

Official Languages

I agree entirely with the hon. member for Cardigan that the acceptance of these amendments does no violence to the principle of the bill. I join him in making a plea to the ministers concerned to accept the amendment and the subamendment so that there may be one occasion on which this house is unanimous with respect to an improvement which is suggested by members of the opposition.

Therefore, I move:

That the motion be further amended by deleting the words "to a committee designated by the Speaker" at the end of subclause (5) and that the following words be substituted therefor: "to an appropriate committee".

• (5:10 p.m.)

Hon. John N. Turner (Minister of Justice): Before getting down to the new situation created by the subamendment, I wish to address myself to the argument, again introduced by the hon. member for Cardigan (Mr. McQuaid), that the commissioner is a powerful individual. I have expressed myself already on the subject of his powers, and what I believe to be his limitations and I do not intend to repeat what I said in this regard on Wednesday evening.

As to there being no appeal, in the sense of a judicial appeal, from the commissioner's recommendations, let me repeat that the commissioner is not a judicial officer; he is not conducting judicial proceedings; he is not deciding questions involving personal rights; nothing he does attaches obligations or penalties. He will be a creature of parliament, responsible to parliament, and he will report to parliament.

Mr. Horner: To which minister?

Mr. Turner (Ottawa-Carleton): The hon. member has, as usual, with his sense of intuition anticipated just what I was about to say. The reason no minister has been delegated as being responsible is that the commissioner, having the duty to review the performance of the spirit and letter of this bill as it affects every department, should be impartial with respect to every department. In other words, it would not be appropriate that he should be responsible to a particular minister, a position which might give rise to a conflict of interest in relation to the performance of that particular department. Consequently, the commissioner will report to parliament through the Clerk of the Privy Council. The appeal, in terms of the report, is, of course, to parliament.

The purpose of the amendment by the hon. member for Cardigan, as I understand it, is to ensure that the reports of the commissioner are considered by the house or by one of its committees, whether they arise from special investigations under clause 31, or whether they be the annual reports under clause 34.

The hon. member will recognize that this matter did receive consideration in the special committee and that it was decided by the members of the committee not to attempt to tie down the House of Commons in advance to any procedure for the consideration of these reports. Members of the committee felt it was not advisable to attempt by statute to prescribe parliamentary procedure and to intervene in the internal proceedings of the house. Therefore, when we deal with the new subclause four suggested by the hon. member under which leave could be asked to move the adjournment of the house for the purpose of discussing the report as a specific and important matter requiring urgent consideration, we feel that the special order No. 26 now in the standing orders is sufficient. Upon the tabling of a report, this latter procedure could be brought into play as a parliamentary procedure, not as one provided by statute. This part of the amendment was rejected by the committee for the reason that it is open to the house already under standing Order 26 to discuss a matter of urgent public importance at any time depending on the circumstances.

In view of the new subamendment and the subsubamendment—

Mr. Knowles (Winnipeg North Centre): The motion, the amendment and the subamendment.

Mr. Turner (Ottawa-Carleton):—the motion, the amendment and the subamendment, and the striking of the addition of subclause four, presumably, by the hon. member for Cardigan, which would impose on parliament in a statutory way the necessity for debate, and in view of the fact that there is now a simple procedure, if one reads both amendments together, for referring the report to an appropriate committee within the discretion of the house, not imposing any obligation in advance, I should like to suggest that we stand this particular clause so that I can reflect on it over the weekend and discuss its effect with the leader of the house.

Mr. Lewis: We should like you to reflect favourably.