

*Establishment of New Departments*

Justice, it apparently is the intention to bring the Royal Canadian Mounted Police under the Solicitor General, while on the other hand the law enforcement and the prosecution of the criminal law and the determination of when there shall be prosecution is to remain with the Department of Justice. I fail to see how this can work. Which department will be in charge of co-ordinating activities, say, with the F.B.I. or state, or provincial, police in various provinces, or the municipal police in certain areas? Who will be responsible for the continued training of the R.C.M.P.? Will it be the Solicitor General, whose other main responsibilities are in the correctional field, or will it come within the responsibility of the Minister of Justice, who retains control over the problems of law enforcement?

We are not discussing the personalities of individual ministers; ministers come and go, and even governments come and go. However we are setting up a sort of organization which I suppose is to have some degree of permanence. In this situation I ask quite seriously whether it makes sense to give the responsibility for training of the police who are responsible for law enforcement in various fields and who are responsible for security, to the Solicitor General, and take it away from the Department of Justice.

I am not sure at the present time whether it is contemplated that some of the other responsibilities which come under the Department of Justice are to be taken away from the Minister of Justice and his department. I refer to the fundamentally important function of the Minister of Justice, as the chief law officer of the crown, to give advice on constitutional matters, and to have responsibility for defending the federal rights in the courts—not only in the courts, but in all the discussions which go on with the provinces, and perhaps even the discussions in this parliament. It has seemed to me that sometimes ministers of justice and departments of justice in late years have forgotten that one of their major responsibilities is to protect the federal domain against encroachment from the outside.

Is it contemplated that the registrar general, which I think the title is, should have the responsibility in this field; I hope not. We have heard that the President of the Privy Council—and I do not know whether this is intended as a temporary or a permanent arrangement—is to be given special authority in constitutional matters. I suggest that the

[Mr. Brewin.]

traditional responsibility of the Minister of Justice, to be the main adviser in constitutional matters, the main protector of constitutional rights or federal authority, be not taken away from that particular officer and perhaps dissipated in some shape or form.

Again, in the field of responsibility, it has seemed to me that there ought to be a division of the Department of Justice similar to the constitutional rights division of the department of justice in the United States, and I know the situation is different in the two countries. Certainly that is a fairly new department; but if we are going to expand the constitutional rights of individual Canadians, the Department of Justice in my view will have to take far, far more active a role than it ever has played in the past in defending the individual rights of Canadians.

Without adequate enforcement the pronouncement of rights, such as are contained in the Bill of Rights, can turn out to be virtually meaningless. There are many fields, such as in the field of criminal procedure, in which I believe in the future a department of justice should have a division to deal with these matters, in order to be sure that the constitutional protection of these rights is properly enforced. I entirely agree with my colleague from Vancouver East that it is a step forward to have correctional matters assigned to the Solicitor General; it is a very important step forward and I welcome it. I do not quite understand, however, why this could not have been done under the existing procedure by setting up a division on correctional matters and by having the Solicitor General still in a position where his work could be co-ordinated under the general umbrella of the Department of Justice; because I think there is a serious danger in setting up a distinctly separate department in this field. I hear my colleague from Vancouver East saying "oh, oh". I agree with him that there is a necessity for separate responsibility, and I already have said so. Perhaps he was engaged in conversation and did not hear my statement. I agree with him entirely, that there is a need for a separate responsibility or separate minister in this field.

I do not see however why the position of this minister should not be closer to that of the Minister of Justice as is the case in respect of the Associate Minister of National Defence. By virtue of his office he would hold cabinet position and rank, but at the same time by the very nature of his work, he