

Launch of National Youth in Custody Index 2017

Chief Ombudsman's address

Nga Hau E Wha National Marae

28 June 2017

10.30-12.30pm

Tena koutou katoa. It is a privilege for me to be here once more, and to join you for the launch of this year's Youth in Custody Index. My greetings to the facilitator of this year's Index Te Aotahi Rice Edwards, to my fellow guests Judge Becroft and David Williams, and to everyone here today.

I want to begin by expressing my condolences for the tragic death of former St Thomas of Canterbury student Ryan Adamson. Although no longer at the school, Ryan made his mark while he was there – the third generation of his family to attend St Thomas. Ryan was clearly a special and talented young man and I pass on my sympathy to all his family, friends, and schoolmates.

The work of St Thomas of Canterbury students in compiling this Youth in Custody Index, as you have each year since 2014, is exemplary.

Your Index sheds much-needed light on the number and the experiences of young people detained in New Zealand. How New Zealand treats people who are detained, including youth, is a topic of increasing attention and concern. This is as it should be – individuals whose freedom is restricted by the State are some of the most vulnerable citizens in our country. When those detained are also young people that vulnerability is at its highest.

Others here today will, I am sure, be speaking to the underlying issues that have prompted your important work. What I'm going to talk about today is the Official Information Act, and why it's central to the work you're doing.

I know you use the OIA to gain information for the Index from many agencies. I know that at times, certainly in previous years, your experiences in getting timely and complete responses from agencies, let alone the information you require, has been frustrating and difficult.

I get this. The Official Information Act is a cornerstone of our democracy, of transparency, and of accountability. But there is no disagreement, I think, that in recent years the OIA has not received the status, or been treated with the respect, that it deserves.

My Office's 2015 report *'Not a game of hide and seek'* found that too many agencies treated OIA compliance as a burdensome extra to their *'real'* work, not part of their core business. But I am adamant that ensuring the public has access to information it has the right to, is and always should be part of government's core business.

Since that report was launched, and as a result of work that followed, I can say that I'm encouraged by the attitude and willingness of agencies to get it right. It's clear from my meetings and discussions that officials want to be responsive and accountable. But there is still more to do. So we're stepping up our work on a number of fronts to both support and incentivise agencies to be more timely, proactive and responsive in their release of information.

The essential question that must always be asked when an information request is received is not *'Why should we, or how can we, withhold this information?'* but *'How can we quickly and responsibly make a good decision to release as much information as possible?'*

At the same time, the Act also recognises the need for balance, and the need to *'protect information to the extent consistent with the public interest and the preservation of personal privacy'*.

So what's required is a judgment call as to the harm that can be expected to arise from release of the information, and consideration of ways to mitigate that harm while still making information available as far as possible and in the public interest.

Within the Office of the Ombudsman, we've had a really strong focus on getting our own systems up to scratch and able to respond to what's expected of us today and will be in future.

A big step forward has been our early resolution approach, which simply means resolving complaints quickly and satisfactorily before they get to formal investigation stage. Then, if an investigation is warranted, we're using more flexible practices that mean our response is proportionate to the issue.

These more effective ways of working have seen better results for complainants and better responses from agencies, and have freed up my Office to focus on system-level improvements; to work with and support agencies to lift their OIA game.

I'll be increasingly looking to engage flexibly with agencies so that we can resolve complaints as expeditiously as possible, and with a minimum of work, fuss and bother. My Office will continue our programme of delivering advice and guidance. We'll also continue to provide a training service on request, and I'm looking to take this to another level through e-learning initiatives.

With additional funding from Parliament, I've established a new team to focus on reviewing and monitoring agencies' OIA compliance and good practice, including the development of a self-assessment model. And I'll be continuing to undertake significant and systemic investigations of issues arising in the Ombudsmen Act area.

Finally, I've begun publication of official information statistics as a means to drive improvements in performance and compliance with the official information legislation.

When I spoke at the launch of the 2016 Index last year, an event at which some of you will have been present, I urged those of you tasked with this important work to look not only at how agencies respond but also at how you frame your requests. I offered assistance and guidance in engaging with agencies for maximum impact.

I'm pleased that you took us up on this offer and that in preparing this year's Index, from your perspective, you have experienced a positive shift in agencies' responses to your requests for information under the OIA.

I'm also told that a number of positive relationships have emerged from your work, along with a marked improvement in responsiveness to requests, in particular the two

key contributors: the Department of Corrections and the Ministry of Education, as well as Police and the Ministry of Health.

Some of this will be down to increasing familiarity of these agencies with the work that you do. As these requests are now yearly, agencies are more familiar with the process and the value of the work that you're doing.

I would urge you to build on the steps you have taken this year. Treat each letter of request as a piece of work that you, and the school are proud to own. The experience you have will not only leave a legacy for others to follow but will stand you in good stead for your future, be this at university or beyond, in the professional world. My office is here to help.

I want to finish today by reflecting again on the value of the Official Information Act to the work you do. And I want to point out that it goes both ways. We could develop the most sophisticated, super responsive, proactive official information regime in the world; but that do no one any real good if the Act wasn't actually used for its proper purpose.

It's people like you, who believe in and pursue social justice, who understand the power of information to prompt change, who make my work as Chief Ombudsman so worthwhile. Projects like yours show us exactly why information held by our government needs to be accessible.

My Office is an increasingly robust watchdog over the actions and decisions of those exercising executive power. The work we're doing is exciting, and it matters, and I'm delighted that you're part of it.

Congratulations on the launch of the Youth in Custody Index 2017. Tena koutou katoa.