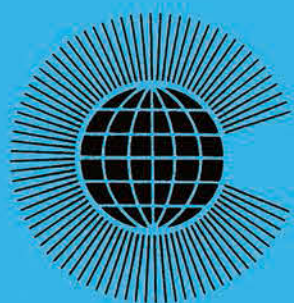


Ombudsmen in the Commonwealth

A Survey prepared for the
Commonwealth Secretariat by the
International Ombudsman Institute



Commonwealth Secretariat

Ombudsmen in the Commonwealth

A Survey prepared for the
Commonwealth Secretariat by the
International Ombudsman Institute

Commonwealth Secretariat, Marlborough House,
London SW1Y 5HX.

© Copyright 1980

Printed and published by
The Commonwealth Secretariat

May be purchased from
Commonwealth Secretariat Publications
Marlborough House
London SW1Y 5HX

ISBN 0 85092 191 0

PREFACE

Over recent years, the Ombudsman has become very much a feature of Commonwealth jurisdictions. Increasingly, Commonwealth countries have been establishing the Office, either by legislation or by incorporating it in the provisions of new Constitutions. Although the Office has an historic and honourable place as a Scandinavian institution, its adoption in Commonwealth countries on such a broad scale has made the Ombudsman a landmark on the legal Commonwealth scene.

Such has been the scope of its development that the Commonwealth Secretariat considered it timely to produce this review of the position Commonwealth-wide.

It has been prepared and typed by the International Ombudsman Institute, Centre of Law, University of Alberta, Edmonton, Alberta, Canada on commission from the Secretariat.

The International Ombudsman Institute was established in 1977 with the following objects -

- (a) to promote the concept of Ombudsman and to encourage its development throughout the world,
- (b) to encourage and support research and study into the office of Ombudsman,
- (c) to develop and operate educational programmes for Ombudsmen, their staff and other interested people,
- (d) to collect, store, disseminate information and research data about the institute of the Ombudsman,
- (e) to develop and operate programmes enabling an exchange of information and experience between Ombudsmen throughout the world,
- (f) to provide scholarships, fellowships, grants and other types of financial support to individuals throughout the world to encourage study and research into the institution of Ombudsmen,
- (g) such other matters as are necessary to further the above objects.

October, 1980

OMBUDSMEN IN THE COMMONWEALTH

A SURVEY PREPARED FOR THE COMMONWEALTH SECRETARIAT
BY THE INTERNATIONAL OMBUDSMAN
INSTITUTE

CONTENTS

	<u>Page</u>
NAMES AND ADDRESSES OF COMMONWEALTH OMBUDSMEN	I
CONSTITUTIONAL PROVISIONS AND STATUTORY ENACTMENTS RELATING TO THE OMBUDSMAN IN FORCE IN COMMONWEALTH JURISDICTIONS	9
COMMONWEALTH COURT CASES IN WHICH THE OFFICE OF OMBUDSMAN WAS DIRECTLY INVOLVED	13
MONOGRAPHS	29
PERIODICAL ARTICLES	33

NAMES AND ADDRESSES OF COMMONWEALTH OMBUDSMEN

AUSTRALIA

Commonwealth: Dr. J.E. Richardson
Commonwealth Ombudsman
Prudential Building
Corner London Circuit and University Avenue
P.O. Box 442
Canberra City, A.C.T.
Australia 2601
Telephone: 47-5833

New South Wales: Mr. Kenneth Smithers, C.B.E.
Ombudsman
14th Floor
175 Pitt Street
Sydney, New South Wales
Australia 2000
Telephone: (02) 233-5122

Queensland: Sir David John Muir, C.M.G.
Ombudsman
9th Floor, M.I.M. Building
160 Ann Street
Brisbane, Queensland
Australia 4000
Telephone: (07) 229-5116

South Australia: Mr. R.D.E. Bakewell
Ombudsman
10th Floor, Guardian Royal Exchange Building
50 Grenfell Street
Adelaide, South Australia
Australia 5001
Telephone: (08) 212-5721

Victoria: Mr. John V. Dillon
Ombudsman
5th Floor
406 Collins Street
Melbourne, Victoria
Australia 3000
Telephone: (03) 67-7151

Western Australia: Mr. Ivor Evans
Parliamentary Commissioner for Administrative
Investigations
18th Floor, City Centre Tower
44 St. George's Terrace
Perth, Western Australia
Australia 6000
Telephone: (09) 325-5000

Northern Territory: Mr. R.H. Watts
Ombudsman
P.O. Box 1344
Darwin, Northern Territory
Australia 5794
Telephone: 81-2626

Tasmania: Mr. C. Woodhouse
Ombudsman
6th Floor, Reserve Bank Building
111 Macquarie Street
Hobart, Tasmania 7000

Mr. R.D. Martin
Office of the Defence Force Ombudsman
Box 256, Civic Square 2608
9th Floor, Qantas House
Canberra City, A.C.T.
Australia 2601

CANADA

Federal: Mr. R.L. Stewart
Federal Correctional Investigator
P.O. Box 950, Station "B"
Ottawa, Ontario
Canada K1P 5R1
Telephone: (613) 996-9771

Mr. M. Yalden
Commissioner of Official Languages
171 Slater Street
Ottawa, Ontario
Canada K1A 0T8

Ms. Inger Hansen
Privacy Commissioner
Canadian Human Rights Commission
4th Floor, Jackson Building
P.O. Box 2500, Station "D"
Ottawa, Ontario
Canada K1P 6G7
Telephone: (613) 995-1151

Alberta: Dr. Randall Ivany
Ombudsman
1630 Phipps-McKinnon Building
10020 - 101 A Avenue
Edmonton, Alberta
Canada T5J 3G2
Telephone: (403) 427-2756

British Columbia: Dr. Karl Friedmann
Ombudsman
2nd Floor
8 Bastion Square
Victoria, British Columbia
Canada V8W 1H9

Manitoba: Mr. George W. Maltby
Ombudsman
509 - 491 Portage Avenue
Winnipeg, Manitoba
Canada R3B 2E4
Telephone: (204) 774-4491

New Brunswick: Mr. Joseph Edward Berube
Ombudsman
Box 6000
703 Brunswick Street
Fredericton, New Brunswick
Canada E3B 5H1
Telephone: (506) 453-2789

Newfoundland: Mr. Ambrose Peddle
Parliamentary Commissioner
85 Elizabeth Avenue
St. John's, Newfoundland
Canada A1C 5T7
Telephone: (709) 753-7730

Nova Scotia: Dr. Harry D. Smith
Ombudsman
1100 Royal Bank Building
Box 2152
Halifax, Nova Scotia
Canada B3J 3B7
Telephone: (902) 424-6780

Ontario: Mr. Justice Donald R. Morand
Ombudsman
Suite 600, 65 Queen Street West
Toronto, Ontario
Canada M5H 2M5
Telephone: (416) 869-4000

Québec: Dr. Luce Patenaude, Q.C.
Protecteur du Citoyen
14 rue Haldimand
Québec City, 4e, Québec
Canada G1R 4N4
Telephone: (418) 643-2688

Saskatchewan:

Mr. David A. Tickell
Ombudsman
2310 Scarth Street
Regina, Saskatchewan
S4P 2J7
Telephone: (306) 664-5500

DOMINICA

No Information

ENGLAND

Mr. Cecil Montacute Clothier, Q.C.
Parliamentary Commissioner for Administration
Church House
Great Smith Street
London, England
SW1P 3BW
Telephone: 01-212-7676

The Right Honorable Baroness Serota
Chairman of the Commission for Local Administration
21 Queen Anne's Gate
London, England
SW1H 9BU
Telephone: 01-930-3333

Mr. F.P. Cook
Local Ombudsman
29 Castlegate
York, England
YO1 1RN

Mr. D.B. Harrison
Commissioner for Local Administration
21 Queen Anne's Gate
London, England
SW1H 9BU

FIJI

Sir Moti Tikaram, K.B.E.
Ombudsman
Development Bank Building
Victoria Parade, G.P.O. Box 982
Suva, Fiji

GUYANA

Ombudsman
18 /20 Croal Street
Stabroek
Georgetown, Guyana

INDIA

Bihar: Shri Shyam Nandan Prasad Singh
Lokayukta
Government of Bihar
4 Kautilya Marga (Circular Road)
Patna 800001
India

Maharashtra: Judge N.D. Kamat
Lokayukta of Maharashtra State
A4, Madame Cama Road
Opp. Sachivalaya, Bombay 400 032
India

Rajasthan: Justice I.D. Dua
Lokayukta
Rajasthan Secretariat Building
Jaipur 302005
Rajasthan, India

Uttar Pradesh: Shri Bishambar Dayal
Lokayukta
1/1 Kabir Marg
Lucknow 226001
Uttar Pradesh, India

JAMAICA

Mr. E. George Green
78 Harbour Street
Box 695
Kingston, Jamaica

MALAYSIA

Mr. Choong Ah Kong
Director
Public Complaints Bureau
P.O. Box 9000
Kuala Lumpur 01-02
Malaysia

MAURITIUS

Mr. Ramawad Sewgobind
Ombudsman
4th Floor, Baroda Bank Building
Sir William Newton Street
Port Louis, Mauritius

NEW ZEALAND

Mr. George R. Laking
Chief Ombudsman
Fourth Floor, Chase N.B.A. House
163-165 The Terrace
Wellington, New Zealand

Mr. A. Eaton Hurley
Ombudsman
5th Floor, Southern Cross Building
Corner Victoria and High Streets
Auckland, New Zealand

Mr. Lester Castle
Ombudsman
Fourth Floor, Chase N.B.A. House
163-165 The Terrace
Wellington, New Zealand

NIGERIA

Mr. Alhagi Maitama Sule
Chief Commissioner
Public Complaints Commission
41 Norman Williams Street
South West Ihoyi
Lagos, Nigeria

NORTHERN IRELAND

Parliamentary Commissioner for Administration
48 High Street
Belfast, Northern Ireland
BT1 2JT

PAPUA NEW GUINEA

Mr. Ignatius Kilage
Chief Ombudsman
Ombudsman Commission
Box 2123
Konedobu, Papua New Guinea

Mr. Andrew Maino
Ombudsman
Ombudsman Commission
Box 2123
Konedobu, Papua New Guinea

Mr. Stanley Cory
Ombudsman
Ombudsman Commission
P.O. Box 73
Port Moresby, Papua New Guinea

SAINT LUCIA

No Information

SCOTLAND

Mr. John Russell
Commissioner for Local Administration
125 Princes Street
Edinburgh, Scotland
EH2 4AD

SINGAPORE

Mr. Lee Fook Wah
Ag. Director
Central Complaints Bureau
Pearl's Hill Road
Singapore 3

TANZANIA

Mr. Auckland L.S. Mhina
Chairman
Permanent Commission of Enquiry
P.O. Box 2643
Dar es Salaam, Tanzania
Telephone: 26181/4

TRINIDAD AND TOBAGO

Mr. Justice Evan Rees
Ombudsman
St. Ann's Avenue
P.O. Box 886,
St. Ann's, Trinidad and Tobago

WALES

Mr. D.E.A. Jones
Commissioner for Local Administration
Derwen House, Court Road
Bridgend, Mid. Glam.
WALES
CF21 1BN
Telephone: (0656) 61325/6

ZAMBIA

Mr. R.M. Kapembwa
Investigator-General
Commission for Investigations
3rd Floor, Old Bank of Zambia Building
P.O. Box R.W. 494, Ridgeway
Lusaka, Zambia

CONSTITUTIONAL PROVISIONS AND STATUTORY ENACTMENTS
RELATING TO THE OMBUDSMAN IN FORCE IN COMMONWEALTH
JURISDICTIONS

AUSTRALIA

Commonwealth:

The Ombudsman Act 1976, S. Cth. 1976, no. 181
Freedom of Information Bill 1978

State of New South Wales:

The Ombudsman Act 1974, S.N.S.W. 1974, no. 68
Privacy Committee Act 1975, S.N.S.W. 1975, no. 37, s. 26
The Ombudsman (Amendment) Act 1976, S.N.S.W. 1976, no. 39
Police Regulations (Allegations of Misconduct) Act 1978,
S.N.S.W. 1978, no. 84
The Ombudsman (Amendment) Act 1978, S.N.S.W. 1978, no. 81

State of Queensland:

The Parliamentary Commissioner Act 1974, S. Qd. 1974, no. 19
The Parliamentary Commissioner Amendment Act 1976, S.Qd.
1976, no. 7

State of South Australia:

Ombudsman Act 1972, S.S.A. 1972, no. 115
Ombudsman Act Amendment Act 1974, S.S.A. 1974, no. 14

State of Victoria:

Ombudsman Act 1973, S. Vic. no. 8414
Ombudsman (Exception) Act 1974, S. Vic. no. 8651
Ombudsman (Municipalities) Act 1976, S. Vic. no. 8884
Statute Law Revision Act 1977, S. Vic. no. 9059, item nos.
28-33
Ombudsman (Co-operation) Act 1979, S. Vic. (July 4, 1979)

State of Western Australia:

Parliamentary Commissioner Act 1971, S.W.A. 1971

Northern Territory Government:

Ombudsman Act 1978, S.N.T. 1978

Tasmania:

Ombudsman Ordinance 1978, S. Ta. 1978

CANADA

Federal:

The Official Languages Act, R.S.C. 1970, c. 0-2, s. 19-34
am. by The Federal Court Act, R.S.C. 1970 (2nd Supp.), c. 10, s.65,
item 27

CANADA

Alberta:

The Ombudsman Act, R.S.A. 1970, c. 268 as am.

British Columbia:

The Ombudsman Act, S.B.C. 1977, c. 58

Manitoba:

The Ombudsman Act, R.S.M. 1970, c. 045

New Brunswick:

The Ombudsman Act, R.S.N.B. 1970, c.0-5

An Act to Amend the Ombudsman Act, S.N.B. 1976, c. 43

Newfoundland:

Parliamentary Commissioner (Ombudsman) Act, R.S. Nfld. 1970,
c. 285

Parliamentary Commissioner (Ombudsman) (Amendment) Act, 1975,
S. Nfld. 1975, no. 32

Nova Scotia:

Ombudsman Act 1970, S.N.S. 1970, c. 3 as am.

Ontario:

The Ombudsman Act, S.O. 1975, c. 42

Québec:

The Public Protector Act, S.Q. 1968, c. 11 (Loi du Protecteur
du citoyen) as am.

Saskatchewan:

The Ombudsman Act 1972, S.S. 1972, c. 87

An Act to Amend the Ombudsman Act 1972, S.S. 1973-74, c. 74

DOMINICA

Commonwealth of Dominica Constitution Order 1978, Chap. IX,
s. 108-115, Sch. 3, Dominica: Law, 1978

FIJI

Fiji Constitution 1970, Chap. IX, Fiji: Law, Oct. 10, 1970

The Ombudsman Act 1970, Fiji: Law, 1970, no. 4

GHANA

Constitution of Ghana 1979, s. 110-112, Ghana: Law, 1979

GREAT BRITAIN

The Parliamentary Commissioner Act 1967, (U.K.), c. 13 as am.
The National Health Service Act 1977, 1977 (U.K.), c. 49
The National Health Service (Scotland) Act 1978, 1978 (U.K.) c.29
The Local Government Act 1974, 1974 (U.K.), c. 7
The Local Government (Scotland) Act 1975, 1975 (U.K.), c. 30
The Local Government Act, 1978 (U.K.), c. 39
The National Health Service Act, 1977 (U.K.), c. 49

GUYANA

The Guyana Constitution 1966, Part 2, s. 52-56, Guyana: Law, 1966
The Ombudsman Act 1967, Guyana: Law, 1967 as am.

INDIA

State of Bihar:

Lokayukta Act 1973, Bihar: Law 1974, Act VI

State of Maharashtra:

Lokayukta and Upa-Lokayuktas Act 1971, Maharashtra: Law 1971,
Act no. XLVI

State of Rajasthan:

Lokayukta and Upa-Lokayuktas Act 1971, Rajasthan: Law 1973,
no. 9

State of Uttar Pradesh:

Lokayukta and Upa-Lokayuktas Act 1975, Uttar Pradesh: Law, 1975

JAMAICA

The Ombudsman Act 1978, Jamaica: Law, 1978, Act 23

MAURITIUS

Constitution 1968, Chap. IX, s. 96-102, Mauritius: Law, 1968
The Ombudsman Act 1969, Mauritius: Law, 1969

NEW ZEALAND

Ombudsman Act 1975, 1975 (N.Z.), no. 9 as am.
Wanganui Computer Centre Act, 1976 (N.Z.), no. 19 as am.
Human Rights Commission Act, 1977 (N.Z.), s. 7

NORTHERN IRELAND

Parliamentary Commissioner for Administration 1969, 1969 (N.I.),
c. 10 as am.
Commissioner for Complaints, 1969 (N.I.), c. 25 as am.
British legislation applies where stated by U.K. statutes.

PAPUA NEW GUINEA

- Constitution 1975, Part VIII, Div. 2, s. 217-220, Papua New Guinea: Law, 1975
- Organic Law on the Duties and Responsibilities of Leadership, Part III as am. by Leadership Code (Alternative Penalties) Act, Papua New Guinea: Law, 1976, no. 79
- Organic Law on the Ombudsman Commission, Papua New Guinea: Law, 1975.

ST. LUCIA

- Constitution 1978, s. 110-117, St. Lucia: Law, 1978

TANZANIA

- Permanent Commission of Enquiry, Interim Constitution, Tanzania: Law, 1965
- Permanent Commission of Enquiry Act, Tanzania: Law, 1966
- Constitutional Amendment, Tanzania: Law, 1975

TRINIDAD AND TOBAGO

- Constitution of the Republic of Trinidad and Tobago Act, Trinidad and Tobago: Law, 1976, s. 91-98
- The Ombudsman Act, Trinidad and Tobago: Law, 1977

ZAMBIA

- Constitution, Zambia: Law, 1973
- Commission for Investigations, Zambia: Law, 1974, Act no. 23

COMMONWEALTH COURT CASES IN WHICH THE OFFICE OF OMBUDSMAN WAS
DIRECTLY INVOLVED

(Citations are provided where available. Copies of the unreported decisions are available from the International Ombudsman Institute.)

AUSTRALIA

Victoria

RE: The Ombudsman Act, Victoria, Australia
Judgment Delivered October 8, 1975.
Booth v. Dillon 1 [1976] V.R. 291

The Director-General of the Department of Social Welfare initiated the application to determine whether or not the Ombudsman had jurisdiction to conduct an investigation where the complainant, a prison inmate, allegedly was subjected to an assault by a Prison Officer in the presence of the Prison Governor and the Chief Prison Officer. His Honour Mr. Justice Lush, Supreme Court of Victoria, Australia, stated:

"To determine jurisdiction, accordingly, I must examine the complaint and the definition of administrative action to ascertain whether the complaint disclosed an administrative action taken in the department ... If in fact all that was alleged in the complaint was that there had been an assault by Prison Officer X., in breach of the common law and of regulation 169, the complaint would have said nothing to indicate that the prison authorities had not taken all proper steps to deal with what happened. In such a situation I am inclined to think that it could not be said that the complaint was of an action relating to a matter of administration, despite the fact that breach of a departmental rule was involved. It is not, however, necessary for me to decide this. It is the allegation that the Governor and the Chief Prison Officer were present and were apparently silent witnesses of an assault which as described was not made upon provocation from which the implications I have listed numbered (2) and (5) emerge. These implications show that A. alleges not only that the regulations for the proper conduct of the prison were broken, but that they were wilfully ignored by all three officers present. In the course of investigation it may emerge that the assault did not occur, or that having occurred it was fully and properly dealt with. But my only task is to say whether the matter which the Ombudsman described in his letter of 1st July as the subject of his investigation involves an action relating to a matter of administration, and in my opinion it does."

AUSTRALIA

Victoria

RE: The Ombudsman Act, Victoria, Australia
Judgment Delivered February 3, 1976.
Booth v. Dillon #2 [1976] V.R. 434

The same Director-General of the Department of Social Welfare initiating the above case no. 5 initiated herein two further special cases relating to the same issue as to what constitutes the definition of "administrative action". The first complaint alleged a senior Prison Officer made false and injurious statements to the press concerning the complainant, an inmate. His Honour Mr. Justice Dunn, Supreme Court of Victoria, Australia, ruled that:

"... if a senior prison officer did make any statement to the press as alleged in the press article it was not made in the course of or for the purposes of his employment, it was an independent and departmentally-unauthorised act; it was not an action of a kind for which he was employed.

"It follows, in my opinion, that the making of such an unauthorised statement to the press by a senior prison officer does not fall within the definition of 'administrative action' and cannot therefore form the subject of a complaint for the purposes of the Act. Consequently, the respondent (Ombudsman) does not have jurisdiction to conduct the proposed investigation."

In the other special case brought to the court's attention on this occasion, the court concluded it was a matter of administration as to whether or not action of an administrative nature was or was not taken in dealing with the matter of alleged sexual assaults, and that it was not the present task of the court to attempt to define further the limits to which the investigation of the Ombudsman was permissible.

AUSTRALIA

Victoria

RE: The Ombudsman Act 1973, Victoria, Australia
Judgment delivered November 4, 1976
Booth v. Dillon #3 [1977] V.R. 143

The question raised in this case was whether the Ombudsman could conduct an investigation under the Social Welfare Act of 1970. The investigations in question had to do with a hearing and subsequent charge by the governor of a prison against a prisoner under the Social Welfare Act. The action under investigation must be an exercise of administrative action, but not an administrative action taken by a court of law. Mr. Justice Nelson found as follows:

"The provisions to which I have referred, in my opinion, point

strongly to the conclusion that in exercising his powers under s. 131 the governor is exercising his administrative responsibility for the due order, management and discipline of the prison under his charge. The hearing of charges under the section is clearly related to the discharge of his administrative responsibility. He may remove the matter from the area of his administrative responsibility by referring the charge to a visiting magistrate, but insofar as the offence is a minor breach of rules or regulations and he deals with it himself, he is discharging an administrative function. He is bound to deal with the matter in a judicial way and the exercise of his duty is invested with features which have been referred to in the cases as judicial trappings, but even if there are elements of what could be described as the discharge of a judicial function in what he does, such elements are incidents only to the executive function he is discharging. The extended meaning of the expression "governor of a prison" which for the purposes of the section is provided by s. (3) may appear at first sight to reduce the significance I have attached to the administrative responsibility which under the Act and Regulations is placed upon the governor himself. But the ultimate responsibility for the care, charge and direction of all prisons duties is by s. 111(2) placed upon the Director-General, and the fact that the duties imposed upon the governor under s. 131 may be discharged by some senior officer of the Department appointed in writing by the Director-General, does not alter the nature of such duties or the administrative function to the discharge of which they are directed. In my opinion, action taken by a governor of a prison under s. 131 of the Social Welfare Act falls within the definition of administrative action in s. 2 of the Ombudsman Act, as an action relating to a matter of administration."

and later

"...the question whether a body is invested with judicial power and whether it constitutes a court of law is one of interpretation of the relevant legislation. Under the Commonwealth constitution, the judicial power of the Commonwealth is vested exclusively in certain courts of law. The Victorian legislature, however, is competent to confer judicial powers upon executive instrumentalities. Where such powers are conferred by a State legislature, upon an executive instrumentality solely to enable it to discharge its executive functions, it does not in my opinion convert the executive instrumentality into a court of law, nor require it to be regarded as a court of law for the purposes of any legislation which refers to such a court."

"The Ombudsman Act is clearly designed to invest the Ombudsman with jurisdiction to investigate the actions of administrative officers and tribunals, and in excluding from such jurisdiction the administrative actions of a court of law, the Act did not in my opinion intend to exclude from such jurisdiction the actions of a person or body primarily discharging an executive function but which as an incident

"that function had committed to it some judicial powers."

AUSTRALIA

Victoria

RE: The Ombudsman Act 1973, Victoria, Australia
Judgment delivered November 4, 1976
Glenister v. Dillon #2 [1977] V.R. 151

The question raised is one of jurisdiction. In this instance, whether the Ombudsman could conduct an investigation into an alleged administrative action by the Public Solicitor. The Public Solicitor allegedly failed to notify the accused's family that the accused would appear for sentencing on the day he was sentenced.

The Ombudsman was found to have no jurisdiction in this case because the actions of the Public Solicitor in the performance of his duties in representing accused persons are related to the discharge of the judicial function of the government and therefore, fall outside the definition of administrative action in s. 2 of the Act and the Ombudsman's investigative jurisdiction.

"If that action [to notify the accused's family] fell within the scope of the duty or employment of the Public Solicitor it was because it was incidental to his duty to represent the accused. If it was not so incidental, it was ... a matter extraneous to any duty he was required to perform and not related to a matter of administration."

Referring to his judgment in Booth v. Dillon, Mr. Justice Nelson also stated:

"1) Subject to the specific exclusions in the section, the Ombudsman may investigate any action taken in a government department which relates to a matter which arises in the performance of the executive function of the government, and

2) that the action relates to such a matter if it is taken in the discharge of that function of the government or if it can be properly said to be so incidental to the discharge of such a function that it forms a part of it."

AUSTRALIA

Victoria

RE: The Ombudsman Act, Victoria, Australia.
Judgment of the Full Court Delivered March 31,
1976.
Glenister v. Dillon [1976] V.R. 550

The permanent Head of the Law Department initiated this application relating to the Ombudsman's jurisdiction in two separate complaints.

It was held that the Ombudsman has no jurisdiction to investigate allegations concerning the failure of the Crown Law Department to bring a prisoner to trial within a reasonable time and the additional allegation by one of the complainants that there was a failure by the Crown Law Department to reply to a letter sent by the prisoner.

The members of the Full Court drew the distinction between the executive, the judicial and the legislative functions of Government and held that the word "administration" contained in the definition of administrative action in the Victorian Ombudsman Act (which reads "Administrative action" means any action relating to a matter of administration,...) denotes the performance of the executive function of Government and was never intended to comprehend any activity or inactivity in the area of the performance of the judicial or legislative functions. Concerning the particular facts, the court held that the delay in bringing the complainant to trial was something that had occurred in the area of the judicial process, that the complaint made of the delay was not concerned with any activity or inactivity relating to the performance of any executive power or the observance of any executive obligation, that so far as the Crown Solicitor was concerned, he primarily became involved as the legal practitioner to the Crown and to the extent that he could be involved in delay, that involvement would not be concerned with the executive function of Government at all.

The members of the court added that even if the inactivity of the Crown Solicitor complained of could be characterised as an administrative action as defined in the Act, that inactivity must have been "taken by a person acting as legal adviser to the Crown... in proceedings" and would accordingly fall within the exemption contained in Section 13 (3) (9b) of the Act, which specifically denies the Ombudsman jurisdiction to investigate any administrative action taken by a person acting as legal adviser to the Crown or as Counsel for the Crown in any proceedings.

AUSTRALIA

Western Australia

RE: Parliamentary Commissioner Act (no. 64 of 1971)
Western Australia.
An application for a Writ of Prohibition
against the Parliamentary Commissioner for
Administrative Investigations.
Judgment delivered May 9, 1978.
Prince and Oliver v. Dixon [1979] W.A.R. 116

It was admitted that the Ombudsman has jurisdiction to enter upon the inquiry in question however the conduct of the inquiry was under question, that is, it was submitted that the Ombudsman violated the principles of natural justice.

Chief Justice Burt discharged the order nisi for a writ of prohibition. The functions of the Commissioner were likened to those of a Royal Commissioner. The Chief Justice stated "The

commissioner is not required to show the complaint he is investigating to people who are brought before him to give evidence, and it may well be that the secrecy provisions to be found within the Act prevent him from doing so." The Chief Justice also dismissed the ground that the Commissioner disclosed bias once he stated that the evidence disclosed through the inquiry "is such to 'entitle' him to make comments referable to each of the applicants which in the ordinary sense of the word might be defamatory to you or at least adverse to you, and then being so... the Commissioner was giving each applicant an opportunity to be heard. It is absurd to say that once the Commissioner is in the position he discloses bias and for that reason he loses his jurisdiction to continue with the inquiry and to make a report."

Nothing which the Commissioner does affects the rights of the applicants, nor does it affect any matter which may condition the rights of the applicants.

(Note also that the Commissioner cannot make any report containing a comment defamatory or adverse to a person unless that person has been given an opportunity to be heard in the matter and his defense is fairly set forth in the report.)

CANADA

Alberta

RE: The Ombudsman Act, Alberta, Canada
Judgment Delivered January 6, 1970
(1970) 72 WWR 176; (1970) 10 DLR (3d) 47

The Honourable Chief Justice J.V.H. Milvain, Trial Division, Supreme Court of Alberta, Canada, fully supported the jurisdictional position argued on behalf of the Ombudsman. This case established that the Alberta Provincial Planning Board was an agency of Government, and, therefore, subject to investigation by the Provincial Ombudsman. It further established that the Ombudsman was authorised to investigate a complaint directed against the merits of a formal decision by that Board. What made that case helpful to the Ombudsman institution in general was the definitive guidelines enunciated by the Chief Justice who ruled:

"I am satisfied that the basic purpose of an Ombudsman is provision of a 'watch-dog' designed to look into the entire workings of administrative laws ... the Ombudsman has no power of reversing any decision, or of compelling an action or prohibition of any action. His function is to investigate and report, with the necessary recommendations ... the Ombudsman can bring to the Legislature his observations on the misworking of administrative legislation. He can also focus the light of publicity on his concern as to injustices and needed change. It must, of course, be remembered that the Ombudsman is also a fallible human being and not necessarily right. However, he can bring the lamp of scrutiny to otherwise dark places, even over the resistance of those

"who would draw the blinds. If his scrutiny and observations are well-founded, corrective measures can be taken in due democratic process, if not, no harm can be done in looking at that which is good."

CANADA

Manitoba

RE: The Ombudsman Act, Manitoba, Canada
Judgment Delivered November 20, 1974

A District Advisory Planning Commission was held by the court to be an agency of Government and, therefore, subject to the jurisdiction of an investigation by the Manitoba Ombudsman. The complaint concerned a developer who wanted to build a service station and motel on a parcel of land near a particular community and the Commission had refused permission. The Ombudsman became concerned when it appeared the Commission had improperly granted permission to another applicant.

The Manitoba Planning Scheme referred to the "responsible authority" as being the Minister for Northern Affairs and in that capacity, the Minister, on the advice of the Attorney General, disagreed with the jurisdictional position taken by the Ombudsman. The Court of Queen's Bench agreed with the submission made on behalf of the Ombudsman that the Planning Commission was an agency of the Provincial Government.

CANADA

Newfoundland

RE: The Ombudsman Act, Newfoundland, Canada
Judgment Delivered April 26, 1976

The Honourable Mr. Justice Noel, Trial Division, Supreme Court of Newfoundland, ruled the Ombudsman had no jurisdiction to investigate the Waterford Hospital Board, as it was not "an agency of the Government" within the meaning of The Ombudsman Act, and His Lordship stated:

"The fact that the Board was created by statute, and that its powers are subject to the qualifications, modifications, limitations and restrictions which are contained in the statute and regulations made thereunder does not detract from its capacity to act independently when exercising its corporate powers."

There were references to the Provincial Mental Health Review Board, yet no determination was made with respect to its agency status or otherwise, as it was not made party to the application.

CANADA

Nova Scotia

RE: Ombudsman Act 1970-71, Nova Scotia, Canada
Judgment delivered November 2, 1976
The Ombudsman of Nova Scotia v. Sydney
Steel Corporation and the A.G. of Nova
Scotia

The Supreme Court of Nova Scotia Appeal Division found that the Ombudsman did not have the power (i.e. it was not within his jurisdiction) to investigate the allegedly unfair dismissal of an employee of the Sydney Steel Corporation, a Crown Corporation.

Although the corporation was a "department" of the government, it was not engaged in the administration of any law of the province. The second criterion would necessitate it being engaged in a governmental function designed to serve some public or governmental need. The corporations' function was found to be not governmental but entirely industrial and commercial -- that of making and selling steel. It did not administer any law of the Province of Nova Scotia in the sense intended by the Legislature. Accordingly its activities were held to be immune from investigation by the Ombudsman.

CANADA

Ontario

RE: Ombudsman of Ontario and Health
Disciplines Board of Ontario et al.
Ontario Court of Appeal.
Judgment delivered July 31, 1979

The Health Disciplines Board and the Attorney General of Ontario appealed from an order of Mr. Justice Lebrosse under Section 15(5) of the Ombudsman Act, 1975 determining two questions in favour of the Ombudsman ((1979) 95 DLR (3d) 716), relating to his jurisdiction to investigate a review and decision of the Health Disciplines Board.

The two questions were:-

1. Is the Health Disciplines Board of the Province of Ontario a governmental organisation of the Province of Ontario within the meaning of the Ombudsman Act?
2. Does the Ombudsman have jurisdiction pursuant to s. 15(1) of the Ombudsman Act to investigate a review and decision made by the Health Disciplines Board of Ontario in respect of the care in issue and other cases within the same class?

The trial judge refused to answer the part of question 2 contained in the last seven words, however he answered both questions in the affirmative. The appeal court upheld the lower court decision.

CANADA

Ontario

RE: Ombudsman Act and the Minister of
Housing of the Province of Ontario
Judgment delivered October 12, 1979

This was an application by the Ombudsman pursuant to the Ombudsman Act and the rules of practice for an order:-

(a) Determining the jurisdiction of the Ombudsman to further investigate complaints notwithstanding that he has already delivered a report pursuant to Section 22 of The Ombudsman Act, regarding the subject matter of the said complaints and more particularly in respect of the complaint of some of the former landowners as described in a written agreement between the Minister of Housing and the Ombudsman made October 1, 1976.

(b) Determining and declaring whether the said agreement between the Ombudsman and the Minister of Housing would be breached by further investigation of the complaints of some of the former landowners having regard to the conclusion of the Commission of Inquiry into the Acquisition by the Minister of Housing of Certain Lands in the Community of North Pickering that it was unable to consider, recommend, and report on the overall merits of the claims for additional compensation by the former landowners.

The court stated:

"I have come to the conclusion that the Ombudsman implicitly has a continuous function and has the power to further investigate subject to certain restrictions. In considering the provisions of The Ombudsman Act, I have been driven to this conclusion by the nature of his function, the broad discretionary powers to investigate and to report and the freedom granted to the Ombudsman to act of his own motion."

The court granted the first ground of relief but dismissed the second further stating that the agreement between the Ombudsman and the Minister of Housing was not legally enforceable.

CANADA

Ontario

RE: Cossette v. The Ombudsman
Judgment delivered March 10, 1980

This was an application by the defendant as to whether or not an action lay against the defendant in light of section 11(1) of The Public Authorities Protection Act R.S.O. 1974, c. 374, or whether the plaintiffs claim was barred by virtue of sections 24 and 25(1) of The Ombudsman Act.

The plaintiff's claim was for damages for wrongful dismissal.

The court held that no action lay against the defendant as a matter of law by virtue of the fact that the action was not commenced within the limitation period set out in subsection 11(1) of The Public Authorities Protection Act and the action is therefore dismissed.

CANADA

Saskatchewan

RE: The Ombudsman Act, Saskatchewan, Canada
Judgment Delivered May 13, 1974
(1974) 5 WWR 176

The Royal Canadian Mounted Police serving in the Province of Saskatchewan, Canada, was considered not "an agency of the Government" within the meaning of the Saskatchewan Ombudsman Act, and for that reason, the Ombudsman had no jurisdiction to investigate any complaints directed against that organisation. The Honourable Mr. Justice Bayda, Saskatchewan Queen's Bench, stated:

"The R.C.M.P. occupy an anomalous and unique constitutional position in our structure of government and if their acts are to be amenable to the investigatory duties and powers of the provincial Ombudsman, the legislative enactment (assuming the legislature has competence in this field -- a question still at large) prescribing those duties and powers should so state in unequivocal terms."

Prior to this court case, the Canadian Provincial Ombudsman took the position that the agreement entered into between the Federal and Provincial Governments with respect to the operations of the R.C.M.P. meant that the Police organisation became a Provincial Police Force, with the exception of the R.C.M.P. investigations under Federal Narcotics legislation and other Federal legislation.

CANADA

Saskatchewan

RE: The Ombudsman Act, Saskatchewan, Canada
Re Board of Police Commissioners for the
City of Saskatoon et al. v. Tickell
Judgment Delivered January 3, 1979
(1979) 95 DLR (3d)473.

The Board of Police Commissioners for the City of Saskatoon, Saskatchewan sought an Order of Prohibition to prevent the Saskatchewan Ombudsman from proceeding with the examination of certain persons and an Order quashing the subpoenas issued by the Ombudsman. A Raymond Quarg had complained to the Saskatchewan Police Commission that the Saskatoon Police Department had not provided him with proper medical treatment. Quarg was dissatisfied with the manner

in which the Commission handled the matter complained to the Ombudsman. The Ombudsman, unable to conclude whether an adequate investigation had been conducted or not, issued subpoenas to the secretary of the Commission and a superintendent of the Police Force. The applicants alleged that the Ombudsman lacked jurisdiction for the inquiry.

After examining the appropriate legislation the Court stated: "While I am of the view, in the circumstances of the case before me, that the Ombudsman may examine personnel connected with the Saskatoon Board relative to the inquiry it conducted on behalf of the Saskatchewan Commission, I wish to make it abundantly clear that this must not be interpreted in any way to mean that the Ombudsman has any authority to investigate police boards as such. He has no such jurisdiction.

It goes without saying that the Saskatoon Board personnel will be under no obligation to answer any questions or produce any documents which relate to general board activities, including any inquiry which the Saskatoon Board may have made on its own initiative relative to the Quarg complaint. The authority of the Ombudsman is limited in this respect to determining what was done by the Saskatoon Board for the Saskatchewan Commission in investigating the complaint in question.

I can see no prejudice to the Saskatoon Board as a consequence of the Ombudsman having a limited right to examine its personnel. As Milvan, C.J.T.D., stated, "no harm can be done in looking at that which is good".

I turn now to deal with the contention of the applicant, Irwin, that as solicitor to the Saskatoon Board, he cannot be compelled to answer questions relative to the Board's activities because of the solicitor-client privilege. A short answer to this objection is that the Ombudsman seeks only to examine Irwin in his capacity as former secretary to the Saskatoon Board. Inquiries directed to him in his position as solicitor can be readily objected to.

On behalf of the applicant, Hession, it is suggested that because he was a police officer at the relevant time, he cannot be examined by the Ombudsman. Again, the objection can be disposed of on the same basis as Irwin's. That is, Hession cannot be examined in regard to his general duties as a member of the Saskatoon police force, but he can be examined on the restricted basis of his involvement in the investigation which was conducted by the Saskatoon Board as agent for the Saskatchewan Commission. Although Hession may not have been directly connected with the Saskatoon Board, he is subject to being summonsed by the Ombudsman as he is 'any other person... able to give any information relating to any matter being investigated..' as contemplated by section 22(2) (c) of the Ombudsman Act."

CANADA

Saskatchewan

RE: Ombudsman Act, Saskatchewan, Canada
Judgment Delivered, August 29, 1979

The Ombudsman sought a declaratory order under Section 16(1) of the Ombudsman Act concerning a question of jurisdiction. The Ombudsman's jurisdiction was questioned over a complaint filed by an inmate of the Pine Grove Correctional Centre. The Ombudsman advised the Deputy Minister of Social Services that he wished to conduct a formal hearing. The Department objected.

After considering Sections 12(1) and 12(2) of the Ombudsman Act the court stated that subsection (2) could not be read exclusive of section (1). To do otherwise would permit the Ombudsman to investigate whether the complaint related to an administrative matter or not. This would lead to an overabundance of complaints and would ignore the accepted line of authority within a government department. In this particular instance the director or person in charge of the facility should be given the first opportunity to investigate and correct the complaint if necessary.

ENGLAND

RE: The Parliamentary Commissioner Act, England
February 16, 1970
[1970] 2 All E.R. 527

The applicant, Mr. S.W.P.V. Fletcher, wanted a court order requiring the Ombudsman to hear his allegations of neglect of duty. The Law Lords concluded that they had no jurisdiction to order the Parliamentary Commissioner for Administration (Ombudsman) to investigate any complaint. Lord Reid stated, "We are bound by the Act and if we take the view that he has a discretion whether to investigate a complaint or not there is nothing we can do about it."

ENGLAND

RE: Local Government Act 1974, England
Queen's Bench Division Judgment February
15, 1977
In re Investigation into Complaint against
Liverpool City Council
[1977] 2 All E.R. 650

The Liverpool City Council had removed a child from the foster parents to different foster parents. The foster parents complained to the Local Commissioner who decided to investigate. Council issued a notice under section 32(3) of the Local Government Act 1974 stating that disclosure of relevant case records would not be in the public's interest. The Commissioner sought production of the documents and subsequently issued a subpoena requiring the disclosure

of the records.

The subpoena was set aside. The information could only be disclosed if the Secretary of State discharged the Council's notice.

"It seemed, therefore, that when the notice was served there was at once an embargo on "any person" including the Commissioner. The Secretary of State had not discharged the notice, and so it seemed there was no answer to the council's argument. The Council were entitled to succeed in having the subpoena set aside because at the present moment, with the section 32 notice undischarged, there was no obligation on Mr. Egan to produce the documents."

ENGLAND

RE: Local Government Act 1974
Bradford City Metropolitan Council
Judgment Delivered July 31, 1978
[1979] 2 All E.R. 881

The Bradford Council appealed from a decision refusing to grant a declaration that the Local Commissioner for Administration for the North and North East Area of England was not entitled to investigate complaints made of the council by the mother of two young children who were taken into council care under a child care order. This appeal was dismissed. An appeal by the commissioner against the decision that he could not investigate the complaint that the two young children were separated against the complainants' wishes and assigned to two different foster parents was allowed. The court declared that the commissioner could inquire into all four grounds of the complaint.

The council alleged that the investigation was contrary to section 26(6)(c) of the Local Government Act, 1974, because the complainant had a remedy by way of proceedings in the local juvenile court and on appeal, had exercised these remedies.

Parliament had been at pains to ensure that the commissioner should not conduct an investigation which might trespass in any way on the jurisdiction of the courts or of any tribunal (section 26(6)). Here the commissioner had made it clear that he proposed only to investigate the matters in complaints (1) and (3) so as to cover matters arising before August 1975 when the circumstances of the children came before the courts. Complaints (2) and (4) involved no conflict.

Had there been a sufficient claim of maladministration to justify investigation by the commissioner (section 34(3))? Maladministration was not defined. The Ombudsman, Sir Edmond Compton, had said that he gained much assistance by looking in Hansard at the debates in Parliament, in particular at the 'Crossman catalogue'.

It was suggested that there must be specific complaint of maladministration. It is not sufficient merely to complain that a decision was unjust. But in the nature of things a complainant only knows that he has suffered injustice. It is too heavy a burden for the complainant

to specify what the injustice was. The local commissioner was entitled to investigate all the complaints. The appeal was dismissed and the cross-appeal allowed."

INDIA

RE: India. Bihar Lokayukta Ordinance 1973
Civil Writ Jurisdiction Case nos. 1317,
1366, 1390 of 1974.
In the High Court of Judicature, at Patna

The validity of the Lokayukta's appointment was questioned in this case. The challenge was made on the basis that the Lokayukta was appointed by the Governor without the aid and advice of the Council of Ministers, a procedure which is not legally and constitutionally permissible.

The court in its interpretation of Article 163(30) of the constitution decided that it was not necessary to find out whether any advice was actually given by the Council of Ministers to the Governor. There was also effective consultation as defined by Section 3 of the Bihar Lokayukta Ordinance no. 3 of 1973.

MAURITIUS

RE: The Ombudsman Act, Mauritius
Judgment Delivered July 10, 1975
(Record # 18526 127)

The Supreme Court of Mauritius held it was not competent to consider and pronounce upon the questions raised by the petitioner seeking to challenge the validity of the appointment by the Governor General of the Ombudsman. It was argued that the Governor-General has omitted to consult the leaders of the parties of the Legislative Assembly as required by the Constitution. Two sections of the Constitution were involved and considered, namely:

S.96(2) -- The Ombudsman shall be appointed by the Governor-General acting after consultation with the Prime Minister, the Leader of the Opposition and such other persons, if any, as appear to the Governor-General, acting in his own deliberate judgement, to be leaders of parties in the Assembly.

S.64(2) -- Where the Governor-General is directed by this constitution to exercise any function after consultation with any person or authority other than the Cabinet, he shall not be obliged to exercise that function in accordance with the the advice of that person or authority.

(3) - Where the Governor-General is required by this Constitution to act in accordance with the advice of or after consultation with any person or authority, the question whether he has in any matter so acted shall not be called in question in any court of law.

Their Lordships, The Honourable Acting Chief Justice H. Garrioch, Judge M. Rault and Judge C. I. Moollan, stated:

"The question which is excluded from the Court's jurisdiction by the subsection consequently is, with respect to consultation, whether the Governor-General has acted after consultation with the person or authority concerned, that is, whether he has actually consulted that person or authority before acting, which is in fact the question here sought to be submitted to this Court. That construction of section 64(3) flows irresistibly and unequivocally from its very wording and no more would need to be added to support it. We may, however, observe that if the alternative intendment proposed by the petitioner were accepted, section 64(2) would be redundant in its effect. Since by virtue of that provision, the Governor-General, where he is directed by the Constitution to exercise a function after consultation with any person or authority other than the Cabinet, (which is the case with the appointment of the Ombudsman under section 96(2)) is not bound to act in accordance with the advice of that person or authority, it would be purposeless to ask the Court to decide the question whether the Governor-General has followed the advice tendered or not. In other words, the question which, according to the petitioner, is made non-justiciable by section 64(3) would be the one which by section 64(2) a person will have no ground to bring to court."

MONOGRAPHS

- al-Wahab, Dr. Ibrahim. "The Swedish institution of ombudsman; an instrument of human rights". Boras: Centraltryckeriet AB, 1979. 190 p.
- American Academy of Political and Social Science. "The Ombudsman or citizen's defender: a modern institution." Philadelphia: American Academy of Political and Social Science, 1968. 238 p.
- Anderson, Stanley. "Canadian Ombudsman proposals." Berkeley: Institute of Governmental Studies, University of California, 1966. 168 p.
- Cheng, Hing Yong. "The Ombudsman system in evolution: can it be adapted to Commonwealth developing countries." Carleton University, 1967. (Thesis)
- Garner, J.F. "The citizen and his council: Ombudsman for Local Government." London: Stevens & Sons, 1969.
- Gellhorn, Walter. "Ombudsman and others: Citizen's protection in nine countries." Cambridge: Harvard Press, 1966. 448 p.
- Gregory, Roy and Hutchesson, Peter. "The Parliamentary Ombudsman: a study in the control of administrative action." London: Allen & Unwin, 1975. 683 p.
- Hill, Larry B. "The international transfer of political institutions: a behavioral analysis of the New Zealand Ombudsman." New Orleans: Tulane University (University Microfilms #71-8056), 1970.
- Hill, Larry B. "The model ombudsman: institutionalizing New Zealand's democratic experiment." Princeton, N. J.: Princeton University Press, 1976. 421 p.
- Hill, Larry B. "Parliament and the Ombudsman in New Zealand." (Legislative Research Series, Monograph no. 8) Norman: Bureau of Government Research, University of Oklahoma, 1974.
- Hill, Larry B. "The transference of the institution of ombudsman, with special reference to Britian." New Orleans: Tulane University 1966. 169 p.
- Jain, M.P. "Lokpal: ombudsman in India." New Delhi: Institute of Constitutional and Parliamentary Studies, Academic Books, 0332.
- Kirchheiner, Henryk Hoyte. "Ombudsman en democratie." Alphen aan den Rijn: Samson, 1971. 316 p.
- Lavoie, Jocelyn. "Le protecteur de citoyen de Quebec. Organization et fonctionnement." Paris: Press Universitaires de France, 1976. 144 p.

- McGonagle, Stephan. "The Northern Ireland Parliamentary Commissioner for Administration." Council of Europe AS/Jur/Omb (25) 10, 1974.
- Maloney, Arthur E. "Blueprint for the Office of the Ombudsman in Ontario." Toronto, Office of the Ombudsman, 1979. 598 p.
- Marre, Sir Alan. "The Parliamentary Commissioner for Administration". Council of Europe Meeting of Ombudsmen and Parliamentary Commissioners in Council of Europe Member States, AS/Jur/Omb (25) 7, 1974.
- Mather, D.G. "The New Zealand ombudsman: emerging principles." Auckland: University of Auckland, 1972.
- Powles, Sir Guy Richardson. "Local government and the ombudsman." Municipal Association Conference. Christchurch, April 7, 1976.
- Roberts, John. "The ombudsman and local government." Conference of Australasian and Pacific Ombudsmen, Wellington: Office of the Ombudsman, 1975.
- Rowat, Donald Cameron. "The Ombudsman: Citizen's defender." London: Allen & Unwin (2nd ed.) 1968. 348 p.
- Rowat, Donald Cameron. "The Ombudsman plan: essays on the worldwide spread of an idea." Toronto: McClelland and Stewart, 1973. 315 p.
- Sawer, Geoffrey. "Ombudsman". Melbourne: Melbourne University Press (Rev. ed.), 1964.
- Schmid, Werner. "Der Ombudsman in Kanada (Eine rechtsvergleichende Untersuchung)." Zurich: Schulthess Polygraphischen Verlag 1976. 245 p.
- Stacey, Frank A. "The British Ombudsman." Oxford, Oxford University Press, 1971. 351 p.
- Stacey, Frank A. "Ombudsman compared." Oxford: Clarendon Press, New York: Oxford University Press, 1978. 256 p.
- Tikaram, Moti. "The ombudsman and the exercise of discretionary powers" Conference of Australasian and Pacific Ombudsmen, Wellington, New Zealand, Nov. 19-22, 1974. Wellington: Office of the Ombudsman, 1975.
- Utley, T.E. "Occasion for Ombudsmen." London, Christopher Johnson, 1961. 160 p.
- Wade, H.W.R. "The Ombudsman: the citizens' defender." Commonwealth Legal Conference, New Delhi, 1971.

Weeks, Kent M. "A comparative analysis of the civil Ombudsman offices in Denmark, Finland, New Zealand, Norway, Sweden, the United Kingdom, and the Provinces of Alberta, New Brunswick, Quebec, Canada and in the state of Hawaii." Ohio: College of Wooster, 1969.

Weeks, Kent M. "The New Zealand Ombudsman system." Case Western Reserve University, 1969. 361 p. (Thesis, University Microfilms #70-5148).

Weeks, Kent M. "Ombudsman around the world: a comparative chart." Berkeley: Institute of Governmental Studies, University of California, 1978 (2nd ed.) 163 p.

Williams, D.W. "Maladministration: remedies for injustice; a guide to the powers and practice of the British Ombudsman and similar bodies." London: Oyez, 1976. 232 p.

Reports

Each office issues an annual report. Reference should be made to these reports for specific information concerning their operation. From time to time many offices issue special reports, concerning specific investigations.

Bibliography

The International Ombudsman Institute maintains a computerized bibliography for its members and ombudsmen. Others should contact the Institute for further information.

PERIODICAL ARTICLES

- Compton, Sir Edmund. "The British Ombudsman." (1970) 18 Administration 129.
- Cook, P. "The work of the Commission for Local Administration in England." (1975) Public Administration Bulletin.
- Danet, Brenda. "Toward a method to evaluate the Ombudsman role." (1978) 10 Administration and Society 335.
- Dhavan, R. "Engrafting the ombudsman idea on a parliamentary democracy: a comment on the Lokpal Bill 1977." (1977) 19 Journal of the Indian Law Institute 257.
- Foulkes, David. "Work of the Local Commission for Wales." (1978) Public Law 264.
- Frank, Bernard. "The British Parliamentary Commissioner for Administration --The Ombudsman." (1968) Federal Bar Journal 28.
- Frank, Bernard. "The ombudsman and human rights". (1970) 22:3 Administrative Law Review 467.
- Friedmann, Karl A. "Controlling bureaucracy: attitudes in the Alberta Public service towards the Ombudsman (with French summary)." (1976) 19 Canadian Public Administration 51.
- Friedmann, Karl A. "The ombudsman in Nova Scotia and Newfoundland." (1979) 5 Dalhousie Law Journal 471.
- Friedmann, Karl A. "The public and the ombudsman: perception and attitudes in Britain and Alberta". (1977) 10 Canadian Journal of Political Science 495.
- Gellhorn, Walter. "Ombudsman in New Zealand." (1965) 5 California Law Review 1155.
- Hewitt, D.J. "Origin of the ombudsman in New Zealand and his work". (1966) 14 New Zealand Law Journal 345.
- Hill, Larry B. "New Zealand's Ombudsman's authority system." (1968) 20:1 Political Science 40.
- Jolliffe, Edward B. "The inevitability of the ombudsman." (1966) 19:1 Administrative Law Review 99.

- Kass, Benny L. "We can, indeed, fight city hall: the office and concept of ombudsman." (1966) 19:1 Administrative Law Review 75.
- Kennedy, J. de N. "Ombudsman for Canada?" (1964) 12 Chitty's Law Journal 89.
- Kjekshus, Helge. "The ombudsman in the Tanzanian one-party system." (1971) 1: 2 African Review 13.
- McClellan, G.B. "The role of the Ombudsman." (1975) 23 University of Miami Law Review 463.
- Maloney, Arthur E. and Cooper, K.R. "Jurisdiction of the Ontario Ombudsman." (1976) 3 Queen's Law Journal 25.
- Marsh, Norman S. "The ombudsman in New Zealand and in the United Kingdom." (1963) 1 New Zealand Law Review 71.
- Marshall, Geoffrey. "Parliament and the redress of grievances: the Parliamentary Commissioner in the 1970's." in S.A. Walkland and M. Ryles The Commons in the Seventies, Fontana 1977.
- Minattur, Joseph. "Ombudsman in developing countries." (1970) Supreme Court Journal (India)21.
- Minattur, Joseph. "Ombudsman in Mauritius." (1969) 124:8 Modern Review 580.
- "Our fettered ombudsman." London: JUSTICE (Society), 1977
- Powles, Sir Guy Richardson. "The Ombudsman on his work and his future." (1973) New Zealand Company Director and Executive.
- Rowat, Donald Cameron. "The proposed ombudsman system for India - a review." (1971) Journal of Constitutional and Parliamentary Studies 285.
- Sawer, Geoffrey. "The ombudsman and related institutions in Australia and New Zealand." (1968) 377 The Annals of the American Academy of Political and Social Science 62.
- Weir, Alex. B. "The legislative ombudsman." (1976) 14 Alberta Law Review 256.

©Copyright 1980

Printed and published by
The Commonwealth Secretariat

May be purchased from
Commonwealth Secretariat Publications
Marlborough House
London SW1Y 5HX

ISBN 0 85092 191 0

