



**Annual Report 2010-2011**  
**Ombudsman's Remarks**  
*André Marin*

Today, I'm releasing my first annual report of my second five-year term as Ombudsman. Normally, the media and public tend to view these reports as a kind of report card for the government for the past year. But this year I also want to look to the future, and I'm calling on the government to embrace something that I think is shaping the future of our democracy. I'm talking about the movement toward open government.

Public access to technology has increased citizens' expectations about transparency, accessibility and accountability in their government. People want information on what their government is doing, they want it to be easy to find and understand, and they want it now. The new expectation of openness isn't what you get from filing a complicated access to information request. That is literally last-century. Today, the expectation is that information from the government should be available in real time – without asking. Public services should be open to the public, by definition and by default.

Some of you might wonder what all this has to do with my office: I would say "Everything." The problems that my office uncovers in government – the problems we hear about from thousands of frustrated citizens every year – almost always have something to do with secrecy or lack of transparency. The Ombudsman's job is to bring those problems to light and propose solutions.

This year, we all saw how destructive secrecy can be. Exactly a year ago this week, at the G20 summit in Toronto, we saw a massive violation of civil rights on our streets. Why? Because of a regulation under an obscure wartime law, passed secretly and then deliberately kept from the public, to expand police powers of arrest and detainment. Protesters had no idea what they were walking into, and even police were confused about what the law was. People who had nothing to do with the G20 saw their civil rights suspended – all over the city.

Just think how much different it would have been if the government had been open about this. At the very least, people would have had fair warning that their rights were no longer what they believed them to be. More likely, the *Public Works Protection Act* and the new regulation would have been challenged, found contrary to the *Charter of Rights and Freedoms*, and scrapped. And, ultimately, that is what happened after our investigation – the government is scrapping the law and in future will ensure the public is warned if there are any changes to police powers.

We saw a similar epiphany after our LHIN investigation in the Hamilton-Niagara region. Even though the whole *raison-d’etre* for the LHINs is to bring the public closer to the decision-making process around hospitals and health services in their community, we found out that LHINs across the province had adopted a bylaw allowing them to bar the public from their meetings if they were for “educational” purposes. This was illegal. When we shone the light on this – and on one LHIN member’s mistaken idea that talking to people on his golf course constituted “community engagement” – the government took action. The illegal bylaws are gone, and LHINs now have some guidelines on how to engage the public legitimately. Openness has brought improvement.

Today’s report is full of other stories about how we’ve opened government problems to public view, from incomprehensible Hydro One bills, to mishandled accounts at the Family Responsibility Office, to poor treatment of vulnerable clients at the little-known Office of the Public Guardian and Trustee.

But my concern about open government today is also about the bigger picture – about persuading government not just to fix the problems caused by secrecy, but to avert them by being more transparent as a rule.

We have worked to do this in our own office, through more open communication about our work and the use of technologies like social media and the web. We have a new website design this week, and this year we’ve publicly posted our complaint statistics for every riding in the province. Soon we will have a web app as well, so people can reach us from their smartphones and tablets.

As I say in my report, public servants today need to see openness and transparency as the default position; as their creed. The province needs to do more than pay lip service to open government.

One way to do that would be to open up the MUSH sector to scrutiny. This year, once again, we received almost 2,000 complaints about **municipalities, universities, school boards, hospitals and long-term care homes, children’s aid societies and police**, that we could not deal with. We had to turn away people who raised serious issues like unsafe conditions in public housing, bullying in schools, neglect and abuse of long-term care residents and incomplete investigations of child abuse – all because Ontario, unlike every other province, lacks independent ombudsman oversight of these crucial public services.

I’m happy to talk more about that and about how my office hopes to promote open government. I am confident that by embracing a broader vision of openness, we as public servants will not only better serve the public, we will enable the public to participate directly in making government work better. This is something that ombudsmen have been doing for centuries. And it’s something I’m very excited about working on with the government for the next four years.