

Official Languages

is given to a commissioner under the Inquiries Act. Heaven knows, they are wide enough. But at least they have been in effect for some considerable number of years. I do not know when the Inquires Act was first passed, but we have been working under the Inquiries Act for some considerable number of years. Certain practices and precedents have grown up in respect of this act, as they have in respect of other acts in our courts. The commissioner appointed under the Inquiries Act may not be legally bound by, but feels he is required to follow, the practice or precedent which has been built up over the years. We suggest that if this language commissioner were given the same authority as a commissioner under the Inquiries Act this should be sufficient.

Why should this commissioner have more authority? Why are we asking that this man have more authority than someone who has been appointed under the Inquiries Act? I want an answer to that question and I think the people of this house and the people of Canada want an answer to this question. Why is this man to be given more authority and more power than a commissioner under the Inquiries Act? The Inquiries Act in part I, section 4 reads:

The commissioners have the power of summoning before them any witnesses, and of requiring them to give evidence on oath, or on solemn affirmation if they are persons entitled to affirm in civil matters, and orally or in writing, and to produce such documents and things as the commissioners deem requisite to the full investigation of the matters into which they are appointed to examine.

What more power could a man possibly want unless he wants to be a dictator?

Mr. Woolliams: That was Pickersgill's ambition.

Mr. McQuaid: Surely this power is wide enough. Then section 5 in this same act, the Inquiries Act, reads:

The commissioners have the same power to enforce the attendance of witnesses and to compel them to give evidence as is vested in any court of record in civil cases.

That is enough. Let this commissioner be bound by the rules of evidence, so that only proper evidence may be introduced against a person whose—and I want to stress this—very job may be endangered as a result of the inquiry. This is what I say is unfair. This is what I say constitutes an injustice. Let this man be given the same powers as are given to a commissioner under the Inquiries Act.

Again, under part III of this act, the commissioner may allow any person whose con-

[Mr. McQuaid.]

duct is being investigated under this act, and shall allow any person against whom any charge is made in the course of such investigation, to be represented by counsel. However, I feel he should be represented right from the very beginning and not after half the proceedings have been held. The commissioner has been given a discretion. He may allow any person whose conduct is being investigated under this act—not shall allow—against whom any charge is made in the course of an investigation to be represented by counsel. That is fair and logical. Why is this government asking that the commissioner of official languages should be given any more power than that? It is unreasonable.

● (8:00 p.m.)

As I stated at the beginning, we do not want to get back to star chamber proceedings. We want things to be conducted in the open. We want people to feel that not only does justice appear to be done but justice is seen to be done. That is very important. As long as this provision is in the act, I earnestly suggest a person who is being investigated will not be convinced that justice is being done unless he is given the right from the very beginning to come in and state his case, if he has one to state.

These are the amendments that we are suggesting to this clause. These amendments will tend to strengthen this bill and convince people that something is really being done. I realize there are some serious exceptions being taken to the principle of this bill, but let us not pour salt on these wounds. Let us try to heal them. That is the reason we had a committee and are having discussions in this house. We are trying to correct, as best we can, some of the things that I personally see as gross injustices to which no civilized person living in Canada today should be subjected. I very earnestly suggest that the government and hon. members of this house should give very serious consideration to the recommendations we are making in this amendment.

Mr. Eldon M. Woolliams (Calgary North): In rising to support this amendment I wish to say that the speech to which we have just listened was probably the best speech that has been delivered in this House of Commons on civil rights for many years, perhaps since the time that great Liberal, Chubby Powers, delivered a great speech at the time the Civil Service was being investigated in reference to the security of the nation. When people were arrested on that occasion they were held in