

Financial Administration Act

with regard to the importance of appointing an ombudsman.

[Translation]

Mr. Albert Béchard (Parliamentary Secretary to Minister of Justice): Mr. Speaker, the bill introduced by the hon. member for Red Deer (Mr. Thompson) is the last-born child of a generation that began in 1962 with the coming to the House of the hon. member, according to his own words as reported in *Hansard* on January 13, 1970, and I quote:

Mr. Speaker, Bill C-13—

—the bill was given that number at that time—

—is one that I have had the privilege of presenting to the House for the last seven years.

The bill later became Bill C-40, was debated in the House on October 6, 1970, as the hon. member has just said. Such steadfastness on his part shows how important the matter is to him. He is to be commended for it as the subject is an important one. All hon. members recognize the need for it. A protector of that kind in a modern state such as ours, considering the numerous departments, services, agencies, commissions, etc., seems indispensable off-hand.

There is no question I must say, of agreeing to the proposal of entrusting this new responsibility of ombudsman to the Auditor General. The Auditor General's field is different altogether and it would be unfair to give him such a responsibility.

But while the proposal made by the hon. member for Red Deer implies a force of necessity reality and advisability is it really the solution we are looking for to assist all Canadians whose rights are encroached upon by the heavier and more and more complex administrative mechanism of the federal public administration?

I, for one, am not convinced. We know that the hon. member for Red Deer wants more attention, more justice for citizens who feel wronged in their relations with the federal public administration. According to the evidence itself of prominent figures endowed with such authority in certain Canadian provinces the commissioner for administration, or ombudsman, must necessarily, in order to obtain actual results, be able to personally discharge his responsibilities and be supported by a rather limited personnel.

How can one imagine such responsibilities being discharged by an eventual parliamentary commissioner in Canada, which is such a big country, if that commissioner cannot personally do his work, if he has to rely on the services of many minor civil servants to help him directly?

Another bureaucracy would have been created which would make even more difficult efficient relations between the citizens and the state.

Moreover, what will happen if, owing to the very wide authority provided for the ombudsman, the nature of his office and the fact that his decision is final, a citizen, for instance, or a civil servant, is again wronged in his rights

[Mr. Brewin.]

by a decision of the commissioner? Such injustice would be irreparable for all practical purposes.

Mr. Speaker, one must remember the objections raised by opposition members—among whom the hon. member for Red Deer—at the time the bill setting up the office of the commissioner for languages was before the House, at what was considered to be a scandal, namely the fact that no appeal was possible. Yet, the commissioner for languages holds no legal office, under the legislation creating his office, which has been corroborated during the very interesting CBC program on which he appeared quite recently.

• (5:50 p.m.)

In fact, the language commissioner does no more than bring complaints lodged with him to the attention of departments involved, of the public and of Parliament.

In the last few years, the Department of Justice, through the minister, has endeavoured to render the administration of justice more flexible, more simple, more efficient and more equitable for our citizens and it is no exaggeration to say that the present Minister of Justice (Mr. Turner), as his predecessor did, has done more than anybody to reform the administration of justice, without however minimizing the work accomplished until then.

As the hon. member for Greenwood (Mr. Brewin) said earlier, major pieces of legislation have been adopted in recent years. The Federal Court has been established at the beginning of this session. This week, I believe, the minister will move first reading of a bill on bail. It will be followed by a bill on statutory instruments and other measures enabling the public to examine not only the powers the government has to make regulations but also to investigate such regulations.

Besides, if the Canadian government proceeds with a constant review of the Canadian legislations, its through the legal help proposed by the Department of Justice, that is to make more accessible to all Canadian citizens, whatever their class or their means, the services of lawyers who will represent them when in need, in short, if the Department of Justice pursues the regular progression of the reforms undertaken, this with the co-operation of all the parties in the House and of all hon. members, since they are, on the whole, parliamentary commissioners or ombudsmen, we will have greatly contributed to making more accessible and more efficient the administration of justice, and in an equitable fashion suited to the modern evolution of our Canadian society.

The goal sought by my hon. colleague from Red Deer will then have been reached without the Auditor General, for that, having been burdened with exacting responsibilities he can easily do without and, above all, without the Canadian citizens being burdened with additional bureaucracy which he is less and less inclined to put up with.

[English]

Mr. Jack Cullen (Sarnia-Lambton): Mr. Speaker, in a way I welcome the opportunity to participate in this kind of debate, but unhappily the subject is so controversial