

*Official Languages*

fact by the commissioner and give an expression of opinion on the merits. The right to appeal to the courts would invite chaos and, I suggest, the destruction of the effective purpose of the act. I do not have the slightest hesitation in saying that this administrative tribunal is not the sort that lends itself to a general right of appeal. Like the minister I do not want to take second place to anyone who might be concerned with individual human rights and rights of appeal. I say the right of appeal is not a right that has to be preserved or is required to be preserved in this particular case.

I find it odd, Mr. Speaker, that the hon. member himself was not convinced of his case at the proceedings of the special committee on the official languages bill. I have the official transcript, No. 4, of the minutes of proceedings and the evidence taken on June 10, 1969. It appears, as reported on page 305, that the hon. member for Cardigan (Mr. McQuaid) moved an amendment in similar form which read:

(2) Any person who considers himself aggrieved by an investigation, a report, or a recommendation of the Commissioner may appeal in respect thereof to a judge of a superior court of record within sixty days of the day he is informed of the report or recommendation.

That amendment, in substance, is the same as we have had presented to us here today. In the course of the discussion, my colleague the hon. member for York South (Mr. Lewis), made a number of objections to the amendment which I would like to read into the record because they represent my views on this subject, and I endorse them then. I quote from page 307:

Mr. Chairman, I can appreciate the reasons which moved Mr. McQuaid to think in the terms of this amendment; however, I cannot support it for the following reasons: first for the reasons given by Mr. Stanbury and Mr. Cantin that—and it seems to me that there should not be anything in the law which suggests that the Commissioner has any authority other than that of an administrative officer making an inquiry to report to the authorities, with the competence to make a decision—anything in here that suggests that he does anything else, something from which you can appeal, is to suggest, I think, something that is not within the confines of the law.

Secondly, it seems to me that if this law is to work, that the responsibility is on the Minister and all the people under him in a department. It is on the management of the public corporations and the agencies; they have to be held responsible by the Members of Parliament in the end result.

Thirdly, I do not think that the court is the forum for this kind of thing. I am a lawyer and I show the courts the respect they deserve, in particular instances; however, I do not think that a court is a place for this kind of thing.

The Chairman: Do you have a supplementary question or a point of order?

Mr. Woolliams: On a point of order. We might save some time, and Mr. McQuaid and I were discussing this. I am inclined to agree with Mr. Lewis; I am not trying to interrupt; we can save time. If you would hear Mr. McQuaid, now, you would save a lot of speeches, because he is prepared—I think the point is well taken. You are really into an investigation. You cannot appeal an investigation in the sense, because it then becomes an administrative act of someone to take some action on something.

The Chairman: Thank you very much, Mr. Woolliams. Mr. Lewis is agreed. Mr. Matte, could we go now to Mr. McQuaid? Mr. Matte may want to say something afterwards on the subject,—

Mr. Woolliams: On a point of order, Mr. Speaker. I am sure my distinguished friend does not want to misrepresent the facts. When I was talking about a decision, I said I did not believe there should be a right of appeal from an investigation; with that I agree. If the hon. member reads my amendment, he will see there was no amendment of that kind or calibre moved in the committee.

I am talking about a recommendation which goes to a deputy minister and upon which he makes a decision. From the decision or recommendation of the deputy minister, or any agency or person, which flows from the report of the commissioner, there should be a right of appeal. I agree that you cannot appeal an investigation by the police. They may say there is nothing here or there may be something here. I am talking about an appeal. I want that clarified because I saw my friend from York East (Mr. Otto) smiling. He thinks the member for Calgary North has put himself into an untenable position.

Mr. Brewin: Is that a point of order?

Mr. Woolliams: Yes, it is a point of order. The hon. member would not want to misquote me in any way. I took the same position in the committee as I take now, and have always taken, with reference to an appeal from a decision.

● (5:40 p.m.)

Mr. Brewin: Mr. Speaker, the hon. member for Calgary North (Mr. Woolliams) has made a somewhat vehement point of order. So far as I am concerned it is no point of order, but apart from that I can see no substantial difference between the amendment moved by the hon. member for Cardigan (Mr. McQuaid) in the committee and the present amendment. It dealt with the right of appeal, and I had not quite reached the punchline in this. I quote:

Mr. McQuaid: Mr. Chairman, I think I am convinced that this is not a necessary amendment—