

*Official Languages*

insist that the report of the commissioner should be subject to scrutiny by parliament.

Let us examine the bill. Clause 19 reads:

(1) There shall be a Commissioner of Official Languages for Canada, hereinafter in this Act called the Commissioner.

(2) The Commissioner shall be appointed by Commission under the Great Seal after approval of the appointment by resolution of the Senate and House of Commons.

I think at this point it is worthy of note that except for the concession which is apparently given to parliament of hiring and firing this very powerful man, parliament is to have no further knowledge of him. In other words, we are given the power to take him on in the first place. We are given the power to fire him if he does something wrong while the house is in session. We see him coming and we see him going, but apparently that is all we are going to have to say about him.

● (4:40 p.m.)

This bill fails to designate a minister to answer for the commissioner. This is very strange in respect of a bill of this nature. Who is the minister to be who presumably will try to exercise some power at least over this very, very powerful commissioner? Why did the government not have the courage to name in this bill the member of the executive council under whose jurisdiction this man will work? Why did they not have the courage to tell us under which department this person will work? Perhaps he will be the Secretary of State. We do not know. Stranger things have happened. I remember not too long ago in this house we debated for many days the organization of the Canadian Transport Commission. Not long after the debate was concluded the minister who piloted the bill through the house saw fit to resign his seat. Then, not many weeks after this he was appointed to head the commission. Is the same thing to happen in respect of the Secretary of State? He is helping to pilot the bill through the house. Will he be the commissioner? I think members of this house would like to know under whose jurisdiction this person will operate.

We are not told who will exercise this very valuable check on the administration of the act. We suggest this information is unjustly refused. Those who are promoting the bill tell us there are other checks. Let us examine again clause 33 subclause (1) of the bill. It reads:

If within a reasonable time after the making of a report containing any recommendations under

section 31, no action is taken thereon that seems to the Commissioner to be adequate and appropriate, the Commissioner, in his discretion—

Mind you, this is only in his discretion.

—and after considering any reply made by or on behalf of any department or other institution concerned, may—

Not “shall” but “may”.

—transmit a copy of the report and recommendations to the Governor in Council and may—

Again, it is permissive.

—thereafter make such report thereon to Parliament as he deems appropriate.

According to that clause, it is entirely permissive for the commissioner to make a report to parliament. It says he may in his own discretion. If he is unhappy because a department or institution ignores one of his reports, he may complain to parliament if in his opinion the nature of the report is such that it should be brought to the attention of parliament without delay. Then, clause 34 (1) reads:

In addition to any report that may be made by him under section 33, the Commissioner shall—

This is obligatory.

—each year prepare and submit to Parliament a statement relating to the conduct of his office and the discharge of his duties under this Act during the preceding year including his recommendations, if any, for any proposed changes in this Act that he deems necessary or desirable in order that effect may be given to this Act according to its spirit and intent.

This clause requires the Commissioner to make an annual report to parliament. The net result is that the only certain control parliament has over the languages commissioner is, first, to participate, for what this is worth, in hiring and firing and, secondly, the privilege of reading the annual report of the commissioner. Parliament may, on occasion when the commissioner considers he has a case so flagrant that he believes he should report it to parliament without delay, read such a report. That is the only concession extended to us. We are given the right to read the report. The important thing is that as the bill stands today there is not one provision in it which requires this report to be taken off the table and debated in this house. That is the weakness of this bill. That is the reason we are asking that this bill be amended, so that the report of this very powerful and influential man to parliament can be taken from the table and discussed in this house where it should be discussed. I do not think that is an unreasonable request.