

LEGISLATIVE WATCHDOGS AND THE PUBLIC OVERSIGHT DILEMMA: BALANCING THE ANTITHETICAL NEEDS FOR ACCOUNTABILITY AND INDEPENDENCE IN ONTARIO

Abstract:

The watchdog bureaucracy has become centrally embedded within Ontario's accountability and transparency infrastructure however, the utility of this statutory arrangement remains a contentious source of debate in policy and academic circles. Proponents of the watchdog system contend that Ontario's independent officers of the Legislative Assembly (IOLAs) inhibit abuses of power, while critics maintain that they have steadily eroded trust in democratic institutions by fueling cynicism, apathy, and mistrust amongst the citizenry. Using primary data collected during face-to-face interviews with seven of the province's appointed officeholders, this paper demonstrates that the watchdog bureaucracy serves a vital role in maintaining good governance, and that IOLAs provide ancillary support to parliamentarians who are being forced to cope with the growing complexity and burgeoning size of governmental operations.

Research Question:

The current study examines whether the extension of the scrutiny function to *unelected* legislative officers supports or undermines the principles of responsible and representative government which the Westminster parliamentary system is premised upon.

Methodology:

In-depth, semi-structured interviews were conducted with seven of Ontario's acting IOLAs. Participants were non-randomly selected from the target population on the basis of availability and accessibility factors; an 89% participation rate was achieved. Although formal ethics approval was not sought, a letter of information was provided to all participants to brief them on the purpose of the study. A copy of the interview schedule was sent to all participants so it could be reviewed beforehand and, in most cases, permission was obtained to audio-tape interviews.

Results:

1. IOLAs conveyed a clear preference for employing a proactive rather than reactive orientation for achieving desirable outcomes.
2. Mutual respect was identified by all IOLAs to be the overarching ideal that should define relations between watchdogs, the political executive, and the wider Ontario public service. The desire for respectful and collaborative relationships had to be balanced with the need to maintain independence.
3. 86% of IOLAs indicated that their resources were placed under strain as a result of competing organizational priorities.
4. IOLAs agreed that watchdogs should ideally operate as a tight-knit collective since their roles are complementary, and because they have a responsibility to members of the public to prevent work duplication. However, one IOLA described the role of being a watchdog as an isolated experience.

Recommendations:

1. There is a need for statutory arrangements that mandate tri-partisan consideration of the recommendations issued by the province's IOLAs. In light of the key issues that IOLAs contend with when acting in the capacity of defenders of the citizenry, specialized standing committees would never sit idle. Moreover, this arrangement would provide an avenue for collaboration between IOLA's and parliamentarians.
2. Relations could potentially be improved through a paradigm shift in the accountability process which encourages interdependence between institutional actors, as opposed to total independence. This would require legislative officers to fully commit to engaging in open dialogue with government officials and bureaucrats, while avoiding issuing direction on public policy related matters.

Selected Bibliography:

- Hyson, S. (2009). *Provincial and Territorial Ombudsman Offices in Canada*. Toronto: University of Toronto Press.
- Thomas, P. G. (2008). The Past, Present and Future of Officers of Parliament. *Canadian Public Administration*, 46: 287-314.
- Victoria Parliament. (2006). *Report on a Legislative Framework for Independent Officers of Parliament*. Victoria: Public Accounts and Estimates Committee.



By: **Harmeet Sandhu**
2017-2018 Intern
Ontario Legislature
Internship Programme