



25 August 2015

Mr

AUCKLAND

Dear Mr

I refer to your email of 16 May 2015 requesting me to launch a special inquiry into the handling of a complaint you made to the Ombudsman about the Health and Disability Commissioner (HDC) and for a wider inquiry by the Auditor General into Office of the Ombudsmen.

As a preliminary matter, while you have requested me to launch an inquiry into the handling of your complaints, you should be aware that although Ombudsmen are accountable to Parliament for the general performance of their functions, I have no authority to become involved in staffing matters or to review an Ombudsman's findings or decisions with respect to individual complaints. It is not a Speaker's function to act as a form of appeal authority regarding such matters, nor to call for an inquiry where an Ombudsman has reached a conclusion with which a complainant disagrees.

I have nevertheless made inquiries about the matters of concern to you and have the following comments.

1. *Request for Inquiry into Decision on Complaint*

You have referred to the Chief Ombudsman's investigator as having made the decision of which you complain and have criticised her work in that context. Investigators do not make such decisions. It is only an Ombudsman that may make a final decision on a complaint. It was Dame Beverley Wakem's personal decision not to investigate the complaints you made and one that she confirms she arrived at only after considering all facts she considered to be relevant. That is her function as an Ombudsman and she rejects the criticism made of the investigator who assisted her in reaching that decision. The reasons for her decision are set out in her letter to you of 14 May 2014, which I note you have copied to me.

Nothing in that letter supports a suggestion that your complaint was not given proper consideration. That your response to that letter did not persuade the Chief Ombudsman that she needed to revise her view was a matter for her decision alone, and is not a matter for me to review, as I have already explained to you.

2. Request for Auditor-General Inquiry

Insofar as you have asked for a wider inquiry into the Ombudsmen's Office by the Office of the Auditor-General (AOG), I am aware that you have already made such a request to the AOG, and that this has been declined on at least three occasions. The AOG's letter to you of 9 April 2015, reiterating that the OAG would not be conducting an inquiry was copied to me.

As the AOG has already considered your concerns, I shall not consider this request further.

Yours sincerely,

A handwritten signature in black ink, consisting of a large, stylized 'D' with a vertical line through it, and a horizontal line extending to the right.

Rt Hon David Carter
Speaker of the House of Representatives