

SUPPLY

The house resumed in committee of supply, Mr. Vien in the chair.

DEPARTMENT OF JUSTICE

95. Departmental administration, \$152,505.

Mr. GREEN: Last Thursday the special committee on the defence of Canada regulations brought in their final report, which, as the minister knows, contained quite a number of recommendations. There has been no opportunity to discuss in the house the recommendations of the special committee, and I would ask the minister to tell us what the government intend to do with regard to the different recommendations. I believe that such an announcement would be of great interest not only to parliament but also to the country. The committee worked very hard and went thoroughly into the whole question, and I believe the members would appreciate being given an idea as to what the government propose to do.

Right Hon. ERNEST LAPOINTE (Minister of Justice): As my hon. friend knows, I was away when this work was done. I have taken the opportunity to read the report of the special committee, and I congratulate its members upon the excellent work that was done there. It is the intention of the government, upon my recommendation, to have amendments brought in to the defence of Canada regulations embodying all, I believe, of their recommendations. I speak subject to correction, but it is my recollection that without exception, all of the recommendations have been accepted.

Mr. GREEN: In the work of the committee it became clear that the regulations have as a basis ministerial responsibility as distinguished from judicial responsibility. For example, the decision under regulation No. 21 as to who is to be detained rests with the Minister of Justice, and there can be a review of the situation by a committee which in practice is a high court judge, but he merely recommends to the Minister of Justice what further action should be taken, so that in the end decision on this review rests on ministerial responsibility. As the minister knows, that is a grave responsibility, involving in some instances the liberty of British subjects. I suggest to the minister that it might facilitate the administration of the regulations if the government were to appoint a solicitor general, working perhaps under the Minister of Justice, but who could make his main concern the administration of these regulations and similar measures. I do not believe it is humanly possible for the minister personally to review

all the cases in which a discretion is left with him. The result is that the decision must be made by a group of senior civil servants, all excellent men, but I do not think it is fair to them to place that responsibility upon their shoulders, and I suggest that people whose rights are being dealt with under the regulations should be assured of their individual cases being reviewed thoroughly by a minister.

I would not question for a minute the work which the Minister of Justice himself has done. Nobody in Canada could be more suitable to me personally to administer the regulations. It is simply that he has so much other work to do, work which may be deemed of even greater importance.

It might make for better feeling all round if some minister were appointed whose main work would be to administer these regulations. It would be an unpleasant job, because, after all, nobody wants to deprive another Canadian of his liberty.

I offer this suggestion to the government because I think it merits some consideration.

Mr. LAPOINTE (Quebec East): I thank my hon. friend for his kind words. I assure him that any suggestion he makes will be carefully considered.

It is a question whether another officer with a new title, instead of the present officers of the department, should go into these files as prepared by the police. It is a matter for consideration whether, as has happened in some other departments owing to the increase of work occasioned by the war, some outsider should be brought in temporarily as an assistant deputy minister, or whether the appointee should be a solicitor general. But whether it is a solicitor general or some other officer who examines the case, the Minister of Justice cannot escape the responsibility which is his under the law. That responsibility remains, whoever in the department helps him before he reaches the decision.

May I here pay a tribute to the officers of the Department of Justice. The department is not over-manned, far from it; it is one of the departments of the government in which, although the work has largely increased, there has been practically no increase in staff. Our officers are doing a tremendous amount of work, and they have been all the time loyal and faithful.

The suggestion of my hon. friend will be considered. I would be only too pleased if I could be relieved of a part of my work, although, as I say, the responsibility will always be mine.

Mr. MacINNIS: It is to be regretted that we have not had an opportunity to discuss the report of the special committee on defence