

Draft 3

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## AN ACT TO AMEND THE OMBUDSPERSON ACT

### CONSULTATION DRAFT

BILL NO.

2023

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BE IT ENACTED by the Lieutenant Governor and the Legislative Assembly of the Province of Prince Edward Island as follows:

**1. Section 1 of the *Ombudsperson Act* R.S.P.E.I. 1988, Cap. O-5.01, is amended**

**(a) by the repeal of subclauses (b)(i) and (ii) and the substitution of the following:**

- (i) an agency of the government,
- (ii) a post-secondary institution, or
- (iii) a publicly-funded health entity;

**(b) by the addition of the following after clause (j):**

**(j.1) “post-secondary institution” means**

- (i) the University of Prince Edward Island established under the *University Act* R.S.P.E.I. 1988, Cap. U-4,
- (ii) Holland College established under the *Holland College Act* R.S.P.E.I. 1988, Cap. H-6, or
- (iii) La Société Éducative de L’Île-de-Prince Édouard Inc., a non-profit corporation established under the laws of the Province, operating under the trade name “Collège de l’Île”.

**2. Subsection 14(2) of the Act is amended**

(a) **in subclause (a)(i) by the addition of the words “, a post secondary institution” after the words “publicly-funded health entity”; and**

(b) **in subclause(b)(i), by the addition of the following after paragraph (C):**

(C.1) a post-secondary institution,

**3. Subsection 16(3) of the Act is amended by the addition of the words “, a post-secondary institution” after the words “a publicly-funded health entity”.**

**4. Sections 17, 24, 25, 27, 28, 32, 34, 38 and 39 of the Act are amended by the addition of the words “, post-secondary institution” after the words “publicly-funded health entity” wherever they occur.**

**5. Section 23 of the Act is amended**

(a) **in subsection (1), by the addition of the following after clause (b):**

(b.1) in the case of a post-secondary institution,

(i) if the matter is related to the institution, the president, or

(ii) if the matter is related to the governing body of the institution or the president, the chairperson of the governing body;

(b) **by the addition of the following after subsection (6):**

**Consultation respecting post-secondary institution**

(6.1) On the request of the president or chairperson of the governing body of a post-secondary institution, the Ombudsperson shall consult with that president or chairperson after making the investigation and before forming a final opinion on any matter referred to in section 27.

(c) **by the addition of the following after subsection (9):**

**Referral respecting post-secondary institution**

(10) Where, during or after an investigation, the Ombudsperson is of the opinion that there is evidence of breach of duty or misconduct on the part of an officer or employee of a post-secondary institution, the Ombudsperson

(a) shall refer the matter to the president or chairperson of the governing body of the institution, as the Ombudsperson considers appropriate in the circumstances; and

(b) following the referral mentioned in clause (a), may continue with any ongoing investigation.



## EXPLANATORY NOTES

**THIS BILL** amends the *Ombudsperson Act* to make it applicable to post-secondary institutions.