

*Office of Parliamentary Commissioner*

Probably one of the outstanding examples of this relates to a member of this house and one of his constituents by the name of Gordon Knott, who had been discharged without explanation from the navy. All of us here remember this case. Through much work by that member of parliament it was discovered that this man had been dismissed because his uncle was supposed to be a communist, but when a check was made it was found that this communist, so-called, uncle was not even a relative of this young lad and that he had been discharged by reason of an alleged fact which in truth did not exist at all. Had there been an ombudsman at that time it would have been possible for this young man to have had much earlier and effective justice. The reason for such situations arising is simply that in many cases members of parliament are not able to discharge this type of responsibility in the way that is necessary, and as it could be done if we had an ombudsman.

The fifth point that Professor Rowatt makes is that provision for legal aid to those who may need the assistance of the courts is very poor in Canada and that most democratic countries are far ahead of our country in this regard. The sixth point he makes is that psychologically it is most important for our citizens to know that they have protection from bureaucratic injustices and error. In this way a parliamentary commissioner or ombudsman comes to be regarded as the defender of the civil rights of individuals.

In this regard the New Zealand ombudsman, Sir Guy Powles, told me last September that his actual presence had done much to influence and temper the attitude with which bureaucrats dealt with John Doe, citizen. In fact, he thought this was his most important single function. We find that the demand for an ombudsman is general throughout our entire country, and the demand becomes even greater as the effectiveness of such offices already in existence continues to be proved.

In a recent Canadian Press dispatch we find a report on the first year of operations of the ombudsman in New Zealand. The article summarizes the operations as follows:

After a year of operation, the office of ombudsman in New Zealand is widely held to have proved itself justified—

The government is so satisfied with the first year's experience that it is reviewing the legislation on the subject with a view to extending the ombudsman's powers. The ombudsman himself, Sir Guy Powles, maintains that his inquiries have vindicated the public service against charges often made against it. "There have been mistakes, carelessness, delay, rigidity, and perhaps heartlessness, but nothing really sinful," he says. He had found no evidence of corruption or moral obliquity.

During the year, 776 complaints were submitted to the ombudsman. Many were outside his jurisdiction because he does not operate where normal

grounds of appeal remain and he hasn't got powers to inquire into the activities of local bodies or other semi-public organizations.

After investigation, 54 complaints were held to have been justified. About half of these were immediately rectified by the departments or agencies concerned as soon as the matters were brought to their notice.

Anybody can make a complaint to the ombudsman simply by forwarding a fee of £1 and written submissions. There are no formal rules or elaborate forms. Initial investigations are made simply on the case made out by people in their own words.

All the statements made in this Canadian Press report are borne out in the first annual report which the New Zealand ombudsman submitted to parliament there a few months ago. I would say that in Canada the demand for such a position has increased greatly during the last year. In fact, the Glassco royal commission recommended that such an office be established. The Alberta section of the Canadian Bar Association has submitted a very substantial report requesting that such an office be established in Alberta. Only last week in this house, on March 9, the Leader of the Opposition (Mr. Diefenbaker) expressed himself as being in favour of such an office being established. Many newspaper editorials have also expressed support.

The evidence in support of the need of such an office is certainly becoming voluminous. I should like to put on the record another statement by Professor Donald Rowatt which I think sums up the situation rather well. I am again quoting from a reprint from *The Canadian Journal of Economics and Political Science* where we find that Professor Rowatt says:

Briefly stated, the argument for the ombudsman scheme derives from the fact that all democratic countries in the 20th century have experienced a shift from the *laissez-faire* to the positive state. The accompanying tremendous growth in the range and complexity of government activities has brought with it the need to grant increasing powers of discretion to the executive side of government; and as Dicey has warned us, "Wherever there is discretion, there is room for arbitrariness." It is quite possible nowadays for a citizen's rights to be accidentally crushed by the vast juggernaut of the government's administrative machine. In this age of the welfare state, thousands of administrative decisions are made each year by governments or their agencies, many of them by lowly officials; and if some of these decisions are arbitrary or unjustified, there is no easy way for the ordinary citizen to gain redress.

Thus as we consider this very important office which the bill proposes to establish I think that we in parliament have a very definite responsibility as the representatives of the people who put us here to make sure that their individual rights are safeguarded in every possible way. With this in mind I submit the bill to the house with the hope that it will receive favourable consideration