

*Canadian Human Rights*

The atmosphere before the CRTC prohibits the free expression of those who choose to challenge its rulings. We have CRTC hearings in Ottawa which decide the fate of people right across the country. Who is to come from my riding, from Calgary North, from the minister's riding, or from Annapolis Valley to appear before that tribunal in order to express freely their concerns about its deliberations?

Another one is the National Energy Board, which is charged with a terribly important function, but the atmosphere there is one in which no one but a lawyer would be comfortable. That is why I think we owe a great tribute to Mr. Justice Berger, who created a quasi-administrative tribunal and provided an atmosphere for people in all walks of life to be comfortable in while expressing their opinions about the future of their country and their communities.

With regard to appeals, it seems to me that the perception of an appeal to a group of confreres of the sole arbitrator has to be negative. As the hon. member for Calgary North (Mr. Woolliams) pointed out, it is all in the club. At least that is the perception. I do not question the integrity of those people, but I can see what the perception would be. Why should the so-called appeal board overrule the decision of one of its fellows?

**Mr. Nowlan:** Are they going to do it over lunch?

**Mr. Jarvis:** That would be terribly counter-productive to the stated purposes of this legislation.

It is my view that a judicial appeal helps an administrative tribunal. An appeal to a court of appeal, for example, is almost like going to school for those who sat on the administrative tribunal in the original case because there are many cases where, without a lack of integrity or keen desire to be an effective tribunal, these people go astray. They get off on tangents. They do make mistakes, not just in law but also in their terms of reference. They make mistakes on the amount of evidence they allow in, and there are all kinds of things which lead an administrative tribunal astray. It has happened over and over again with innumerable tribunals. Therefore it appears to me that the right of appeal which is proposed in this amendment by the hon. member for Calgary North makes sense.

I think a good example of helping an administrative tribunal become more effective has been the system of possibly the best known administrative tribunal in Ontario. That is the Ontario Municipal Board, a very important administrative tribunal to the various communities of Ontario. Many of its decisions have been appealed successively, but I have never heard any of the board members say anything else but that those appeals were a great assistance to them in their future deliberations. Therefore, I earnestly solicit the minister's consideration of this amendment.

● (2140)

The minister must feel that there is some basis for an appeal, otherwise he would not have agreed in committee to an appeal to a board of three members. If he agrees in principle

[Mr. Jarvis.]

with an appeal, I would earnestly hope that he would agree, or at least consider, a judicial appeal which under this bill in particular makes much more sense than an appeal to three fellow board members from the original board member. As one of the earlier speakers said—it might have been either the hon. member for Calgary North (Mr. Woolliams) or the hon. member for Annapolis Valley (Mr. Nowlan)—perhaps the minister could sleep on it, and sleep well on it, because this amendment, as proposed by the hon. member for Calgary North, has a great deal to commend it in terms of justice and equity and in terms of being a useful tool to increase the effective administration of the original tribunal, and finally, in terms of the perception of those men and women on the tribunal who will be seeking a sense of integrity. Surely they deserve nothing less than that.

**Mr. Leonard C. Jones (Moncton):** Mr. Speaker, this seems like a very simple argument. The amendment is so simple and clear to me and to anyone who has practised law or is still practising law that it must be quite obvious what is taking place.

The amendment has already been quoted several times here tonight. It is a request for an appeal to the Federal Court of Canada on the basis of facts, on the basis of law, or an appeal on the basis of a mixture of facts and law. What we are concerned about are the human rights that are referred to in Clause 2 of the bill. This too might have been recited on several occasions this evening. My only regret is that the clause is not complete.

There is so much discrimination in this country today. One that I know of and one of which I have been a victim is political affiliation, or lack of it. I am certain that the committee, of which I am not a member, should have considered it and put it in the clause. But be that as it may, any decision that will be made by officials appointed by the government or by another group of government officials is a decision made by an administrative tribunal. Any lawyer, official, or union official who has appeared before appointed tribunals knows the errors in facts and the errors in law, or errors in fact and law that they make, and there are many of them. I will give you an example of one.

The review committees before the Canada Pension Plan and the various boards of referees across this country are an example. Goodness gracious, if people were to exercise their right of appeal, we should be in one heck of a mess in this country. Nevertheless, these are human rights, and it is important. Someone said here that we are starting down a new road. Let us get on that road and stay on it.

All I can say is that this amendment, which is fair and equitable, and which attempts to give some justice to a bill which should try to give justice to the people, and which attempts to see justice done, should be approved. I suggest that members of the House and the minister should acknowledge that there is a gap and a loophole in this proposed law which should be filled if human rights are to be protected. If the purpose of the bill, the preamble and the title are to mean anything, and if human rights mean anything to parliament