

Official Languages

report. His recommendations will affect individuals in this country. The decision is made by a department of government. What will the C.B.C., which is a grandiose agency of the government, say if the investigator is allowed to go through all their documents, hear witnesses, take affidavits, hold hearings in camera and change those things which the C.B.C. feels should not be changed? How will the C.B.C. react in this situation? Does the C.B.C. know this bill gives that kind of power to this little, old investigator? Let us consider clause 31 (2) of the bill, which is to be found at page 18 and 19. It provides as follows:

Where the commissioner is of opinion

(a) that the act or omission that was the subject of the investigation should be referred to any department or other institution concerned for consideration and action if necessary—

This clause refers to an act or omission. That is all the judgment of a court is; it is all the order of an administrative board is. The clause continues:

(b) that any act or regulations thereunder described in paragraph (b) of subsection (1) should be reconsidered or any practice described in that paragraph should be altered or discontinued, or

(c) that any other action should be taken—

The commissioner will be given the power to act as a result of recommendations he makes in his report. Action spells decision; decision means judgment, or in the case of a board, an order. I emphasize the danger to any minority group in this nation when power is handed to a man who is called an investigator. The commissioner will be all-powerful, chosen by an all-powerful cabinet with an all-powerful majority. Citizens of Canada will be subject to decisions of the commissioner without the right of a hearing. Clause 31 (2) (c) continues:

—the commissioner shall report his opinion—

I point out that this is what he shall do.

—and his reasons therefor to the Clerk of the Privy Council and the deputy head or other administrative head of any department or other institution concerned and may in his report make such recommendations with respect thereto as he thinks fit, and, in any such case, may request the department or other institution concerned to notify him within a specified time of the action, if any, that it proposes to take to give effect to his recommendations.

What will happen if a deputy minister refuses to do what the commissioner tells him to do in his recommendation? I am concerned about how these decisions will affect the citizens of my nation. Under the provisions of the bill the livelihood of a Canadian can be taken away by the judgment or decision of

[Mr. Woolliams.]

one man. In my opinion, this principle is much more dangerous than any we can think about. Surely, the right to hold one's job, to work, to obtain promotion, is the human and civil right of every Canadian. I have some knowledge of jurisprudence, and in my reading of this bill I cannot see that safeguards are written into it for Canadians.

Parliament has been described in glowing terms by the Minister of Justice as the highest court in the land. No one denies this. But this is not a court in which justice is handled expeditiously. If an individual or the head of a department is aggrieved and has to come to this wise institution for a decision, what will happen to his family and his livelihood while parliament moves, since it moves so slowly? How long will it take an individual, a department head, a C.B.C. employee or an employee of Canadian National Railways to obtain justice from this court? God help Canadians! Parliament is a place in which many political influences are exercised. I ask hon. members to just think of the hanky-panky that goes on in committees. Members of the house do things for political reasons.

Mr. Baldwin: Especially the Liberals.

Mr. Woolliams: This is the reason we have an independent judiciary in this country; we need a court to act above politics, a body to do a job without the prejudice which results from political reasoning. I should like to quote from the *Ottawa Law Review*, Volume 12, page 72, of the fall of 1967 as follows:

Thus, the real argument is not whether the executive, for example, is exercising legislative or judicial powers which properly belong to parliament or the courts (for no kind of power belongs to any particular authority) but whether the power is being exercised by the authority best suited to exercise it and whether the exercise is sufficiently controlled by political and legal action.

In other words, what is the best body in this democracy of ours to exercise a judicial decision, undertake a review or hear an appeal—parliament, or the courts? The late President Roosevelt wanted a bill passed to increase the number of judges of the Supreme Court of the United States so that the law would be interpreted as he saw fit. That may be right or wrong, but the fact is that the courts are independent of political influence. This institution may be a court, but it is involved with politics. The minister is a political beast; I am a political beast; everyone in this institution is, if he is honest with himself.