

Supply—Justice

Mr. Pearson: The government was not consulted about this appearance in any way, shape or form and I was just as surprised when I heard about it as no doubt my right hon. friend was. But it was in Mr. Spencer's mind no doubt when he asked for this inquiry, because I have the text of what he said. He stated the following when speaking last night:

I asked for the inquiry because I thought that there were certain things that happened after I was fired that I did not quite like:

Then the questioner said:

In other words, you lost your pension rights and your health benefit rights and your insurance rights and your death benefit rights. Is that what you are referring to?

Mr. Spencer said "Yes". Mr. Spencer later in the interview was asked by the inquirer:

Do you feel that your rights have been violated as a Canadian citizen? Have your rights been violated?

And Mr. Spencer said "No." Those are his words, Mr. Chairman. There was a discussion about the terms of reference of such an inquiry on Friday afternoon in the committee, and I should like to read to the committee the words used in this connection by the hon. member for York South, who moved the amendment in question. I am quoting from page 2228 of *Hansard* of March 4 when the hon. member said:

It is certainly possible for a commissioner of inquiry to consider in camera the treatment of this man in respect of his insurance, pension and other benefits without affecting the security of Canada. It is certainly possible to give this man justice without affecting the security of Canada, particularly in an inquiry held in camera.

Later in the afternoon the hon. member for York South said this:

I think the terms of reference ought to be broad enough not merely to enable the judge sitting to say whether or not the action was legal. I do not have very grave doubts about that, anyway, and it is a very narrow thing. The terms of reference should be broad enough to enable the person making the inquiry to say whether, in his view, in all the circumstances of this case, what was done with respect to the insurance and pension was right, in terms of human and decent treatment of an employee of the government.

● (4:30 p.m.)

I believe, Mr. Chairman, that the terms of reference that I have tabled and read to the committee are so drawn as to give the commissioner an opportunity to inquire into this matter in the light of the words used by the hon. member for York South and give Mr. Spencer that kind of inquiry and that kind of

protection. I believe that these terms of reference are such that the interests of justice will be served. While there have to be limitations on security investigations it is natural that an inquiry into the nature of his dismissal and the rights which he may claim have been prejudiced by that dismissal should lead into an inquiry into the nature of his offence. I do not believe that it does, and I do not believe it should, substitute the opinion of a commissioner for that of the Civil Service Commission. It should only determine whether the Civil Service Commission had a reasonable basis for its decision, which it made within the law, and as the result of that decision, Spencer was deprived of his job and certain superannuation rights.

Mr. Chairman, there is of course a wider issue in this particular matter that has been referred to on occasions during the discussions. In recent months there has been a good deal of controversy over the handling of security cases generally in this country. The result has been to throw some doubt on measures which have been established over the years to insure the protection of the national security—doubt not so much as to their effectiveness, because I believe myself they are effective, but doubt as to whether they afford adequate protection to the rights of individuals involved.

I should like in this regard to remind the house that on October 25, 1963, I and the then Minister of Justice announced a number of new procedures to apply to public servants whose duties required them to have access to secret and confidential information. I made quite a lengthy speech in the house on that occasion, and the then Minister of Justice made an even longer one. These procedures were put into effect after a most careful and exhaustive review of those which had been in effect up to that time; since 1947. Mr. Chairman, it is this wider aspect of the situation and the more general question of our security procedures that I want to deal with for a few moments.

We did attempt to deal with a certain category of public servants in October of 1963 in a way which would reconcile or balance, if you like, the rights of these individuals with the security of the state. We introduced procedures then, for the first time in our parliamentary history, which I think improved the effectiveness of this reconciliation by establishing a system of appeal against decisions, by establishing a procedure by which a person involved would first be informed that his security or reliability was in