



Report of the

CHIEF OMBUDSMAN

SIR BRIAN ELWOOD CBE, D.LITT (HON, MASSEY), ATCL, LLB
ON LEAVING OFFICE

*Presented to the House of Representatives Pursuant to section 29 of the
Ombudsmen Act 1975*

Mr Speaker and Members

1. **Background**

- 1.1 On 2 November 1992 I took the Oath of Office to start my career as an Ombudsman. On 14 December 1994 I was appointed by Parliament as Chief Ombudsman. Today I complete that career.
- 1.2 The intervening years provided me with the opportunity to develop the traditions of the office set by my predecessors and to become involved with the international community of Ombudsmen and help the Ombudsman institution become firmly established in most parts of the world.
- 1.3 In 1994 I was elected as a Director of the International Ombudsman Institute (“IOI”), the professional body of Ombudsmen throughout the world, representing the Australasian and Pacific Ombudsmen. I was elected President of the IOI in 1999, holding such office until my retirement last year, in anticipation of my retirement as Chief Ombudsman in New Zealand this year.
- 1.4 Although I retire as Chief Ombudsman leaving no unresolved problems for my successor, John Belgrave, to address, the experiences I have gained with Ombudsman matters in New Zealand and internationally enable me to reflect upon some of the matters which might affect the future direction of the office in New Zealand as an Office of Parliament. Although the Office is successful, perhaps because it has been successful, it will require proactive support and protection in the future. For the assistance of Members of the New Zealand Parliament when considering the needs and responsibilities of the Office in the future, I table this report in the hope it will be of help in making the decisions required for the continued effective operation of the Ombudsman institution as an essential component of New Zealand’s constitutional arrangements.

2. **A successful Office since 1962**

- 2.1 The Office has been a success since its introduction to New Zealand in 1962. It enjoys a credibility both within New Zealand and internationally, earned and consolidated by successive office-holders, in assisting the agencies of government and citizens resolve their differences when problems arise in the transactions between them.
- 2.2 The New Zealand Ombudsman legislation is a model to which other countries have looked for guidance in establishing their own Ombudsman institution.

2.3 The Ombudsman process, the impartial investigation of complaints using inquisitorial procedures, has been successful in helping address the consequences of a breakdown in relationships between citizen and government in a reasonably efficient and cost effective manner. That process could be more widely used as one of the means of conflict resolution between citizens. Adversarial court processes could in part be supplemented by use of ombudsmanlike inquisitorial methods. This would help achieve outcomes to disputes at low or no cost to the parties. In this way access to substantive justice could be achieved at less cost than by expanding the adversarial system. For example the processes of the Disputes Tribunal and the Tenancy Tribunal could be supplemented by a Disputes Commissioner regime using the Ombudsman's inquisitorial and non-adversarial methods.

3. **Risks to an effective Ombudsman institution**

3.1 In my view there are five major risks to the continued existence of an effective Ombudsman institution:

- ♣ the institution being taken for granted, its need for support and refreshment being neglected;
- ♣ inadequate provision being made for the financial and human resources needed to function effectively;
- ♣ politicising the institution, its functional responsibilities and the processes by which officeholders are appointed;
- ♣ failure to act upon the recommendations arising from an Ombudsman's independent investigation; and
- ♣ failure to ensure that the institution remains independent of Executive Government.

3.2 These risks are identified in order to underscore the success of the New Zealand Ombudsmen in largely avoiding them since 1962. The basic soundness of the provisions of the Ombudsmen Act, the actions of successive New Zealand Parliaments when called on to address Ombudsman issues and the conduct of successive officeholders to the present time, has ensured that the risks have been avoided or been temporary in nature. That said however, the potential for the risks to become realities are ever present and must not be forgotten.

3.3 When I arrived in November 1992 the Office of the Ombudsmen was, and continued for some years to be, under-resourced. Its operations

were at risk and the pressure upon the Ombudsmen was unreasonable. The Ombudsmen's Annual Reports to Parliament testified to the difficulties. I am pleased to record that of recent years the Office has been reasonably resourced for its current workload and the appointment in December 2001 of a third Ombudsman has allowed a better balanced caseload for individual Ombudsmen.

- 3.4. An effective Ombudsman's office requires adequate funding in order to fulfil its extensive mandate. In its primary role it allows citizens who consider they have been treated unfairly by the government, its various agencies or by local government, to complain to an Ombudsman who is empowered to conduct an independent investigation and where justified, to recommend a means by which the matter complained about can be remedied. An under-resourced office is unable to carry out such a mandate effectively. It risks becoming part of a problem – namely an unsatisfactory interaction between a citizen and the agencies of government – rather than a means by which that relationship can be improved and injustice avoided when disputes or misunderstandings arise.
- 3.5. An effective Ombudsman's office also requires skilled staff resources for which adequate funding is necessary. My colleagues and I have had the benefit of excellent support from our staff and this report would not be complete without recognition of it.

4. **The State and the citizen**

- 4.1. The power and resources of the State in a modern democracy when viewed from the perspective of an individual citizen, particularly one in dispute with an agency of government, are often overwhelming. The Ombudsman's presence better balances that relationship from the perspective of the individual citizen. The citizen can complain to an Ombudsman after failing to resolve the cause of a dispute through a direct approach to the agency, at no cost to the complainant.
- 4.2. An Ombudsman, with all the powers of a Commission of Inquiry, can investigate the complaint and suggest a remedy when one is justified. It is for the agency of the government to decide whether that recommendation is accepted. Fortunately in New Zealand, acceptance of an Ombudsman's recommendation has become a norm. Failure to adopt a recommendation is rare. Of the many thousands of investigations for which I have had primary responsibility, less than ten recommendations have not been accepted. None have been successfully challenged by way of judicial review.

- 4.3 The level of demand for Ombudsman services has grown rapidly over the past ten years to nearly double that when I assumed office.
- 4.4 The level of demand is not the sole measure of the need for Ombudsman services. The importance of the Office is its very existence with adequate resources and powers to look inside the system and the dark places where others may not go, to find out what has gone wrong in the relationship between citizen and State and why. The fact that there are Ombudsmen with the necessary independence and powers able to enter the private domains of the government's bureaucracy is a powerful incentive for that bureaucracy to conduct the business of government in a fair and reasonable manner.
- 4.5 There lies a potential danger should there be a sudden reduction in the number of complaints and a reduced budget is contemplated. The need for Ombudsman services requires to be considered over time and the budgetary provision be sufficient to enable the office to function effectively. The output expected of each Ombudsman must be realistic. To weaken the capacity of the Ombudsmen to respond when the call for help does come will be to the disadvantage of both good government and the best interests of individual citizens.

5. **Government administration generally well managed**

- 5.1 The business of government is generally well managed in New Zealand. It is easy to overlook the achievements and focus upon the errors of judgement or response by those in the bureaucracy. The reality is that any bureaucratic system is run by human beings with their strengths and weaknesses. Consequently things can and do sometimes go wrong.
- 5.2 Any system needs its checks and balances to ensure that human frailties do not distort the conduct of those charged with maintaining a functional government system to properly service the reasonable needs of a just society. When things do go wrong what matters is the effort made to put right the harm that has occurred. An Ombudsman can assist by identifying, during an investigation to establish the facts, what has happened and why. If harm has occurred, someone independent of the Government should be able to suggest what should reasonably be done to undo the consequences of unreasonable administrative conduct.
- 5.3 Whilst the threat of exposure is a powerful disincentive to improper conduct, an over-emphasis upon failure without similar weight being given to success can have a dampening effect upon human endeavours. An Ombudsman provides the opportunity to focus upon the wrong and a resolution but without the need to embarrass. Hence much of what an Ombudsman does needs to be done in private. In appropriate and

fortunately rare cases, the wider public interest can be served by disclosure through a report to Parliament.

5.4 From my observation of other bureaucracies in many parts of the world I have the clear impression that New Zealanders are:

- ♣ well served by a dedicated, competent, often overworked, non-partisan and honest Public Service remarkably free of corruption in the provision of or gaining access to, public services;
- ♣ intolerant of corrupt conduct by, or conflicts of interest of public officials; and
- ♣ well served by a series of accountability mechanisms which keep our system of government clean.

5.5 That does not suggest there need be agreement with all that is done by or in the name of the Government: there will always be options or alternative ways to address the problems of the day. In a democracy there is room both for discussion and disagreement about which option is to be preferred. What I am noting however is that the processes and procedures by which the policies of our elected governments are carried out, are about as clean and honest as it is possible to make them.

5.6 Although there should be no complacency, why not be proud of our Public Service? We should seek perfection but not be so critical of what we get as to undermine the institutions which maintain our public infrastructure and the provision of humanitarian support of those in need. It is in our wider interest that the Public Service is neither reluctant nor afraid to show flexibility or innovation in making decisions or providing services. Criticism is often aided by the benefit of hindsight: decisionmakers whilst needing to contemplate and foresee the consequences of their actions, make decisions without the protection of hindsight. Whether we be in government or whether we be citizens using public services or infrastructure we cannot do so without a Public Service or bureaucrats. Whilst expecting the highest standards of them we should also be willing to more often say "*thank you*" for a job well done.

5.7 I have had the privilege of looking inside the operation of our Public Service for ten years. That opportunity comes to very few. In my opinion New Zealand's Public Service has helped our country to achieve one of the best systems of governance anywhere in the world. We can expect and get individual service; we are entitled to be treated with respect; we should have our individual circumstances taken into account; we can ask for, and be given, an explanation of the reasons for any

decision by which we are personally affected. If those rights are not met we can complain to an Ombudsman and others and expect to have something done about it.

- 5.8 To many people this may just seem so ordinary. In fact, it is fundamental to living in a just and fair society where there are not the resources to do all that is necessary or desirable and where often tough decisions are called for. Apathy towards and denigration of, those responsible for and managing our public institutions and making those tough decisions could destroy what has taken many generations to achieve. There is a need to guard carefully the system under which we live. Others around the world envy what we have. Maybe more time should be spent talking up, rather than talking down our particular system and those who operate it on our behalf.

6. Use of the name “*Ombudsman*”

- 6.1 When the office of Ombudsman was introduced into New Zealand the name *Ombudsman* was not well understood. It derives from Scandinavian origin meaning the “*peoples representative*”. Since 1962 the name has gained increasing international recognition which has seen its use extended to circumstances beyond that originally derived from the Scandinavian use of the word.
- 6.2 The office of Ombudsman was originally established in Sweden to help Parliament exercise surveillance over governmental activities and to ensure that administrative authorities and courts complied with the law. The original Ombudsman was regarded as a representative of the Parliament and as such, of the citizens.
- 6.3 Around the world the name *Ombudsman* has of recent years come to be adopted for use in a wide range of dispute resolution procedures in industry, the media and universities, particularly in the United States and the United Kingdom. Concern about the widening use of the name *Ombudsman* outside of the public sector and the confusion which followed, resulted in the name gaining protection in New Zealand by a 1991 amendment to the Ombudsmen Act 1975. Section 28A of that Act provided:

“No person, other than an Ombudsman appointed under this Act, may use the name Ombudsman in connection with any business, trade or occupation or the provision of any service, whether for payment or otherwise, or hold himself, herself or itself out to be an Ombudsman except pursuant to an Act or with the prior written consent of the Chief Ombudsman”.

- 6.4 Over the past two years many applications have been received pursuant to the provisions of that section for granting of consent to the use of the name *Ombudsman*. None of the applications received gained my approval. I reported to Parliament as part of the Ombudsmen's Annual Report for the year ended 30 June 2001 as to the approach I had adopted when approval was sought for the use of the name. That approach as then expressed was:

“Parliament has given to the Ombudsmen some of the authority and power it would otherwise retain to investigate complaints about the administrative conduct of Executive Government and of government agencies. I have come to the view that the name Ombudsman should basically be protected to be used to achieve that purpose. Only on rare occasions when the public interest suggests that the name should be further or more widely used in a particular circumstance, should the name be used outside of the Parliamentary process or Public Service”.

- 6.5 I would recommend that the name should continue to be primarily associated with an independent person who on behalf of the Parliament and people of New Zealand is able to investigate complaints about government administration to ensure that government agencies act fairly and reasonably and in accord with the law. The wider use of the name would likely cause confusion in the public's mind, especially where a particular office has dispositive powers when reviewing a matter in dispute, or is not independent of the organisation being reviewed.
- 6.6 The strength of the traditional Ombudsman institution is its non-coercive powers (unlike those of a court). The requirement to persuade the parties in dispute to follow a reasonable course of action is what sets the Ombudsman function apart from the judicial function. I see the ability to recommend a means of resolving a dispute without declaring a winner and a loser as helping achieve a fair outcome.
- 6.7 But for the protection afforded to the use of the name *Ombudsman* in New Zealand it would today have been in wide use for the electricity, milk and water industries – by local authorities in the development of inhouse complaint resolution services and by the manufacturers of various consumer products.

7. **Looking to the future**

I suggest the following signposts to guide decisions for the future of the Ombudsmen's Office:

- ♣ The office should be funded in a manner which allows it to function effectively. It needs support in difficult times, when as a

remedy of last resort, it attempts to resolve the inevitable breakdowns which will occur in the many transactions in which government agencies and citizens are involved.

- ♣ Officeholders should continue to be appointed through the bi-partisan process administered by the Officers of Parliament Select Committee, preferably by unanimous vote. An officeholder so appointed has the benefit of bi-partisan support to undertake often sensitive responsibilities which go to the heart of government activities and administration.
- ♣ The services of Ombudsmen should be accessible and free to all citizens. This will require continuing efforts to ensure that their existence and authority to assist citizens is widely known.
- ♣ Those subject to an Ombudsman's jurisdiction should help underpin the credibility of the Ombudsman process by continuing to abide by the outcome of investigations. Any emerging trend towards refusing to comply with an Ombudsman's recommendation, except on the basis of significant public policy grounds, would diminish the effectiveness of recourse to the Ombudsman process. This would be to the detriment of good government and the interests of citizens with a consequent risk of forcing the resolution of disputes back to the more legalistic, adversarial and expensive processes of the courts.
- ♣ As the quality of public administration continues to improve and the requirement for Ombudsman involvement with complaints about maladministration affecting individuals continues to decline, the Ombudsman function may need to shift to more systemic or generic problems associated with the general quality of the delivery of public services. This is possible under existing Ombudsman legislation through use of the "*Own Motion*" investigation procedures in the Ombudsmen Act. Those powers have been rarely used – I have seen them as "*residual*" in nature. The mere suggestion they may be used by an Ombudsman has generally been sufficient to encourage a change of direction by government agencies when this has been seen as necessary in the public interest. A wider proactive use of the "*Own Motion*" procedures may be justified.
- ♣ The rarely used provisions in section 13 of the Ombudsmen Act could be used more frequently:

- a committee of the House of Representatives can refer to an Ombudsman for investigation and report any petition before the committee for consideration or any other matter to which the petition relates – section 13(4)
- the Prime Minister can with the consent of the Chief Ombudsman, refer to an Ombudsman for investigation and report, any matter, other than one concerning a judicial proceeding, which the Prime Minister considers should be investigated by an Ombudsman - section 13(5)

and thereby activate the inquisitorial processes of an Ombudsman's investigation to inquire into matters of public concern which have not otherwise been the subject of a complaint directly to the Ombudsmen.

- ♣ The trend to establish effective internal complaint resolution processes should be encouraged. I have been pleased with the positive responses to our suggestions that complaint resolution processes be established and promoted inside those government agencies with significant interface with the public. For example, progress has been made by the Inland Revenue Department, the Accident Insurance Compensation Corporation, the Public Prison Service of the Department of Corrections and the Tertiary Education Institutions. Interface problems are being addressed more formally, promptly and effectively within the organisations themselves to their own advantage and those adversely affected by administrative conduct.

8. **The Official Information Act (“OIA”) and the Local Government Official Information and Meetings Act (“LGOIMA”)**

- 8.1 Matters referred to the Ombudsmen under these Acts now outweigh the traditional complaints under the Ombudsmen Act.
- 8.2 Recent reports by the Ombudsmen to Parliament have indicated the extent to which processing of requests under the OIA (applicable to central government and its agencies) and to a lesser extent under the LGOIMA (applicable to local government and its agencies) has dominated demand on their human and financial resources. This is significant in that it illustrates a growing demand for a review of the refusals to grant access to official information and a declining requirement for a review of administrative conduct by the agencies of government at all levels.

- 8.3 Although first introduced into New Zealand in 1982, the OIA was slow to gain the attention of the public at large, parliamentarians and the media in spite of the Act being a total reversal of the previous environment of secrecy. The Official Secrets Act, under which official information could only be released if approved by government, was repealed. New Zealand moved to an environment where such information was to be made available unless there was a good reason for withholding it.
- 8.4 Such an event marked a constitutional shift in the manner by which New Zealand was to be governed. In simple language, the OIA identified that its purpose was to increase "*progressively*" the availability of official information to the people of New Zealand, in order to enable their more effective participation in the making and administration of laws and policies, and to promote the accountability of Ministers of the Crown and officials. The end intent was to enhance respect for the law and to promote the good governance of New Zealand by giving citizens the necessary information for that to occur.
- 8.5 The legislation was framed in such a way it spelt out that enhancing respect for the law and promoting the good governance of New Zealand required the making available of official information unless there was good reason in law for withholding it. It was clearly expressed that the making available of that official information was to be increased "*progressively*". More information would be made available over time. That appeared to suggest that in 1982 official information would not suddenly be made available but that there would be a gradual evolution in the processes by which more information would be made available. In fact from its inception the Act provided a mechanism by which all official information could be requested and such requests were required to be assessed against the clear principle of availability. It was to be "*living*" legislation, not set in 1982 conditions, but flexible enough to cope with changing conditions. That has proved to be the case. The legislation has coped with the technological revolution and the transition to electronic information recording.
- 8.6 That said, the decade of the 1990s has seen rapid growth in the number of requests for access to official information and release of information. Yet the Ombudsmen have been required to report to Parliament on several occasions that the purposes of and obligations imposed upon the sector and Ministers, by the OIA, have not been adequately understood, leading to frustrations with the Act evidenced by both the requesters and holders of the information. The Act is not the problem. Understanding and applying its provisions is. There is an absolutely fundamental need to improve knowledge about the workings of the official information legislation. The requirement is training and more training. Some

organisation within the public sector, such as the State Services Commission, should take responsibility for this. The Commission as the organisation with the widest overview of the sector and a focus on performance outcomes appears the obvious choice. The Ombudsmen have done what they can to assist the staff in Ministers offices and in the agencies of government to understand what is required by the Act. But the Ombudsmen as independent reviewers of complaints made pursuant to the Act cannot also be the “*educators*” in its application.

- 8.7 The OIA and LGOIMA have been part of the ‘constitutional’ law of New Zealand determining the *modus operandi* of our government for 20 and 15 years respectively. The terms of both Acts should be indelibly imprinted in the minds of all those subject to them for they determine in a ‘constitutional’ way how those who create or obtain information, defined as official information, should view it. The information held by those subject to the Act is held pursuant to the principle that it shall be made available when requested unless there is a good reason for withholding it.
- 8.8 The Acts are clearly viewed differently by those who are subject to them and those who can exercise the rights given by it. This is evidenced in the case of the OIA when there is a change of government. Parties in opposition appear to welcome it. Those in government develop doubts about it. A change in one’s position on the political stage should not alter one’s attitude to the importance of the underlying principle of making public the information held on behalf of the citizens. Experience has suggested that the frustrations of both holders and requesters are based on either unnecessary fears or unrealistic expectations, caused through overlooking the very careful balancing required by the Act between the availability of official information and the ability to protect official information to the extent consistent with the public interest and the preservation of personal privacy. Both require to be considered.
- 8.9 The OIA did not open the door of the Cabinet Room to let the information on the Cabinet table ‘*drift on the wind*’. Yet information available to the Cabinet is official information. It is subject to the principle of availability. Some of the information can be withheld. The principles applicable to such information are well documented in the Ombudsmen’s *Practice Guidelines* and *Case Notes*. There are some who would wish that every piece of official information be released: others who would prefer that less be released. That however is not the legal basis upon which access to such information is to be determined. It often finally is a question of balance between the justification for withholding and the making available of official information in the public interest.

- 8.10 Much of the focus of the Ombudsmen, and my personal effort, has been directed towards making the OIA work in a practical manner, balancing the two public policy objectives of making official information available, but allowing for the withholding of such information where that is consistent with the public interest and the preservation of personal privacy. Throughout many determinations I have sought to establish the right balance between those two public policy objectives.
- 8.11 It has not been an easy time to be an Ombudsman whilst the OIA has come to be more used and its boundaries tested by increasingly targeted and sophisticated requests. The opportunity for misunderstandings and misapprehension about the scope of the Act has been frequent. I hope those determinations, reported to Parliament in the Ombudsmen's Annual Reports and included in our Compendiums of Case Notes, will better enable both holders and requesters of official information in the future to have realistic expectations of the outcome of requests on the one hand, and how to process properly the growing number of requests on the other.
- 8.12 Once there is a good understanding of the purposes, principles and philosophy underlying the OIA and LGOIMA, they need not be feared and can be lived with. The Acts can assist New Zealanders effectively participate in the making and administration of laws and policies, and promote the accountability of Ministers of the Crown and officials. Both purposes are fundamental to the working of good government in an open, accountable democracy. It would be unthinkable to return to a situation where official information is seen as the exclusive property of the government of the day, rather than as information held on behalf of the people of New Zealand.
- 8.13 As an arbiter between the competing interests of those who hold and those who seek access to official information, I have come to appreciate more the importance of information, both in the policy formulation environment and in gaining public understanding of the reasons for new government policies. Although the focus of the last 20 years has been upon the different perspectives of the Act held by holders and requesters of official information, in fact I perceive there to be a great deal of common interest. The decisionmakers need and expect good policy advice in order to choose the best policy option for adoption. The citizens need good information in order to be able to participate in the making of the laws and policies by which they will be affected and to understand why a particular policy option has been chosen by the government. Each therefore has an interest in the generation and dissemination of good quality information.

- 8.14 Information about the public's business should be regularly made available, even without the need for a formal request. Making information more readily available is a good way of conducting the business of government. A better informed public will better understand and accept the policies a government seeks to adopt and pass into law and see that the actions of government organisations carried out in the name of the public have been fair. Keeping secret that which is public business breeds suspicion and resentment.
- 8.15 The opportunity I have been given to look at a huge amount of information held within the government system causes me to observe that the quality of information being made available to the Government for decision-making purposes has improved dramatically both in objective content and in quality as a result of its creators knowing that the information generated may likely see the light of day because of the provisions of the OIA. What I am less certain of is whether the public is getting the benefit of that better information. I have welcomed the growing amount of information now being made available on the websites of Ministers of the Crown, Government Ministries and Departments and other agencies of the Government. Availability by that means still however depends on an individual having access to the internet and the time to spend finding, accessing and reading it.
- 8.16 In these circumstances the news media has a most significant function in distilling and disseminating information about the policies of the Government, why they are being adopted and how they will be implemented. I am left with the distinct impression that there is a growing public interest in information which informs and which can be trusted for its reliability. As much as people are fascinated by information illustrating the frailties of human conduct, they do genuinely want to know why something is happening. There is a tendency for the media to focus upon what is perceived to be "*interesting*" to the public as distinct from what it is in the "*public interest*" that the public should know. The official information legislation provides an inexpensive avenue through which the media can gain access to official information which it is in the public interest should be known publicly. It is a matter of taking time to distil it in an interesting way for the benefit of a public desirous of more "*informative*" information.
- 8.17 The official information legislation is remarkable in terms of the breadth of its constitutional significance and in balancing competing and sometimes irreconcilable public policy objectives: being open and accountable whilst at the same time recognising that in the public interest some information which the Government holds should be kept confidential. If there were to be a better balance between informing by

conveying worthwhile information which may be useful and highlighting human error or embarrassment, there may be a greater willingness by holders of official information to release both “good” and “bad” information to the betterment of the public interest. But human nature being what it is there will likely be a continuing interest by some in highlighting what has gone wrong and by others in explaining what has gone right. That tension will likely mean an ongoing and growing role for Ombudsmen in trying to get the balance right. The principle of availability expressed in the legislation is however a clear signpost of the road to be followed.

- 8.18 Of the huge amount of information, significant and informative that I have seen in my work as an Ombudsman, only a small fraction finds its way into the public domain to inform the public at large. The real challenge for decisionmakers and media, often “drowned” by information, is to get adequate information out to the widest possible audience. That audience needs to be sufficiently interested to take notice of it. The holders of the information must take the first step – be proactive in making information available.

9. **International Ombudsman Institute (“IOI”)**

During the period of my involvement with the IOI there has been rapid growth in the number of Ombudsman institutions in Eastern Europe, Asia, Africa and South America. There are now Ombudsmen in 111 countries. Each such institution has been developed to suit country specific situations but the New Zealand model has been frequently used when considering the structure of institutions based on the classical Ombudsman office. My advice has been sought in the establishment of many new offices and the development of existing offices and has given me a close insight into governance practices outside New Zealand.

My two visits to China as a guest of the Chinese Government will count as the highlight of my many international involvements in Ombudsman issues. The Chinese were keenly interested in what assistance the Ombudsman institution could contribute to the development of good governance practices and the elimination of corruption. I predict great changes to the approach to governance issues in China over time, but the modernisation of Chinese governance practices will require policies which are relevant to a society the size and scale of which (1.3 billion people) is beyond our comprehension and have regard to its historical roots. The world and New Zealand should be patient and provide such help and guidance as will assist China make the adjustments to governance practices which time and generational change will render necessary.

The Institute has developed its capacity to provide professional guidance to Ombudsmen around the world. I hope New Zealand continues to give its support to the Institute.

Farewell

Thank you for the privilege of serving as an Ombudsman in New Zealand. I have identified a number of risks for the future and wish Members well as these are addressed in the years ahead should the need to do so arise. That said, I leave the Office of the Ombudsmen in good heart and good hands for the future. It is an Office worthy of support and protection.

A handwritten signature in black ink, appearing to read "Brian Elwood". The signature is fluid and cursive, with a prominent initial "B" and "E".

Sir Brian Elwood
Chief Ombudsman

30 June 2003