

Ombudsman

Tuia kia ōrite · Fairness for all

Past, present and future

I mua, ināianeī me te wāheke

The history of the Ombudsman.



Sir Guy Powles being **sworn in as the first Ombudsman** by Sir Bernard Fergusson, Governor-General. Image credit: Office of the Ombudsman

Beginnings

The word Ombudsman is Swedish and loosely translated means 'grievance person'. It was first used in 1809 when the Swedish Parliament established the office of Justitieombudsman to look after citizens' interests in their dealings with government. It is a gender-neutral term.

Today, many countries have adopted the Ombudsman model. The International Ombudsman Institute is an affiliation of more than 150 institutions.

International Ombudsman Institute (<http://www.theioi.org/>)

The Ombudsman in New Zealand

The first New Zealand Ombudsman, Sir Guy Powles, was appointed in 1962 under the Parliamentary Commissioner (Ombudsman) Act. New Zealand was the fourth country, after Sweden, Finland and Denmark, to establish the office of Ombudsman.

Past Ombudsmen (<https://www.ombudsman.parliament.nz/about-ombudsman/past-present-and-future/past-ombudsmen>)

Extensions to the Ombudsman's jurisdiction

When the office was first established, the Ombudsman's powers – their jurisdiction – were limited to investigating complaints about central government departments and organisations.

In 1968, the Ombudsman's jurisdiction was extended to include education and hospital boards.

In 1975, the legislation was consolidated in the Ombudsmen Act. Under this Act, the Ombudsman's jurisdiction was extended to include local government agencies.

In July 1983 the Official Information Act came into force. Under this Act, the Ombudsman was given the function of investigating and reviewing complaints about decisions made by ministers and central government agencies about requests for information.

In March 1988 the Local Government Official Information and Meetings Act came into force, giving the Ombudsman the function of investigating complaints about decisions made by local government agencies on requests for information.

This century

In January 2001 the Protected Disclosures Act came into force. This is commonly known as the whistleblower legislation. Under this Act, the Ombudsman is responsible for providing advice and guidance to any employee who has made, or is considering making, a disclosure about serious wrongdoing in their workplace (either public or private sector). The Ombudsman is also one of the 'appropriate authorities' listed in the Act where a protected disclosure can be made.

On 25 January 2005 the Crown Entities Act came into force. This brought all crown entities within the Ombudsman's jurisdiction under the Ombudsmen Act and Official Information Act.

On 21 June 2007 the Ombudsman was designated a National Preventive Mechanism under the Crimes of Torture Act (COTA). COTA gives effect to New Zealand's obligations under the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT).

The objective of OPCAT is to establish a system of regular and independent visits to places of detention in order to prevent torture and other cruel, inhuman or degrading treatment or punishment.

The Ombudsman is responsible for visiting prisons, court facilities, immigration detention facilities, health and disability places of detention, child care and protection residences, youth justice residences and privately run aged care facilities.

The Ombudsman monitors and makes recommendations to improve the conditions of detention and the treatment of detainees.

In October 2010 the Ombudsman, along with the Human Rights Commission and the New Zealand Convention Coalition, took on the role of an independent mechanism responsible for protecting and monitoring implementation of the United Nations Convention on the Rights of Persons with Disabilities.

In June 2009, Section 241 of the Land Transport Act gave the Ombudsmen the role of commenting to the Ministry of Transport on applications for authorised access to personal information on the motor vehicle register.

A similar role was given to the Ombudsman in 2018 under the Customs and Excise Act. Section 317 of this Act provides that the Chief Executive of the New Zealand Customs Service can consult the Ombudsman when entering into an agreement to regularly disclose official information to a private sector organisation.

In 2019 the Ombudsman was tasked with an enhanced role in overseeing complaints and investigations relating to Oranga Tamariki and children in care.

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