prisoners, and constructive opportunities for prisoners to assist and encourage their rehabilitation.

How the Department meets its obligations under Te Tiriti o Waitangi, and the stewardship requirements of the Public Services Act, will also be under examination.

I expect the investigation will take a around year to complete. I am heartened by the support my announcement received. New Zealanders need assurance that our penal system is meeting all our international obligations in terms of its treatment of inmates.

Ngā mihi

Peter Boshier  
Chief Ombudsman



[Chief Ombudsman's announcement: systemic investigation into Department of Corrections](#)

# International engagement

## Resolution will strengthen Pacific Ombudsmanship

The Chief Ombudsman has welcomed the United Nations Resolution on the role of Ombudsman institutions, and says the Resolution will strengthen his work to support integrity institutions in the Pacific.

The Resolution recognises the role of Ombudsman and mediator institutions in the promotion and protection of human rights and the promotion of good governance; and encourages all UN member states to consider creating or strengthening Ombudsman and mediator institutions at national and regional levels.

The Resolution was proposed by the Kingdom of Morocco, and co-sponsored by New Zealand through the Ministry of Foreign Affairs. Peter Boshier was Chair of the international working group that had input into the Resolution during the two years of its development.

He now intends to host virtual workshops and discussions with his Pacific counterparts, on how to put the Resolution to use in this region.

[Read the United Nations Resolution on the role of Ombudsman institutions](#)

## Sharing expertise on OPCAT and disability rights

The Chief Ombudsman's inspections and monitoring role under the Optional Protocol to the Convention Against Torture (OPCAT), were brought to the fore in an online gathering hosted by the African Ombudsman Research Centre in April.

One hundred and fifty attendees from 46 countries attended the webinar, which focused on best practice in visiting places of detention and effecting change where needed.

And in May, the Chief Ombudsman's Disability Rights team joined Kāpō (blind and vision impaired) Māori Aotearoa to present the international webinar *Making Disability Rights Real in a Pandemic*.

Chrissie Cowan, from Kāpō Maori Aotearoa, shared the experiences of tangata whaikaha Maori during the pandemic, while the Ombudsman's Disability Rights team described the work of New Zealand's Independent Monitoring Mechanism, which consists of the Ombudsman, the Human Rights Commission and the Disabled People's Coalition.



## Disability rights

### New resources in NZSL

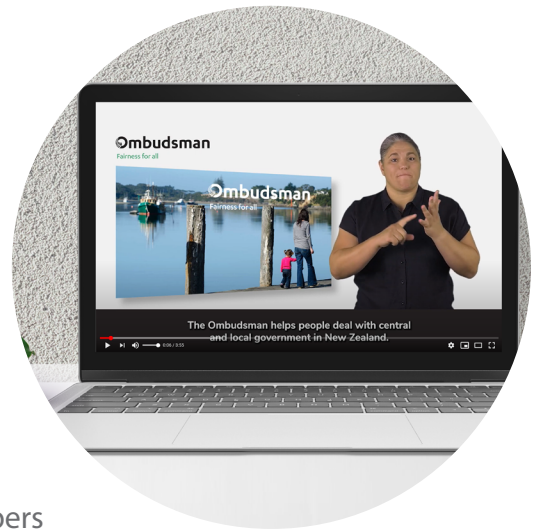
Three Ombudsman videos are now available in New Zealand Sign Language (NZSL), made in consultation with and for the Deaf community.

The Office produced the videos as part of NZSL Week 2021.

“Alongside te reo Māori and English, NZSL is one of New Zealand’s three official languages”, says Chief Ombudsman Peter Boshier. “Providing resources in NZSL will enable members of New Zealand’s Deaf community to engage with my Office more easily”.

Now available in NZSL are:

- [What the Ombudsman can do in 2 minutes](#) is a summary of the Ombudsman’s functions, and how we can help.
- [Contact the Ombudsman](#) supports people to contact the Office using NZSL.
- [Quick guide to the OIA](#) provides advice and guidance for those in the Deaf community to seek information from government agencies using the OIA.



## Inspections

### Refugee Centre well run overall

The first full OPCAT inspection of Māngere Refugee Resettlement Centre found the Centre was well run overall, with a number of positive practices and respectful interactions among staff and residents.

The unannounced inspection took place in June 2020, and the Chief Ombudsman noted the Centre had already made good progress in implementing his recommendations.

These included a review of residents’ weekly allowance for food and other living costs, and ensuring all residents had clear information about leave procedures.

[Report on an unannounced inspection of Māngere Refugee Resettlement Centre under the Crimes of Torture Act 1989](#)

## Te ao Māori

### Through the lens of the complainant: National Iwi Chairs Forum

“In seeking to achieve fairness for all, my role is to look at an issue through the lens of the complainant, including through the lens of te tiriti where appropriate”.

This is the message Chief Ombudsman Peter Boshier took to the National Iwi Chairs Forum at Takāpuwahia Marae, Porirua, in May.

Mr Boshier was invited to speak by Dame Naida Glavish, a member of the Chief Ombudsman’s external panel Pūhara Mana Tangata (watchtower of the mana of the people). He spoke to around 200 people about the Ombudsman’s role, and his commitment to engaging and working for Māori.

The National Iwi Chairs Forum consists of 71 iwi entities, who meet quarterly to share information and work together on issues affecting Māori and New Zealand.



## Official information

### Don’t delay

In the last six months of 2020, the number of OIA complaints received by the Office increased 17 per cent, while the number of LGOIMA complaints decreased by eight per cent.

The six-monthly data includes the number of complaints received by Minister or agency, the nature of the complaint and type of complainant, and the outcome for complaints completed.

Chief Ombudsman Peter Boshier noted that while overall complaint numbers fluctuate depending on a range of circumstances, the proportion of complaints about delays remains stubbornly high.

“Eighteen per cent of LGOIMA and 28 per cent of OIA complaints in the last six months of 2020 concerned a delay in response”, Mr Boshier says. “I encourage agencies and local authorities to focus on both transparency and timeliness”.

[Latest OIA, LGOIMA data released](#)



## Case notes and Opinions

### Unreasonable actions throughout dealings

Oranga Tamariki—Ministry for Children acted unreasonably throughout its dealings with a woman whose mokopuna was removed and placed in the full-time care of their father. The Chief Ombudsman also found the Ministry had failed to work with the complainant in a way that met her needs as wāhine Māori.



[Unreasonable actions throughout dealings with custodial caregiver](#)

### Subsidy approved after early resolution

The Ombudsman's early resolution approach saw a self-employed man have his application for a COVID-19 Wage Subsidy receive discretionary approval from the Ministry of Social Development, even though he hadn't registered with Inland Revenue by the required date.

[Early resolution of decision to decline COVID-19 Wage Subsidy application](#)

### Consultation on name change proposal

Victoria University of Wellington failed to implement a robust system for establishing whether it was necessary to redact information from every submission on its proposed name change. The University consulted with submitters on which unredacted submissions could be released, and agreed to develop guidance for use on public consultation processes.

[Request for unredacted submissions on the Victoria University of Wellington name simplification proposal](#)

### Unreasonable handling of three separate complaints

In a Final Opinion, the Chief Ombudsman found that the Health and Disability Commissioner (HDC) was unreasonable in their handling of three separate complaints, two from individuals and one from a health provider. He recommended HDC apologise to the three parties concerned and develop a more comprehensive complaint-handling policy.

[Investigation into the Health and Disability Commissioner's assessment of three complaints](#)



**The Ombudsman**  
**Kaitiaki Mana Tangata**

Contact us: [0800 802 602](tel:0800802602) or [info@ombudsman.parliament.nz](mailto:info@ombudsman.parliament.nz)

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