

7 June 2024

NZ Council for Civil Liberties
fyi-request-26403-56b41da0@requests.fyi.org.nz

Our ref: OIA 111347

Tēnā koe New Zealand Council for Civil Liberties,

Official Information Act 1982 request: Appointment of an Ombudsman and amendment of the Ombudsmen Act 1975

Thank you for your request to the Ministry of Justice (the Ministry) of 11 April 2024, under the Official Information Act 1982 (the Act). Specifically, you requested:

1. *All advice, briefings and intra-Ministry communications regarding:*
 - (a) *amendment of any aspect of sections 3-8 of the Ombudsmen Act 1975; and*
 - (b) *the Chief Ombudsman's resignation and the process to appoint a new Ombudsman; both within the period from 1 January 2020 to date.*

2. *All correspondence between the Ministry and the Chief Ombudsman regarding amendment of any aspect of sections 3-8 of the Ombudsmen Act 1975 from 1 January 2020 to date.*

3. *All correspondence between the Ministry and the Speaker of the House of Representatives and officials in his office regarding:*
 - (a) *amendment of any aspect of sections 3-8 of the Ombudsmen Act 1975; and*
 - (b) *appointment or reappointment of an Ombudsman; both within the period from 1 January 2020 to date.*

4. *All correspondence between the Ministry and the Clerk of the House of Representatives and officials in his office regarding:*
 - (a) *amendment of any aspect of sections 3-8 of the Ombudsmen Act 1975; and*
 - (b) *appointment or reappointment of an Ombudsman; both within the period from 1 January 2020 to date.*

The documents that fall within the scope of your request are set out in the attached Appendix, and are attached. Please note that the Ministry does not hold any documents that fall within the scope of question 3 of your request.

Some information is being withheld under the following provisions of the Act:

- section 9(2)(a), to protect the privacy of natural persons
- section 9(2)(g)(i), to protect the free and frank expression of opinions by or between or to Ministers of the Crown

- section 9(2)(h), to maintain legal professional privilege
- section 18(c)(ii), as making the information available would constitute contempt of court or of the House of Representatives.

Please note that this response, with your personal details removed, may be published on the Ministry website at: justice.govt.nz/about/official-information-act-requests/oia-responses/

If you are not satisfied with this response, you have the right to make a complaint to the Ombudsman under section 28(3) of the Act. The Ombudsman may be contacted by phone on 0800 802 602 or by email to info@ombudsman.parliament.nz

Nāku noa, nā



Kathy Brightwell
General Manager, Civil and Constitutional Policy

Appendix

Documents for release for OIA 111347

Document number	Document name	Date	Document type	Withholding grounds
1	RNZ request	12/03/2024	Email	Some information withheld under section 9(2)(a)
2	RNZ request - ombudsman retirement	12/03/2024	Email	Some information withheld under section 9(2)(a)
3	RNZ request – due to MO at 4pm today	12/03/2024	Email	Some information withheld under section 9(2)(a)
4	Call from Peter Boshier	9/02/2024	Email	Some information withheld under sections 9(2)(a), and 9(2)(g)(i)
5	Ombudsman term of appointment: legally privileged – legal advice from my lawyer	24/01/2024	Email	Some information withheld under sections 9(2)(a), 9(2)(g)(i), and 9(2)(h)
6	Ombudsmen Act 1975 - retirement provisions	23/02/2024	Briefing	Some information withheld under sections 9(2)(a), and 9(2)(g)(i)
7	Timetable for potential bill re: ombudsman retirement age	12/02/2024	Email	Some information withheld under sections 9(2)(a), and 9(2)(g)(i)
8	Proposal 912: Exemption requested	13/02/2024	Email	Released in full
9	Proposal 912: Exemption granted	13/02/2024	Email	Released in full
10	MS Teams correspondence	From 12/02/2024 to 23/02/2024	Teams messages	Withheld in full – some parts under section 9(2)(g)(i), the rest was out of scope information that was removed
11	Ombudsmen Amendment Bill - LEG Bid	14/02/2024	Email	Some information (including email attachments) withheld under section 9(2)(g)(i)
12	Ombudsmen Act 1975 - retirement provisions	26/02/2024	Briefing	Some information (including email attachments) withheld under sections 9(2)(a), and 9(2)(g)(i)
13	Cabinet paper - Ombudsmen Amendment Bill	26/02/2024	Email	Some information (including email attachments) withheld under section 9(2)(g)(i)

14	Ombudsmen Amendment Bill	14/02/2024	Email	Some information withheld under sections 9(2)(a) and 18(c)(ii)
15	Ombudsmen Amendment Bill	13/02/2024	Email	Some information (including email attachments) withheld under sections 9(2)(a), 9(2)(g)(i), 9(2)(h), and 18(c)(ii)
16	Request for access	23/02/2024	Email	Email attachment withheld under section 9(2)(h)
17	Request for access	26/02/2024	Email	Email attachment withheld under section 9(2)(h)
18	Advice on a motion in the House	23/02/2024	Email	Some information (including email attachments) withheld under sections 9(2)(a), 9(2)(h), and 9(2)(g)(i)

Notes

- Documents 1 to 13 relate to question 1, and are contained in the “Documents for Questions 1 and 2” attachment.
- Document 5 relates to both questions 1 and 2, and is contained in the “Documents for Questions 1 and 2” attachment.
- Document 10 contains conversations in Microsoft Teams between the Policy team members working on this matter. The information in these conversations either relates to administrative or trivial matters considered outside the scope of your request, or is withheld under section 9(2)(g)(i) of the Act.
- Documents 14 to 18 relate to question 4, and are contained in the “Documents for Question 4” attachment.