

Official Languages

search warrant? Remember, this is just a little old ordinary investigator! Can an investigator administer oaths to witnesses, like a court, while in the process of investigating? What a hue and cry would have gone up in Canada if the R.C.M.P. when investigating in respect of narcotics in Banff, last week end, had called all these youths together and said: on the bible, you are going to swear what you have been doing; what you have been sniffing and what trips you have taken. People would have said that was the greatest invasion of civil rights ever seen in Canada.

Could an investigator hold hearings? Did you ever hear of an investigator holding a hearing in camera locking the doors and pulling down the blinds? Could he then admit evidence under oath and by affidavit in accordance with the rules governing a court of record? That is what this investigator can do. He can use all the powers of any court in the land. This Commissioner has even greater powers than that. He can hear evidence that is not admissible in any court in the land. According to this Minister of Justice, in his suave manner and able argument, this is just merely a little old investigator.

Could an investigator demand that a person complained about confess by affidavit, indicating at least some culpability? If the R.C.M.P. or the city police did that, the statement or affidavit, as the able lawyer knows, would be inadmissible because there would immediately be a voir dire. He knows what would happen. Could an investigator hold a hearing in his private office, in camera without the person who is complained about—sort of a star chamber attack on an accused person—being present or even notified? The hon. member for York South goes along with this. He says the Commissioner is merely an investigator.

This is the kind of power this man has. He can summon witnesses; he can call evidence; he can hold hearings in camera; he can admit affidavits; he can seize documents without a search warrant, yet he is merely like the R.C.M.P., just a casual little old investigator. There is no appeal from that kind of power. We have heard niceties and arguments from the minister in respect of all these acts which are basically judicial procedures. I have sat here for days listening to him talk about the difference between judicial or ministerial acts and judicial procedures. That is straight hogwash, and I am going to quote from the Supreme Court of Canada to show that where a power, whether or not it is administrative,

is identical to the powers of a court and where human rights and civil rights are affected there should be some form of appeal.

I wish there were more French Canadians in the chamber listening to me. They are a minority in Canada. What would happen to this nation if—and I hope it does not happen—one government elected with a majority of 150 seats appointed one of these investigators, who then started to run slipshod over the minority of French Canadians in this country? As a trial lawyer, and as a man who believes in civil rights in this nation, I would be the first to raise my voice. I cannot believe the argument the minister has brought in as a red herring, that there is nothing wrong. He suggests that we put this bill through and appoint this almighty and powerful investigator, with all the powers of the courts and the right to go to work on this nation.

An hon. Member: Shame.

Mr. Woolliams: Could a policeman search a place of business without a search warrant? Could he search a government office, a Crown corporation or a government agency without a warrant and without notification, like the S.S. storm troopers used to do all over Germany and all over Europe? In this case, all the investigator will lack is a bicycle. The storm troopers always travelled around on bicycles.

The minister has referred to him as a straight investigator.

● (4:50 p.m.)

Mr. Baldwin: How straight?

Mr. Woolliams: After all these procedures, this all powerful and bilingual God makes recommendations and reports and follows through like the Secretary of State—who is not here now—to see whether someone is acting on the report. He then makes a decision, yet the minister says there should be no appeal from that decision. The minister suggests there is no need for the right of appeal, even though the investigator has that much power. As a matter of fact, it will likely be the same minister or the same head of a department who will make the decision. The commissioner will be entitled to use all the force at his command to find out why his recommendations have not been followed; yet the government says this man is merely an investigator and does not make any decisions. He comes to a decision when he investigates a matter and makes a recommendation in his