

Official Languages

Again, the procedure is quite informal. According to my hon. friend's motion, he wants to provide that:

Parliament may—

My hon. friend says "may", but he would not have inserted that word unless he intended parliament to do so.

—(a) of its own volition, or

(b) upon the recommendation of the Governor in Council, regulate the procedure to be followed by the Commissioner in the exercise of his powers and duties.

This parliament, as a parliament, is going to lay down the procedures to be followed by the commissioner. I cannot accept that. It seems to me a heavy handed way of doing something that everybody desires to be thoroughly informal in most situations.

We agree with the hon. member for Cardigan that the only place where formality is required is where a person, department or institution is adversely affected by an inquiry into a complaint, and a report and recommendation is made as a result of that inquiry. The report would naturally contain a reference to an individual, or to an institution or department. I suppose it would state that that individual, institution or department was failing to abide by the law, and would make a recommendation that may adversely affect that individual, institution or department. As I agreed with the hon. member in the special committee, I agree with him now that in such a case there ought to be opportunity given for a full hearing, not merely at the discretion of the commissioner but at the election of the person or department concerned. That hearing ought to be held in public, again at the election of the person or department concerned.

For these reasons, Mr. Speaker, I move, seconded by the hon. member for Greenwood (Mr. Brewin), the following amendment, which although it sounds a little complicated will, I think, become clear if I have a minute or two to explain it:

That the motion be amended:

(1) by deleting the words "clauses 28, 29 and 30" in lines 2 and 3 and substituting therefor the words "clause 28";—

In other words, I am suggesting that clauses 29 and 30 be left as they are and that clause 28 be amended.

(2) by deleting the numeral "3" in the sixth line and substituting the numeral 2;—

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In a further part of the amendment, I intend to combine the present subclause (2) and subclause (3).

(3) by deleting subclauses 2 and 3 and substituting therefor the following, as subclause 2:

"It is not necessary for the Commissioner to hold any hearing, but he shall not make a report or recommendation adversely affecting any individual, department or other institution until that individual, department or other institution, as the case may be, has been given reasonable notice of the complaint against him or it, and has been allowed full opportunity to be heard in public or in private and to be represented by counsel as that person, department or other institution may elect"; and

(4) by deleting subclauses 4, 5, 6 and 7.

Three things seem to me to be necessary. First of all, particularly an individual but also a department or other institution who may be adversely affected by a report or recommendation should, before such report or recommendation is made, be given the opportunity to be heard in public or in private, as the elect, and an opportunity to be represented by counsel if they wish.

Secondly, what I submit is needed is that this person, department or other institution should be liable to be subjected to a report or recommendation before all this is done. I submit that the words "any person or department so complained against" could open the door to every complaint leading to a public hearing, and this would be far too wide. What we want to do in this situation is to give the opportunity for a hearing, rather than adopt the wording my hon. friend proposes.

Thirdly, I am grateful to the hon. member for Cardigan for the language that he used in his proposed motion, because it gave me the opportunity to solve the verbal problem I had in the committee to find a way of tying the public hearing to the person, department or other institution adversely affected in a report or recommendation.

I do not think I should take any more time of the house, Mr. Speaker, and I move that amendment, seconded by the hon. member for Greenwood.

Mr. Speaker: In spite of the hon. member's very clear explanation of his amendment, it is somewhat difficult for the chair to reconcile the amendment with the motion it seeks to amend. However, it appears to be in order in so far as I have been able to ascertain at the moment. Unless strong objection is raised at this time or later on, I think I have to put the amendment to the house and I will hear debate thereon.