

Official Languages

He was dealing with this subject of appeal and he said:

It is not necessary, Mr. Speaker, for me to stress the importance of this official who is to be the commissioner of our official languages. What I think I should stress is the importance of our having some control over this man who is charged with such an important task. The way he performs that task will affect the destiny of Canada and touch the lives of a great many Canadians. It is in this area that I take exception to this bill. I take exception to the power that parliament has vested in this one man who is to be the commissioner of languages.

Later, on the same page we find this:

I know that the government spokesman in the committee said that the commissioner is not conducting a court, and I agree it is not a court.

I am going to show that I agree it is not a court, but I also intend to show that his powers are as great as, if not greater than, any court in the land. In fact, they are certainly greater than those of the Chief Justice of Canada. The hon. member for Cardigan then said:

But I do not agree that the powers of the commissioner are quite as frivolous or trivial as the minister would have us believe. I should like to put on the record a statement made by the Minister of Justice during the hearings on this bill in committee, as reported at page 367 of report No. 5. This is what the minister said the commissioner is empowered to do:

"The commissioner is an investigator."

The hon. member then made a comment and went on to quote the minister as follows: The minister continued:

"He proceeds in a purely administrative fashion; his object is not to prosecute or lay charges, or to assess blame or guilt. His job is simply to ensure that the departments of governments, as institutions, are fulfilling the purposes and the spirit of this proposed act. It is not his function to decide or to adjudicate upon the rights or obligations of any individual. It is just not his duty and not in his power."

I was not a member of that committee, although I did appear on several occasions. The hon. member for Cardigan then continued as follows:

I should like to compare that with the statement made by the Secretary of State (Mr. Pelletier) when he appeared before the same committee and spoke of the powers of the commissioner. This is what the Secretary of State had to say as reported at page 35 of report No. 1:

"The specific task of the official languages commissioner, as I see it, is to make sure that the provisions of the law are enforced, that nobody is lagging behind, that there is truly an effort to enforce this bill as efficiently as possible within the delay set by the bill for the government, in the last clause."

[Mr. Woolliams.]

So I say at the outset that we have two different positions taken. The first was taken by the Minister of Justice (Mr. Turner) on the one hand, who has graciously piloted the bill through for the Secretary of State (Mr. Pelletier), and the other—

Mr. Pelletier: Would the hon. member accept a question? Will he read the sentence following the quotation he has read from what I said before the committee?

Mr. Woolliams: I should like to be able to read it but I have my speech prepared and typed. If the minister said anything different, I am quite prepared to let him read it because I would not want to put anything on the record which might mislead in respect of anything he did say, or misrepresent his ambition in respect of the implementation of this act.

Mr. Pelletier: The first reference is—

Mr. Woolliams: The minister will have an opportunity to make a speech. All we have heard from him so far has been one or two comments. Let me continue with the quotation I was referring to before I flushed out the minister.

If the minister believes the commissioner is merely an investigator, then his function I suggest is similar to that of a police officer or any other person acting in the capacity of a detective—we know what a detective does, he investigates—who investigates some complaint when someone reasonably believes there has been a violation of some law. The police go out and investigate when they reasonably believe there has been a violation of the Criminal Code. When you hired a private detective to find out what was going on in the bedrooms when adultery was the only grounds under the old law of divorce, he investigated. That is what an investigator does.

Let us see what kind of function this little old investigator has. Let me ask these simple questions. Can an investigator, a police officer or a detective under the law of Canada summon witnesses? Can the R.C.M.P. summon witnesses? Can these investigators compel witnesses to come in and give oral and written evidence under oath? The answer is no. If they did, any statement taken in that way would be declared inadmissible by any court of competent jurisdiction.

Can an investigator force a person to produce documents against his will without a