

Official Languages

that there are sufficient grounds for making a report or recommendation which may adversely affect an individual, to take every reasonable means to give that individual full and ample opportunity to answer any allegations. The words used in this connection are: "The Commissioner shall—" and so on. So my answer is that it is mandatory upon the commissioner if there is any evidence which may adversely affect anybody in his administrative inquiry, to allow that man to appear.

Mr. Lewis: May I ask the minister a question? I want to ask him this—if Mr. Speaker will permit me, I have to explain it, first.

I agree it is mandatory upon the commissioner to give a hearing to a person who may be adversely affected. But I ask the minister, what is wrong about permitting a person who may be adversely affected by a report or a recommendation an opportunity to be heard in public if he so requests? In what way could this interfere with the informal workings of this bill? I personally agree with the minister that they ought to remain informal in all other respects.

Mr. Turner (Ottawa-Carleton): Let me put it this way. If the performance of anyone is to be assessed under this bill it is institutional performance, and that performance can only be fulfilled by a hierarchy of individuals. Nowhere in this bill is there a penalty or judgment to be levied against an individual; if there is any judgment or assessment it is levied against an institution. Because we are dealing with institutions we have felt that until the commissioner has had an opportunity to assess the situation the people involved should be given the protection of privacy.

When somebody is affected he has a right to appear before the commission. If he were to have the right to elect an inquiry in public to put forward his defence—I use that word

inadvisedly as he does not have to defend himself since he is fulfilling departmental policy—then he is likely to involve other people in the hierarchy of the department.

Mr. Lewis: As always happens when you are trying to protect your reputation.

Mr. Turner (Ottawa-Carleton): Thus, by trying to protect his reputation—not his rights, because it is an institution which is subject to inquiry—he is likely to involve a chain of other people in the department, that is, involve them publicly. This is the rationale behind the government's approach and this is what led us to the judgment we have made.

Mr. Douglas: I think it is a dangerous one.

Mr. Turner (Ottawa-Carleton): To summarize—I realize I am imposing upon the courtesy of the house—

Mr. Horner: It is ten o'clock, Mr. Speaker.

Mr. Turner (Ottawa-Carleton): I think the hon. member for Crowfoot (Mr. Horner) will appreciate, even with his near-sightedness, that I have one more minute and that is all I am going to need.

I repeat. The powers of this commissioner are not judicial. As the Secretary of State (Mr. Pelletier) said, he is not a policeman. He is a linguistic ombudsman. His powers are administrative only. They are limited to reviewing under the statute the performance of institutions. They have nothing to do with the performance, or civil rights or obligations of individuals, nor do they involve penalties.

Mr. Horner: Ten o'clock.

Mr. Turner (Ottawa-Carleton): For these reasons, we reject the amendment.

At ten o'clock the house adjourned, without question put, pursuant to special order.