

Our ref 600749 (Complaint ground: 600751)
Contact Helen Copsey
17 March 2023



Mr Garth Mathieson
By email: garth@gmlaw.nz

Dear Mr Mathieson

**Investigation of official information complaint
Request to the Department of Internal Affairs for information about support for the
extension of the Tauranga City Council Commissioner's terms**

I am writing on behalf of Chief Ombudsman Peter Boshier.

You have complained about the decision of the Department of Internal Affairs (the Department) on your request for information about support for the extension of the Tauranga City Council Commissioner's Terms.

On 6 December 2022, you made the following request:

- 1. A copy of the application by the Commissioners and all supporting documents relating to the extension of the Tauranga City Council Commissioners terms as Commissioners of the Tauranga City Council.*
- 2. A list of all persons and organisations who supported the extension of the Tauranga City Council Commissioners terms.*
- 3. The Minister's reasons for extending the term of the Commissioners.*

On 17 January 2023, the Department refused parts 1 and 3 of your request under section 18(d) of the Official Information Act (OIA) 1982, and part 2 under section 18(e) of the OIA.

The Chief Ombudsman is investigating your complaint. I have today written to the Chief Executive of the Department to commence the investigation. I have asked for the reasons for the decision. We will keep you updated on the investigation.

If you wish to discuss this matter, please contact Investigator Helen Copsey (helen.copsey@ombudsman.parliament.nz). Please also advise Ms Copsey if there is any relevant change of circumstances.

Yours sincerely

A handwritten signature in black ink, appearing to be "John Owen", written in a cursive style.

John Owen
Manager – Early Resolution

Encl Appendix: An Ombudsman's role

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Appendix 1. An Ombudsman's role

An Ombudsman may investigate and review any decision by a Minister or public sector agency on a request for official information. Official information must be made available unless there are grounds under the Official Information Act (OIA) to refuse a request. After investigating, the Ombudsman forms an opinion whether:

- the request should have been refused under the grounds in the OIA; or
- the decision was unreasonable or wrong.

The Ombudsman does not act as an advocate for either the complainant or the agency. The Ombudsman will form an independent opinion on the merits of the complaint.

The investigation process

The Ombudsman's first step is to notify the Minister or Chief Executive of the agency that an investigation has been commenced. The Ombudsman will seek the relevant information and the reasons for the decision.

The complaint may be resolved during the course of the investigation—for example by the agency offering to release information. If so, the Ombudsman may discontinue the investigation.

If the matter is not resolved, the Ombudsman will provide any party adversely affected an opportunity to comment before forming a final opinion. Once a final opinion is formed, the Ombudsman can make any recommendations he or she thinks fit. A public duty to observe any recommendations made by an Ombudsman is imposed on the agency from the 21st working day after those recommendations are made.

If the Ombudsman decides to publish details of the matter, the parties would be advised.

Confidentiality

Ombudsmen must conduct their investigations in private,¹ and are required to maintain secrecy in respect of all matters that come to their knowledge. This is subject only to specific exceptions, one of which relates to explaining to parties the outcome of an investigation.

Because of this, we ask that you maintain confidentiality of the Ombudsman's correspondence to you, until the outcome of this investigation is finalised. This does not prevent you from seeking legal advice or support on your complaint.

Further information

Further information about the OIA is available on our website: www.ombudsman.parliament.nz.

¹ Section 18(2) Ombudsmen Act 1975. This also applies to OIA and LGOIMA investigations: see sections 29 and 28, respectively.