

Official Languages

nature of his duties and the sanctions he has at his command.

In concluding his speech the hon. member said that he does not want any Canadian citizen to have his civil rights adversely affected by any decision carrying the weight of a judgment and affecting those civil rights. Nor do I. I will not take second place to the hon. member—indeed, he would not expect me to—in his support of civil rights in this country. It is because no decision of the official languages commissioner does have the force or weight of a judgment that every argument adduced by the hon. member this afternoon is absolutely irrelevant—and I say that with the greatest respect—to the scope of the bill and the powers of the commissioner.

Let me summarize as briefly as I can what it is the official languages commissioner does. First of all, he is not a court. He performs an investigatory or fact finding function. He in no way can attach a sanction or penalty to any individual, whether within or without the public service of Canada. His job is to ensure that the departments and agencies of the government are meeting the spirit and letter of the law, the official languages bill.

Mr. Woolliams: The minister would not dare permit a question at this point.

Mr. Turner (Ottawa-Carleton): The hon. member will appreciate that I should like to keep my speech coherent, and this does become difficult when he puts a question.

Mr. Horner: Deal with line 41 of clause 28.

Mr. Turner (Ottawa-Carleton): The official languages commissioner has as his function, and his sole function, to ensure that departments and agencies of the government fulfil the spirit and letter of the law. His sanction against those departments is limited to a report that is made to the deputy head of the department; to a report that is made to the minister of the department; and if no action is taken on a particular investigation, to a report that is made to parliament itself. Under clause 33 and clause 34 of the bill he has a duty to report on an annual basis to parliament.

What the hon. member is suggesting to the house is that this administrative function of comparing the operation of a department or agency of the government with the requirements of the bill ought to be reviewed by a court of law. This is an institutional situation affecting policy and administration. Surely, we do not want to have the administration of

government at an institutional level referred to the courts or reviewed by the courts. What is the position vis-à-vis individuals? I said on an earlier occasion that this commissioner has no power to fine, no sanction or penalty to impose. He decides no rights either for or against any member of the public service or agency of government.

Mr. McQuaid: He recommends.

Mr. Turner (Ottawa-Carleton): He makes a report to parliament. So far as any recommendation he may make is concerned, any public servant, any member of a department or agency of the government, has the right to be heard and, if necessary, to be represented by counsel; and this is adequately set forth in clause 28.

With regard to the rights of an employee of the government or a public servant being indirectly affected by a report, which after all is directed to the department concerned, through the department to the deputy head, and thence to the minister of that department, that employee has his rights protected under his collective agreement with the public service and as set forth under statute in the Public Service Employment Act. Those rights are in no way forfeited or restricted, and they are protected by the present law and by collective agreements.

That is my reply, in brief, to the hon. member. May I refer the hon. member for Calgary North to the speech he heard two weeks ago. In my opinion, and in the opinion of the government, the complete answer to his contention that a judicial review or an appeal is necessary here is that the hon. member has misread the functions of the commissioner. The commissioner in no way exercises a quasi-judicial function or a judicial function. Therefore there is no scope in the bill for a judicial review in the courts. That is quite clear.

I am quite familiar with the Roncarelli case to which he referred dealing with the role and function of the police in regard to individual rights, penalties and crimes.

Mr. Woolliams: And loss of licence.

Mr. Turner (Ottawa-Carleton): No loss of licence is created by this bill. There is no penalty attaching to an individual member of a department; nowhere in the bill is there that provision.

May I summarize the argument once again? The hon. member has misread the scope of the commissioner's powers. With the greatest