

**GOVERNMENT OF THE NORTHWEST TERRITORIES RESPONSE
TO MOTION 9-17(3)
ESTABLISHMENT OF AN INDEPENDENT OMBUDSMAN OFFICE**

Motion

The Legislative Assembly recommends that the Government of the Northwest Territories bring forward legislation to establish an independent parliamentary ombudsman office with the mandate to investigate complaints about the practices and services of public agencies and to promote fair, reasonable, appropriate and equitable administrative practices and services;

AND FURTHER, that the Government of the Northwest Territories provide a comprehensive response to this motion within 120 days.

GNWT Response

The Government of the Northwest Territories recognizes that ombudsman offices have been established to provide independent, objective and non-partisan investigation of complaints filed under empowering legislation and generally speaking to oversee the administrative actions of Government authorities, investigate administrative fairness, and provides reports to the Legislative Assembly and the public about administrative fairness issues and how they can be remedied.

The Government also recognizes that, generally speaking, ombudsman offices in Canada do not:

- act as an advocate for complainants or represent Government departments or agencies or professional organizations;
- investigate any decision where the citizen has a right to appeal to a court or tribunal but has not yet done so or the time for doing so has not expired;
- investigate the Legislative Assembly or a committee thereof;
- investigate the Executive Council or a committee thereof;
- investigate complaints about Members of the Legislative Assembly and individual elected officials, including Government Ministers;
- investigate decisions of a court, judge or a justice of the peace, including lawyers acting on behalf of the Government; and
- investigate complaints of unfairness involving federal, municipal or Aboriginal governments, police, schools, private companies or agencies or individuals.

The Legislative Assembly of the Northwest Territories has established, perhaps more than some jurisdictions, a considerable range of statutory processes which the public may follow to complain about, request an investigation of, or appeal questions of

administrative fairness. The Government of the Northwest Territories is currently reviewing these legislated-based rights, as well as number of policy and program-based rights of appeal, to identify gaps and better ascertain what role an ombudsman office might play in the Northwest Territories.