

Official Languages

hearing—that he may have to make an adverse report against this individual that the individual would be called in three quarters of the way through the proceedings. Surely, that is not the time to call in a person against whom a complaint is lodged. Did you ever see a court of law conducted in this way where an accused is called in about three-quarters of the way through the trial? Surely not! There is absolutely no justification for a provision like this. The amendment which we are suggesting tonight tends to correct the injustice in so far as public hearings are concerned and in so far as the right of the person against whom the complaint is lodged to be there from the very beginning and be represented by counsel if he so wishes.

Surely, a person against whom a complaint is made has the right to be at the hearing from the very beginning so that he will be in a better position to prepare his defence. Is there anything unreasonable about a request like that? Is there any particular reason that the government cannot go along with a request like that? I suggest there is absolutely none. What are they trying to hide? Why do they not want this man to have the right to be there from the very beginning? These are the questions to which I would like to have answers.

We asked these questions in the committee, but the officials and the ministers who were present at the hearings were not able to give us adequate answers. All they would tell us was that these are not judicial inquiries; that they are courts of procedure. I agree, but without fear of successful contradiction I say that this may affect an individual's employment in the civil service. If a complaint is successfully raised against him it could mean his employment and his very livelihood. That is the reason we say he should have an opportunity to be heard and that is the reason we say he should be called in from the very beginning, not when the commissioner makes up his mind that perhaps he might have to make an adverse report against this man.

It cannot be done in that way. Our system of justice does not work in that way. I implore the members of the government to try to correct this obvious injustice. You have the power to do it. I believe this will be of great concern to the people of Canada if you deny these people the right to be heard, a right which is not denied even to the worst criminal brought before our courts. We are not asking anything unreasonable in this regard. We are asking only that a man be

given the right to be heard, that he be given a fair trial and that justice be done.

Now, let me refer to clause 30 which reads as follows:

The Commissioner has, in relation to the carrying out of any investigation under this Act, power

(a) to summon and enforce the attendance of witnesses and compel them to give oral or written evidence on oath, and to produce such documents and things as the Commissioner deems requisite to the full investigation and consideration of any matter within his authority under this Act, in the same manner and to the same extent as a superior court of record;

This commissioner is given the same power to conduct an inquiry as is given to a judge of a superior court of record and yet a person who may be affected is not given the same right to be there and be heard. How can this procedure possibly be justified. Clause (d) gives the commissioner the power to administer oaths. Then, clause (c) reads:

—to receive and accept such evidence and other information whether on oath or by affidavit or otherwise as in his discretion he sees fit, whether or not such evidence or information is or would be admissible in a court of law;

Mark these words, "whether or not such evidence or information is or would be admissible in a court of law".

Mr. Woolliams: Good gracious.

Mr. McQuaid: If there was ever a travesty of justice this is it. Why should this commissioner, in whose hands lies probably the livelihood of a public servant, not be bound by the regular rules of evidence. As I interpret this clause this man can be compelled to give evidence against himself. Did you ever hear anything like that in this day and age?

Mr. Horner: That is the just society.

Mr. Woolliams: The Pelletier society.

Mr. McQuaid: This will not go down well with the people of Canada. We implore the government to amend it. It will not destroy the principle of the bill. Personally, I am completely in favour of the principle of bilingualism—

Some hon. Members: Oh, oh.

Mr. McQuaid: —in so far as it affects the government service in bilingual districts. But I cannot for the life of me go along with this proposal, and I do not think any man who gives it any serious thought can go along with it. In our amendment, we are suggesting that this man should be given the power that