

Official Languages

to adversely affect somebody, he may give that person a hearing.

I suggest what would happen would be this. A commissioner makes an investigation. He makes up his mind to bring in a recommendation. He then stops and says to himself: "If I bring in this recommendation, an individual or a department may be adversely affected, so I had better hear from them". This person or department would then be heard, but after the commissioner had up his mind. I ask the house whether this is the kind of treatment we are to expect today in this just society. I say this is wrong. I say that if the commissioner is going to investigate a department, or one area of activity of a department someone is responsible for administering, he should notify that person and allow him to attend the private hearing. I know the public is not allowed to attend, but at least the person concerned should be allowed to appear and prepare a defence, if that is necessary. He should be allowed to do so before any recommendation is drafted, and certainly before the commissioner reaches the conclusion that he is going to make an adverse recommendation. This, to me, is part and parcel of our system of justice in Canada.

I have always found that if I wanted to convince somebody to take a certain stand it was best to do so before he had had the opportunity of making up his mind. At this time he will listen much more attentively and concern himself with both sides of the question. No such problem arises under clause 28, because the mind of the commissioner is already made up. It is only for the purpose of giving the person concerned what appears to be fair and equal treatment that the commissioner calls him in and gives him a brief hearing. I think it is safe to say that he will not be listened to very attentively or with any interest. This is making a mockery of the system of justice with which we have lived for years.

● (4:10 p.m.)

Perhaps the Minister of Justice will tell us that the commissioner will not do anything. Perhaps he ought to read clause 28 again. It reads in part:

—to answer any adverse allegation or criticism, and to be assisted or represented by counsel for that purpose.

It is obvious that any recommendations the commissioner may make will be recommendations affecting adversely some person. The Minister of Justice cannot say that the commissioner does not occupy the position of a

judicial body in this country. Any person who hears evidence and makes recommendations on that evidence occupies the position of a judicial body. It is true that the commissioner cannot impose fines or penalties; but he has the power to report, to recommend and, above all, to condemn. Clause 28 specifies those powers. From my reading of the clause, it is clear that once the commissioner has made up his mind to condemn someone he may call that person before him before all the evidence on which the condemnation is to be based has been gathered. I hope the President of the Treasury Board (Mr. Drury) understands me. To judge from his frown, he appears to misunderstand me. It is because clause 28 is included in the bill that many in this country are suspicious of this entire legislation.

The N.D.P. member for York-Scarborough spoke at length about how necessary it is for the government to display the right spirit in implementing and enforcing this legislation. That is not good enough for me. The N.D.P. may be content with this legislation, but I am not. The N.D.P. has always been a party that believes in authority. They have always believed that the authority of the government should be supreme in all phases of a country's life. That is why they buy this bill 100 per cent.

Mr. Lewis: On a point of order, Mr. Speaker. If the hon. member wishes to insult me, at least he could have the courtesy of referring to my constituency in a proper way. I represent the constituency of York South.

Some hon. Members: Hear, hear.

Mr. Stanbury: I was flattered to be singled out.

Mr. Horner: Never mind, Mr. Speaker. I may not have named the correct constituency but I put my finger accurately on the philosophy motivating the N.D.P. From time immemorial they have believed that the authority of the government should be supreme in all phases of life. They want the government to manipulate and control people. That is why they want this legislation. And look what happens to people when the government is all powerful and all supreme. Look what has happened in Soviet Russia and in Communist China. The governments of those countries are authoritarian and socialist. I well remember what happened in Saskatchewan, where I was born and bred, in the early 1940's when the leader of the present New