

Supply—Justice

cohorts, disagreeing with this procedure, when in fact it goes further in protecting rights than the procedure followed by the previous administration. In fact, the particular section of the act that is causing trouble, section 50, was, as we know, introduced by the previous administration.

Mr. Orlikow: But that procedure was not followed in this case.

Mr. Cashin: I might say, making passing reference to the debate which took place at that time—and the hon. member for Winnipeg North might care to note this—that the only objection came from the Liberal member for Hull when discussing section 50. These were some of the remarks of the hon. member for Carleton on that subject, and I quote from page 8576 of *Hansard* for the 1960-61 session, volume 8:

I think it is significant that the maintenance in this bill of this particular subclause which the hon. member—

That is, the hon. member for Hull.

—seeks to delete was approved by all three members of the Civil Service Commission who appeared before the special committee as witnesses. It is also significant that no representations of any kind were made in relation to it by any of the civil service staff associations. I think the hon. member is well aware of how carefully in clause 60 new provisions have been set forth dealing with dismissals and the right of appeal. This particular provision merely preserves the over-all prerogative of the Crown, one which I am sure will not at any time be abused. In view of this I shall ask the committee to reject the amendment.

And it was rejected.

No member of the N.D.P. party spoke on that occasion.

In the debate on October 25, 1963, to which I have made reference, the Leader of the Opposition said, and I quote, from page 4049 of *Hansard*:

When the Minister of Justice says this just began with this administration, he forgets we worked on it for several years. We endeavoured to bring about a system which primarily would preserve to the highest degree possible the safety and security of the state while maintaining the rights of the individual.

In actual fact, while I do not doubt that the right hon. gentleman was concerned about this matter when he was Prime Minister, this procedure consisting of a board of review was given official sanction by the present Prime Minister in the Liberal administration.

At the present time the Leader of the Opposition is asking the government to make

[Mr. Cashin.]

further changes in the procedures which govern security matters. In fact he is asking for changes which go beyond the procedure that was in vogue when he was prime minister. It would be difficult to convince me, at any rate, that there are a great many members in the Conservative party who do not actually approve of the procedure followed by the present administration in the Spencer case. It is substantially the same procedure that would have been followed by the previous administration, except perhaps for those changes introduced in 1963. In fact, I would like to quote further from the Leader of the Opposition as recorded at page 4050 of *Hansard* for October 25, 1963:

I feel, too, that in the measures announced the individual will have an opportunity of making known his defence. This step is taken officially that previously was followed unofficially. The individual has had that right, not in consequence of a declaration made in the House of Commons but as a result of its being a rule of practice, without which freedom might very well be denied to an individual. The review of the evidence by a separate body—

I should say within the civil service.

—with the individual having the right to give his side of the case, should go a long way to avoiding and preventing injustice. The setting up of a board of review taken from the membership of the security panel—as I understand the Prime Minister's statement—is a step forward;—

In all fairness to the Leader of the Opposition I must point out that at that time he also said:

—but I do not think it goes as far as it should:

And he advocated the setting up of a board of review presided over by a judge of the Supreme Court of Canada, which is substantially the position he has taken in this debate.

However, I would like to remind the committee that during the five years the Leader of the Opposition was prime minister he did not do that and, in fact, he did not even give official sanction to the setting up of a board of review. This is yet another example of the Leader of the Opposition in effect saying what he would have done if he had his time over again, and had thought of it in time. I suggest to the committee that in actual fact there is no real difference between the attitude of the Conservative party and the attitude of the Liberal party in the handling of these security cases.

Mr. Knowles: This is the trouble.

Mr. Cashin: I am getting to that. This is substantiated by a review of the debates on this matter and also by the way these cases have been handled over the years.