

*Official Languages*

us how much power this commissioner will have. We do not know. I should like to read a statement made by Mr. Powers at a time when a number of public servants were arrested because they were allegedly spying for the socialists. They were held in custody without counsel, without a hearing, for days on end by a secret order in council. What did that great Liberal, "Chubby" Powers, have to say? I want to read this to the Liberals here. It reads as follows:

As for me, brought up in an atmosphere wherein a framed photograph of Magna Carta was on almost every wall, accompanied with a warrant for the execution of Charles I, and steeped through my reading in the traditions of the martyrs of liberty and freedom, I cannot wish to turn back the pages of history 700 years and repeal Magna Carta. I cannot by my silence appear to approve even tacitly what I believe to have been a great mistake on the part of the government. If this is to be the funeral of liberalism I do not desire to be even an honorary pallbearer at the funeral, and I do not wish by not taking part in this debate to give silent approval to the procedure which has taken place.

The Magna Carta says that every man will have a fair hearing. It says that nobody will be held in custody without counsel and that if a complaint is made against a person, he is entitled to be heard. But this bill takes away these inherent rights which this nation and other nations have enjoyed for 700 years. The commissioner can call in a person against whom the complaint is made one quarter of the way through the hearing. If this is to be the just society, then God help the nation and God help justice.

I wish to emphasize therefore that every citizen, every department and every institution should have the right of appeal from the reports and recommendations of the commissioner, or the decisions flowing from the reports made by him, to protect the livelihood and the civil rights of every Canadian. Let me put the following questions to the house. Who can say here today that the language commissioner will be totally free from chicanery? Who can say that he will exercise proper administrative discretion according to natural justice? Who can say that he will always exercise the discretion given to him under the act in a fair, just and legal manner? He hears evidence, good or bad; he holds a hearing; he swears witnesses; he demands documents, and he makes a decision. All this can be done in camera without the public being present and without the person who is accused of any violation of the statute being present. It seems to me that this is in contravention of our civil rights.

[Mr. Woolliams.]

The Minister of Justice can argue legal niceties as much as he likes. Men before him, men now, and men after him will use this method, but legal terminology does not determine people's rights. It is as the late prime minister Mackenzie King said: Men and women in Canada must know their rights so well that as they run they may read.

My real concern is for the average men and women in Canada who have no knowledge of the law, whose livelihood will be affected and whose children's education may be brought to an end because some all-powerful officer may make decisions. Their only remedy is to hope that some day parliament will rectify some inequalities. What kind of justice would parliament dispense, made up of politicians, of which I am one? One only has to examine the power of the state in expropriation laws to find out how little justice a citizen receives. When the great state moves, the citizen is squeezed and his civil rights are usurped.

The legal nicety to which I referred is the minister's statement that since the commissioner does not have the power to make judicial decisions there should be no appeal. But I say to him that if the decision that is made, whether it be administrative or judicial, has the same force and effect as a judgment made in a court or a judgment of an administrative board, then those persons who consider themselves aggrieved should have the right of appeal. Why does the minister oppose natural justice? What is he afraid of? If he ignores this plea, never again will he be looked upon as a great reformer. Why do the promoters of this legislation fear appeal? Why do they fear a public hearing? The great dictators of Europe gave no right of hearing to six million people who met death without a defence. The discretionary power was executed in an administrative fashion, but let us remember that these people were executed as effectively as a convicted murderer who dies on the scaffold, the only difference being that they had committed no crime against society with the exception of belonging to a different race and a different culture.

Now, I should like to refer to some of the cases in connection with the administrative law. I want to deal with a case in the Supreme Court of Canada. I do not think time will permit me to read the decisions of Mr. Justice Rand and Mr. Justice Abbot, who sat here in the distinguished position of minister of finance. Let us consider the facts in the Roncarelli versus Duplessis case, if administrators can be trusted. There was a