

1981 BILL 203

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Third Session, 19th Legislature, 30 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

# **BILL 203**

**AN ACT TO AMEND THE OMBUDSMAN ACT**

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MR. ZAOZIRNY

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First Reading .....

Second Reading .....

Committee of the Whole .....

Third Reading .....

Royal Assent .....

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Bill 203  
Mr. Zaozirny

## BILL 203

1981

### AN ACT TO AMEND THE OMBUDSMAN ACT

(Assented to \_\_\_\_\_, 1981)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Alberta, enacts as follows:

1 *The Ombudsman Act is amended by this Act.*

2 *Section 2 is amended,*

(a) *by adding the following after clause (c):*

“(c.1) “municipal agency” means an agency of a municipality relating to a matter of public administration but excluding medical treatment or health facilities, educational services and law enforcement;

(c.2) “participating municipality” means a city whose council has passed a resolution determining that the Ombudsman shall have jurisdiction with respect to the administration of the City and its municipal agencies pursuant to this Act.”

3 *Section 11 is amended*

(a) *in subsection (1) by adding “or by any participating municipality or any administrative division or municipal agency of it” after “by any department or agency”, and*

(b) *by adding the following subsection at the end of it:*

“(7) Without limiting subsection (1) the council of a participating municipality may at any time by resolution refer any matter to the Ombudsman for investigation and report by him, and, in that case, the Ombudsman may

(a) subject to any special directions by the council, investigate the matters so referred to him insofar as they are within his jurisdiction, and

(b) make such report to the council as he thinks fit,

## **Explanatory Notes**

**1** RSA 1970, c. 268

**2** New definitions

**3** Jurisdiction expanded to participating municipalities

but nothing in sections 14, 20, or 21 applies in respect of any investigation or report made under this subsection.”

*4 Section 15 is amended*

*(a) in subsection (1) by adding “or the council of the participating municipality or the administrative head of the agency of it” after “Minister”,*

*(b) in subsection (2) by adding “or council of a participating municipality” after “Minister”,*

*(c) in subsection (3) by adding “or the council of a participating municipality” after “Minister” wherever it occurs, and*

*(d) in subsection (4) by adding “or the council of a participating municipality or the administrative head of the agency of it” after “administrative head of the agency”.*

*5 Section 17 is amended*

*(a) by repealing subsection (1.1) and substituting:*

“(1.1) Where the Ombudsman requires the production of a document, paper or thing under subsection (1), he may require it to be produced at a place designated by him and may require that it be left in his possession for the purposes of his investigation but, upon the request of the deputy minister of the department or the administrative head of the agency or the council of the participating municipality or the administrative head of the agency of it, the Ombudsman shall return the document, paper or thing as quickly as possible, but not later than 48 hours after the receipt of the request, subject to his right to again require its production in accordance with this section.”, *and*

*(b) in subsection (2) by deleting “department or agency” and substituting “department, agency, participating municipality or agency of it”.*

**4** Section 15 presently reads

*15(1) Before investigating any matter under this Act, the Ombudsman shall inform the deputy minister of the department or the administrative head of the agency affected, as the case may be, of his intention to make the investigation.*

*(2) The Ombudsman may, in his discretion, at any time during or after an investigation consult any Minister who is concerned in the matter of the investigation.*

*(3) on the request of any Minister in relation to an investigation or in any case where an investigation relates to any recommendation made to a Minister, the Ombudsman shall consult that Minister after making the investigation and before forming a final opinion on any of the matters referred to in section 20, subsection (1) or (2).*

*(4) If, during or after an investigation, the Ombudsman is of opinion that there is evidence of any breach of duty or misconduct on the part of any officer or employee of any department or agency, he shall refer the matter to the deputy minister of the department or the administrative head of the agency, as the case may be.*

**5(a)** Section 17(1.1) presently reads

*(1.1) Where the Ombudsman requires the production of a document, paper or thing under subsection (1), he may require it to be produced at a place designated by him and may require that it be left in his possession for the purposes of his investigation but, upon the request of the deputy minister of the department or the administrative head of the agency, the Ombudsman shall return the document, paper or thing to the department or agency as quickly as possible, but not later than 48 hours after the receipt of the request, subject to his right to again require its production in accordance with this section.*

**5(b)** Subsection (2) presently reads in part

*(2) The Ombudsman may summon before him and examine on oath*

*(a) any person who is an officer or employee or member of any department or agency and who in the Ombudsman's opinion is able to give any information mentioned in subsection (1),*

6 *Section 20 is amended*

(a) *in subsection (3)*

(i) *by adding “or to the council of the participating municipality and the part or agency of it” before “concerned”, and*

(ii) *by adding “, participating municipality or agency of it” before “to notify him”,*

(b) *in subsection (4) by adding at the end of it:*

*“or, where the report concerned a participating municipality the Ombudsman may send a copy of the report and recommendations to the Minister of Municipal Affairs”, and*

(c) *in subsection (5) by adding “, participating municipality or agency of it” after “agency”.*

7 *Section 24 is amended*

(a) *in subsection (1) by adding “participating municipality or agency of it” after “agency”, and*

(b) *in subsection (2) by adding “or the council of the participating municipality or the administrative head of the agency of it” before “that occupies the premises”.*

8 *Subsection 26(3) is amended*

(a) *by adding the following after clause (b):*

*“(b.1) any participating municipality or agency of it or any officer or employee of the municipality or agency, or” and*

(b) *by adding “participating municipality,” after “the Ombudsman had given that department,”.*

9 *This Act comes into force on a date to be fixed by Proclamation.*

**6** Section 20 is amended to include a reference to participating municipalities and agencies of them.

**7** Section 24 is amended to reflect the involvement of participating municipalities.

**8** Amends section 26 to include participating municipalities.

**9** Coming into force.