

*Supply—Justice*

principles of liberty for which we are now fighting, that the judges are no respectors of persons and stand between the subject and any attempted encroachments on his liberty by the executive, alert to see that any coercive action is justified in law."

I suggest that the minister should be standing between this man Spencer and the actions of the executive of which the minister is a member. He should be the one who is championing a commission of inquiry, not standing up here with some apology for not having a commission examine this matter. The minister really gave us a pathetic example this afternoon. The claque behind him was saying "When was this done?" and he was saying, "Oh, it was done in 1960 or 1961". What a commentary on a very serious and important case.

I hope the minister before his estimates are finally approved will agree that in the case of Spencer an injustice has in fact been done. It is an unusual thing in this country that ministers are so bound by their colleagues, apparently. The minister, if he wants to make himself a hero, would call for a commission, and if the executive did not agree he would resign and we would think he was a real guardian of the citizen. Now we really do not know what to think of him.

● (7:40 p.m.)

[*Translation*]

**Mr. Laflamme:** Mr. Chairman, before participating in the debate on the Department of Justice supply, I should first like to echo, up to a point, some of the words spoken a while ago by the hon. member for Royal (Mr. Fairweather), the hon. member for Sherbrooke (Mr. Allard), and those of the member who spoke before me.

Still, speaking quite candidly, I wonder if the house is really the place where the fundamentals of all matters related to the administration of justice should be discussed.

I suggest that, when dealing with such a vastly important question as respect and prestige of justice itself, it is necessary, in my opinion, to care about the role of a Minister of Justice. And, as the hon. member who has just resumed his seat at one time was attorney general of his province, he has with some restraint and very rightly, shown that the Minister of Justice or the one responsible, among the people, for administration of justice must do it with serenity and that, being bound by the laws, he has the responsibility and the duty to administer it in the interest of all citizens.

The hon. member for Sherbrooke, who, in a certain paper, is considered as a great constitutional adviser, should nevertheless refer to paragraph 14 of section 92 of the British North America Act, which, I would say, is quite fundamental:

The administration of justice in the province, including the constitution, maintenance, and organization of provincial courts, both of civil and of criminal jurisdiction, and including procedure in civil matters in those courts.

That comes under the jurisdiction of provincial legislatures. And when I heard, a few moments ago, the hon. member for Sherbrooke asking for the establishment of a royal commission to investigate crime, I wondered if, within the framework of the constitution itself, this can be done with logic without the co-operation and the active participation of the various Departments of Justice of the ten Canadian provinces, in view of the fact that the administration of justice comes under the jurisdiction of the provinces. And this is so true, sir, that when a lawyer is designated or recommended by the federal Minister of Justice to plead a case in a provincial court, it is necessary for him, in order to be heard by the judge, to receive a precise and special mandate from the attorney general, or the Minister of Justice in the province in which the case is tried.

Well, I respectfully submit that this section is proof that, in this matter of administration of justice, active co-operation between the ten provincial governments and the central government is absolutely necessary and essential.

My hon. friend, the member for Sherbrooke, asked once again a few moments ago, that the federal government take the initiative in this field. I wonder how he can reconcile some of his constitutional opinions with those he expressed in certain other speeches he made, in which he advocated that all initiatives, in all fields and jurisdictions, should always remain with the various provincial governments.

Now, should the Minister of Justice be a police chief? Should he be a public prosecutor? I believe he should instead be responsible in this house for the orderly dispatch of matters relating to the application of the laws enacted by parliament.

I do not propose to discuss in detail all the speeches we heard about the respect of individual freedoms, because all members of this house agree on this point and moreover, it is one of the reasons why parliament