

Official Languages

in two world wars and in the regional conflicts of recent years, thought freedom was worth fighting for. Yet we hesitate to pass legislation which would make life a little less burdensome for these men. They are not asking for very much, just enough to permit them to live their lives in dignity. Why do we hesitate in this regard, Mr. Speaker?

• (4:00 p.m.)

I should like to read into the record an excerpt from a letter that I received from one of my constituents.

Mr. Speaker: Order, please. Unless the house directs otherwise, I have to bring to the attention of hon. members that, pursuant to the order made earlier today, the item under consideration is now deemed to have concluded and we must move on to government orders.

GOVERNMENT ORDERS**OFFICIAL LANGUAGES****PROVISIONS RESPECTING STATUS AND USE—
APPOINTMENT OF COMMISSIONER, ETC.—
REPORT STAGE**

The house resumed, from Wednesday, June 18, consideration of Bill C-120, respecting the status of the official languages of Canada, as reported (with amendments) from the Special Committee on the Official Languages Bill, and motion No. 3 (Mr. McQuaid), and the amendment thereto of Mr. Lewis.

Mr. J. H. Horner (Crowfoot): Mr. Speaker, in rising to speak on this amendment, may I say it goes a long way towards setting at rest the fears of those who are suspicious of this bill. Someone once said that it is not enough for justice to be done, but that it must appear to be done. That is at the back of the minds of many people when they think of this legislation. They are suspicious of it. They are suspicious of its administration and of its application.

In an earlier amendment to the bill, we attempted to bring about a position where all provinces in Canada would be assured of at least one representative on the advisory council. This amendment did not find general approval, though I still hope government members will reconsider their position with regard to it and that when a vote is taken on the first amendment will see their way clear to voting for it. I also hope they will find their way clear to vote for this amendment,

[Mr. Scott.]

because if all seven of the amendments were adopted the fears of many people about this legislation would be set aside.

The other evening the Minister of Justice (Mr. Turner) said that this piece of legislation concerns only the linguistic ombudsman;—I paraphrase his remarks reported at page 10368—that this ombudsman has no powers; that there are no penalties involved, and so on. I suggest the commissioner does have powers, and these are clearly set out in clause 28, with which the amendment would seek to do away. He has great powers. He can make recommendations. In recommending that certain action be taken by the government he expects that recommendation to be followed. He is appointed by the government and for the government. He can be removed at very short notice by the government. Therefore, he carries out the wishes of the government in recommending that action be taken by the government. They both work in harmony.

Clause 28 specifically provides that no person is entitled as of right to be heard by the commissioner. It also provides that hearings shall be held in private. However, if in the middle of a hearing the commissioner feels that some evidence or his recommendation will be detrimental to any person or department, he can summon them before him.

The Minister of Justice spoke at length on this subject on the last occasion we debated the bill, which was two days ago on June 18. The minister implied that on every occasion that somebody is adversely affected by the legislation he shall be heard. Clause 28 makes no reference to the word "shall". It does refer to "may" and "if". At line 31 the clause provides:

—if at any time during the course of an investigation it appears to the Commissioner that there may be sufficient grounds for his making a report or recommendation that may adversely affect any individual or any department or other institution, he shall, before completing the investigation, take every reasonable measure to give to that individual, department or institution a full and ample opportunity to answer any adverse allegation or criticism—

I ask the house to take particular note of the words "if" and "may". The whole case rests on the commissioner. If he is sensitive to the feelings of somebody he is investigating, then he may give him a hearing. The point I want to make, and which I do not think has been brought out forcefully enough, is that in the middle of a hearing, after he has made up his mind that he is going to bring in some recommendation that is going