

● (5:50 p.m.)

That is clear enough. The commissioner may make a report that may be adverse to or may offer adverse criticism of an individual or a department. Whether the minister likes it or not, the fact of the matter is that the minister's opinions will be formulated in private and the accused person or persons will have no right of appeal because that right is not written into this bill any place. I challenge the minister to stand in his place and say in what line of what clause the right to be heard is written into this bill. There is a right to be heard in clause 28 if the commissioner really wants to hear the person, but that is the only clause which deals with such a complaint. The rights of an accused person or a department are not written into this bill in any place. The evidence is gathered in private. The individual is condemned in private and the public and the government will judge him. He has no right to recourse whatsoever under this bill as it now stands. To me it would seem that the opinions may be formulated on a pretty invalid and false premise. I suggest the public should be present to witness and judge whether or not the premise on which the opinions were formulated was sound, and in fact represented what actually happened in respect of the administration of the department or the carrying out of the person's responsibility.

I believe this is a very important amendment. I shall not become involved in the judicial question of whether or not an appeal should be allowed from an administrative tribunal, but I believe that right should be written into the bill somewhere. Whether the appeal is to the supreme court, to the minister, to the cabinet or to parliament itself, there should be the right of appeal. The evidence should be gathered in public and the person should have the right to be heard, period, and not "if". A few minutes ago, the minister said about three times that the individual has this right. Nowhere in this bill is he given this right. The commissioner may—and I emphasize the point because I believe it is extremely important—if he feels someone is adversely affected grant a public hearing. This is not good enough. Knowing the Minister of Justice, I realize he cannot stand up in his place and wholeheartedly support the position of his government on this bill because his heart and soul is not in this administration. He is just doing yeoman service for an all-powerful commissioner and

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giving no rights whatsoever to the individual. I wholeheartedly support the amendment.

**Mr. David Lewis (York South):** Mr. Speaker, I need no more than the three or four minutes left before six o'clock. I am sorry the hon. member for Calgary North (Mr. Williams) has had to leave. I rise mainly to deal with his alleged point of order and to say also—I am sorry to say this in his absence—that the good natured jocular remark of my friend the hon. member for Greenwood (Mr. Brewin) did not justify the boorish retort of the hon. member—

**Some hon. Members:** Hear, hear.

**Mr. Lewis:** —for Calgary North. The hon. member for Calgary North can speak in volume or by squeaks or in any other way he likes, but the fact is that the amendment which the hon. member for Cardigan (Mr. McQuaid) withdrew on the advice of the hon. member for Calgary North before the special committee is precisely the same amendment which is now before this chamber. When he says he is being misrepresented, it is he who is misrepresenting the situation. No one is misrepresenting him.

The amendment moved by the hon. member for Cardigan before the special committee, which my friend the hon. member for Greenwood read, stated that any person who considered himself aggrieved by an investigation, a report or recommendation of the commissioner may appeal to a court. The amendment we are now discussing says that where an individual, department or institution is aggrieved by a report or recommendation of the commissioner or by a decision made by him or other person or authority acting upon his report, and so on, they may appeal. It is true that the hon. member for Calgary North has now added the word "decision" and taken out the word "investigation" which was in the amendment with which we dealt before the special committee, but in his amendment he has included an appeal from the report and recommendation of the commissioner as did the hon. member for Cardigan in his amendment.

That is the guts of the thing. The appeal from the action of the minister or department which is suggested in the amendment now before us is irrelevant to this bill. That appeal is relevant to the normal channels of grievance procedure. A person who is aggrieved can still go to court. The law cases contain many examples of people going to court when they think they are aggrieved. I