

OMBUDSMAN INVESTIGATIONS

To: Risk and Assurance Committee

Meeting Date: Tuesday 23 May 2023

From: Michael Morris – Manager Governance and Legal

Approved: Andrew Cameron – Chief Risk Officer

Approved Date: Wednesday 17 May 2023

Open Agenda: No

Public Excluded Agenda: Yes

Reason for the Public Excluded

Section of the Act	Subclause and Reason under the Act	"Plain English" Reason	When Report Can Be Released
Section 7	Local Government Information and Meetings Act 1987 – 7(2)(g) Maintain Legal Professional Privilege	To protect legal privilege and maintain the obligation of confidence until an investigation is completed.	Either a summary of the Ombudsman's finding will be released at the conclusion of the investigation, this report may be released with any redactions once all investigations are concluded.

Purpose and Summary

This report provides an overview of the current (and recent past) Ombudsman Investigations being undertaken into Council.

Recommendations

That the Risk and Assurance Committee:

1. Receives the report "Ombudsman Investigations".

Background

The Ombudsman Act 1975 gives the Chief Ombudsman and his team wide ranging powers to investigate public organisations to ensure they are acting in accordance with legislation and are acting fairly and reasonably when making decisions.

The Local Government Official Information and Meetings Act 1987 (LGOIMA) gives the Ombudsman power to review Council decisions in relation to the release of Official Information.

This report provides an update on our overall Official Information implementation project and a summary of current Ombudsman Investigations (and a recently concluded Investigation).

It is anticipated that this will be a regular report to this Committee.

Issues

Update on Official Information Implementation

In February 2021 the Ombudsman released a report into LGOIMA compliance at Council and made a number of recommendations.

This paper is not proposing to go into the details of that report, but provide a snapshot of what is being undertaken.

All LGOIMA requests are received and added into a workflow to ensure the appropriate person becomes responsible for the request and there are alarms to remind staff of the need to complete within the 20 working day requirement.

This workflow will be audited in the first half of this year to ensure it is working as intended and to make any recommendations for improvements. The audit is in final stages and the draft report has identified a number of improvements that can be undertaken to increase our work in this area.

Proactive release has become another feature for reports and minutes to Council that are in public excluded. There are a number of reasons why a report is in public excluded and other than perhaps legal privilege not all of the reasons can last forever as a reason to not disclose information.

All reports in public excluded now have a section that asks report writers to consider if a report can be released and if so when. Redactions may still be needed, such as to protect privacy of people, but otherwise the report can be released. There is a proactive release page on Council's website. This is also going to be audited in the first half of the year and the webpage will be refreshed, this Audit has just commenced.

Ombudsman Investigations

Current Investigations

[Redacted]

[Redacted]

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Attachments

No attachments.