

*Defence of Canada Regulations*

think there is anything very wrong on the part of a member of parliament who writes that he knows personally somebody who is being treated unfairly, provided of course that the considerations suggested by the member of parliament are not for the purpose of influencing the Minister of Justice and are not in fact influencing him. If the members of a certain community whom a member of parliament knows well and in whom he has confidence represent to him that there has been an injustice done in a certain case, I do not see how that member of parliament could very well refuse to bring the matter to the attention of the Minister of Justice or the Royal Canadian Mounted Police. But what is necessary is that there should not be any influence because of the position which the member of parliament holds which might bear on the decision that is taken in any case.

My hon. friend the leader of the opposition (Mr. Hanson), who has made a helpful address on this subject, said that one or two of the regulations might be giving too great power to the Minister of Justice, and he cited regulation 26 paragraph 7, which gives the Minister of Justice power to use his discretion in any case to intern or release an alien enemy. He referred to another regulation which gives to the crown only the right of election whether to proceed to prosecute a person under the defence of Canada regulations by summary conviction or by indictment. So far as the last question is concerned, of course, if the accused had the right of election, all those who are prosecuted for a very serious offence would elect to proceed by summary conviction because the penalty under that procedure is much less. But these regulations are for the purpose of making a difference between a serious offence and some petty infringement of the regulations such as occurs almost daily. Some joyous friend may imbibe a little too much liquor in a tavern and think it smart, for instance, to say that the Germans are better soldiers than the British, or something like that. Such a man should not be treated as a real enemy who is plotting against the state. There the summary conviction applies. But when a case is serious, the prosecution should be by way of indictment, and I believe that the choice should be left to the Minister of Justice or the attorney general.

As to the other section, I agree with my hon. friend that this is a huge power to entrust to the discretion of one man, the Minister of Justice, but I think it has to be left in that way because there may be circumstances where speed is required and where it would not serve the ends of justice to follow the ordinary course of warrants or submission

[Mr. E. Lapointe.]

to a committee. I would rather not have so great a power. But in time of war, if the Minister of Justice or any minister who is in charge of carrying out these regulations is not to be trusted, he ought to be changed.

Mr. HANSON (York-Sunbury): Would the minister allow me?

Mr. LAPOINTE (Quebec East): Yes.

Mr. HANSON (York-Sunbury): I appreciate what he is saying. Not having had time to read the British regulations, I should like to ask him whether identical powers are vested in the Home Secretary, who is the analogous official over there? Would the minister tell me what the practice is in Great Britain?

Mr. LAPOINTE (Quebec East): Well, there have been changes, of course, quite recently. There was a committee, as there is here, to advise the Home Secretary. Perhaps our own regulations gave less authority to the Minister of Justice, because upon our committee there had to be a judge, while in England there was no necessity of a judge. But there the Home Secretary has the discretion, as the Minister of Justice has here. He is not bound to accept even the recommendation of the committee. It is supposed that the man upon whom the discretion is conferred deserves to be trusted, and if he does not possess the necessary spirit of justice and fairness, somebody else should take his place.

Mr. STIRLING: May I ask the minister a question on this point? Is he going to deal with the doing away of the appeal board to which he referred the other day?

Mr. LAPOINTE (Quebec East): Not under section 21. Everybody interned under the authority of section 21 will have the right to have his case heard by a tribunal. We are changing the tribunal; it will be a judge of the superior court or a retired judge; it will be a committee of one who will report to the Minister of Justice. As regards the interned alien enemy, there is no more appeal. His case may be reconsidered by the police and the men in the Department of Justice and submitted to the department—

Mr. HANSON (York-Sunbury): In the light of new evidence.

Mr. LAPOINTE (Quebec East): —in the light of new evidence. As I said the other day, in no other country have prisoners of war—and the status of interned enemies might be assimilated to that of prisoners of war—the right of appeal. They are there to be kept so long as the authorities think they should be detained.