

Official Languages

• (8:10 p.m.)

[*Translation*]

Hon. Gérard Pelletier (Secretary of State):

I rise on a question of privilege.

In spite of the great tediousness of the speech of the hon. member for Calgary North (Mr. Woolliams), I managed to keep awake. Even if we have to keep our ears open, I think we have a right to shut our eyes.

[*English*]

Mr. Woolliams: I am glad I have flushed him out, Mr. Speaker. I cannot believe that the Secretary of State is setting himself up as the Czar of culture and language in this nation, because these things affect not only French speaking and English speaking Canadians but persons of every ethnic group. There will be no appeal from decisions of the board. Because of the power that will lie in the hands of the Secretary of State, I do not have confidence that the bill will be administered according to the civil rights to which Canadians have become accustomed.

I hope that the men appointed to the board will administer the law with equity. I hope they will interpret it with justice, because the bill deals with a matter of great sensitivity in this nation. It is all-important that the men appointed to the board be of this calibre. They will have control over not only human behaviour but the rule of law. I have always maintained, with regard to the appointment of judges, that the character and type of men we appoint to the bench is just as important as their knowledge of the law. The men appointed to this board should be fenced in and controlled by traditions that have been crystallized into the rule of law that protects the civil rights of the citizens of this nation.

The government says: Don't worry; we will put the right type of man in charge of this program. There will be nothing to worry about. I would be concerned about the board even if a benevolent dictator were appointed to it. What will be the situation in the future? I was raised in an area of Saskatchewan in which half the people were French Canadian and the other half came from countries throughout the world. If I were a spokesman for the province of Quebec I would say this is a most dangerous situation; one man should not be given the kind of power the bill proposes to give.

Since confederation we have had governments in which were members who have represented areas where French speaking Canadians have been in the majority. I ask,

[*Mr. Woolliams.*]

Mr. Speaker: What will happen if we have on this board people who do not weigh the niceties of equity and justice and do not understand the jurisprudence under which, we live? The majority of the population of part of Zealandia, Saskatchewan, is made up of French Canadians. Do we want on this board people who would do those things that would not be fair and just in respect of minority groups? If one man is given this kind of power it is neither fair to the majority or minority of an area, or even to the small ethnic groups which are to be found in some regions of the country.

I agree with the hon. member on this side of the house who said that a fundamental principle of natural justice is that a man be heard in his defence. This principle applies to our ordinary rule of law when a man is being investigated in connection with a suspected offence. I have always had great respect for the R.C.M.P. and our system of justice. A man is told that A plus B equals C, and this is the evidence against him. The person suspected of having committed an offence can then retain counsel to represent his interests. That principle of our law is not embodied in the provisions of this bill.

Under our system of jurisprudence every Canadian has the right to a fair hearing. It is the right of every individual to know the evidence against him, so he may answer it. There are in our public service and crown corporations men of honesty and integrity; the majority of our public servants have these attributes. No one elected as a member of parliament can tell me, however, that there is not across the nation anxiety on the part of some of our public servants. The fundamental principles of justice contained in the Inquiries Act should apply to this legislation. We will be setting up under this bill a commissioner who will be all-powerful; he will be able to use all the powers of a trial court, which are very great when the state moves to prosecute an individual.

The board appointed under this bill will have the power to act as a result of evidence presented to it. In addition to that, the board will be able to use hearsay evidence. It will be able to break every rule of evidence, although these rules are based upon fundamental principles of justice. Our laws were designed to provide justice to the individual and protect him. A person considered to be in violation of this federal statute, when passed, will not be permitted to be presented at the hearing of his case. He will not be permitted