

Official Languages

This amendment was considered in committee. It was not adopted in committee because we felt it would not give the commissioner sufficient flexibility to dispose of frivolous, vexatious and unfounded claims without hearing those complained against. In other words, if in the commissioner's opinion those who presented the claim were doing so in a frivolous, vexatious or unfounded manner the commissioner should not, if in his judgment the claim fell into one or other of those categories, be bound to a hearing. We feel this is a useful proceeding because a person in respect of whom a complaint is made in this type of frivolous proceedings, should not be involved in a hearing. We believe that this is a useful provision.

• (9:40 p.m.)

Clause 3 again deals with a public hearing, but I have dealt with that matter already.

Part (4) of the amendment of the hon. member reads:

Parliament may,

(a) of its own volition, or

(b) upon the recommendation of the Governor in Council, regulate the procedure to be followed by the commissioner in the exercise of his powers and duties.

Surely, the commissioner, and indeed all those who have the powers of a royal commission should have the power to make their own rules and to regulate their own procedure. We believe that it would be absolutely impracticable for parliament, for the Governor in Council or for some other body, to regulate the procedure under which the commissioner should operate.

Part (5) of the hon. member's amendment is already found in clause 29 (2) of the bill.

Part (6) of the hon. member's amendment is found in clause 29 (3) of the bill.

Part (7) reads:

The commissioner has, in relation to the carrying out of any investigation under this act, (a) the powers of a commissioner under Part I of the Inquiries Act;

And then it spells out the limitations in the interests of defence for security. This amendment also was considered by the special committee but was not adopted.

[*Translation*]

The Acting Speaker (Mr. Béchard): Order. I regret to interrupt the hon. member, but his time has expired.

Some hon. Members: Carry on.

[Mr. Turner (Ottawa-Carleton).]

The Acting Speaker (Mr. Béchard): The Minister of Justice.

[*English*]

Mr. Woolliams: We want to hear you.

Mr. Turner (Ottawa-Carleton): I thank hon. members for their courtesy in allowing me, through you, Mr. Speaker, to continue.

That amendment was considered in committee and not adopted because we believe that the powers set forth in clause 30 of the bill amply cover all the powers set forth for a commissioner under the Inquiries Act. Because of the fact that this bill will have to be administered by laymen and by departments of government and will have to be reviewed by employees and unions which deal with the government, in fact by the people of Canada, we felt it more useful to specify and set out the powers of the commissioner rather than refer them primarily to the Inquiries Act.

Part (7) (b) of the hon. member's amendment makes no change to what is now clause 30 (b) of the bill.

Now, I should like to deal with the amendment proposed by the hon. member for York South (Mr. Lewis). As we see it, what this amendment attempts to do is to strike out the amendments proposed by the hon. member for Cardigan (Mr. McQuaid) and to provide a substitute for clause 28 (2) of the bill. In our view that is the effect of this amendment. I wish to say to the hon. member that we do not believe his drafting to be as good as ours. Perhaps he took the advice of other counsel in his party. Nevertheless, I want to say to him that he does not achieve what he seeks to achieve in this amendment as well as we do in the bill.

Mr. Lewis: I will be glad to accept any improvement so long as the minister accepts the principle of my amendment.

Mr. Turner (Ottawa-Carleton): The substance of the hon. member's subamendment, which is a substitute for clause 28 (2) reads:

It is not necessary for the commissioner to hold any hearing.—

The hon. member agrees with us there.

—but he shall not make a report or recommendation adversely affecting any individual, department or other institution until that individual, department or other institution, as the case may be, has been given reasonable notice of the complaint against him or it, and has been allowed full opportunity to be heard in public or in private and to be represented by counsel as that person, department or other institution may elect;