

**Parliamentary
Watch**

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PARLIAMENTARY WATCH: STUDY OF BILLS, DRAFT REGULATIONS AND PUBLIC CONSULTATIONS

The Québec Ombudsman keeps strict watch over bills tabled at the National Assembly and draft regulations published in *La Gazette officielle*. In conjunction with her delegates, the Ombudsperson reads all proposed legislation and intervenes after an analysis, if necessary. Such interventions can also be at the request of parliamentarians, and she can submit briefs to the parliamentary committees charged with studying draft legislation. She also comments on the draft projects directly to the ministers involved.

The Québec Ombudsman's actions in this regard are made in accordance to the provisions of section 27.3 of the *Public Protector Act*, which grant her the power to draw the government's attention to certain legislative, regulatory and administrative reforms that she deems of public interest. Her initiatives also comply with section 7 of *An Act respecting the Health and Social Services Ombudsman*, which mandates the Québec Ombudsman to oversee respect for the users of the health and social services network and the rights to which they are entitled.

This watch aims to identify provisions within these bills or draft regulations that could harm or be interpreted in a manner that would cause prejudice to citizens. It also seeks to identify related administrative, economic and social impacts. The Ombudsperson also checks whether recommendations or comments made by the Québec Ombudsman in its interventions have been followed up on and if applicable, will strive to maintain jurisdiction.

Interventions with a department or the National Assembly focus on highlighting possible amendments that could engender improvements and prevent prejudice to citizens, in line with the values espoused by the Québec Ombudsman: justice, fairness, good judgment and transparency.

DURING THE 2006-2007 YEAR

In 2006-2007, the Ombudsperson proceeded with 12 interventions subsequent to a review of bills or draft regulations.

COMMENTS ON FIVE SPECIFIC BILLS

The Ombudsperson submitted comments or observations to parliamentary committees with regard to the following bills:

- *An Act to amend the Act respecting off-highway vehicles* (Bill 9);
- *An Act to amend the Crime Victims Compensation Act and other legislative provisions* (Bill 25);
- *An Act to amend the Act respecting health services and social services and other legislative provisions* (Bill 33);
- *An Act respecting the implementation of the Québec Energy Strategy and amending various legislative provisions* (Bill 52).

The Ombudsperson submitted her comments to the minister in charge of spearheading the following Bill:

- *An Act to amend various legislative provisions concerning municipal affairs* (Bill 55).

SEVEN DRAFT REGULATIONS ALSO THE OBJECT OF COMMENTS

The Ombudsperson also submitted her comments to the ministers or heads of agencies in charge of spearheading the following draft regulations:

- *Draft Regulation respecting insurance contributions* (2006, *La Gazette officielle* 2, 1205A);
- *Individual and Family Assistance Regulation* (2006, *La Gazette officielle* 2, 2577);
- *Draft Regulation amending the Regulation respecting fees exigible under the Highway Safety Code and the return of confiscated objects* (2006, *La Gazette officielle* 2, 4927A);
- *Draft Regulation amending the Regulation respecting road vehicle registration* (2006, *La Gazette officielle* 2, 4929A);
- *Draft Regulation amending the Regulation respecting licences* (2006, *La Gazette officielle* 2, 4938A);
- *Regulation respecting the conditions for obtaining a certificate of compliance for a residence for the elderly* (2006, *La Gazette officielle* 2, 5008);
- *Regulation under the Act respecting the Québec correctional system* (2006, *La Gazette officielle* 2, 5170).

PUBLIC CONSULTATIONS OR INVITATIONS TO SPEAK

The Québec Ombudsman is regularly asked to share its thoughts at various consultations, either public or upon invitation, during the course of the year.

On May 25, 2006, the Ombudsperson gave her comments in front of the National Assembly's Parliamentary Committee on Social Affairs, mandated to study the white paper on access to health services produced by the Minister of Health and Social Services and entitled, "Guaranteeing Access: Meeting the Challenges of Equity, Efficiency and Quality."

Furthermore, on February 6, 2007, the Ombudsperson submitted her comments to the Minister of Justice task force created to review the compensation program for crime victims.

THE QUÉBEC OMBUDSMAN'S PROPOSALS

The nature and scope of the Québec Ombudsman's intervention as part of its parliamentary watch mandate are described in chapters 2 and 3 of this report, for each department, agency or health and social services establishment under its jurisdiction.

The majority of the recommendations submitted by the Québec Ombudsman were well received and led to changes to draft bills or to the introduction of various measures. The following results are described by theme, based on the Québec Ombudsman's actions and the values put forth.

"PROTECTING" VULNERABLE PERSONS OR PERSONS IN DIFFICULTY

Bill 25, *An Act to amend the Crime Victims Compensation Act and other legislative provisions*:

- The Ombudsperson emphasized a number of improvements, more specifically the increased indemnity paid to cover burial costs and the greater availability of rehabilitation and psychotherapeutic services for the close relations of crime victims. These were notably measures which had been recommended in previous years.
- The Ombudsperson successfully recommended that the definition of "close relations" be entrenched in the act, and not in a regulation. The definition adopted, moreover, is close to the one she favoured.

Regulation under the Act respecting the Québec correctional system:

- The Ombudsperson voiced her opinion on this significant draft regulation, which will give effect to the *Act respecting the Québec correctional system*. The government acted on several of her recommendations, notably agreeing to reiterate the principle whereby the deprivation of liberty and disciplinary sanctions are the only measures that can be taken with an incarcerated person.

The Minister of Public Security agreed to take several of the Ombudsperson's recommendations into consideration when drawing up the directives for application of the act and regulations. He further committed to submitting these for consideration and comments prior to their taking effect.

MAINTAINING AND PROMOTING AVENUES OF REDRESS FOR CITIZENS

Bill 52, An Act respecting the implementation of the Québec Energy Strategy and amending various legislative provisions:

- The Ombudsperson's recommendation that the Québec Ombudsman retain its jurisdiction over the Agence de l'efficacité énergétique, whose personnel will no longer be government employees, was accepted. The *Public Protector Act* was consequently amended to include the agency among the bodies subject to its jurisdiction.

Bill 55, An Act to amend various legislative provisions concerning municipal affairs:

- This Bill included a provision authorizing any municipality to name a person or organization to act as an ombudsperson and fill the role of "Protecteur du citoyen." The Ombudsman asked the Minister of Municipal Affairs and Regions to modify this title so that it would not be confused with that of the Québec Ombudsman – the "Protecteur du citoyen". The Ombudsperson is notably a person appointed by the National Assembly which has jurisdiction over departments, but not over municipalities.

The Bill was amended, and the Minister proposed adoption of the term "municipal ombudsman." Moreover, the Québec Ombudsman's offer to help draft a guide for those municipalities wanting to create such a role was accepted.

PROTECTION AND DISTRIBUTION OF PERSONAL INFORMATION

Regulation under the *Act respecting the Québec correctional system*:

- The Ombudsperson ensured that the regulation's provisions regarding the delivery of mail to incarcerated persons complied with the provisions of the *Public Protector Act*, in the same manner as the processing of mail addressed to or from the institution. This ensures that mail is confidentially expedited as quickly as possible, with the contents kept secret.