

*Financial Administration Act*

During the Christmas recess I had the opportunity to be in the United Kingdom and while there met with the officials of a private non-profit organization responsible for citizen's advice bureaux, bureaux that are funded in part from public funds. I met the administrators, visited a number of these bureaux and saw them in action. It would seem to me that this might be the sort of institution that could better deal with the kind of problem referred to by the hon. member.

Owing to the very uniqueness of the word, I suppose, "ombudsman" has become a kind of magic phrase which has caught the fancy of editorial writers. As the hon. member pointed out, since he first started his efforts in 1962 the expression has very much caught the attention of legislators around the world. It was about that time that New Zealand was considering establishing an ombudsman. As the hon. member has pointed out, the United Kingdom has an institution of this kind, as well as certain provinces, including his own, New Brunswick and others.

As I have said, we in this House made a very extensive study in the middle 1960's during which the hon. member and I examined the various merits of such an institution. I have already cited the example of New Zealand and I think it is important to point out that both Denmark and Sweden have ombudsmen. I might add West Germany, where I believe the institution is still in existence though it confines its functional responsibilities to questions involving military service. Putting aside the institution in the United Kingdom for a moment—I will deal with that later—let me illustrate the chief characteristics of those communities in which the establishment of ombudsmen has been such a success. Firstly, the community has been, in relative terms, small in population; that is to say, a population of up to approximately eight million. If someone rushes to point to the example of West Germany, may I remind him that their institution does not concern itself with the full panoply of government but, rather, deals solely with questions arising under the German military.

In addition to small population there is a relatively homogeneous population; that is to say, communities where there have not been substantial differences in language and where there is no substantial ethnic difference. Further, the volume of work to be handled by the ombudsman was such that it could be effectively dealt with by one person. The point was particularly emphasized to us, both

[Mr. Macdonald (Rosedale).]

in the manner of the description of his function by Sir Guy Powles and in the conclusion that one could draw from his experience, that the far most effective weapon which an ombudsman—particularly the one I met, Sir Guy Powles—could bring to his job was not the right to report to Parliament or to take any kind of legal proceedings in regard to administration, but was the impact of his own personality in dealing with the particular administrator involved. Therefore, there is a necessary limit to the number of cases with which an ombudsman can deal on this personal sort of basis.

One of the hesitations that I have about such an institution—a hesitation that can be overcome by various expedients—is the rather different nature of Canada compared with the relatively small, unitary, homogeneous state in which ombudsmen have been really successful. I put aside the case of the United Kingdom, even though it is a unitary state, because I require that their case be further proven. Given the great geographical expanse of Canada and our federal form of government, we have a population of roughly 22 million now, compared with eight to nine million in Sweden, though that figure is subject to correction. We also have ethnic and linguistic differences. Consequently, I do not believe that a single ombudsman could effectively discharge the responsibilities that one would put upon him. Therefore, one would have to think in terms of a panel of ombudsmen, and at that point one approaches the creation of something akin to the conseil d'état of France, which has a panel rather than a single individual. This is not really an ombudsman but, rather, a different type of institution. I shall have more to say about the conseil d'état in a moment.

Different solutions have been adopted throughout the western world for dealing with the problem of excess of zeal on the part of administrators. The ombudsman is one of those institutions which is of Baltic origin and has become recognized as one solution. Then, of course, there is the parliamentary system. In the United States there was passed the Administrative Procedure Act. In France, with various adaptations, particularly since the Napoleonic period, there has been the institution of the conseil d'état.

● (5:40 p.m.)

If I may bring to the debate a certain national bias in favour of one particular institution, I suggest that in terms of the protection of civil liberties probably the parliamentary