

members of his party who may wish to speak on the bill to allow it to go to the Committee on Justice and Legal Affairs, where his arguments and my arguments could be considered in greater depth along with the principles of the bill?

Mr. Gillespie: Mr. Speaker, I have tried to indicate in my remarks that while I support the thought that inspired the bill, I do not think the hon. member has made a case for an ombudsman. I do not think he has even made a case—assuming that such an office may be desirable—that the Auditor General might act as ombudsman for Canada. For those reasons I am not in a position to advise my colleagues that we should refer this matter to the committee.

I think it is most important that we make every effort to support the effectiveness of Members of Parliament and I very much hope that the recommendation of the Beaupré commission in this regard will find support on all sides of the House, because the more effective a Member of Parliament, the less need there will be for an ombudsman in Canada.

Mr. Andrew Brewin (Greenwood): Mr. Speaker, when I came into the House at about five o'clock I did not anticipate taking part in this debate; therefore, I am not prepared with any very learned material on this motion. I want once again to reiterate my support, and I think the support of all members of my party, for the general principles of this bill and its reference to the Justice and Legal Affairs Committee.

At the same time, I cannot refrain from expressing my disappointment at the essentially negative attitude of the Parliamentary Secretary. He expressed extremely well some objections to the bill as drafted. I think he failed altogether to deal with the basic issue of whether we should have an ombudsman. In my view, notwithstanding all the functions that can be performed by a Member of Parliament, notwithstanding the function of Parliament itself, what can be done by the department and by the courts, there remains vast proliferation of administrative law in respect of which an ombudsman could properly function.

I share to some extent the Parliamentary Secretary's doubt as to whether this function could best be performed by the Auditor General. My personal view is that it would be better performed by another officer. I do not think the essentially judicial function is quite the same as the financial administrative function of the Auditor General. However, I understand, because on a number of occasions I have heard the hon. member for Red Deer (Mr. Thompson) put this matter forward, that he is adopting this expedient, as a private member of the House, of introducing a principle that does not involve setting up new machinery in order to comply with the rules of the House.

• (5:40 p.m.)

If this matter were referred to the Committee on Justice and Legal Affairs, the committee could investigate the need for an ombudsman and whether the Auditor

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General is the officer most fitted to perform that duty. I think a very valuable function could be performed because as is acknowledged on all hands, this instrumentality has worked. It is not novel. It has worked for many years in the Scandinavian countries. My friend the hon. member for Etobicoke (Mr. Gillespie) said they are homogeneous. That is a pretty weak argument.

I do not think any lack of homogeneity in our population is a reason that this proposal should not operate. It has worked in countries like New Zealand where it has been tried. It has been tried in our provinces which are not wholly homogeneous, where there are mixed populations. Some of the matters which would be investigated by an ombudsman would turn out to be of little substance, but in some cases the ombudsman would be able to right injustices which could not be righted in any other way.

I agree with the proposition that some of the important functions of an ombudsman should be carried out by the members of this House. I hope the Beaupré commission report will be adopted in this respect at least, because it suggests that members of this House should have offices of their own and a staff to enable them to receive the grievances of constituents. I support this proposal; I think it would make our work more effective. But I do not see anything inconsistent in that and the proposal for an ombudsman. In fact, the situation would appear to be quite the reverse. The more complaints of maladministration or administrative injustices which are brought to members' attention through the efficient conduct of their business, the more members will need an ombudsman to deal with matters beyond their responsibility so that complaints may be investigated by an impartial and judicial official rather than by one who is perhaps a partisan Member of Parliament. I say both are necessary.

The Minister of Justice (Mr. Turner) has, quite rightly, taken considerable pride in saying that the new federal court will be given wide judicial responsibility to review administrative federal tribunals. This is claimed, justly, in my opinion, by the Minister of Justice to be one of the major contributions of the new federal court. This is excellent. I agree with it. But we need all the instrumentalities at our command and not just some of them. We need an enhanced federal court with wide jurisdiction. We need more efficient and effective Members of Parliament who are provided with the facilities to better carry out their function. We need an ombudsman, whether that office be part of the function of the Auditor General or someone else.

I do not complain about the civil service or bureaucracy of Canada because by and large I believe it does a good job. But inevitably in the complexity and multiplicity of its function, things are done which diminish the rights of ordinary citizens. We need all the available instruments with which to fight injustice. It is for this reason we support this resolution. We believe it would be extremely useful if this whole matter were investigated by the Committee on Justice and Legal Affairs. I am not sure whether the Parliamentary Secretary was expressing his own conviction when he said what he did, but we regret the negative attitude expressed today and over the years