

Financial Administration Act

ing orders in the next session of Parliament, the consideration of such institutions established in other countries as citizen's advice bureaux, the consideration on the part of my colleague, the Minister of Justice, of the review of federal administrative action in existing tribunals, for example, his reconstruction of the tax appeal board provided for in the tax review board appeal measure which was before the House during the current session and upon which we hope to have further discussion and action in the forthcoming session, and his substantial recasting of the federal court system so as to provide more effective procedures through the regular courts for reviewing administrative action—

An hon. Member: Hear, hear.

Mr. Macdonald (Rosedale): In the absence of my colleague I have the pleasure of speaking on this question as it relates to my own responsibilities or rather to those of the President of the Privy Council and I shall also be so bold as to say one or two things which may relate to his responsibilities as Minister of Justice.

It does seem to me that notwithstanding the British example the role of the auditor general is not really compatible with the role of an ombudsman which we are discussing. As the hon. member for Red Deer (Mr. Thompson) has said, the responsibility of the auditor general is a financial one. I was a member of the committee at the time to which he referred. I was then parliamentary secretary to the Minister of Justice.

• (5:30 p.m.)

I was a member of the committee at the time Dr. Donald Rowat, Sir Guy Powles and Mr. Henderson, the Auditor General, appeared before the committee. The Auditor General was called, not so much to give evidence with regard to his role as ombudsman as much as to give evidence as an appointee of Parliament and as to the structure of an institution which, by analogy, might enable the committee to make recommendations as to the future role of ombudsman or parliamentary commissioner.

One thing I would say to the hon. member for Red Deer (Mr. Thompson) is that he is persistent in this regard. He and I were both members in 1962, which was when he made his first initiative. I am sure that one of the first points of order he must have argued was the procedural status of a bill which he put forward in that year as a member of the opposition. In this regard he has also had

some difficulties with the rules, particularly the rule against imposing a charge upon the Crown. However, in regard to this bill I would have to congratulate the hon. member on his having finally found a way to put the measure before Parliament. It is an important question that he has put before Parliament and it is useful that we discuss it.

The greatest problem at which he is reaching in his bill and which the other measures advanced by my colleague have been reaching by the change in structure of the courts system, the establishment of a House committee on statutory instruments or the establishment of citizen's advice bureaux throughout Canada is the review of administrative action. There is a vast volume of problems in this regard which do not relate to matters financial or even to the substance of the law, which may not be in doubt. They relate to the manner in which the administration is carried out, for example the manner in which a particular federal official may carry out his duties. Then there is the question of the failure on the part of any given official who represents one point of view, namely, the government's, to provide an opportunity to the individuals with whom he is dealing to be heard; in other words, the failure to hear both sides of the question. I agree with the hon. member's assessment of federal public servants in this regard. It is not a question of dishonesty or ignorance or malice but rather of excess of zeal on the part of public servants in the performance of their duties.

With regard to the situation presented by the hon. member, although I recognize the problem his constituent had, there is a remedy for it. There is a tax appeal board, which in my view—I say this as a lawyer—has become too much the province of lawyers. This is why we are now putting forward a tax review board which could deal with such situations.

Mr. Thompson: How could the old man go to the appeal board?

Mr. Macdonald (Rosedale): That is why I was pointing out that we are proposing to restructure the board along more humane lines, making it possible, for example, for the hon. member himself to appear before the board with and on behalf of the gentleman in question. The second example—a common one, as all Members of Parliament know—is the kind of situation in which the advice of an ombudsman is not required so much as the institution of a citizen's advice bureau.