

Office of the Ombudsman - Submission to Business Regulation Forum

The Office of the Ombudsman investigates complaints about the administrative actions of Government Departments, the Health Service Executive, local authorities and An Post. By the end of 2005 nearly 65,000 valid complaints were handled by the Office. In about 40% of cases some form of redress is achieved. The role of the Office is not simply to examine individual complaints but also to ensure a better quality service to customers or clients of public bodies by improving the system of public administration.

In the light of her role the Ombudsman has approached her submission from the perspective of members of the business community as members of the public who have to interact with a range of Government Agencies and Departments in the course of their business activity. The Ombudsman makes the following brief suggestions:

Primary and secondary legislation, in order to be clearly understood, should be drafted in clear and simple language. Many current Acts and Regulations are extremely difficult to follow (e.g. Freedom of Information legislation) and puts demands on end users seeking to understand their rights, obligations and entitlements. In Ireland we should emulate the approach adopted in some common law countries such as Australia and New Zealand. For instance a number of years ago the New Zealand Government began a project to rewrite tax legislation in plain language. A similar task is being undertaken in the UK;

Over the years the Office of the Ombudsman has commented on the difficulties that the Houses of the Oireachtas face in attempting to monitor the growing mountain of regulations and other secondary legislation by which policy is implemented. Dangers lurk here for the business community in that a lack of scrutiny of secondary legislation may lead to inequities, over regulation, or indeed outcomes never intended by the Oireachtas in enacting the primary legalisation upon which secondary legislation based. It is noteworthy that the Report of the Small Business Forum (May 2006) called for the use of the Regulatory Impact Analysis process to review all existing regulations which impact on small businesses.