

Meet the Provincial Ombudsman

Since the Ombudsman Act was proclaimed in 1970, the purpose of the Ombudsman's Office has been to promote fairness, equity and administrative accountability through independent and impartial investigation of complaints and legislative compliance reviews.



Manitoba recently appointed its fourth Ombudsman. **Irene Hamilton** was appointed as the Ombudsman for Manitoba effective March 31, 2005. She is a graduate of Vincent Massey High School in Brandon.

In 1975, she graduated from the University of Winnipeg with a Bachelor of Arts degree, and then from the University of Manitoba in 1979, with a Bachelor of Law degree. Irene was called to the Manitoba Bar in 1980.

Prior to her appointment as Ombudsman, Irene was the Assistant Deputy Minister of Justice, responsible for the Courts Division, a position she held since January 2000. From 1991 to December 1999, she was the Public Trustee of Manitoba. She worked at the Liquor Control Commission from 1981 to 1991, and was Vice President, Licensing and Corporate Counsel and Secretary to the Board of Commissioners and Liquor Licensing Board.

Irene is currently a bencher of the Law Society of Manitoba, the body that governs the legal profession in the province. She has also served on the boards of a number of community, non-profit and charitable organizations during her working career. She served on the Board of Trustees of the United Way of Winnipeg for 10 years and was a member of the executive committee, serving as chair in 2000-01. She was also on the board of MTYP for 12 years, serving as president in 1989-90. She has just completed her term as chair of the Deer Lodge Centre Ethics Committee.

In your words, what is the primary purpose of the Ombudsman's office?

The Ombudsman's office provides the public with a relatively informal process by which

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MUNICIPAL PROCESS

When the Ombudsman Office receives a complaint about a municipality, investigators must first determine if the matter being complained about is a “matter of administration.” *The Ombudsman Act* allows the office to investigate any “matter of administration,” but does not permit the investigation of resolutions or by-laws of a “policy” nature. For example, the office would normally not investigate a decision by Municipal Council to implement a water treatment program, because that would be a policy decision, but it would investigate any complaint alleging that the process for implementing that program was unfair or had not been properly followed. This could mean, for example, investigating whether or not a municipality has completed all of the steps required to fund a water treatment program by way of a local improvement levy, such as giving proper notices and holding the required public meetings.

Once the Ombudsman Office determines that there is an administrative issue it notifies the CAO of the complaint in writing. While it expects a written response, Ombudsman Office staff is always available to answer questions about the specific complaint or about the investigation process.

During the course of an investigation staff may meet with a CAO, review Municipal documentation that relates to a complaint, and conduct on site inspections of works or facilities. An investigator may also consult with provincial officials to clarify any legislative requirements relevant to the complaint, or to obtain technical information that would assist in understanding the issues raised by a

complaint. Near the end of an investigation staff will often meet with a CAO, or with Council in camera, to discuss their investigative findings and conclusions. This frequently results in informal solutions that satisfy both the complainant and the municipality.

If complaints are not resolved through the investigative process, the Ombudsman has the authority to issue a formal recommendation to Council, which it must consider ‘in camera’ at its next meeting. The Ombudsman can request that a municipality notify her of the steps it intends to take to give effect to a recommendation and, if a recommendation is not followed, to issue a further report which must be tabled at the next meeting of council. As well, the Ombudsman has the authority to report on a complaint in her Annual Report, or to issue a public report in respect of a particular complaint.

The Ombudsman is responsible for reporting her findings, after conducting a thorough and impartial investigation, and is accountable to the Legislative Assembly. Elected officials are responsible for accepting or rejecting those findings, and are accountable to the public.

The first contact with many municipalities happens when there is a complaint. But staff is available any time to meet with a CAO or a Municipal Council to discuss the role and function of the office within the structure of government, or to provide more specific information on how the complaint process works.

In 2004, there were 76 municipal complaints (9% of total) and 233 municipal enquires (6% of total).

they can question the administrative decisions of provincial and municipal governments and have those decisions reviewed by an independent and impartial body. Reviews are conducted to ensure that decisions are fair and in accordance with the legislation, regulations and policies that guide decision-making by public bodies.

I regard the work of the office as being an integral part of nurturing public trust and confidence in the institutions and the governance of our society.

What does it mean to you to be the first female Ombudsman in the history of the office in Manitoba?

The position of Ombudsman is a very important one in the democratic process. Being appointed to this position underlines the opportunities for women to participate in significant roles in public service.

Was the decision to accept the appointment a difficult or easy one?

An all-party committee of the Legislative Assembly selected me for this position. The opportunity to serve the public in a role different from that of a civil servant was exciting, and I am glad to have competed successfully.

Can you describe a typical day in the life of the Manitoba Ombudsman?

At the end of five months in this position, my first reaction is to say that there does not seem to be a typical day. The consistent theme is the opportunity to learn, for example, about government processes covering a seemingly infinite range of topics, and to consider a broad range of issues that affect each of us in our daily lives. The jurisdiction of this office encompasses a wide variety of provincial and municipal agencies, boards, and commissions as well as educational and health care bodies.

Are there specific goals or objectives you would like to achieve in your term?

I would like to strengthen the relationships between the office and the provincial and municipal officials with whom we deal. This will assist in enhancing our ability to investigate and respond promptly to public concerns. Good working relationships will allow us to work more effectively for the benefit of the public, whom we are all here to serve.

Our readers are primarily elected municipal officials. Is there anything you want them to know about your Office?

The Ombudsman encourages commitment to the principles of administrative fairness, and open and transparent government. Through the process of independent scrutiny, provincial and municipal governments demonstrate a commitment to openness and accountability to the public.

Although the Office has existed in Manitoba since 1970, our relationship with municipal governments is relatively new. Every new relationship has a learning curve, but we are happy with the progress thus far. Beyond investigating complaints, we remain committed to working with municipal officials to ensure that they understand my role and how it fosters open, transparent and responsive government.

Anything else to add?

The investigations of the Ombudsman are confidential and the Ombudsman is not a precedent setting body – each case is considered strictly on its own merits. The role of the Ombudsman is set out in three pieces of legislation which provide that in Manitoba, the Ombudsman acts in the traditional role, as provided for in *The Ombudsman Act*, and also as an access and privacy commissioner as set out in *The Freedom of Information and Protection of Privacy Act*, and *The Personal Health Information Act*. §

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