

Official Languages

that when in their infinite wisdom the members of the Standing Committee on Procedure and Organization come to review this part of our procedure they might keep in mind Your Honour's words, as well as the problem that is created when a bill contains in several clauses a principle that the mover of an amendment is trying to change.

● (4:30 p.m.)

Mr. Melvin McQuaid (Cardigan) moved:

That Bill C-120, an act respecting the status of the official languages of Canada, be amended by adding to clause 34 thereof the following sub-clauses:

"(4) Where a member of the House of Commons, on or before the third sitting day next following the day the Speaker of that House tables any report made by the Commissioner under section 33, asks leave to move the adjournment of the House for the purpose of discussing the report as a specific and important matter requiring urgent consideration, the matter shall be deemed proper to be discussed and shall thereafter be proceeded with in accordance with the provisions of the standing order of the House applicable to the subsequent stages of the proceeding.

(5) The annual statement to Parliament made by the Commissioner under this section, when tabled respectively in the Senate and House of Commons, shall thereupon be referred in each House to a committee designated by the Speaker."

He said: Mr. Speaker, this amendment is intended simply to act as a very necessary check on the manner in which and the degree to which this bill, if it is enacted as law, will be administered. I have previously mentioned, and I submit again today that it is purely an administrative bill.

So far as the apparent principle of the bill is concerned, that is the provision of bilingual services in those areas where a sufficiently large number of people require them, and so far as the idea is concerned of trying to make everybody feel at home no matter where they are in Canada, I entirely agree. But I still maintain that the bill, from clause 1 to clause 41, is a purely administrative one, and the purpose of this amendment is to try and place some safeguards around the proper administration of it.

I wish to sound a very sincere warning. If this bill, when it is enacted as law, is not properly administered then the government is in very serious trouble. The whole success of the bill is going to depend on its proper administration. A great deal of the success of the bill is going to depend on the man who will be designated as commissioner. That is one of the reasons why, a few moments ago,

[Mr. Baldwin.]

we called for a vote on an amendment with respect to the powers of the commissioner.

I am afraid that the commissioner is not going to be the little, innocuous, harmless individual that the Minister of Justice (Mr. Turner) tries to paint him. Certainly, the powers to be given to him under this legislation would not lead one to believe he will be an innocuous individual. Make no mistake about it, Mr. Speaker, and the people of Canada are making no mistake about it, this man will be a very powerful individual unless some of the safeguards suggested in our previous amendment and in this one are written into the bill.

I do not know whether it was done deliberately or otherwise, but the fact is that the bill provides no effective method for reviewing the operations of the language commissioner. I have studied it carefully and I can find nothing in it that gives anybody any power to review the operations and functioning of the language commissioner. Therefore, this amendment is intended to check to some degree the manner in which the bill will be administered.

I suggest that centuries of experience have taught all people who favour a democratic form of government that the powers that are given to the executive, the powers that are given to parliament, and the powers that are given to the courts must be checked by counter balancing powers given some other authorities. Take the example of our courts. We start with the lowest court in the land, the Magistrates court. If I am not satisfied with the decision handed down in the Magistrates Court, I have the right to appeal to the Supreme Court of the province. Under certain circumstances if I am not satisfied with the decision of the Supreme Court of the province, I can appeal to the Supreme Court of Canada. There must be counter balancing powers, but in this bill unfortunately there is no right of appeal. This is something which we will raise later on by way of another amendment. There is no appeal against the decision that the commissioner will have the power to make.

The administrative powers given to the executive are subject to known check, either by the judiciary, or in many cases by parliament itself. But there is no power of review or appeal in this legislation. There is no appeal to the courts or to anybody else. Since there is no power of appeal, then we say that the controlling power should be right here in parliament. This is why we are trying to