

Official Languages

move an amendment in the next 10 or 12 minutes when I have finished my remarks. There is something about which I believe the hon. member is entirely right.

First of all, I should like to make some observations about the difference which exists between some of us as to the extent of the commissioner's powers. It has been said that tremendous powers are given to the commissioner. I am darned if I see what those tremendous powers are. He needs the power to inquire. Therefore, he must be given powers of inquiry. But the commissioner can only report and make recommendations. That is all he can do. The executive need not accept the report or implement the recommendations. Departments of government concerned need not accept the reports. He makes a report only in cases where some suggestion he has advanced is not carried out. He makes this report to the department or to the Crown corporation, and to the government and this parliament. It is laid on the table in this house and in the other place. What are his powers? We can easily mislead and frighten members of the public service by saying that this terrible man will have powers of life and death over their jobs. He will not. In my opinion it is a misrepresentation of this bill to suggest any such thing. The same people will continue to exercise authority as did so before, namely, the superiors in the department or in the Crown corporation.

It is they who will be responsible for implementing any suggestions made or for taking any disciplinary action they think necessary. It is not the commissioner. He has no power to implement any of his recommendations or to make decisions or to affect the position of any civil servant except by evidence of fact contained in his report. I plead with hon. members not to exaggerate the role of this commissioner. I visualize it as one of a conciliator. I visualize it as the role of a person—

An hon. Member: An ombudsman.

Mr. Lewis: Somebody said an ombudsman. I prefer to think of him as a conciliator—a person who, when he receives a complaint, inquires as to the nature of the complaint. It cannot be a complaint about a person at any time, as I see it; he can only look into complaints which say that the intent and spirit of this legislation are not being carried out in a department, a Crown corporation, an agency or other institution of parliament or government.

[Mr. Lewis.]

Mr. McQuaid: Would the hon. member not agree that even if what he says is correct, civil servants would be, at least indirectly, drawn into an affair of this kind?

• (8:40 p.m.)

Mr. Lewis: I agree entirely with the hon. member, and if he will be patient for three or four minutes he will see that I entirely agree with him on this point. I expressed my agreement with this point in the committee, but I will come to that in a moment.

In my view the commissioner does not have the power he is said to have, and it is because of this that my attitude toward him is not the same. As I have said, I conceive his job to be that of a conciliator. He receives a complaint that the intent and the spirit of the act is not being carried out in a certain sector of the public service, and it is his job to investigate the facts and to see to it that the matter is corrected. I think in 99 per cent of the cases he will not be required to make any report. He will be able to persuade the people in charge of the correctness of his findings of fact and discuss with them what can be done to remedy the situation; and, as a conciliator often does, he will find the best solution and no report or anything else will be required.

This is why I am in favour of holding private hearings in most cases. I hope that in 99 per cent of the cases complaints involving a department of government will not even become public. They will be investigated and then conciliated or adjusted in the way civilized people should be able to arrange. I hope that reports of the commissioner will be the exception rather than the rule. This is why I think he should be given more informal powers than those given by the Inquiries Act. This is why I think clause 30 of the bill should remain unchanged; that the powers given to the commissioner should be provided in the bill. His right to take information or evidence in a way that is not usually admissible in a court of law is what will make his inquiry less formal, more workable and conciliatory, shorn of the trappings of an official hearing with all the fear that this produces in the heart of an ordinary person.

As far as clause 29 is concerned, what my hon. friend's amendment does is to leave subclause (2) and subclause (3) as they are, but to change subclause (1) in a way I cannot accept. At the moment clause 29 (1) provides:

Subject to this act, the Commissioner may regulate the procedure to be followed by him in carrying out any investigation under this act.