

*Official Languages*

the authority of the Inquiries Act. The Inquiries Act now gives the government authority to appoint a commissioner who is to investigate anything the government feels ought to be investigated.

There has been some minor and, I suggest, rather inconsequential effort on the part of the government to give the appearance that parliament as well as the executive is participating in this administrative policy. There is the provision, for example, that parliament shall hire and fire the languages commissioner through the Governor in Council. I think every hon. member of this house is well aware how empty any reference to parliamentary control is in this provision. If anyone were to study the bill in detail he would find that that is so. This is an administrative bill and it will, when passed, be administered entirely by this government. I am in favour of the provisions of this bill, mind you. All the same I suggest very seriously that unless this law is administered properly the government is going to be in very, very serious trouble. Except in very rare instances the manner and degree of governmental administration of this bill will not be reviewable in the courts. The government has attempted to meet this problem by creating an official languages commissioner who is to be the so-called languages ombudsman. He is to have some over-all say in the quality and effectiveness of the government's administration of this law.

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.

I want to deal for a few minutes with clauses 28, 29 and 30 of the bill, as they now appear. Clause 28(1) reads as follows:

Every investigation by the Commissioner under this Act shall be conducted in private.

That is one provision I cannot swallow. For the life of me I cannot see why an investigation shall—not may—be conducted behind closed doors. This is a very, very serious matter. Our courts recognize today that this is a very serious matter. Even today, our courts

hesitate before holding trials behind closed doors. The days of star chamber are over, Mr. Speaker. Unless there is some very good reason for not holding inquiries in public, they ought to be held in public. I agree that special circumstances may arise in which the commissioner, in his discretion, may decide that it is better to hold the inquiry in private. But for the government to enact a provision saying that the commissioner shall conduct investigations in private is tantamount to enacting a travesty of justice. I see no reason for this provision. Discretion should be left with the commissioner, of course. There may be cases where a person against whom a complaint has been made feels that in order to clear his name there should be a public hearing. He should have the right to ask the commissioner for a public hearing so that the public may learn perhaps that he has been unjustly accused of something.

● (7:40 p.m.)

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. 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.

I think I will be able to show later on, Mr. Speaker, that he is very much more than an investigator. 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 government, 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 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 Commission, 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.