

*Official Languages*

Apparently convinced by the hon. member for Calgary North.

—I am prepared to withdraw it. I can see now, although I must confess I did not see before, that the reason we are sitting here is to be enlightened.

And so the amendment was withdrawn. I cannot speak with the emphasis and the volume of the hon. member for Calgary North, but I can say that there is not the slightest doubt in the world that the amendment he advised his colleague, the hon. member for Cardigan, to withdraw was in substance the amendment that is now before the house. At that time they did not see any merit in it, and I suggest there is no merit in it now. I suggest it should be defeated.

**Mr. Woolliams:** I should like to rise on another point of order, Mr. Speaker. I say this, as the minister and others have said, that this is the highest court in the land and it is entitled to an interpretation. I am not going to be unkind, even though the hon. member referred to my volume. I might be unkind and refer to his tone, but I point out that the amendment I moved today is an amendment in relation to decisions. It is different from the previous one. It was drawn up by a draftsman and myself. It had nothing to do with the group of people who sat on the special committee. I asked my party could they accept it, and a party decision was made accepting it. I am not going to be misquoted and misrepresented. If the hon. member wants to get nasty, in return I would ask him to put his voice on a tape and if it hasn't got a bit of a squeak in it, then there isn't a squeak in this house.

**Mr. J. H. Horner (Crowfoot):** Mr. Speaker, I wish to say a word or two about this amendment and I shall not be loud or long. The Minister of Justice (Mr. Turner) is doing an honourable job in piloting this piece of legislation through the house, a piece of legislation in which he does not really believe. I commend him for the job he is doing, and I point out that his heart and soul are not in it. That is clearly evident from the reasoning and the logic that he has been using. The minister would be the first to admit that the bill gives the commissioner the right to report. Does not this bill give this commissioner the right to report to the government, Mr. Minister?

**Mr. Deputy Speaker:** Order. I would invite the hon. member to address his remarks through the Chair.

[Mr. Brewin.]

**Mr. Horner:** I am sorry, Mr. Speaker, but I got a little carried away, and I wanted a clear cut answer to the question I was posing. I think the Minister of Justice would agree that the commissioner does have the right to report to a member of the cabinet, but we have not been told to which minister. I am sure also the Minister of Justice will agree that the commissioner reports from an inquiry held in private. In other words, his opinion is based on a private inquiry held about somebody or some department. It is hard to say whether the opinion he reaches is based on valid or invalid premises, since the inquiry itself has been held in private. If it is based on invalid or false premises it should be immediately disregarded, but how can the public judge if the inquiry is in private.

Time and time again, the minister has said that no action will be taken on the commissioner's reports which will be laid before the public, and that the onus will be on the government and the public to determine whether or not action is really necessary. But how will the public be in a position to know whether action is necessary when the reports are based on private inquiries? It has often been said that justice must not only be done but it must appear to be done. How can it appear to be done in these cases when inquiries are held in private? A few minutes ago the minister spoke about the individual's rights which are written into the bill, and said that these rights were included in clause 28. They are not. The only rights written into clause 28 are the rights of the commissioner. This clause states that if the commissioner, at any time during the course of an investigation, deems that there may be sufficient grounds for making a report that may adversely affect an individual he shall give that individual an opportunity to answer any adverse allegation or criticism.

By contrast the amendment proposes the right of appeal. Nobody can convince me that we should not establish the right of appeal, particularly when opinions are formed on the basis of a private investigation that may condemn an individual. The commissioner has the right to report, recommend and condemn. Lest the Minister of Justice take exception to that let him read line 41 in clause 28. I start reading at line 40 as follows:

—a full and ample opportunity to answer any adverse allegation or criticism.