

Private Members' Bill No. 200, The Ombudsperson Act

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- The Third Party [Island New Democrats] tabled Private Members Bill No. 200, The Ombudsperson Act, on Dec 15, 1998
- The Ombudsperson Act will allow for the establishment of an Office of the Ombudsperson, which will receive and investigate complaints into the practices of Governmental Ministries and Crown organizations in Prince Edward Island.
- The purpose of The Ombudsperson Act is to provide recourse to persons who have been wronged by any action or inaction of government.
- The Ombudsperson shall be independent of government, and responsible for making sure that the administrative practices and services of public bodies are fair, reasonable, appropriate and equitable.
- The Ombudsperson would be an Officer of the Legislative Assembly, would be able to conduct confidential investigations that are non-threatening, and would protect complainants against retribution.
- The Ombudsperson would be accountable to all Members of the Legislative Assembly, not just government, and would be required to file an annual report with the Legislative Assembly on its office's activities.
- The essential and universally recognized features of Ombudsman include: independence, flexibility, accessibility, and credibility. The use of the term Ombudsman to describe institutions lacking in any of these features, particularly those which are not seen to be truly independent, is questionable.

What an Ombudsman is not:

- An Ombudsman is not an advocate for complainants. Rather, an Ombudsman is an impartial investigator with the powers to discover the facts of a case and determine an appropriate resolution. Often the results of an investigation will find no grounds to support a complaint of maladministration, and this underlines the critical importance of independence, so that complainants will trust that they have been heard and fairly treated even when the outcome is one of non-support for a complainant.
- An Ombudsman is not an elected representative. And it is not the Ombudsman's role to second guess political decisions made by those who were elected. Rather an Ombudsman deals with complaints about the administration of public services. Also, an Ombudsman usually does not have the power to force an agency to comply with a recommendation, but instead has power to address any unresolved

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matters directly to the responsible legislative body for final determination. In this way an Ombudsman acts as a mechanism for assisting elected representatives in ensuring responsible government.

- An Ombudsperson is not a substitute or parallel authority to government agencies. Public complaints should first be directed to the agency involved to insure that problems are resolved quickly and efficiently as they occur. The Ombudsperson is a place of last resort when other procedures have not resolved the complaint. Again, the existence of an independent recourse for such complaints ensures the integrity of the entire complaints process.

Why an Ombudsperson for Prince Edward Island?:

- Dealing fairly and effectively with public complaints is a means of preserving a high quality of taxpayer funded services. As in the private sector, addressing customer complaints is a cornerstone of customer service, and this is particularly important when customers cannot take their business elsewhere.

THREE BIG OBJECTIONS (\$, MLA's, GOV. WASTE)

\$: An Ombudsperson provides an effective form of alternative dispute resolution. It is a method which is less formal, more cost effective and provides greater flexibility and accessibility than going through the courts. Other provinces report significantly reduced projected litigation costs because an Ombudsman is in place. There is room for significant savings by solving problems when they are small, and not allowing them to go to expensive judicial reviews or the Supreme Court of PEI.

MLA's: MLA's are not Ombudspersons, and they do not always have the necessary resources, powers and impartiality to effectively investigate and resolve public complaints. The availability of an Ombudsperson ensures that all members of the public have a right to an effective remedy against administrative unfairness.

- Citizens of PEI know that an MLA will not address their concerns in a politically impartial manner.

- And there is an inherent awkwardness when politicians begin questioning civil servants when an allegation of bureaucratic unfairness has been made.

- As well, the public may sense that politicians may only compound the situation, or choose not to represent their issue.

- And political pressure should not be inappropriately applied to administrative matters.

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. And finally, when a concern becomes political it generally becomes public, and this contradicts the spirit of confidentiality that the Ombudsperson brings.

WASTE: This government, and it's well known, is the biggest spending government for themselves in the history of PEI. Executive Council has increased since 1996 from 1.8 million to over 2.3 million, close to half a million dollars. These funds have been used to hire executive assistants and public relations people beyond where they are needed in administrative fashion, and are being used for political purposes.

Summation:

· Mr. Speaker, in many countries around the world there is an Ombudsman who deals with complaints from the public regarding decisions, actions or omissions of public administration.

· The role of the Ombudsperson is to protect the people against abuse of powers, error, negligence, unfair decision and maladministration in order to improve public administration, make the government's actions more open, and the government and its civil servants more accountable to members of the public.

· Prince Edward Island citizens require an Ombudsperson. Many citizens have expressed this view, including the Chair of Research Ethics at UPEI and a former Executive Director of the Human Rights Commission. Let us be fair, come up with the rest of Canada, and indeed the modern world, and provide this basic and independent form of redress for Island citizens and taxpayers.

· I would like to thank all those who supported this Bill, The Ombudsperson Act, including:

The 229 petitioners from North Rustico
The Guardian Newspaper Editorial
Former Human Rights Director Tom Klewin
Ethics Chair Dr. Tony Couture, UPEI
The National Post and the Globe and Mail
Martin Dorrell
United Brotherhood of Carpenters
People First
International Brotherhood of Electrical Workers
ALERT
TARRP
Canadian Ombudsman Association

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CUPE

Paul Smitz

Injured Workers of PEI

And many more who voiced their support.

Thank you Mr. Speaker.