

Government Organization

that the annual statutes of Canada for the year 1956, for example, comprised a relatively slim volume of 400 pages. In 1964 it had grown to more than 800 pages. The same observation is applicable to various statutory orders and regulations of the government of Canada which for the year 1965 filled a volume of almost 2,000 pages. Each of these must be passed upon within the Department of Justice before enactment. In a growing country like Canada, as the legal structure of government becomes more complicated increased demands are made on the Minister of Justice. There is an increased demand for more legal opinions and, of course, there are increasing demands in the field of litigation.

I turn now, Mr. Chairman, to the third reason, and while it has been put forth as a criticism of the bill I advance it in argument in support of the bill. I refer, of course, to the removal of the R.C.M.P. from the jurisdiction of the Department of Justice. Under the new bill there will now be a separation of the investigative functions of the police from the process of prosecution in the courts. It seems to me that to vest the authority for the investigative functions of government in the same person who is going to conduct the criminal process is foreign to the spirit of justice.

Under the proposals set forth in this bill the Royal Canadian Mounted Police will carry out its investigations under the authority of the Solicitor General. But, Mr. Chairman, the decision whether or not the facts disclosed by the investigation merit the commencement of a criminal prosecution will continue to be taken by the Minister of Justice in his capacity as Attorney General. Thus two sets of minds and two sets of responsibilities will be involved. It is my hope and my belief that the efficiency of the criminal law process will be improved as a result.

I believe that the merit in this separation of policemen and prosecutor will commend itself to the judgment of the house. I had the privilege recently of visiting the United Kingdom and made a special point of discussing this problem with officials in the home office. I would point out that the separation of the police and the attorney general has for some time been and continues to be the practice in the United Kingdom. There the home secretary is the minister responsible for the police, but the public enforcement of the criminal law in the courts remains the responsibility of the attorney general.

[Mr. Pennell.]

It may be interesting to note in passing, Mr. Chairman, that only last week the home secretary announced new plans for consolidating the 80,000 policemen in the United Kingdom under the office of the home secretary and not under the office of the attorney general.

It is also interesting to note in reviewing the practice in Great Britain that there has been from time to time a suggestion put forth that they set up a ministry of justice. But on no occasion has anyone suggested, if and when they do set up a ministry of justice, that the responsibility for the police be taken from the home secretary and placed under either the minister of justice or the attorney general. It has always been thought in the United Kingdom that there ought to be an officer other than the attorney general who is responsible for what they call preserving the Queen's peace within the realm, and that in general he should discharge the responsibility for the internal safety of the country, including security. It is on this basis that the home secretary has been responsible for the police since 1829.

I believe, Mr. Chairman, that by removing the police from the Department of Justice and placing them, together with the penitentiaries service and the parole board, under the office of the Solicitor General we can set up an office of crime and correction which can work effectively for this country. We live in an age of change and challenge, and it is my respectful submission in closing that this change will enable us to meet the challenge of our times.

Mr. Scott (Danforth): Mr. Chairman, I should like to thank the minister for his contribution to the debate and for his helpful explanations. I will read them in *Hansard* and continue the discussion tomorrow after I have had the opportunity of reading his remarks in detail. He will, of course, appreciate that it is not possible to review them on the spot. We will read them and give them the consideration they no doubt deserve.

Perhaps in the minute remaining the minister could tell me what he is actually going to do when an investigation is ordered. He says that he will conduct investigations under his jurisdiction but that the Minister of Justice will decide whether prosecution will take place. Does the Solicitor General exercise no discretion at all in this matter? Does he just collect the material and send it over to justice? Just how does this work from his point of view?