



Your Voice of Fairness

**Presented by:
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Alberta Ombudsman**

Introduction

- Peter Hourihan, Alberta Ombudsman & Public Interest Commissioner
- Alberta's eighth Ombudsman
- Appointed October 2011 to a five-year term

Role of Ombudsman

- One of seven independent offices of the Legislative Assembly (including Auditor General, Privacy Commissioner and Child and Youth Advocate)

- Report directly to Legislative Assembly
- Ombudsman does not report to a Minister, Executive Council or any other individual
- Impartial and objective third party oversight

- Standards of fairness are increasing
- “NO” is no longer acceptable in an era of accountability and transparency
- Do not advocate for government OR complainants
- Option of last resort

Investigations

- Ombudsman can investigate:
 - All provincial government departments
 - ABCs
 - Crown corporations
 - Professional associations
 - AHS's patient concerns resolution process

We Do Not Investigate

- MLAs or Ministers
- Courts
- Crown counsel or Crown solicitors

- Own Motion investigations (systemic issues)
- Minister or government Committee may also request an investigation

Recommendations

- Ombudsman works within the administrative arm of government and not the executive or judiciary arms.
- Power of moral suasion and publicity
- Recommendations can be broad...and do not replace decision-makers
- Collaborative approach

Reporting

- Deputy Minister and Minister levels
 - For municipalities, possibly CAOs or Town/Village Managers
- Legislative Assembly (via LG)
 - For municipalities, possibly councils
- Media

Administrative Fairness Guidelines

1. Chain of legislative authority
2. Duty of procedural fairness
3. Participation rights
4. Reasonable apprehension of bias
5. Legitimate expectations
6. Exercising discretionary power
7. Was the decision reasonable
8. Provision of adequate reasons

Conclusion

- Changes to *Municipal Government Act* still being drafted/contemplated
- We will continue to provide objective oversight
 - Was the process administratively fair?

Questions and Answers

“(The Ombudsman) can bring the lamp of scrutiny to otherwise dark places, even over the resistance of those who would draw the blinds.”

Chief Justice Milvain 1970

www.ombudsman.ab.ca