

The Institutionalisation of the Ombudsman Idea:
The Case of New Brunswick's Ombudsman
by
Stewart Hyson, shyson@nbnet.nb.ca
University of New Brunswick (Saint John campus)

(Paper to be presented at the Annual Meeting of the Canadian Political Science Association, University of Manitoba, Winnipeg, Manitoba, June 3, 2004)

This paper is about an organisation - the office of ombudsman - and how this organisation has become an institution. Although the ombudsman concept received extensive coverage when it was first adopted in Canada during the late 1960s, it has since received limited attention in public administration periodicals and textbooks. Yet, curiously, the ombudsman has quietly become a cornerstone of the administrative state in Canada, so much so that its merits are taken for granted and cited by rote, with few if any detractors to be found. As an independent officer of the legislature who is appointed to handle citizen complaints of decisions made by public servants, the office of ombudsman may be viewed as a direct form of political participation intended to ensure democratic accountability of the administrative state. But what has been the actual performance record of the office of ombudsman? That is, following its adoption, how has the office of ombudsman nestled into the democratic administrative state as a fixed institution?

There is more to this research objective, however, than what might first meet the eye. Across the country at this time, there is considerable attention being devoted to the analysis of the so-called democratic deficit, or the public's disillusionment with and alienation toward the traditional institutions and processes of representative-democratic governance in Canada. For instance, the government of New Brunswick currently has a Commission on Legislative Democracy (2004) reviewing different aspects of electoral reform. Professors Desserud, Everitt, and Howe of the University of New Brunswick are

examining empirically the nature and extent of civic engagement in the province of New Brunswick, and will be delivering an initial account of their findings at another session of this conference. Jon H. Pammett and Lawrence LeDuc (2003) have probed the decline in voter turn-out rates, while Peter Aucoin and Lori Turnbull (2003) have assessed Paul Martin's parliamentary reform plan in regard to the democratic deficit. Most of these and other studies, as well as public discourse in general, have been and are pre-occupied with the input side of government; but what can be said about participation directed to the output side of government?

Surely, in modern times, when so many services are delivered directly to the public via public servants, citizens have greater reason and opportunity to interact with these administrative actors than they do with elected politicians, or even to listen to parliamentary debates. This situation, of course, is not new because the same reasoning was also articulated back to the 1960s as one of the chief reasons for establishing the ombudsman in Canada. Still, the logic of the argument is relatively more pressing today as the administrative state has continued to grow over the past four decades with the increase in the number of government programmes and services. Just as importantly; governments have directed much effort both to improve the delivery of services to the public (such as through Service New Brunswick centres), and to enhance government accessibility through the Internet and web sites. There are consequently more contact points than ever before between administrators and citizens, with ever increasing potential for administrative errors and abuse to occur. What we see, therefore, is the fact that the ombudsman institution was designed as a critical mechanism by which to meet democratic expectations in respect to the modern administrative state in Canada.

This is precisely our research target, how has the ombudsman idea taken hold as an institution to handle citizen complaints? New Brunswick's ombudsman will serve as

our case study because, as one of the first ombudsman offices to be established in Canada, it has a well-established record for handling citizen complaints. Whether directed to politicians or administrators, complaining may properly be viewed as a form of political participation. This raises the methodological question as to how best to study complaining. Survey data on complaining of administrative wrong-doing provide insight that is limited mainly to the public's perceptions of ombudsman, while access to and examination of actual complaints is severely restricted by the element of confidentiality that pertains to the complaint-handling process. (Friedmann 1974, 1976, and 1977; and Hill 1974 and 1982) As an alternative method, this paper will rely upon empirical data that have been drawn from the annual reports of the New Brunswick ombudsman.

We are interested in discerning patterns as to both the sources of complaints and the target areas of the complaints? In addition, is the ombudsman an efficient and effective complaints handling mechanism? Are the ombudsman procedures too formal and legalistic, and its decisions too sympathetic to administrative rationale? Is the institution accessible to all citizens, or are there systemic barriers? Does the ombudsman require additional powers? Finally, and perhaps most intriguingly, what are we to make of recent evidence suggesting a decline in the number of complaints made to the New Brunswick ombudsman (a phenomenon that apparently is also being experienced in other jurisdictions)? Has the office of ombudsman so effectively fulfilled its purpose that it has outlived its need? Actually, among others, Nathalie Des Rosiers (2003, 7) has suggested that, by improving the procedures of governance, "a good ombudsman is one who is trying to put himself or herself out of a job." Or perhaps, the efforts by government to be more service-oriented in the delivery of its programmes has had the effect of reducing the incidence of administrative complaints, and, consequently, the need for the ombudsman. Likewise, has the advent of the personal computer and Internet made it easier for citizens

to be pro-active in taking their own complaints directly to the administrators rather than going through the ombudsman?

The following discussion will proceed first with a consideration of general information on the origins, mandate, structure, and complaint-handling procedure of the New Brunswick ombudsman. Empirical data of the ombudsman's performance, collected from the annual reports of the New Brunswick ombudsman (as listed in the References, will be examined to establish this organisation's position as an institution; also, this data may be used later in this session as the basis for discussion. Although this is a case study of a specific ombudsman, the research findings will hopefully have a heuristic impact by allowing us to speculate in general about the ombudsman institution in Canada.

A. Introduction of the Ombudsman Idea to Canada, and Its Adoption in New Brunswick

Given the ubiquitous presence of the ombudsman institution across Canada today, it is difficult to realise that this institution only first arrived to this country during the late 1960s. In fact, as a sign of how far we have come, an association (entitled the Forum of Canadian Ombudsman) with its own web-site now exists for the heads of ombudsman offices and their staffs as well as for those individuals interested in the ombudsman institution. There is no need in this paper to examine in detail the origins of the ombudsman concept nor to trace how the idea spread around the world and came to Canada, because this account has been thoroughly covered by numerous other scholars (for example see Caiden 1983a and 1983b; Gregory and Giddings 2000; Lundvik 1981, 1-23; Rowat 1968 and 1985; and Stacey 1978). Suffice to say for our purposes that the province of Alberta was the first to pass legislation in Canada creating an office of ombudsman in January 1967 and then New Brunswick followed with its bill enacted in May 1967, with both ombudsman offices starting operation in the fall of 1967. Other

provinces followed suit within the next few years. Interestingly, despite its promises to establish an ombudsman, followed by the recommendations of the Committee on the Concept of the Ombudsman (1977) to do so, the federal government never did appoint an all-purpose ombudsman office to handle citizen complaints for the whole public service. Instead of appointing an all-purpose ombudsman office, the federal government has since created a few specialised complaint-handling agencies in selected fields (e.g., official languages, military personnel, and penitentiary inmates).

As well, reflecting just how wide this institution's popularity as "the people's watchdog" has become, the term ombudsman is now part of the Canadian lexicon. Though some jurisdictions have assigned their ombudsmen other official titles, the gist of the ombudsman concept is inherently recognised within these institutions regardless of moniker. The term "ombudsman" is so readily accepted nowadays that numerous public sector organisations loosely use the label to describe their units (or service desks) that handle clientele complaints. The same is true in the private sector where many individual corporations, as well as some business sectors and professional associations, have adopted ombudsman-like structures in order to improve corporate governance (Rowat 2003). While it was not necessary for us to retrace chronologically the introduction of the ombudsman concept in Canada, it is appropriate at this juncture to reflect back on the arguments that were made in the 1960s as to why the office of ombudsman should be established. After all, given the inherent nature or organisational logic of the ombudsman institution, these arguments are presumably just as valid today as they were forty years ago.

What are the conditions that necessitate the establishment of an ombudsman office? The federal government's 1977 study of the ombudsman portrayed the situation most succinctly when it observed that, although citizens had "gained access to a wide

range of government services and support systems” with the growth of government over the decades following the Great Depression, they had “also become increasingly vulnerable to the decisions of civil servants.” (Committee 1977, 5) Donald C. Rowat also observed in 1982, while advocating a public complaints commission for the federal government, that there seemed to be an increasing number of administrative errors that had led the victims to extreme forms of protest because of the absence of an effective means by which to seek redress of their complaints.(Rowat 1982, 33)

It was in reference to this apparent increase in the number of administrative errors, along with the resulting media publicity, that the ombudsman’s unique attributes were emphasised as a corrective means to deal with these situations. First, the fact that the ombudsman is an independent officer of the legislature meant that the ombudsman and staff are not subject to the executive chain of command found in the public service. By being an independent officer of the legislature, the ombudsman office has greater impartiality in operation and, as a consequence, greater legitimacy in the eyes of the general public. Actually, this notion of an officer of the legislature with “official independence” is a well-established practice in Canada, and, as we were recently reminded by Paul Thomas (2003), is found with similar institutions including the Auditor General, Chief Electoral Officer, and Commissioner of Official Languages.

A second attribute that was stressed in the 1960s (and which is still valid) was that the ombudsman is able to handle a wider range of complaints, including those about bad manners, questions about the exercise of administrative discretion, and complaints that arise from simple misunderstandings, rather than being limited to issues concerning illegal behaviour which had traditionally been dealt with through the judicial system. At the same time, rather than being a challenger to the legislature’s administrative oversight function, the office of ombudsman would be a complement because it would be more

accessible especially to those citizens hesitant for partisan reasons to approach their local MP. Furthermore, through the submittal of its annual report to Parliament, it was maintained that the ombudsman office would be like a research support staff and able to direct law-makers to areas where administrative reform could be made. Finally, it should be stressed that the ombudsman office does not infringe upon the constitutional principle of parliamentary sovereignty nor the Crown's right to govern. After all, where an administrative wrong is found to have occurred, the ombudsman cannot order remedial action be taken but must rely upon persuasion (and/or, if necessary, the power of publicity via the annual report to parliament) to obtain corrective action.

The ombudsman's particular complaint-handling procedures constituted a final set of arguments that were, and still are, most forcefully articulated by its supporters. First, the ombudsman is able to weed-out unjustified complaints, such as those complaints about matters falling outside the government's jurisdiction and those arising from simple misunderstandings. Second, in respect to legitimate complaints, the office of ombudsman has the advantage of being able to conduct its investigation quickly. Usually, within a few days of having received a complaint, the ombudsman is able to start by requesting the public servant who made the decision in dispute for an explanation of the decision. This initial step may then be followed by an examination of the file documents which may next lead to a more formal investigation. Moreover, the office of ombudsman in many jurisdictions may initiate an enquiry at its own discretion, and does not have to wait until a formal complaint has been officially made by a citizen. The fact that the office of ombudsman is able to conduct its investigations outside the public spotlight, with access to officials and documents, not only ensures quickness but also avoids unnecessary embarrassment of officials that often is the case when allegations are made public. Another advantage is that the cost of the investigation is borne by the office of

ombudsman, and not by the citizen lodging the complaint, which facilitates greater accessibility than would otherwise be the case. (On the other hand, critics may argue that the practice of the ombudsman bearing the full cost of investigating complaints may encourage a greater number of trivial complaints.)

These arguments in favour of adopting the ombudsman institution were echoed during the 1960s and early 1970s in legislative debates, classroom discussions, and public discourse. Several private members' bills and opposition parties proposals to adopt the ombudsman idea were made, and works by scholars (especially Donald C. Rowat) did much to educate Canadians about this new mechanism. The popular CBC television public affairs programme, "Ombudsman", that first aired in 1974, also did much to familiarise Canadians with the ombudsman concept during these early critical years as the idea took root. The visit in 1964 of New Zealand's first ombudsman, Sir Guy Powles, which included an address to the Canadian Bar Association (CBA), was a particularly significant because it introduced the ombudsman concept to such an influential audience. In fact, the CBA later held at its 1965 meeting in Moncton a special panel discussion on the ombudsman and New Brunswick administrative law - a panel that included Richard Hatfield,¹ who was to become a major advocate of the concept both as an opposition Progressive Conservative MLA and later as a four-term premier. (Llambias 1979, 48-67)

B. New Brunswick's Ombudsman: Origins, Mandate, and Structure

While much of the situational backdrop and public discourse, as depicted in the preceding section, were the same throughout Canada during the 1960s, there were other unique factors present in each jurisdiction that established an ombudsman office. As was intimated in the last paragraph in the case of New Brunswick, it was serendipitous that the CBA should hold its meeting in New Brunswick in 1965 and include a politician who was to become one of the province's most successful political leaders. However, this was only the tip of the proverbial iceberg in respect to the New Brunswick ombudsman story, namely the association between the decision to establish an ombudsman and the Equal Opportunity (EO) programme.

The Equal Opportunity programme was a massive overhaul of government services initiated in the late 1960s by Louis Robichaud's Liberal government (*Robichaud Era* 2001; Stanley 1984, 123-62; and Young 1987). In large part, the EO programme entailed the centralisation of decision-making power for education, healthcare, welfare, and justice when responsibility for these matters was shifted from local or county government to the provincial capital in Fredericton. Henry Llambias (1979, 54-55) has observed that there was a direct link between the EO programme and the decision to establish an office of ombudsman. That is, because the EO programme would have the impact of centralising both the decision-making authority and the delivery of several essential government programmes, with the purpose of providing equitable availability of these programmes throughout the province, the ombudsman plan would permit all citizens equal protection in this new administrative regime. To this effect, Llambias quoted Liberal MLA Raymond Doucette's comment made during legislative debate in 1966: "... with a program of equal opportunity there should be a program of equal opportunity. This would be of assistance when legal recourse may be either unavailable

or out of reach of the ordinary citizen" (as quoted in Llambias 1979, 54). Thus, just as the rise of the modern administrative state had spurred the acceptance of the ombudsman concept as a means to provide citizen redress for administrative errors and wrong-doings around the world (Lundvik 1981, 1-5), and which was also the gist of the case articulated by the 1977 federal Committee (cited above) to justify an ombudsman for Canada, the same situation was now being recognised by political leaders in the province of New Brunswick.

When the Robichaud government indicated in its 1967 Speech from the Throne that it would introduce legislation to establish an ombudsman office, there was agreement in principle for the idea from both sides of the legislature. This should have come as no surprise to keen observers of the New Brunswick political scene. After all, Minister of Justice W. W. Meldrum had attended the Canadian Bar Association's 1964 annual meeting where New Zealand's Sir Guy Powles had given the address (noted above) and had been impressed by that address (Llambias 1979, 51; and Stanley 1984, 166-67). In addition, Richard Hatfield was the leading Progressive Conservative MLA and, as observed earlier, was firmly committed to the idea. Thus, since both Liberal and Progressive Conservative MLAs supported the principle of the ombudsman bill, the 1967 legislative debate occurred primarily in the Committee of the Whole in terms of how to clarify and strengthen the detailed provisions of the proposed legislation. (Llambias 1979, 53-67). And with the support of both parties, the bill quickly passed, receiving royal assent on May 19, 1967, and Dr. Ross Flemington was sworn into office on October 11, 1967 as the first New Brunswick ombudsman (Llambias 1979, 48).

Other than this particular background to its origins, New Brunswick's ombudsman was rather typical of other Canadian ombudsmen in terms of its structure and mandate. Several of these organisational attributes, gleaned from diverse sources,

may be briefly sketched over the next few paragraphs. (*Annual Report 2001/2002* 2002 and *2002/2003* 2003; Bernt and Owen 2000; Llambias 1979, 76-86; Lundvik 1981; Moon-Wan 1991; and *Ombudsman Act* 2004). First, the ombudsman is appointed to serve a ten-year term by the Lieutenant-Governor in Council on the recommendation of the Legislative Assembly, which, although not spelled-out but given the workings of the legislative assembly, necessitates the approval of all parties in the legislature as to the choice of the ombudsman nominee. The ombudsman may be re-appointed to serve a subsequent term, or, as was recently the case with Ellen King, may have their appointment extended a few months until a replacement is found (after a seven-month wait, Ms. King was replaced by Bernard Richard on January 3, 2004). As an independent officer of the legislature, (1) the ombudsman is sworn into office by, and reports directly to, the Speaker of the Legislative Assembly; (2) there are specified provisions for the removal of an ombudsman but only for cause or incapacity due to illness or other reason, when the legislative assembly is either in session or not in session; (3) the ombudsman's remuneration is the same as that of provincial court judges, and is thus outside the executive's discretion; (4) the ombudsman has the authority to appoint and swear-in assistants who are required to fulfil the office's mandate; and (5) the ombudsman's investigation powers are further enhanced statutorily by being the same as any other commissioner under the province's Inquiries Act.

Although the New Brunswick ombudsman does not have jurisdiction over either the Executive Council (i.e., the cabinet) and its committees, or the courts and judges of New Brunswick, it does have jurisdiction over administrative complaints in respect to government departments, corporations, commissions, and other government agencies, as well as their employees. In addition, the New Brunswick ombudsman has jurisdiction over several provincial institutions other than government departments and agencies,

including municipalities, school districts, provincial correctional institutions, and hospital corporations.

Beyond handling complaints about administration in general, the New Brunswick ombudsman has a few additional but related responsibilities which give it perhaps the broadest mandate of any ombudsman in Canada. This is perhaps due to the relatively small size of the province which allows for similar duties to be combined in a single office, while in larger jurisdictions these duties are assigned to separate, specialised offices. In any case, since 1994 when the duties of the Civil Service Commission were assigned to the ombudsman, the New Brunswick ombudsman has had responsibility for protecting the merit principle in the civil service by hearing appeals from employees in respect to appointment decisions and investigating complaints from non-employees in open job competitions. Second, the New Brunswick ombudsman investigates refusals by government departments and agencies to release information to citizens under the Right to Information Act, and similar complaints under the Archives Act. A third responsibility is to investigate complaints in respect to the protection of personal information under the Protection of Personal Information Act which came into effect on April 1, 2001. Finally, the New Brunswick ombudsman used to have a role to hear complaints in respect to the delivery of administrative services in both official languages; however, this task was ended by the passage of new legislation which took effect on April 1, 2003, that created a Commissioner of Official Languages to be a specialised ombudsman for language complaints.

Yet another interesting feature of New Brunswick's ombudsman is the unwritten rule of alternating between an anglophone and a francophone as office holder, reflective symbolically of the fact that New Brunswick is the country's only officially bilingual province. Of course, regardless of the ombudsman's linguistic capacity, the office's staff

serves both language communities by communicating with each citizen's complaint in the language of the citizen's choice.ⁱⁱ The ombudsman office is highly accessible by postal mail, telephone, e-mail, fax, and direct personal contact, with complaints being expressed either orally or in writing. Letters from those in correctional and psychiatric facilities must be delivered unopened to the ombudsman. As well, indicative of the cyber-age and modern electronic technology, the New Brunswick ombudsman is now accessible through its own site on the government's web page. Besides responding to complaints from individual citizens, the ombudsman may initiate its own investigation of an administrative decision; in addition, a legislative committee may direct a particular matter to the ombudsman for investigation.

Finally, the ombudsman's procedure for handling complaints is straight-forward and is usually outlined in each annual report, available for all to see and know. (*Annual Report 2002/2003* 2003, 17-19) Rather than an exhaustive discussion, only a brief outline of this procedure is required here to serve our purpose. On receipt of a complaint, the ombudsman begins by determining whether or not the matter in dispute falls within the office's jurisdiction. If it does not, the ombudsman explains the situation to the complainant. But, if the matter does fall within the ombudsman's jurisdiction, the next step is to determine if other administrative appeal mechanisms exist and, if so, have been used. Only when a matter is within the ombudsman's jurisdiction and when there are no appeal routes remaining will the ombudsman start a full investigation. The ombudsman contacts the administrative head (or senior official) and the complainant in order to acquire more complete details of the decision in dispute. If there was no administrative flaw, the complainant is advised accordingly in writing. But, if there was a flaw, the ombudsman either attempts to negotiate a resolution or makes a recommendation for corrective action to be taken by the administrative unit; then the ombudsman notifies the

complainant in writing of the decision and consequential results. The ombudsman's investigation is conducted in camera and the information obtained is treated confidentially. With this descriptive portrait of the New Brunswick ombudsman's organisational and procedural attributes in place, we may now move on to observe its actual performance.

C. New Brunswick Ombudsman's Complaint-Handling Performance

A standard element in the literature on institutionalisation is the relationship between an organisation and its environment (Archer *et al.* 2002, 12-19; Atkinson 1993; Hill 1974; Huntington 1968, 12-32; and Polsby 1968) The pattern of the relationship between the New Brunswick ombudsman and the public, or the societal grooves that have emerged as reflected in the complaint-handling process, reveals this body's institutional role in the province's modern administrative state. Whereas Hill (1974) had access to the files of the New Zealand ombudsman for his study of citizen complaints, we have to rely upon the aggregate figures as reported in the annual reports of the New Brunswick ombudsman.

First, we need to establish some measure of the ombudsman's case load. The format for presenting information in the annual reports has varied somewhat over the years, but Appendix presents comparable data for contacts with the New Brunswick ombudsman during the past few years. The decline in the number of contacts from the public is very dramatic, especially in regard to the number of complaints received that were within the ombudsman's jurisdiction. There is no apparent explanation in the data for the decline, however, so that we can only acknowledge possibilities for future research. The former ombudsman, Ellen King, has speculated that the decline is attributable to "the [wider] availability of information on government organisations

through web-sites; the accessibility to many government programs through Service New Brunswick; the establishment of informal and formal complaint mechanisms within some departments; and the impact of case law.” (*Annual Report 2001-2002* 2002, 6) These possibilities are somewhat positive in nature suggesting that the decline is due to the fact that the ombudsman’s efforts have succeeded in improving the ever-all quality of service in the provincial public service. On the other hand, these is the cynical interpretation that the decline of citizen complaints is only symptomatic of the broader democratic deficit.

Whatever the interpretation, it is difficult to deny the efficiency of the office of ombudsman office in New Brunswick. We see this first in how quickly the ombudsman office works and then in how inexpensive it is to operate the office. According to the New Brunswick ombudsman’s most recent performance indicators, 67% of its complaint files were closed within 30 calendar days of receipt and 93% within 90 calendar days, with only 2% of its investigations extending over a period of a year. Meanwhile, in regard to non-complaint items (including enquiries, requests for information, and complaints about matters outside the ombudsman’s jurisdiction), 81% were processed within seven calendar days. Again according to the ombudsman’s performance rate figures, these numbers reflect a significant improvement over the previous years. (*Annual Report 2002/2003* 2003, 26-28)

Next, the figures in Appendix 2 suggest that the ombudsman has proven to be a remarkably cost-efficient mechanism for handling citizen grievances with administration. Of course, this is a result that had been predicted by the advocates of the ombudsman concept, including Henry Llambias in his doctoral dissertation on New Brunswick’s ombudsman.(1979, ii) When considered together, we see in appendices 1 and 2 that hundreds of complaints are handled each year at relatively little cost. For instance, during the 2002-2003 fiscal year, the ombudsman office with an expenditure of \$616,100

received 795 complaints plus had another 82 complaints carried over from the previous year; it had to look at 638 other complaints before deciding that they were outside its jurisdiction; and it had to process an additional 515 inquiries and requests for information. (*Annual Report 2002/2003* 2003, 29 and 41) Perhaps it is appropriate to recall at this juncture that the New Brunswick ombudsman also handles complaints in both official languages. A picture thus emerges of a highly efficient complaint-handling mechanism; in fact, it is impossible to imagine what the costs or situation would be if the ombudsman was not in place.

It would be insightful to know who complains in terms of gender, age, income, education, and other independent variables commonly used in studies of political participation. But as was intimated previously, the confidentiality of those who complain is protected by the ombudsman, so that it is not known which groups if any complain the most. However, the ombudsman does provide a regional breakdown of those who contacts the office, and it is clear in Appendix 3 that citizens from Gloucester and Madawaska counties resort to the ombudsman in far greater percentages than their respective shares of the population would have us expect, while residents of Restigouche, Victoria, and York complain slightly more than their population shares. The reasons for these patterns are not immediately apparent. The presence of Fredericton (where the ombudsman office is located) in York county may provide greater visibility and ease of access; meanwhile, the distance of Gloucester, Madawaska, Victoria, and Restigouche from the provincial capital may provide greater regional alienation and thus reason to complain. Or is it more a reflection of the province's cultural-linguistic divide between francophones and anglophones, or, instead, is it more a reflection of the gulf between the economic regions? At this stage, there are no immediate empirical data to answer these questions, and the questions remain unanswered for future research.

While the ombudsman office is reluctant to provide much information as to the identity of those who complain of administrative wrong-doings, it is not hesitant to reveal the targets of complaints. The two government departments that by far attract the most complaints are: Family and Community Services which covers income assistance and housing in the province; and Public Safety which in part includes the correctional institutions. These departments exercise considerable discretionary power in the delivery of government programmes, so that it is not surprising that their decisions have spawned the most complaints over the years. On the other hand, there are those government administrative units like the Finance department that have little direct contact with the public, and others like the Liquor Corporation that do not exercise much discretionary power in serving the public, which have attracted very few complaints. The complaints tend to be so specific in content that it is not convenient to develop useful categories for presentation.

What are we to conclude from this brief examination of the New Brunswick ombudsman? During its thirty-six years of existence, the ombudsman has become a firm fixture having carved-out a niche for itself within the provincial administrative state. It is used by a large number of citizens, and is both cost efficient and quick in its operations. As the years have gone by, such is the high esteem for the ombudsman institution that the government has assigned related tasks (such as that for the merit system) to the ombudsman. The recent decline in the number of complaints may be a sign of adjustment as public administrators have learned from previous ombudsman activity and decisions, and no longer make the same types of errors as their predecessors. The government has also sought to improve technologically the delivery of governmental programmes via

Service New Brunswick centres, and its accessibility though electronic web-sites. Nevertheless, the regional variations in complaining remain puzzling, there may be significant demographic variations as to those who use the ombudsman; and the decline in complaints may really be another example of the democratic deficit that needs to be seriously addressed.

Endnotes

ⁱAs a side note, Richard Hatfield was later chosen leader of the Progressive Conservative party in June 1969, then led his party to electoral victory in October 1970, serving as premier until 1987.

ⁱⁱAcute observers will recognise that the Equal Opportunity legislation, the Ombudsman Act, and the Official Languages Act were all adopted at the same time in the late 1960s, because they were so strongly inter-related. For a thorough discussion of the province's language policy, see MacMillan 1998, 139-62.

Appendices

Appendix 1: Complaints, inquiries, and requests for information received by the New Brunswick ombudsman, according to fiscal year*.

Year	Complaints Received	Complaints Outside Jurisdiction	Inquiries and Requests for Information
1996/1997	2552	1364	Not ascertained
1997/1998	1783	869	1093
1998/1999	1530	759	788
2000/2001	1072	673	307
2001/2002	809	727	450
2002/2003	795	638	515

*It should be noted that the figures in this table are new contacts from the public received during the reporting period. In addition, every year, there are always a few files that have not been closed and these cases are carried over to the next year; these items have only been counted for the year that they were received (so as to avoid double counting).

Appendix 2: Actual expenditure (and proposed budget for 2003/2004) to operate the New Brunswick Office of Ombudsman, by fiscal year.

Year	Actual Expenditure/ Proposed Budget
1996/1997	\$627,700
1997/1998	\$592,900
1999/2000	\$582,300
2000/2001	\$585,000
2001/2002	\$594,200
2002/2003	\$616,100
2003/2004	\$633,000

Appendix 3: Percentages of complaints from each county*, according to fiscal year, along with each county's percentage share of the provincial population.

County	Percentage of Population <u>Percentage of Complaints per fiscal year</u>			
	(2001 Census)	2002/03	2001/02	2000/01
Albert	3.7	1.7	1.3	1.8
Carleton	3.7	2.5	2.5	2.1
Charlotte	3.8	1.7	3.1	2.6
Gloucester	11.4	19.2	17.1	19.7
Kent	4.3	2.7	2.0	3.2
Kings	8.8	4.2	3.8	4.5
Madawaska	4.9	10.5	11.3	10.7
Northumberland	7.0	4.6	5.9	5.5

Queens	1.6	1.7	1.3	0.4
Restigouche	5.0	7.8	8.1	9.5
Saint John	10.5	8.4	9.4	6.7
Sunbury	3.5	2.9	3.2	3.3
Victoria	2.9	5.5	4.3	4.4
Westmorland	17.1	11.8	9.2	10.7
York	12.0	13.3	15.6	13.4

*A very small percentage of complaints(usually less than 2%) originated from outside the province; complaints from correctional institutions are not included.

Sources: New Brunswick, Office of the Ombudsman, *Annual Reports* for 1995, 1996/1997, 1997/1998, 1998/1999, 2000/2001, 2001/2002, and 2002/2003.

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