Speaking Truth to Power The Ombudsman in the 21st Century

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Schedule

Quick Reference

Date	Start time	Programme
Thursday 8th	8:00am - 4:30pm	Pre-Conference Workshop - Sharpening Your Teeth Investigative Training
Friday 9th	8:00am - 4:30pm	Pre-Conference Workshop - Sharpening Your Teeth Investigative Training
Monday 12th	9:00am - 12:30pm	Pre-Conference Workshop - Managing unreasonable complainant conduct
Wednesday 14th	nesday 14th 8:30am - 5:30pm Conference Registrations and Conference Day 1	
	6:00am - 7:30pm	Evening Activities
Thursday 15th	9:00am - 7:30pm	Conference Day 2
	7:00pm	Conference Dinner, Wellington Town Hall
Friday 16th	9:00am - 3:00pm	Conference Day 3

Foreword



Dear Colleagues

The New Zealand Office of the Ombudsmen welcomes you to the 10th World Conference of the International Ombudsman Institute being held in Wellington from 14 – 16 November 2012. The IOI World Conference is a forum for Ombudsmen, or their equivalent, from around the world to meet to share their experience and expertise. Such an opportunity is particularly important at this time when public entities' governance and administration arrangements worldwide are undergoing fundamental change, and where challenges to the Ombudsman's role – political, social, economic and technological - mean that we have to review the way we do our work and how we may best ensure procedural fairness and administrative justice for all citizens.

Together with my colleague Ombudsman, Dr David McGee CNZM, and our staff, I look forward to engaging with you in debate and discussion and the prospect of a rich and diverse programme of topics and speakers providing a challenging assessment of the issues facing Ombudsmen everywhere. There will, of course, also be time for us to get to know one another better and to enjoy the unique New Zealand experience.

With warm good wishes

Buerla A. Waken

Dame Beverley A Wakem DNZM CBE

Chief Ombudsman of New Zealand, President of the IOI

Pre-Conference Workshops

Thursday 8th - Tuesday 13th November 2012

Thursday 8th and Friday 9th November 2012

Time Workshop

8:00am -4:30pm

Sharpening Your Teeth Investigative Training Office of the Ombudsman of Ontario, Canada

This is a two day advanced course designed for professionals employed in investigative and administrative oversight capacities. Since 2005, the Ontario Ombudsman's Office, under the leadership of Ombudsman André Marin, has pioneered an innovative methodology for conducting systemic investigations. The Special Ombudsman Response Team (SORT) which conducts the majority of these investigations has acquired a reputation for tackling issues efficiently and expeditiously. SYT is designed to demonstrate the unique techniques used by SORT and how they can be easily adapted by other oversight agencies for their own use. Participants in this course will consider:

- the principles of effective investigations
- planning an investigation
- · witnesses and interviewing
- using social media
- whistleblowers
- assessing evidence
- report writing

Monday 12th November 2012

Time Workshop

9:00am -12:30pm

Managing unreasonable complainant conduct Chris Wheeler, Deputy Ombudsman, New South Wales Ombudsman, Australia

Unreasonable conduct by complainants can take up an inordinate amount of an agency's time and resources. Developed by the nine Australasian Parliamentary Ombudsman, this two and a half hour session will provide Ombudsman staff with specific strategies and skills to effectively and confidently deal with unreasonable complainant conduct (UCC). This session is designed for Ombudsman staff who must manage UCC, senior management of Ombudsman Offices responsible for setting complaint handling policy, and Ombudsman staff who provide training or guidance to agencies about complaint handling. By completing this session, participants will become familiar with the underlying principles for the management of UCC, and with a range of strategies that are available to assist them to better manage UCC. Participants in the session will examine:

- the causes of UCC
- the range of problems caused by UCC, for example problems related to resources, equity between current and future complainants, occupational health and safety
- strategies for preventing UCC
- strategies for managing UCC
- key messages for complainants and staff, for example to ensure that their expectations are realistic and their rights and responsibilities are clear
- resources that are available to assist case officers and managers to better manage UCC

Day

Conference Programme

Wednesday 14th November 2012

Time	Session
8:00am	Registration desk opens
9:00am	Conference opening and welcome remarks: Speaking Truth to Power – the role of the Ombudsman in the 21st century Dame Beverley Wakem, President, International Ombudsman Institute and Chief Ombudsman, New Zealand
9:15am	Setting the stage: The realities of the 21st century and the changing landscape the Ombudsman is operating in
	Challenges and opportunities for strengthening integrity institutions and the relationship with the work of the Ombudsmen Rt Hon Helen Clark, Administrator of United Nations Development Programme. Prime Minister of New Zealand 1999-2008
	Freedom of Information: the current challenges and the future directions freedom of information might take. *Professor Alasdair Roberts, Jerome L. Rappaport, Professor of Law and Public Policy at Suffolk University Law School, and Faculty Director of the Rappaport Center for Law and Public Service.
	The position of women's rights –how can the Ombudsman contribute towards changes needed in making women's rights a lived reality in public policy and administration Michelle Bachelet, Under-Secretary General and Executive Director of UN Women, by video
10:30am	Morning Tea
11:00am	The effectiveness of the Ombudsman in the administrative justice landscape
	The Ombudsman enterprise and administrative justice Dr Richard Kirkham, Faculty of Law, Sheffield University
	The role discretion plays in shaping the direction of an Ombudsman's Office – are limits on use desirable and/or necessary Professor Anita Stuhmcke, Faculty of Law, University of Technology, Sydney
	The relationship of the Ombudsman to the administrative justice and public law landscape – reflections on the operation of the Ombudsman in the New Zealand context <i>Professor Philip Joseph, School of Law, University of Canterbury</i>
	Chaired by: Dr David McGee, Ombudsman, New Zealand
12:30pm	Lunch

Wednesday 14th November 2012

Day

Time

Session A

1:30pm

Delivering more with less

Prioritising and streamlining – good ideas and practices for delivering quality outcomes in times of fiscal and resource constraints

John T. D. Wood, Baljurda

Comprehensive Consulting, Australia

Lessons from small states
Nicola Williams, Complaints
Commissioner for the Cayman Islands
& Vice-President of the Caribbean
Ombudsman Association

Utilising your front-line to ensure effective Ombudsman service delivery

Dwight L. Bishop, Nova Scotia Ombudsman

Should austerity measures fetter the discretion of the Ombudsman to investigate complaints **Dr Jane Martin**, Local Government Ombudsman and Chair, Commission for Local Administration in England

Chaired by:

Arlene Brock, National Ombudsman for Bermuda

Session B

Serving vulnerable populations effectively

Protecting ethnic minorities, immigrants and other vulnerable groups in times of economic uncertainty

Professor Dr Máté Szabó,

Parliamentary Commissioner for Fundamental Rights, Hungary

Protecting Older Persons in a rapidly changing world

Professor Irena Lipowicz, Human Rights Defender, Poland

Becoming literate in disability rights – an Ombudsman response to the paradigm shift and the United Nations Convention on the Rights of Persons with Disabilities

Dulcie McCallum, Freedom of Information & Protection of Privacy Review Officer, Former Ombudsman and member of Canadian delegation to the UNCRPD, Ad-Hoc Committee

Good ideas and practices to assist the Ombudsman to mainstream the protection of the rights of disabled persons in their work

Professor Linda Reif, Faculty of Law, University of Alberta

Chaired by:

David Rutherford, Chief Human Rights Commissioner, New Zealand

Session C

Holding leaders to account

Strategies and tools for managing conflicts of interest and administrative transparency **Professor Andrew Goldsmith**, Executive Director, Centre for Transnational Crime Prevention, and Professor of Law, University of Wollongong, NSW, Australia

Leadership codes in small states

Phoebe Sangetari, Ombudsman

Commission of Papua New Guinea

Investigating Ministers & the impact of the South African "Secrecy Bill" Adv Thuli Madonsela, Public Protector of South Africa

Contributing Chair: The challenges of transparent day to day decision making *Lyn Provost, Controller & Auditor-General, New Zealand*

3:30pm

Afternoon Tea

Wednesday 14th November 2012

Session D

Time

Day

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4:00pm	The Ombudsman's role as protector and promoter of human rights in a time of global financial crisis and austerity measures that limit or restrict government social & economic programmes The appropriate role of the Ombudsman in protecting human rights – should an Ombudsman pursue becoming a NHRI? Adv. John Walters, Ombudsman for Namibia	Developments in FOI and Ombudsmanship – Norway & USA Changes to the US Federal FOI regime & the creation of the FOI Ombudsman in the National Archives & Records Administration. Karen Finnegan, Deputy-Director of Government Information Services, US National Archives & Records Administration	
	Working with governments to protect the human rights of citizens in fiscally constrained times. Mariana Sotto Maior, Head of Cabinet, Provedor de Justiça, Portugal A protocol for Ombudsman dealing with complaints by female victims of violence. Roberta Clarke, Regional Program Director for the Caribbean Regional Office of UN Women	Freedom of Information, the Ombudsman and the Electronic Public Records database in Norway Arne Fliflet, Ombudsman, Norway Chaired by: Colin MacDonald, Chief Executive, Department of Internal Affairs & Government Chief Information Officer, New Zealand	
5:30pm	End of day one		
6:00pm - 7:30pm	 Visit to the Carter Observatory Night tour of Zealandia 		

Session E

Thursday 15th November 2012

Day 2

Time

Session

9:00am

Repositioning the Ombudsman: Maintaining relevance and credibility for all our stakeholders in a rapidly changing environment

Maximising the Ombudsman's influence, the impact and effectiveness in a difficult and constantly changing environment *Ann Abraham, UK Parliamentary Ombudsman and Health Service Ombudsman for England 2002-2011*

Ensuring ethics in public administration: Can the Ombudsman remain a credible and relevant recourse for our citizens in the 21st century when there are alternative/less formal channels of redress available.

P. Nikiforos Diamandouros, European Ombudsman

Traditions in setting standards of good administration: the role of legality in Ombudsman decisions. *Alex F. M. Brenninkmeijer, National Ombudsman of the Netherlands*

Chaired by

David Miller, Ombudsman of the Global Fund to Fight AIDS, Tuberculosis and Malaria, and Editor of the Journal of the International Ombudsman Association (USA)

10:30am

Morning Tea

Session F

11:00am

Securing Resources: Proving to others the Ombudsman is a worthwhile investment

Evaluating the effectiveness of an Ombudsman: A riddle, wrapped in a mystery inside an enigma **Professor Anita Stuhmcke**, Faculty of Law, University of Technology, Sydney, Australia

Managing the political environment
–Doing better with less **Dr Tom Frawley,** Ombudsman,

Northern Ireland

Successfully changing the performance & profile of an Ombudsman's Office *Dr Shoaib Suddle, Federal Tax Ombudsman, Pakistan*

Chaired by: **Dr Peter Wilkins**, Deputy Ombudsman, Western Australia

Session G

Suddenly displaced communities – unique challenges requiring unique strategies for the Ombudsman

Challenges the Japanese Ombudsman has faced after the Great East Japan earthquake Morio Miyajima, Director-General, Administrative Evaluation Bureau

Role of the Ombudsman in assisting agencies with their processes during the rebuild of Queensland after the 2010/11 floods and cyclone *Phil Clarke, Queensland Ombudsman, Australia*

The IASC Operational Guidelines and other tools and learnings that can assist Ombudsman to respond constructively to a natural disaster **David Rutherford**, Chief Human Rights Commissioner, New Zealand

Emerging issues Ombudsmen have seen arising from the Canterbury earthquakes in New Zealand *Karen Stevens, Insurance and Savings Ombudsman, New Zealand*

Contributing Chair: The Ombudsman's role in the 2008 Cranbourne methane gas disaster & the 2009 Black Saturday bushfires John Taylor, Deputy Ombudsman, Victoria Ombudsman

Session H

Complementary or conflicting? Benefits and disadvantages to being both an Ombudsman and an FOI Commissioner

Benefits and disadvantages of having the dual role of Ombudsman and the FOI regulator for their country

Emily O' Reilly, Ombudsman and Information Commissioner, Ireland

Protecting the freedom and rights of Armenian citizens as an Ombudsman with FOI oversight *Karen Andreasyan, Human Rights Defender of the Republic of Armenia*

The effect of removal of FOI jurisdiction from an Ombudsman *Bruce Barbour*, *Ombudsman*, *New South Wales*

Chaired by: **Dr David McGee,** Ombudsman, New Zealand

Thursday 15th November 2012

Day 2

Time	Session			
12:30pm	Lunch			
1:30pm	OPCAT: Expectations versus reality. Creating an effective model that will work for an Ombudsman The OPCAT's expectations & impact, models Ombudsmen around the world are using, and the SPT's approach to monitoring outcomes. Mark C.A. Thomson, Secretary General, Association for the Prevention of Torture, Geneva Experiences of an Ombudsman that adapted the OPCAT model to meet the needs of their own state Dame Beverley Wakem, Chief Ombudsman of New Zealand Contributing Chair: Working as a NPM under the OPCAT Professor Irena Lipowicz, Human Rights Defender of the Republic of Poland			
2:45pm	Afternoon Tea			
	Session I	Session J	Session K	
3:15pm	Innovative practices in upskilling agencies and improving administrative practices The Western Australian Integrity Coordinating Group's "Integrity in decision making" framework Chris Field, Ombudsman Western Australia The ACRC's award winning E-people initiative Kim Young-ran, Chairperson Anti-corruption and Civil Rights Commission, Republic of Korea Contributing Chair: The Code of Administrative Behaviour in the Portuguese Public Administration Mariana Sotto Maior, Head of Cabinet, Provedor de Justiça, Portugal	Challenges for the Ombudsman protecting prisoners' human rights Safeguarding the rights of detained persons: A paradigm of the challenges facing Ombudsmen in the modern world Professor Andrew Coyle, Emeritus Professor of Prison Studies in the University of London and Visiting Professor in the University of Essex, UK Challenges posed by the aging, disabled and indigenous offenders who have been incarcerated for long periods Howard Sapers, Correctional Investigator of Canada The success of the Maori focus units and faith based units operating in New Zealand prisons Kim Workman, QSO New Zealand Chaired by: Judge Sir David J Carruthers, Chairman NZ Parole Board 2005-2012	Introducing & embedding FOI UK & comparative experience Andrew Ecclestone, Head of FOI Policy Branch, Department of Constitutional Affairs, UK 2001-2003 Introducing FOI in small states with geographical challenges Jeannine Daniel, Assistant Ombudsman, Cook Islands Indian Experience and its Lessons Venkatesh Nayak, Coordinator, Access to Information Programme, Commonwealth Human Rights Initiative, India Contributing Chair: Introducing FOI into hesitant jurisdictions Associate Professor Rick Snell, Faculty of Law, University of Tasmania	
4:45pm	End of Day Two			
7:00pm	Conference Dinner, Wellington Town	Hall		

Friday 16th November 2012



Time Session

9:00am

The importance of records, accountability and 'putting things right' in an era of austerity

Effective information management – the keystone of Good Government

Professor John McMillan, Australian Information Commissioner. Commonwealth Ombudsman 2003-2010

Insights & experiences from investigating complaints about the actions of public authorities and accessing official information

Leo Donnelly, Deputy Ombudsman, New Zealand

Good records management and open government: Co-equal partners

Karen Finnegan, Deputy Director, Office of Government Information Services, US National Archives and Records Administration

Chaired by:

William P. Angrick II, Citizens' Aide/Ombudsman for the State of Iowa, USA, 1978 - 2010 . President of the International Ombudsman Institute 2004 - 2010

10:15am

Morning Tea

Session L

10:45am

Distancing the "public" from the public sector - the growing trend towards the privatisation of public services.

Challenges Ombudsmen face when overseeing privatised services **Brian Thompson**, Senior Lecturer, Liverpool Law School, University of Liverpool

The Ombudsman and the changing face of public services: Dealing with private entities not familiar with public sector accountability – how far can an Ombudsman's jurisdiction really go?

Peter Tyndall, Public Services Ombudsman, Wales

Public sector accountability: Impacts for Government and public service provider *Marco Bini, Director, Policy and Coordination, Victorian Auditor-General's Office, Australia*

Chaired by:

Rafael Ribó, Síndic de Greuges de Catalunya, Spain

Session M

Taking advantage of clever technology developments and other techniques to improve the Ombudsman's work & accessibility.

Old watchdog, new tricks: How social media and technology can transform the modern Ombudsman **André Marin**, Ombudsman of Ontario, Canada

Planning and maintaining outreach and accessibility while undergoing challenging reforms

Baart Weekers, Vlaams Ombudsman, Belgium

The Gambian Ombudsman's decentralisation access strategy aimed at reaching vulnerable and remote communities where conditions are difficult *Alhagie Sowe*, *Ombudsman*, *The Gambia*

Chaired by:

Peter Kostelka, IOI Secretary-General and Ombudsman, Austria

Session N

Ombudsmen, Access to Information and Anti-Corruption Agencies: Links between integrity agencies in delivering good governance and safeguarding taxpayers' resources.

Methods for ensuring sound public administration, raising standards of integrity and preventing corruption *Dr Fong Man Chong, Ombudsman, Macau Special Administrative Region and Chair, Commission against Corruption, Macau*

Innovative work of Global Integrity and the likely future priorities and challenges

Nathaniel Heller, Executive Director, Global Integrity

Contributing Chair: Queensland's Integrity Network **Dr David Solomon,** Integrity Commissioner, Queensland

Friday 16th November 2012



Time	Session		
12:15pm	Lunch		
1:00pm	Celebrating 50 years of Ombudsmanship in New Zealand		
	Rt Hon Sir Anand Satyanand, Governor-General of New Zealand 2006-2011, New Zealand Ombudsman 1995 - 2005		
	Rt Hon Sir Geoffrey Palmer, Prime Minister of New Zealand 1989 – 1990 and President New Zealand Law Commission 2005-2010		
	Mai Chen, Founding Partner, Chen Palmer New Zealand Public Law Specialists & author of "Public Law Tool Box" and Adjunct Professor of Commercial and Public Law at the University of Auckland Business School		
	<i>Sir Brian Elwood,</i> Chief Ombudsman of New Zealand 1994 – 2003 and President of the International Ombudsman Institute 1999 – 2002		
	Chaired by: Professor Jonathon Boston , Professor of Public Policy, School of Government, Victoria University, Wellington		
2:30pm	Looking ahead – challenges for the IOI in responding to its members needs in changing times Bruce Barbour, Ombudsman, New South Wales, Australia		
	Closing remarks Dame Beverley Wakem, President, International Ombudsman Institute and Chief Ombudsman, New Zealand		
3:00pm	End of Conference		

Registration

Registration can be made online at the conference website. www.confer.co.nz/wcioi

Registration Fees

(All fees are in NZ\$ and include 15% GST)

IOI Member \$1200 *Non Member \$1300

Day Rates - NZ Residents only

Day Rate - Wednesday 14 November \$550 Day Rate - Thursday 15 November \$550 Half Day Rate - Friday 16 November \$300

*For non members the conference programme starts on Wednesday 14th November.

The registration fee includes:

Entrance to all conference sessions Conference Handbook

Satchel

Lunches and Tea/coffee breaks

Welcome Reception at Parliament on Tuesday 13th November

Conference Dinner on Thursday 15th November





