

Private Bills—Divorce

it the attorney general of the province of Ontario? We have a great many committees in this house which from year to year hear evidence taken under oath. Is it a satisfactory situation when the attorney general of a provincial government has to peruse all cases of possible perjury in committees of this house or of the other house? I should like the Minister of Justice to give me an answer as to who really is responsible.

Mr. Garson: Mr. Chairman, there is not any question at all that the constitutional responsibility for the administration of justice comes squarely under the provincial authorities under the terms of the British North America Act.

Mr. Regier: Which provincial authority?

Mr. Garson: In connection with a case of this sort, the provincial authority of the province in which the offence occurs.

Mr. Nicholson: That would be Ontario or Quebec in this case?

Mr. Garson: If perjury were committed before a Senate committee, that is in the city of Ottawa in Ontario.

There is, however, good sense in the remarks which the hon. member for Burnaby-Coquitlam made to the effect that crown prosecutors and attorneys general of the provinces can hardly be expected in the normal course of their duties to examine the evidence which is given before Senate committees and to see whether any perjury is committed. If, therefore, it is suspected that the evidence which is given before the divorce committee of the other place indicates that perjury has been committed, and if all of the circumstances seem to warrant it I should think that the proper procedure for the responsible official of the other place would be to send the file to the crown attorney of the city of Ottawa for attention, if the offence took place here, in the same way that he would give attention to any crime or alleged crimes that were brought to his attention in the course of his duties. In that way the proper federal authorities would be acting in a manner for which they had the proper machinery and the provincial authorities in the same connection would be acting similarly. I am sure my hon. friend must realize that when we do not have the responsibility for the administration of justice we do not build up a staff of crown prosecutors and so forth to act under federal auspices,—

Mr. Diefenbaker: You have lots of lawyers though.

Mr. Garson: —except in relation to customs and excise offences and so on. Even then we retain outside counsel in most cases because

the volume is not sufficiently large in any one place to warrant our having salaried crown attorneys. Therefore I would think that if the circumstances of the case to which my hon. friend refers appears sufficiently heinous the file might be sent to the crown attorney.

Mr. Diefenbaker: Would the minister allow one question? Is there no one who takes the position of the Queen's proctor in connection with divorce actions?

Mr. Garson: My hon. friend means divorce proceedings before the Senate committee?

Mr. Diefenbaker: Yes, before the Senate committee.

Mr. Garson: I must confess I cannot answer that question offhand. I should think that probably the committee as a whole would take that position. I think that my hon. friend from Prince Albert, upon reflection, would agree that was the case. If there were any irregularity or impropriety connected with the proceedings before the committee I am sure that every member of it would feel some responsibility to see that proper action was taken in respect of it.

Mr. Regier: Before I cast a vote for this first section which is based on sworn evidence, would the minister give the house his assurance that the case to which I referred on April 2 will be carefully investigated by his department and, if necessary, the particulars called to the attention of the attorney general of the province of Ontario? I feel this is a rather important matter because we do not want our citizens to get the idea that sworn evidence before a committee of this house or of the other place is just a mockery. In my opinion it is important that Canadian citizens realize their responsibility when they are asked to appear and to take an oath.

Mr. Garson: I must say in all candour that I am not at all seized with the circumstances of the case to which my hon. friend refers, but I will be glad to discuss the matter with the chairman of the Senate divorce committee and move on from there in accordance with what seems to be the proper thing to do in the light of our discussion.

The Deputy Chairman: Before this discussion continues I think it is up to me to make this point. I am not suggesting a ruling that the evidence upon which these cases are based is not open for discussion at this time. Of course it is, but I am going to tell the committee now that a debate as to what should be done with respect to instituting a perjury action in a case of this sort, and where the responsibility for that lies, is not, I think, within the ambit of the committee's duties at this time.