

Canada. Parl. H.of C.
Special Comm. on
Estimates, 1957.
Proceedings.

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HOUSE OF COMMONS

Fifth Session—Twenty-second Parliament

1957

SPECIAL COMMITTEE

ON

ESTIMATES

Chairman: W. A. TUCKER, Esq.

PROCEEDINGS

No. 1

THURSDAY, MARCH 21, 1957

DEPARTMENT OF JUSTICE

Hon. S. S. Garson, Minister of Justice; Mr. F. P. Varcoe, Deputy Minister of Justice; and Mr. F. P. Miller, Assistant Director Remission Service.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1957.

SPECIAL COMMITTEE ON ESTIMATES

Chairman: W. A. TUCKER, Esq.,

and Messrs.

Brown (<i>Brantford</i>)	McLeod	Purdy
Cameron (<i>High Park</i>)	Michener	Reinke
Decore	Mitchell (<i>London</i>)	Richardson
Enfield	Monteith	Weselak
Garson	Montgomery	White (<i>Waterloo South</i>)
Laflamme	Murphy (<i>Westmorland</i>)	Winch
Leduc (<i>Verdun</i>)	Philpott	Yuill
Macdonnell (<i>Green- wood</i>)	Power (<i>Quebec South</i>)	Zaplitny—26
	Power (<i>St. John's West</i>)	

E. W. Innes,
Clerk of the Committee.

ORDERS OF REFERENCE

TUESDAY, February 26, 1957.

Resolved,—That a Select Committee to be designated be appointed to consider such of the Estimates as may be referred to it and to report from time to time its findings and recommendations to the House, and that the provisions of Standing Order 67(1) limiting the number of Members on special committees be suspended in relation thereto.

MONDAY, March 4, 1957.

Ordered,—That the following Members: Messrs. Brown (*Brantford*), Cameron (*High Park*), Decore, Enfield, Fulton, Laflamme, Leduc (*Verdun*), McLeod, Michener, Mitchell (*London*), Monteith, Montgomery, Murphy (*Westmorland*), Philpott, Power (*Quebec South*), Power (*St. John's West*), Purdy, Reinke, Richardson, Thatcher, Tucker, Weselak, White (*Waterloo South*), Winch, Yuill and Zaplitny shall constitute the membership of the Special Committee on Estimates as provided by the resolution passed by the House on February 26.

THURSDAY, March 1, 1957.

Ordered,—That items numbered 172 to 184 inclusive, relating to the Department of Justice; items numbered 396 to 405 inclusive, relating to the Royal Canadian Mounted Police; and items numbered 435 to 453 inclusive; 456 to 464 inclusive; 467 to 496 inclusive and 532 to 535 inclusive, relating to the Department of Transport, as listed in the Main Estimates 1957-58, be withdrawn from the Committee of Supply, and referred to the Special Committee on Estimates, saving always the powers of the Committee of Supply in relation to the voting of public moneys.

WEDNESDAY, March 20, 1957.

Ordered,—That the name of Mr. Garson be substituted for that of Mr. Thatcher; and

That the name of Mr. Maedonnell (*Greenwood*) be substituted for that of Mr. Fulton on the said Committee.

Attest.

LEON J. RAYMOND,
Clerk of the House.

FRIDAY, March 22, 1957.

REPORT TO THE HOUSE

The Special Committee on Estimates begs leave to present the following as its

FIRST REPORT

Your Committee recommends:

1. That it be empowered to print, from day to day, 750 copies in English and 250 copies in French of its Proceedings, and that Standing Order 66 be suspended in relation thereto.
2. That its quorum be reduced from 14 to 10 members.
3. That it be granted leave to sit while the House is sitting.

Respectfully submitted.

WALTER A. TUCKER,
Chairman.

MINUTES OF PROCEEDINGS

THURSDAY, March 21, 1957.

(1)

The Special Committee on Estimates met at 10.30 a.m. this day.

Members present: Messrs. Cameron (*High Park*), Decore, Hon. S. S. Garson, Laflamme, Macdonnell (*Greenwood*), McLeod, Michener, Monteith, Montgomery, Murphy (*Westmorland*), Philpott, Purdy, Reinke, Tucker, Weselak, White (*Waterloo South*), Winch, and Yuill.

In attendance: From the Department of Justice: Mr. F. P. Varcoe, Deputy Minister; Mr. R. B. Gibson, Commissioner of Penitentiaries; Mr. F. P. Miller, Assistant Director, Remission Service; Mr. T. D. MacDonald, Director of Investigation and Research. *From the Royal Canadian Mounted Police:* Mr. L. H. Nicholson, Commissioner.

Mr. Cameron (*High Park*) moved, seconded by Mr. Purdy;

That Mr. W. A. Tucker be the Chairman of the Committee.

There being no further nominations, Mr. Tucker was declared to be duly elected Chairman, and he took the Chair.

The Chairman thanked the Committee for the honour conferred on him and then referred to the Committee's Orders of Reference.

On motion of Mr. Decore,

Resolved,—That permission be sought to print, from day to day, 750 copies in English and 250 copies in French of the Committee's Proceedings.

On motion of Mr. Weselak,

Resolved,—That the Committee request permission to sit while the House is sitting.

On motion of Mr. Cameron (*High Park*),

Resolved,—That a recommendation be made to the House to reduce the quorum from 14 members to 10 members.

The Committee proceeded to the consideration of the Main Estimates, 1958, relating to the Department of Justice.

Mr. Garson spoke briefly and introduced the officials of his Department to the Committee.

Item numbered 172—Departmental Administration and a contribution to the Conference of Commissioners on Uniformity of Legislation in Canada—was called.

Mr. Varcoe outlined briefly the set-up of the Department of Justice and he was questioned thereon.

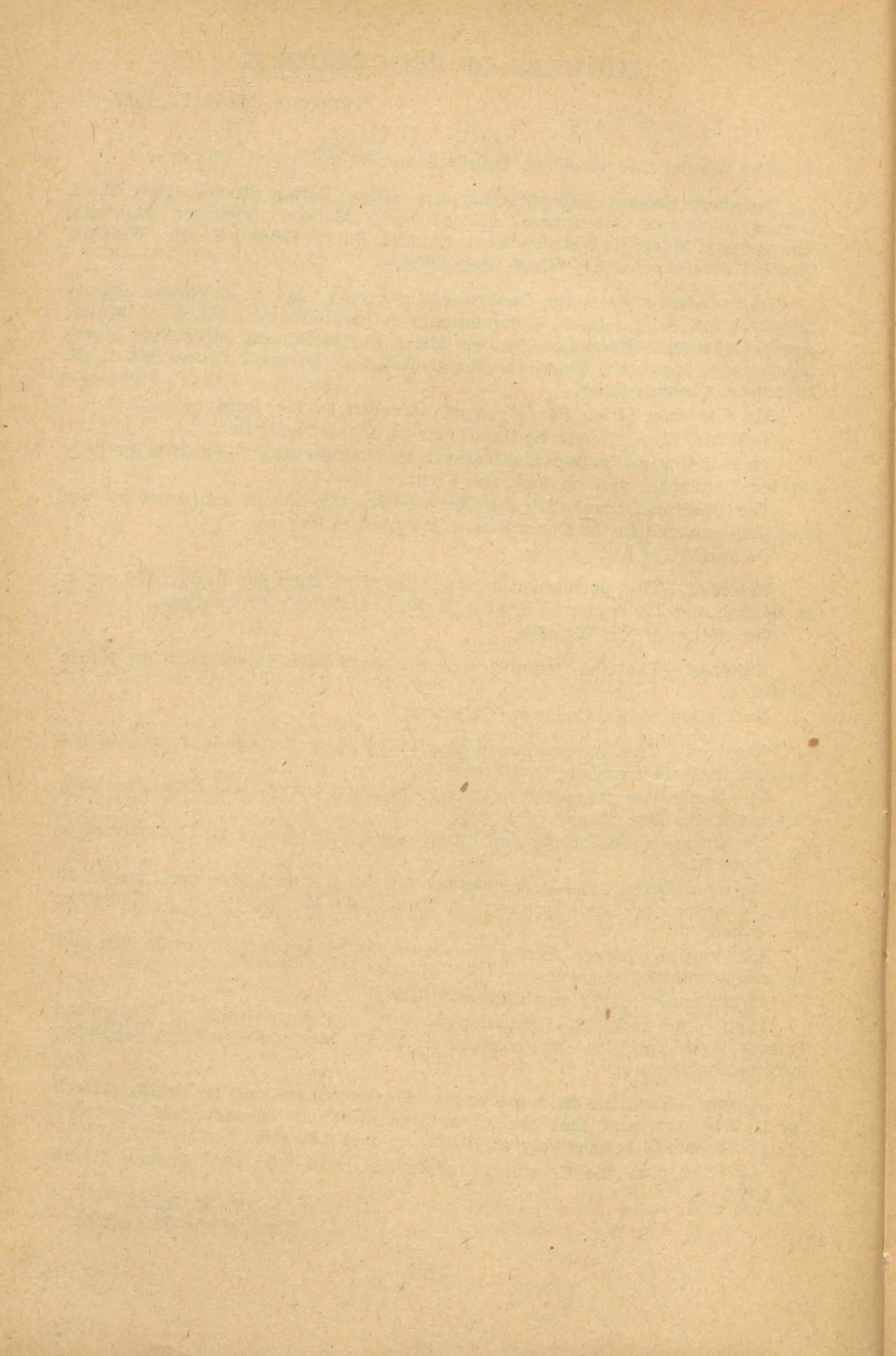
Item numbered 172 was allowed to stand.

Item numbered 173—Remission Service, including Grants to Recognized Prisoners' Aid Societies—was considered, the Minister and his officials supplying information thereon.

Agreed,—That the next meeting of Committee be held on Friday, March 22 at 2.30 p.m. and that the Committee meet on Tuesday and Thursday March 26 and 28 respectively at 10.30 a.m. and 3.00 p.m.

At 12.30 p.m. the Committee adjourned until 2.30 p.m. Friday, March 22, 1957.

E. W. Innes,
Clerk of the Committee.



PROCEEDINGS

THURSDAY, March 21, 1957.

10.30 a.m.

The CHAIRMAN: Thank you very much gentlemen, for the honour of re-electing me as chairman of this committee. I have greatly enjoyed working with the members of the committee as well as the work of the committee. I think we have got along together as well as could have been expected under all the circumstances and I hope we shall manage to cover the work we have to do this session in as satisfactory a manner as I think we did in previous sessions. I thank you very much.

Before we actually commence with a department, there are some formal motions for the organization of the committee. First there is the question of the printing of evidence. Last year we authorized the printing of 750 copies of our proceedings in English and 250 copies in French. That seemed to be sufficient. May I have a motion in that regard?

Mr. DECORE: I so move.

Mr. PHILPOTT: I second the motion.

Motion agreed to.

The CHAIRMAN: Then there is the question of our sitting while the house is sitting. It is for the committee to say whether they want to agree to it or not. If we ask permission to sit we do not have to do it unless the committee is satisfied to do so.

It is moved by Mr. Weselak that we request permission to sit while the house is sitting. The motion is seconded by Mr. Purdy. Is there any discussion?

Mr. MACDONNELL (*Greenwood*): I shall not vote against the motion but I do hope particularly when the budget debate is on that we won't find it necessary to sit.

The CHAIRMAN: You understand, Mr. Macdonnell, that if you name a member of your party to speak for your party, I shall always consult him before I actually call a meeting while the house is in session. You might let me have his name afterwards; and if someone in the other parties will give me the name of a member of his party, I would consult him as well.

Mr. MACDONNELL (*Greenwood*): We might do that at the close of the meeting?

The CHAIRMAN: Yes, you may give me their names afterwards. It is moved and seconded that we ask permission to sit while the house is sitting. Motion agreed to.

Then there is the question of a quorum. I think everybody agrees that it is desirable to have it at a level where those who do attend regularly will not have to wait for a quorum. I think at both the sessions that the committee has sat the quorum was 10 members. Is that satisfactory? Might we have a motion.

It is moved by Mr. Cameron and seconded by Mr. Reinke that we ask that our quorum be reduced to 10 members.

Motion agreed to.

Now there is the order of reference. I think it was fully discussed in the house so may we waive the reading of it now? Is that agreeable? Agreed.

We have had referred to us certain items of the Department of Justice. I shall read them. They are as follows: Items 172 to 184 both inclusive, 396 to 405 both inclusive, 435 to 453 both inclusive of the Department of Justice, and items 456 to 464 both inclusive, 467 to 496 both inclusive, and 532 to 535 both inclusive of the Department of Transport as listed in the main estimates.

In order to save time the minister, the Hon. Mr. Garson, is here with members of his department ready to proceed with the items for the Department of Justice which are to be found on page 35 of the estimates, with details on page 241.

But before we proceed with the first item I expect the committee would like Mr. Garson to say a few words and also to introduce to the committee the chiefs of the branches of his department so you will know who they are, if you do not know them already.

Mr. MACDONNELL (*Greenwood*): Might I ask before the minister begins if it would meet the views of the minister if he made a statement himself and then asked the various heads of his department to make a general statement to us on the nature of their work and perhaps allow us to question them a bit generally? Would we not then have before us the whole situation, and would we not from that point on proceed more intelligently? I hope this suggestion which I make in good faith as a means of facilitating our procedure will be found acceptable.

Hon. Mr. GARSON: Well, Mr. Chairman, I think the suggestion put forward by Mr. Macdonnell is a good one. However I must confess to some embarrassment when I say that this is the first time I have had occasion to attend meetings of this committee in any capacity whatever. I received the impression from debates in the house that one of the purposes of this committee was to give to its members a somewhat fuller opportunity of going into the details of the various departments than its members in the deliberations in the committee of the whole house. For that reason I did not think it would serve any purpose to take up time of the committee in making a number of generalizations in opening respecting our department, and that the real purpose of the committee was to have our departmental staff examined by the committee members.

I thought that time might be better spent by giving the members of the committee an opportunity to question us and to find out those items of information in which they are particularly interested. For that reason I do not have any further opening remarks and I shall not take up the time of the committee with any statement at all. But if any of the heads of the branches of the Department of Justice wish to make statements, I have no objection. The first of these, of course, is my deputy, Mr. F. P. Varcoe, Q.C., the Deputy Minister of Justice. Then we have Commissioner Nicholson, head of the R.C.M.P., and Major General Gibson, Commissioner of Penitentiaries. We also have with us Mr. T. D. MacDonald, Q.C., the head of the combines investigation branch of the Department.

I might say that Mr. F. P. Miller is acting in place of Mr. MacLeod who at the present time is investigating a case in British Columbia and is absent on that account.

Mr. Miller is deputy head of the remissions service.

Mr. MACDONNELL (*Greenwood*): Mr. Chairman, I do not know if this is the view of the committee but it is certainly my view—might I ask if each of these gentlemen might give us, not a lengthy but an adequate picture of the scope of his division and the way it has been carried out. First of all we might have the general set up of the department from the deputy minister. Might I

suggest that it would assist in the questioning if we were given an adequate picture of the work of these very important sub-departments of the Department of Justice?

The CHAIRMAN: Gentlemen, I shall call the first item.

Department of Justice. A—Department.

172. Departmental administration including annual contribution of \$200 to the conference of commissioners on uniformity of legislation in Canada, \$543,155.

If the committee wishes to have a statement in regard to it from the deputy minister, I take it that the minister is quite satisfied for him to give a short statement; and then as we come to the other branches, if the committee wishes to ask for a statement from any of the other heads of those branches, I take it that the minister would have no objection to their making such statements and answering questions.

The first item, of course, is one of general administration and I take it that the minister does not wish to say anything on it. I do not know if it is the wish of the committee as suggested by Mr. Macdonnell that the deputy Minister, Mr. Varcoe should say something. Would you like to hear something from him?

Mr. MACDONNELL (*Greenwood*): I thought it might follow what the minister himself might say.

The CHAIRMAN: Yes, if that is satisfactory.

Hon. Mr. GARSON: Might I interject to say that the only reason I did not myself give all the general details to the committee was that I assumed that the members of the committee were already conversant with them. But if it would serve any purpose, then I think it is probably a good idea to go over them again.

THE CHAIRMAN: As a matter of fact, Mr. Minister, one or two of the ministers have filed with the committee details of the organization of their department and various branches as a blueprint of their department. Perhaps Mr. Varcoe who has been in the department quite a long time, might give a general idea to the committee along the same lines, stating the way it is organized, the branches, and so on. I call on Mr. Varcoe.

Mr. F. P. VARCOE (*Deputy Minister of Justice*): Mr. Minister, Mr. Chairman, and members of the committee: I came quite unprepared to do that and I am not just sure what the committee would want in this connection. But I might begin by saying that the Department of Justice is divided really, as regards what we call the administrative section into five or six sections. There is what we call the civil litigation section which conducts or supervises all the civil litigation in which the crown is involved. That is mainly, in the Exchequer Court, the Supreme Court, and to some extent in the provincial courts. Then there is the parliamentary council's section which is headed by our Assistant Deputy Minister, Mr. Driedger, who is also described as parliamentary counsel. His section is responsible for the drafting of all government legislation.

Then the third section is what we call the civil law section. That section is headed by an assistant deputy minister, Mr. Favreau, and it is responsible for what you might call civil law matters; that is, matters arising under the provincial law of Quebec.

Then there is the criminal law section which includes the consideration of amendments to the Criminal Code, the enforcement of the criminal law in so far as the federal authorities have responsibility in that connection, and the remissions services. And last of all there is the bankruptcy branch of this section.

Then there is what we call the advisory section which has responsibility to a large extent for advising the various departments of government and agencies of the government in connection with legal matters. In this

connection we have about eight or nine legal officers of the department assigned for duty in the key departments of Finance, Public Works, Agriculture, Trade and Commerce, the Privy Council, Mines and Resources, Northern Affairs, and Citizenship and Immigration. We have officers of the Department of Justice staff assigned to special duty in those key departments.

Then the other divisions of the department are the penitentiary service, the combines, or administration of the Combines Act; and then of course the R.C.M.P. That, in a general way, is the setup of the Department of Justice.

I might say that the commissioner of the R.C.M.P. and the commissioner of penitentiaries report directly to the minister.

I do not know whether I should go beyond that in detail in giving the committee a sort of general picture of the department. But if there is anything I could add to it, I should be very glad to do so.

Mr. REINKE: Mr. Chairman, I wonder if Mr. Varcoe might explain to the committee the difference between the solicitor general's department and that of the Minister of Justice? I notice that you mention the remissions service is one of those things which come under your jurisdiction, and yet I assume that it also comes under the jurisdiction of the solicitor general.

Mr. VARCOE: There is no separate department of the solicitor general. The solicitor general is a minister to whom certain duties are assigned from time to time. At the present time he has the ministerial responsibility for the remission service generally. He is assisted in that connection by members of the staff of the Department of Justice. But there is no separate department of the solicitor general.

Mr. MONTGOMERY: I wonder if the deputy minister would be good enough to explain the duties of the commissioners on uniformity of legislation, and how it is composed.

Mr. VARCOE: That body is really a provincial body. All the provinces are represented on it. It meets annually during the week preceding the meeting of the Canadian Bar Association. The Department of Justice is also represented on it. In fact, I think a member of our staff is secretary of that body. We always have several persons who meet with that body in their annual meeting, and there is a certain amount of correspondence going on throughout the year with the different provinces. We simply provide a sort of central clearing house really. That is just what it is.

Mr. MONTGOMERY: And what about the criminal side?

Mr. VARCOE: On the criminal side the same situation applies except that of course we have the responsibility for the drafting of legislation; I mean our responsibility in connection with the criminal side is much greater than it is on the civil side because generally speaking on the civil side the object of the commission is to bring about uniformity in the provincial field.

Mr. MONTGOMERY: I take it that any further questions on the criminal side may be asked at a later point?

The CHAIRMAN: Yes. Are there any more general questions?

Mr. MACDONNELL (*Greenwood*): I have one general question to ask. It has to do with practice. The deputy minister has referred to civil litigation, and this question also includes criminal litigation. What is your practice with regard to the retention of outside counsel when you have litigation? Is it an invariable practice with you?

Mr. VARCOE: No it is not an invariable practice to retain outside counsel. Actually, under the present system, quite a large body of the litigation is conducted by members of the staff of the Department of Justice.

Mr. MICHENER: Where outside counsel are retained, are those appointments made through the Department of Justice?

Mr. VARCOE: They are made by the Department of Justice.

Mr. MICHENER: They all come through the Department of Justice?

Mr. VARCOE: That is right.

Mr. MICHENER: And the payment of outside counsel and the taxation of their accounts and all that is the responsibility of what officer?

Mr. VARCOE: It comes under what we call the litigation branch. The responsibility is that of Mr. Jackett, the assistant deputy minister who is in charge of civil litigation.

In the case of criminal accounts rendered in connection with criminal cases, they are dealt with by the criminal law section which is headed by Mr. MacLeod.

The CHAIRMAN: Now, gentlemen, it has been the custom of the committee in the past to leave the general item open and not to carry it, but to leave it open until the last so that anything which might occur of a general nature may be asked before we actually carry the item. We shall now pass on to the next item which would be 173.

173. Remission service, including \$40,000 for grants to recognized prisoners' aid societies, as may be approved by the Treasury Board, \$267,835.

Mr. WINCH: I would like to ask before we get into a discussion on this, if the deputy minister would say if that figure has particular reference to any changes that are now contemplated in the system of remissions. I wonder if that accounts for the great increase in the amount required in the coming year. I suggest that it might save a great deal of time if we could have a general picture and he might be able to get answers to a number of questions which are in our minds.

Hon. Mr. GARSON: Mr. Chairman, in that connection we are now in the midst of a policy change with respect to remission and probation arising out of the report of the Fauteux commission. As I have stated in the house, in reply to questions asked me I think, at least in one instance, by Mr. Macdonnell, after we received that report we submitted copies of it to the provincial authorities. We have been engaged in correspondence from that time until the present with the provincial authorities; and they have been engaged in preparing data leading to a conference at which we would hope to secure agreement by all the governments of Canada, both provincial and federal, to implement the recommendations of the Fauteux report, or as many of them as we can agree upon.

While the estimate which we are considering would reflect these possible policy changes to some extent, I do not think Mr. Miller could in any way discuss the changes which would be brought about as the result of an agreement between the provinces and the federal government which has not yet been reached. However, he can of course tell the committee the principles upon the basis of which the federal remission service has been up until the present time, and is still, granting remission.

Mr. WINCH: I wonder also if the assistants will explain this: there is a section of the Fauteux report which deals with parole and a ticket of leave which is something which comes under the remission service and, although I can understand the need for cooperation with the provinces, why is it that something which is strictly within your jurisdiction is not proceeded with? I am speaking now of parole.

Hon. Mr. GARSON: Some of the recommendations of the Fauteux report can only be implemented by the province and some only by the federal govern-

ment, but a great many of the most important ones can only be implemented by the two levels of government working together.

We had thought, wisely or unwisely, and I think myself wisely, we would minimize our chances of obtaining a satisfactory agreement with all the provincial governments as to the implementation of the Fauteux report unless we carried them along with us step by step as we went along so that we would finally emerge from our final conference with what might be called really a national policy on remission and probation into which the efforts of each of the provincial governments and ourselves would fit with the parts well integrated with one another. For that reason, having regard to the fact that we in the federal field are already, I think, much further advanced in the principles of remission which we apply, and the progress made in applying them, than most if not all of the provinces are in probation we believe we would be better advised—and I think we have been better advised—to make an honest and strong effort to secure an arrangement to which all the governments of Canada will be a party. It is really only by doing that, that we can produce a satisfactory relationship between the two levels of government.

We do not have the same scope and freedom of action here in Canada that they have in Belgium, Holland and Great Britain where they have only one level of government to consider. If Canada were a unitary state it would be a relatively easy matter for us to decide at the one level of government what was the wise policy to put into effect, and to put it into effect as they do in these countries I have named. But in Canada this whole subject of remission and probation is divided between the provinces and the dominion. In my opinion the only satisfactory and workable way in which we can have a national policy of remission and probation is by carrying the provincial governments along with us so we can end up with a policy properly integrated between the two levels of government.

Mr. WINCH: What is the power of the provinces with respect to remission?

Hon. Mr. GARSON: They have no power with respect to remission.

Mr. WINCH: Is there a follow-up?

Hon. Mr. GARSON: No. The following up of those who have been put out on probation by the provincial authorities in some ways is similar to our granting remission but they are two different functions, one of which comes under federal remission authority, and the other under provincial probation authority.

I think most people would agree if we had some uniform follow-up provisions carried out all across the country we would greatly increase our chances of making the whole operation a success. But this is a difficult thing to do. We have to secure the assent not of one legislative body and one executive government but rather of eleven legislative bodies and eleven governments, some of which have to begin with quite different ideas about this subject matter. Having regard to the fact that it is a most important question and a most complex one, and especially complex because of the constitutional difficulties, we should at least endeavour—perhaps we will not completely succeed—to carry it along as the one cooperative operation between all the provinces and the federal government.

I must say, Mr. Chairman, in every step we have taken so far we have received nothing but the heartiest cooperation from the provinces. The delay experienced has been in part due to the fact that there were not in existence anywhere the statistics, especially in relation to the provinces' work, which we required. One of the reasons why they were not in existence is that, until we had the Fauteux report which focused, like the lens of a camera, attention on this matter, no one had thought there was any necessity for these statistics.

Let me illustrate that by one example. One of the recommendations of the Fauteux report is that the federal government should take into its penitentiaries all prisoners who have received prison sentences of six months or more. The present policy is that we take in only those sentenced for two years or more. If we take in those who had received sentences of six months or more it means that prison population in federal penitentiaries will go up at once by a very substantial amount. We would accordingly be confronted with a problem of housing, feeding and providing custodial care for that group which we take over.

The very first question we have to ask in that connection is how many men and women are in the provincial jails who have sentences between six months and two years. Nobody knows. Why do they not know? Because there has been no occasion for keeping these records, and governments do not spend money for keeping records unless there is some purpose for keeping them. They know how many people they have in the provincial institutions, but they do not know how that number would break down between those with sentences of six months or less and those of sentences of from six months to two years. They have never had occasion to keep statistics of that sort.

The very first request we make concerning the implementation of the Fauteux report is for this information and at that time it just did not exist. I would not want you to think that the problem of securing all of the necessary data is as simple as it might seem. This example is just an illustration of what we are up against and I do not know of anything which is more likely to get us into difficulty than to proceed without a knowledge of all the relevant facts.

This matter in its very essence is a very complex question even with the facts. Surely the first way of solving any difficult question is first to know what are the facts. We are trying to obtain the facts now. We had a meeting in Ottawa when I was purposely absent on business in another part of Canada, so that there could be no suggestion that pressure or ministerial influence was being brought to bear on the provincial civil servants attending the meeting. This was a meeting of the best experts available to decide what facts were necessary, in order that the respective ministers could attend a dominion-provincial conference and intelligently discuss the issues. We had asked each of the provincial delegations to bring to this meeting all the facts which it thought it could gather together on short notice which might possibly have a bearing on the matter.

They came here, met, discussed this matter, and unanimously came to the conclusion at this civil service conference that it would take four or five months to gather together these facts. They agreed when they went home they would each supply us with one hundred copies of the facts they had brought to this meeting so that we would be in a position to distribute them to the other provinces. They also agreed to supply us and the other governments with other information. We have been engaged in this operation since that time.

I had hoped that but for the possibility or should I rather say, the probability of a federal election, we would be able to have that conference some time this spring. With the election in prospect I should not think there is too great a likelihood of that being possible unless a great deal more material comes forward from the provinces than we have received so far.

When I say that I want to emphasize as strongly as I can there is no indication of any dilatoriness on the part of the provinces. We know from our own experience that it is a difficult task to assemble statistics of this sort. It is always easier to compile statistics as the events to which they relate happen than to go back and pick them up afterwards.

We cannot really come to grips with this difficult problem until we get a sufficient part of the material from the provinces and are able to distribute that material among the other provinces.

In that connection, all through the piece, we have had very good cooperation and interest on the part of the provinces. We believe they are as seized as we are of the fact that we have a difficult problem to solve, and that in another ten years we will have a really serious prison problem in this country if we do not deal with our present problem now. The time to solve it is now—as soon as we can—now that we have received the report of the Fauteux commission which I think is the first time in this country this particular matter has been gone into thoroughly by such a competent and distinguished body.

The CHAIRMAN: You did not deal with the question as to how this operates at the present time.

Hon. Mr. GARSON: Mr. Miller is a very competent man in that field and I would suggest he might perhaps explain how the present remission service operates.

Mr. REINKE: Was this idea advanced at the federal level or by the provinces—that is, the question of the responsibility of taking over prisoners with sentences of between six months and two years?

Hon. Mr. GARSON: This is one of the many recommendations made by the Fauteux commission.

Mr. REINKE: On what do they base that recommendation?

Hon. Mr. GARSON: What I would suggest in that connection is that the report is available and it would be better to read it. Their basis for this recommendation is not the type of thing which you can condense into a few sentences. There are a number of reasons, and unless they are all read and understood one does not have a proper conception of them.

One of their reasons, of course, is that the federal government should extend its present curative measures in the penitentiaries where we are trying to correct our system of training men in carpentry, plumbing, and various other technical fields, our psychiatric service, our sports activities and the like, and that we should apply that to all prisoners who are going to be in prison for more than six months. As a matter of fact the prisoners have to be in prison for a certain minimum period of time before you can do any correction. It takes a portion of that time, which is surprisingly long, just to get them into the routine of the penitentiary. If you do not have sufficient time over and above that to apply corrective measures, for example to train a man to become a good artisan, then you cannot safely turn him out as a good artisan.

We have had several cases where men in the penitentiary, who had been sentenced to much longer terms than six months, after taking up one of these courses and upon discovering that they could not complete their studies by the time they were eligible to be released, asked to be allowed to stay on, in order to complete their training. I think it was a wise decision on their part.

Mr. WINCH: While you are commenting on that, I would like to hear your views expanded a little. You emphasized, and correctly so, that inside the penitentiary not only do they have to pay their penalty because they broke a law but you are also trying to give them a corrective course and training so that when they are released they will be useful members of society. In the remission service they do not allow a man out on a ticket of leave unless he has become adjusted. I have found, almost without exception, when you do let these men out and they obtain employment what happens is that a policeman goes to his employer and says "Do you know whom you have employed?" and the man is fired. That has happened so many times. It not only breaks your heart but it is also undoing the very work you say you want to do. I know, since the

session opened this year, I have had young men in the city of Ottawa who made only one mistake when they were eighteen or nineteen years of age, and when they obtained employment here a policeman has gone to the employer and said "Do you know who that man is, and what he did?" and they have been fired. How can you handle that situation?

Hon. Mr. GARSON: Yes. I have to agree with you that it is undoing that work. You know my views upon the matter, they are not too different from your own. However I am not alleging that the police do that.

Mr. WINCH: I am saying they do, sir.

Hon. Mr. GARSON: I know you are. Let us assume that your allegation is correct. I am not suggesting for a moment it is not, and I am not alleging that it is. But on the basis of what you have said this is another outstanding example of the point I made a moment ago. That is that the only way in which a system can be made to work in a federal country is by a maximum of co-operation between the two levels of government. If the man has been put in penitentiary by, say, the police of X city, and if after we train him he goes out and gets a job and for some reason or other the police of X city speaks to his employer, then all the effort put in on that man has been undone, simply because there is no integration between the efforts of the two levels of government.

And it is not only between the two levels of government. We must have integration and co-operation between the federal and provincial governments and, in the case of the city police, also with the city government as well. It is only by carrying the provinces along with us from the beginning—and so far I think they have been very co-operative and very interested,—in that way that we will have some kind of an understanding and harmonious relationship under which a federal parole board in encountering that sort of thing could get on the phone to the chief of police and say, "What is the idea of your doing this? Is it not contrary to our understanding that this was not going to be done." Unless we have that kind of an arrangement, as you know, any of these cities or provinces can do whatever they like as long as they stay within their jurisdiction under the British North America Act. But if they are parties to the whole scheme I am confident that they would not contemplate any such difficulties as those which you have just mentioned. The only way we can be sure of this is by having it all as one national scheme embracing three levels of government.

Mr. MONTGOMERY: Your meeting last fall was only with the provinces?

Mr. GARSON: That is right.

Mr. MONTGOMERY: What means are being taken to carry out the ideas you have been expressing and to bring in municipal police forces? It seems to me that is where the trouble lies; it is down at the lower level of the ordinary local police forces.

Hon. Mr. GARSON: You know perfectly well that under our system we exercise federal authority and that the provinces exercise provincial authority, and that the municipalities only exercise such authority as the provincial authorities delegate to them.

Every municipality is a creature which was created by the provincial legislature, under the authority of the provincial legislature and under the provincial government. It can be directed by provincial law. Laws can be passed and directions given that policemen shall not do prohibited things.

But all that I think is unnecessary if we can arouse, not merely a legal interest, but a human interest feeling on the part of the people at the federal level, at the provincial level and the municipal level, that we must try to reduce

our prison population if we can or at least to prevent our prisons from getting so full that we have to build more and more as we go along.

I am not saying anything about the saving of souls or anything of an idealistic character of that sort. But we have got to take an interest as men in our fellowman and get it into our heads that it is just possible that when we see a prisoner, we might each say "there but for the grace of God, go I. I wonder why he should not have a job with which to earn his living after he gets out of jail."

Mr. WINCH: If the R.C.M.P. are employed, as in British Columbia, who lays down the policy for the R.C.M.P. in that connection for this kind of thing, to go to an employer and tell him that he has an ex-criminal?

Hon. Mr. GARSON: Under the police agreement we have with eight of the provinces of Canada, when the police are operating in carrying out the duties which are assigned by our constitution to the provincial authorities, then they are operating under the direction of the attorney general of the province in question. In your case, Mr. Winch, it would be the attorney general of British Columbia.

But the attorneys general of British Columbia, Manitoba, Ontario and all other provinces are just as seized as we are, of the great importance of these matters. They have already said that they were and I believe them. They are very sincere about it. What we all must do is to convince everybody that we have a share in this problem and that even individual citizens should have some interest in it, and should do what he can to co-operate. We must understand that we cannot just toss these convicted persons into jail and then say, thank goodness, that problem is solved.

Mr. MONTGOMERY: The minister has not satisfied me that their conference has started out in the right direction yet. We do not need to worry about the R.C.M.P. They know police duties; they are trained, they do a good job, and they do not undo a job which somebody else has done. But if I understand the minister correctly, I think that before they can go after the reform of the remissions service, they will need to have the co-operation of everybody. They must go beyond that, whether through the provinces or otherwise; they must go beyond the attorney general's department in a province. They must get those people to obtain that information from the local police forces because actually once a man is put in jail—once he is convicted of a crime and is committed under the Criminal Code, he then is actually under a federal department as far as his punishment is concerned, if I understand it correctly. It seems to me that the province is not so much concerned there, and that it is a federal field when it comes to the remission question. I have not read that report but it seems to me that it brings in the municipal as well as the provincial people. Is that right?

Hon. Mr. GARSON: I do not think there is any difference of opinion between us. Mr. Montgomery is quite right, Mr. Chairman, in saying that punishment, the question of commutation, and the like, are entirely federal matters. But I think they have found in Great Britain and in some other European countries that this matter of remission and letting a man out of jail is in some cases a less favorable alternative to granting him probation before he goes into jail.

Mr. MONTGOMERY: I agree with you.

Hon. Mr. GARSON: Because once he goes into jail he crosses the Rubicon; he gets this prison stamp on him. But if you can get him before he goes into jail, he has every reason in the world to go straight from that point on because he has his respectability to save. In many ways he is, on probation, a much better prospect for reform—if you like to put it that way, than after you have

stamped this mark on his forehead and taken away his respectability. Then he may say: "to Hades with it. If society has done this to me, I will show society!"

The provinces are the ones, and the municipalities are the ones who can install probation. We cannot do it. But what we are trying to do is to persuade the provinces to come along with us in an implementation of all these recommendations of the commission which recommend themselves to our several judgments, and to do it together and at the same time; and then of course we would certainly like them, also to get their municipalities into the picture. But I do not think we would or could or should deal with the municipalities direct.

I have been at quite a number of dominion-provincial conferences and my experience is that it is quite difficult to carry along the judgment of eleven groups of people. Some people might say this is because of political reasons. That is not necessarily so. There are some political considerations of course; but one of the main difficulties is this inherent quality of free people not to agree with one another in all respects. Remember that when you have eleven different sets of ideas it is not easy to get them all ironed out and to reach agreement it is much more difficult to get eleven groups than it is to get say four, and this fact creates one of the problems in a federal country and makes dominion-provincial conferences very interesting.

Hence if we ever thought of bringing the municipalities into this conference at an early stage I do not think we would increase our chances of success but if we can get the provinces to agree with us as to the steps that should be taken, I am quite confident and so, I think are the attorneys general of the provinces with whom I have been dealing in this matter, that they would have no difficulty in convincing their municipalities. They have legislative jurisdiction over them and they have all sorts of grants and controls by which in a perfectly proper way they can bring municipal authorities around to their way of thinking.

Mr. MONTGOMERY: It may be that I did not understand the point you are trying to get at, but it seems to me that we, federally, lay down the crime and the punishment and then we leave it to the judicial people, the judges and the magistrates. The judges come under federal jurisdiction but not the magistrates in the provinces.

Hon. Mr. GARSON: The judges as to payment of their salary only; but in the discharge of their duties they come under the authority of the provinces.

Mr. MONTGOMERY: That would be the setting up of the court.

Hon. Mr. GARSON: No, in their conduct of their duties.

Mr. MONTGOMERY: They are governed by the Criminal Code in their judicial decisions. Does the minister's suggestion come under the provinces or does he have in mind a sort of reform institution such as they started in New Brunswick last year? Is that the case? In that case the prisoner is on a farm which is a provincial institution and which is the equivalent, in a sense, of a penitentiary, is it not? They take care of a certain number of people who in the past they felt should be in a penitentiary. I wonder if the minister could give us some information on that.

Hon. Mr. GARSON: I would be very glad to give you the information. I am only afraid that if I give it to you accurately it will leave the matter perhaps for the layman more confused than ever, but I as an experiment shall attempt to do it.

Under the Canadian constitution the federal government has the power to create and provide for penitentiaries in which all prisoners found guilty of offences under the criminal code are to be incarcerated.

The province has the power to authorize provincial jails in which all prisoners who have committed offences against provincial statutes and minor offences triable by summary conviction and the like are to be incarcerated.

But in addition to these provincial jails most of the provinces have, as the years have gone by, introduced large reform institutions in which they have wanted to place people who perhaps constitutionally should go into the penitentiary.

We thereupon passed the Prisons and Reformatories Act under which, by appropriate portions of that statute, we authorize the imprisonment in provincial reform institutions of prisoners who have offended against the criminal code. It is a sort of delegated authority, if you like, and that is the position. So that the provinces are operating their provincial reform institutions in part under the authority granted by this parliament.

The CHAIRMAN: Would the committee like to hear from Mr. Miller?

Mr. MACDONNELL: I would like to make one or two comments first. I could not agree more with some of the remarks the minister made when he spoke about the man who enters a prison having crossed the Rubicon, and when he spoke about the importance of getting him before he went into jail. I recognize also the importance of what the minister has said about the idea of getting further information before final action is taken; but I would like to remind the minister of something he knows very well.

It is many years ago since the suggestion was made by the Archambault Commission appointed by the federal government that the pay and duties of probation officers should be subject to an agreement between the provinces and federal authorities. I say that because it was the subject of a commission which of course fully recognized the constitutional distribution of power and responsibility. Now, while I agree with the minister that there must not be final action taken before the final facts are ascertained, nevertheless I suggest to him—and I do not think he will disagree with it—that there is no province which would hesitate longer to take some money to assist it in supplying itself with more probation officers. I suggest that at the present time it would do no harm if this committee should be given certain information as to the current situation.

For example, I would like to know how many probation officers there are in each province. My understanding is that one or two of the provinces are very well equipped while other provinces are very scantily equipped. So I would like to know how many have been provided for each province. Of course we would also have to have a record of the population of the province in order to make the figures significant.

Hon. Mr. GARSON: May I ask a question. You mean those granted probation by the provincial authorities?

Mr. MACDONNELL: Yes, and I would like to know how many have been in prison through offences of such a nature that they could have been eligible for probation, or technically eligible. The minister knows more about the techniques of it than I do. Finally I would like to know more in detail, if Mr. Miller could tell us, as well what the Fauteux Commission recommends.

My last remark is this: perhaps I am a little "hipped" on this—but I am plagued by the thought that many years have gone by in which various things have prevented final action, and my understanding is that from the point of view of expense, for every man on probation it costs about \$50 a year whereas if he is imprisoned, it costs \$1,500 to \$2,500 a year. Those are figures I have seen; and as the minister himself has suggested, there is a moral and spiritual waste and a loss which is incalculable and far greater than anything we can measure in terms of money.

But to come back to this, I hope that regardless of the fact there is certain information still outstanding which the minister says has to be obtained, we can, here and today, give a great deal of attention to speeding the extension and urgency of this program, which is one which could not be better described than in the words the minister himself used this morning.

The CHAIRMAN: Perhaps Mr. Miller might give us a statement, and if there is any information that he has not got here this morning, perhaps he could get it for the committee.

Mr. F. P. MILLER (*Assistant Director, Remissions Service*): Mr. Chairman, I wonder if it would be helpful if I put on the record a brief description of some of the terms which seem to be a little confused?

The CHAIRMAN: Before you go on, Mr. Miller, would you mind giving us your position in the Department of Justice. I know you have already been introduced.

Mr. MILLER: My name is F. P. Miller and I am an assistant director of the remission service.

The CHAIRMAN: Very well.

Mr. MILLER: There are five terms which sometimes cause confusion. Those terms are probation, parole, ticket of leave, statutory remission, and remission under royal prerogative.

Under probation, a prisoner who has been convicted is released by the court without imprisonment subject to conditions imposed by the court and under supervision of a probation officer. The courts are under the jurisdiction of the province and the probation officer is a servant of the court. This makes probation a provincial responsibility.

Mr. MICHENER: I do not know if it would help to interrupt. Perhaps we should let Mr. Miller finish. But a point which bothers me is this: is it not the responsibility of the federal government to set the terms under which the court may act in matters of probation?

The CHAIRMAN: I suggest that there might be a difference of opinion or argument. There may be different views on it. Therefore I suggest that we allow Mr. Miller to finish his statement following which we may question him. I think that would be a better procedure.

Mr. MILLER: Parole is the release of a prisoner to the community by a parole authority prior to the expiration of his term subject to conditions imposed by the parole authority, and under its supervision.

In Canada there are three parole authorities at the present time, namely, the Governor General under the Ticket of Leave Act, and acting upon the recommendation of a minister of the crown; the Ontario Board of Parole which deals with indeterminate sentences in the province of Ontario, and which is allowed under section 43 of the Prisons and Reformatories Act; and the British Columbia Board of Parole which deals with indeterminate sentences in British Columbia and is set up under section 152 of the Prisons and Reformatories Act.

Ticket of leave is the name by which parole is designated in the Ticket of Leave Act. In other words, ticket of leave is parole. It is simply a different name for it.

Statutory remission or good conduct remission refers to the provision in the law for some remission of a sentence because of good conduct and industry.

In the Penitentiary Act this is covered by section 69, and certain provincial institutions are provided for in section 17 of the Prisons and Reformatories Act.

Remission of sentence under the royal prerogative works in this fashion: the Governor General may remit any portion of a sentence of imprisonment.

Now, as to the functions of the remission service, the remission service advises the responsible minister on a decision under the royal prerogative of mercy, and on applications for ticket of leave. Specifically, it advises the solicitor general as to remission of fines, the remission of corporal punishment; and the return of goods forfeited to the crown, and similar matters.

The bulk of the work is a release from prison mainly by ticket of leave. There are other types of releases before expiration of sentence such as remission under the royal prerogative. Usually that is done for just a short time, where ticket of leave or parole is not feasible. There are also earlier releases to effect deportation.

The remission service also prepares all the documents in connection with capital cases which, as you know, are carried to the cabinet by the solicitor general. The remission service acts as advisor to the Minister of Justice on any application for mercy arising under section 596 of the Criminal Code; and the remission service also advises the Minister of Justice on releases on ticket of leave for men serving terms of preventive detention. These are people designated as habitual criminals, and criminal sexual pscopaths.

You may be interested in having a brief description of the organization of the service. The head of it, the director, is Mr. A. J. MacLeod. There are two assistant directors. With the new positions, that are provided for in these estimates that you are dealing with, we will have a total of 11 remission officers in Ottawa, dealing with the investigation of cases. One of these, I may mention, is employed full time on capital cases, and one acts as a legal consultant. In addition to this headquarters staff, we are developing a field staff. Two regional offices were first established in Montreal and Vancouver in 1949. But, pending the submission of the Fauteux report, it was not possible to establish any more regional offices. When the report was received, action was taken right away. This year we will open four new regional offices. In respect to three of them, the officers have taken over as of this week; one in Winnipeg, one in Toronto and one in Moncton. As soon as we have the new officers, provided for in these estimates, on our staff, and they are able to take over, we will transfer an officer from our present Ottawa staff to open the sixth regional office in Kingston. I think our method of investigation is pretty well known. It is described fully in the Fauteux report.

I will just pause here, Mr. Chairman, to see if anybody wishes me to go on into that at all.

The CHAIRMAN: I think one of the members said that he would like to have some idea of that; more or less an outline of what the Fauteux report did suggest.

Mr. WINCH: And the basis upon which you decide as to whether a person should have a ticket-of-leave.

Mr. MILLER: Again, I would mention that this is described very thoroughly in the Fauteux report. I am, of course, not in a position to add to it.

The CHAIRMAN: Might I ask the minister about this report. Was it distributed to all the members?

Hon. Mr. GARSON: Yes.

The CHAIRMAN: When was it distributed?

Hon. Mr. GARSON: Last session.

The CHAIRMAN: I imagine a lot of the members have not had time to read it yet, and perhaps have left it at home, if it was distributed during the last session.

Hon. Mr. GARSON: Would it help the members if the relative sections were read into the record here?

Mr. REINKE: Or a resume.

Hon. Mr. GARSON: You cannot do much boiling down of this report. It is in a very concise form. Perhaps Mr. Miller would like to read the relevant sections into the record.

This is a report, not being an ex-parte statement of our excellence.

The CHAIRMAN: I thought there must be some reason for that suggestion.

Mr. MONTGOMERY: Mr. Chairman, would there not be reports available for the committee, in case we have not got them? I do not think I have one.

The CHAIRMAN: During vacation, many members, who had them last session, would likely take them home, and would not have them here. Would there be copies available for this committee?

Hon. Mr. GARSON: Could we decide if there are copies available, and if they are available, I do not think we should waste our time here with it. We will distribute them to the members of the committee and they can add them to their other material.

The CHAIRMAN: Yes. I would suggest, if we could get copies for the members of the committee, we could let them have copies, and they could look the report over. It might save time. If we could let Mr. Miller deal with what he thinks he should this morning, then we could go into that further, in regard to the actual terms of the report, after the members have had a chance to look it over. We do not want to take too much time reading from the report until we have looked it over ourselves. If that is satisfactory to the committee, I would ask Mr. Miller to proceed, as he was proposing to do, and then when he is through, it probably will be time for adjournment, and we can look the report over and ask further questions at the next meeting.

Perhaps you could go on, then, Mr. Miller?

Mr. MILLER: As it is shown in the Fauteux report, during this interim period, the remission service has been undergoing a change, and some little expansion. The next step is provided for by these new positions, that you find in the estimates for this year. There are three new positions of assistant field officers, and two new positions for officers at headquarters, along with some clerical positions.

I think that I might take the opportunity to say that, in regard to this question of the police, when a man is on ticket-of-leave, there is a close liaison maintained between, either our own field representative and the police, or the designated supervisor, usually a member of the prisoners aid, or after-care societies, and the police. In the estimates this year you will see an increase for grants to prisoners aid societies. I should explain that the increase is due to the increase in the number of cases that they have taken under their supervision. The number of cases under the supervision of after-care societies has, during the year 1956, increased about 33 or 34 per cent over what they had been carrying in 1955.

There is another item on the estimates concerning after-care societies. It refers to a conference that is held with after-care societies and representatives from other government services. It is at this conference that we are to improve the understanding between the various organizations that have to deal with the former prisoner, who is on ticket-of-leave. At this conference, members of the R.C.M.P. are represented, and at our last conference, we had the local police chief. There are also national employment service people from the special placement branch, and members of the penitentiary commission, as well as several from the remissions service.

Mr. PHILPOTT: Could I ask a question? This refers back to the point raised by Mr. Winch earlier in our discussion as to what happens in the case of a prisoner, when the policeman comes to his employer and tells him that he has got an ex-con on the payroll. Would not a more constructive approach be proper cooperation with the prospective employee; and would not a more frank approach be if the after-care people consulted with the employee, so that everybody concerned knew the man had a record, and that that was not held against him, so that there would be nothing that some stupid policeman could do to injure the man?

Mr. MILLER: This is quite a proper question, because I neglected that. This is essentially our approach. I would say that, by far the majority of persons on parole—I am not talking about those who have been discharged from prison at the expiration of their sentences—by far the majority of people on ticket-of-leave are employed with their employer knowing their background. Frequently this is settled before they are released, although it is not an easy thing to have guaranteed employment before the man gets out. This is one of the functions that the after-care supervisor fulfils. That is, helping the man make his contact with the employer, and to explain the situation. The special placement branch of the national employment service also fulfils this function. But, lest there be any danger that the confidentiality may not be protected by other people, the supervisor, and also our own representative, do as much as they possibly can to spread the gospel on this particular aspect of the work.

Mr. MONTCOMERY: Are there very many of these after-care agencies, or are they mostly confined to the cities, Mr. Miller?

Mr. MILLER: There are several across the country. In the main, they are organized on a provincial basis.

We have, first of all, the Salvation Army, which we regard as an after-care agency. It has been doing this work for years and years, and they handle cases for us right across the country. There are societies, such as the John Howard Society, on a provincial basis, in Alberta, Saskatchewan, Manitoba, Ontario, Quebec, New Brunswick, Nova Scotia and Newfoundland.

In British Columbia there are two separate organizations. There is one for the mainland, but the group on Vancouver island have a separate organization. Similarly in Quebec, there are two large French Canadian societies; one in Montreal, the Societé d'Orientation et de Rehabilitation Sociale, and the organization in Quebec is known as the Service de Readaptation Sociale. There is also an organization in Montreal, for English speaking Catholics, known as the Catholic Rehabilitation Service.

In addition to these, there are smaller organizations, some of which carry an after-care function as an addition to other social service work. But, the ones I have named—and perhaps I should add the name of the Elizabeth Fry Society for Women, having chapters in Vancouver, Toronto, Ottawa and Kingston—handle the bulk of our work.

Mr. McLEOD: Mr. Chairman, in connection with that, I was just wondering, is there any national guidance or leadership given to these various societies so that they would follow a more or less over-all pattern in the work that they are doing?

Mr. MILLER: They have not set up a national federation. However, just recently they appointed a national committee as a clearing house for information.

In respect to this conference that we hold at Calderwood in Kingston each year, we have provided for a one day session, where they can discuss their own affairs. They are also associated with the Canadian Corrections Association, which is a division of the Canadian Welfare Council.

Mr. PHILPOTT: Who pays the cost for that one day session, for instance? Does that come out of our estimates?

Mr. MILLER: Our estimates provide for assistance in their travel, but it is a shared expense. Actually the expense that we bear is the cost of their return fare and berth, if it is needed. They pay all incidental costs. Sleeping accommodation is provided for at the Staff College by the Commissioner of Penitentiaries, but they pay for their meals and any other incidental personal expenses.

Hon. Mr. GARSON: The purpose of that is to attempt to correlate their efforts in the manner Mr. McLeod has suggested.

Mr. MILLER: The nature and purpose of this conference is also dealt with in the Fauteux report.

Mr. PHILPOTT: The only reason I raised that point was because you said it was a one day conference.

Mr. MILLER: No, it has been four days.

Mr. PHILPOTT: Thank you.

Mr. MILLER: It has been a four day conference.

Mr. PHILPOTT: It is a matter of such great importance, I think we should do everything we can here to assist it.

Mr. MILLER: When I mentioned one day, I was referring to their own private session. We meet in open sessions, and there are prepared papers, workshop discussions, and panel sessions, and then a day is assigned to them, or a total of a day is assigned to them for their own affairs.

Mr. MACDONNELL (*Greenwood*): Mr. Chairman, may I take it that in respect to the figure I asked for, if Mr. Miller has not got it today, he could bring it at a subsequent meeting?

Mr. MILLER: I might say that I can give you no more up-to-date figures than are in the Fauteux report appendices, and the latest Bureau of Statistics report, and these I will get for you; but I thought I should mention that these are the latest figures available.

The CHAIRMAN: There is one point you mentioned that I think the committee would be interested in having you explain a little further. You said there were three boards that dealt with paroles. One was the Governor General, on the Ticket-of-Leave Act, advised, I understand, by a member of the remissions branch. But, you also mentioned the Ontario board of parole and the British Columbia board of parole. Have they the right to extend parole? I take it they have got the right to recommend to the governor in council, have they?

Mr. MILLER: No, they have complete authority, within a defined area. I am glad to have the opportunity to explain that. The Prisons and Reformatories Act provides for, in the province of Ontario and in the province of British Columbia, a system of so-called indeterminate sentences—a definite portion and an indefinite portion,—and, allows the lieutenant governor to appoint a board of parole to deal with prisoners on indeterminate sentences.

The board of parole has the power to parole an inmate, when he has satisfied the definite portion of his sentence. To give a concrete example, in Ontario a man may be sentenced to a term of twelve months definite, and twelve months indefinite. Then, with his good conduct, and after he has satisfied his twelve months definite sentence, the parole board can parole him. He is completely under their jurisdiction. The sentence can be as high as two years less a day definite, plus two years less a day indefinite. There can also be consecutive sentences which will carry it over that total.

In British Columbia, indefinite sentences are provided, for a selected class of offenders. There are age limits. If my memory serves me right, the ages are between 17 and 23. In both provinces, specific institutions are mentioned. In British Columbia the prisoner can be sentenced to New Haven Borstal, or to the young offenders unit. In Ontario he can be sentenced to any Ontario reformatory. Of course, transfers can take place afterwards.

The parole boards, in each case, have no power to parole a man while he is still serving the definite portion of his sentence.

Mr. MICHENER: Has that system been asked for by other provinces, Mr. Chairman, or is it limited to the two?

Mr. MILLER: Again, if I may be allowed to refer to the Fauteux report, the history is outlined there, and it raises the question: has there been a preference here; and they say there is no preference. The other provinces simply have not asked for it, but apparently they could ask for it.

The Ontario Parole Board has been in existence, I think, since 1916, and the British Columbia one came into existence at a much later date. If my memory serves me right, it was 1949, or thereabouts.

The CHAIRMAN: This system of determinate and indeterminate sentences is of a more recent origin than that?

Mr. MILLER: No. It goes back to 1916, Mr. Chairman.

Mr. MICHENER: Another question that I started before, Mr. Chairman; what are the functions of the remissions branch with respect to probation? I take it that probably I will know the answers to these things when I have read over that report, but I take it that probation is regarded as a matter of provincial jurisdiction, because it is handled by an officer of that court. I raise the question for Mr. Miller, as to whether or not the jurisdiction of the officers, who give probation, is not prescribed by a federal statute under the Criminal Code? Is it the same thing as suspension of sentence?

Mr. MILLER: Yes. It is the extension of power to suspend sentence. The sections which cover this are referred to in the Fauteux report.

Mr. MICHENER: Is probation dealt with entirely by judicial officers?

Mr. MILLER: It is the judicial officer, the judge or the magistrate as the case may be, who has the power to suspend sentence and place the man on probation and specify the conditions. The probation officer is usually a social worker and a servant of the court, and he is given some status usually by provincial statutes. There is, for example, an Ontario Probation Act. It is the responsibility of the probation officer to supervise the man and see that the conditions of the probation are adhered to. Under provincial statutes he may have certain powers such as the power of arrest.

Mr. MICHENER: Federal authorities have not taken any responsibility with respect to probation officers or in probation in the case of those who are sentenced to penitentiaries for two years or more?

Mr. MILLER: If a person is sentenced to a term of imprisonment probation would not apply.

Mr. MICHENER: Is it not possible to suspend sentence in the case of two-year prison terms?

Mr. MILLER: Yes. But it is not referred to the same as if it were a sentence to an institution. The sentence is suspended for a period and the person is placed on probation and is not committed to an institution at all. He remains under the jurisdiction of a court. In the case of a person sentenced to a term of imprisonment, he leaves the jurisdiction of the court and is committed to an institution.

Mr. MICHENER: I take it that your remissions branch is exercising no responsibility with respect to probation at the present time.

Mr. MILLER: No.

Mr. MICHENER: If the recommendations of the Fauteux commission are applied, then probation will be a joint effort by both levels of government, I take it?

Mr. MILLER: Probation as such, sir, no. This is the provincial responsibility. There is a use made of an interchange of services. For instance, in Ontario, in a place where there is no after-care agency available a probation officer of the province of Ontario will undertake as a service to us to supervise a man who is on a ticket of leave. It is because he is a man capable of doing this. The authority for it is spelled out in the actual licence granted the man which reads somewhat in this way: upon the additional condition he accepts the supervision of Mr. So-and-so, probation officer, at such and such a place. He is then acting for us in a different capacity.

Mr. MACDONNELL (*Greenwood*): In how many provinces do you get that service?

Mr. MILLER: In all the provinces where there are probation officers. In British Columbia, Saskatchewan, Ontario, and Nova Scotia. We have used probation officers in those four provinces. Probation is under way in Alberta but we have not had occasion to use their officers.

Mr. MACDONNELL (*Greenwood*): In the provinces where you do not get this service, how do you carry on?

Mr. MILLER: In the main with the after-care agencies.

Mr. MACDONNELL (*Greenwood*): Are those all voluntary agencies?

Mr. MILLER: Yes.

Mr. REINKE: I notice there is an amount of \$40 thousand under the item Grants to Recognized Prisoners' Aid Societies. Will you give me an idea how that is broken down?

Mr. MILLER: Yes. The grant that the remission service gives the prisoners' aid societies is on a quantitative basis with respect to the amount of work they have performed during the preceding calendar year. We assign weighted factors for the number of man-months parole supervision and the amount of activity we have in post release or supervision reports. We make a minor adjustment for the small societies. There are some societies rendering service but which have had during the course of a year only two or three cases. In

that instance our grant would be exceedingly small, so there is a minimum. I could read the distribution of the grants last year. There are twenty as follows:

John Howard Society, Vancouver Island	\$ 500.00
John Howard Society, British Columbia	3,350.00
John Howard Society, Alberta	4,850.00
John Howard Society, Saskatchewan	400.00
John Howard Society, Ontario	3,850.00
John Howard Society, Quebec	900.00
John Howard Society, Shediac, N.B.	150.00
John Howard Society, Saint John, N.B.	200.00
John Howard Society, Nova Scotia	1,250.00
John Howard Society, Newfoundland	250.00
Manitoba Welfare Association	2,850.00
The Salvation Army	2,950.00
Elizabeth Fry Society, Ontario	200.00
Societe d'Orientation et de Rehabilitation Sociale, Montreal, P.Q.	4,700.00
Societe de Rehabilitation, Sherbrooke, P.Q.	250.00
Service Social de Hull, P.Q.	500.00
Service de Readaptation Sociale, Quebec, P.Q.	1,450.00
Catholic Rehabilitation Service, Montreal, P.Q.	950.00
Le Centre de Service Social, Three Rivers, P.Q.	250.00
Service Social de L'Enfance, Chicoutimi, P.Q.	200.00
	\$30,000.00

Mr. MONTGOMERY: You mentioned two John Howard Societies in New Brunswick.

Mr. MILLER: Yes. I should explain that last year in New Brunswick there were two small voluntary groups which came together with a new third group and formed a provincial organization. The basis of our distribution had been on the former two separate ones.

Mr. REINKE: Do these organizations make a report to the remission services?

Mr. MILLER: Of the work performed?

Mr. REINKE: Yes?

Mr. MILLER: Yes. However, we keep our own records. We have an index system and we know what cases they have been given and we know how many man-months they have had the case. They send post release reports to us on each individual and there is a note taken of these. This is how we establish the record.

Mr. MICHENER: Is it intended to distribute this \$40 thousand among the same societies this year?

Mr. MILLER: Yes. On the basis of the work they have already performed in 1956. Actually there are two or three other small ones which are not mentioned in this list who took on cases last year.

Mr. MICHENER: The same scale of remuneration will be carried out this year?

Mr. MILLER: Yes. It will be related to the actual work performed.

Mr. McLEOD: Could you let us know what proportion that \$40 thousand is of the over-all cost of providing this service. It looks to me as if it is a niggardly amount for the government of Canada to be spending on this very

important work—\$40 thousand. Have you any idea what the total cost of the service is that is being provided by these other societies?

Mr. MILLER: Of course I cannot comment on the adequacy of the amount. What I can do is say they receive funds from various sources and it varies considerably from society to society. I hope you will excuse me if I refer to the Fauteux report again. This whole problem was analyzed in an appendix to the Fauteux report. Each society showed the source of its funds and its total budget and also put in some suggestions as to what they thought they would need for expansion. It varies considerably. There might be one organization receiving a grant from the provincial government and another organization which receives no grant. Some are in the Red Feather and some are not. In the main they receive grants from us for their work on ticket of leave, and from the Commissioner of Penitentiaries for the other work they do, which is considerable. The grant from the penitentiaries is larger. In some cases they have grants from the provincial governments; in some cases from municipal governments; and in some cases from the Community Chest, Red Feather organizations and also private subscriptions.

Mr. MICHENER: I see that the Ontario John Howard Society receives money both from the penitentiaries commission and from the remission service.

Hon. Mr. GARSON: At page 253 of the estimates the members will see the Commissioner of Penitentiaries in the present estimates is providing for grants to recognized prisoners aid societies in the amount of \$60 thousand.

Mr. MACDONNELL (*Greenwood*): Can we take it an attempt is made in a rough way to make these grants sort of a return for services rendered?

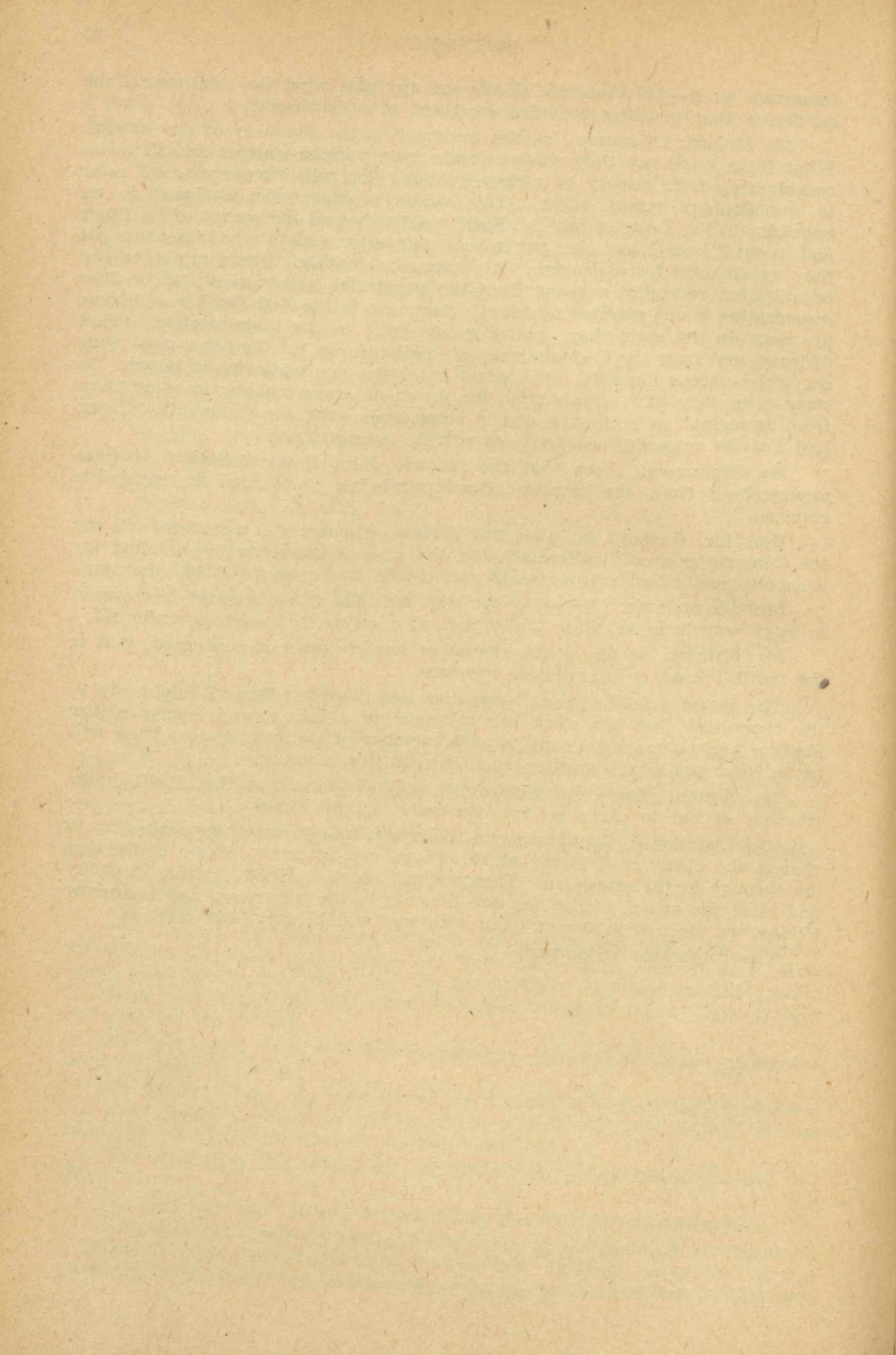
Mr. MILLER: So far as the remission service grant is concerned, that is the method used, a quantitative measure.

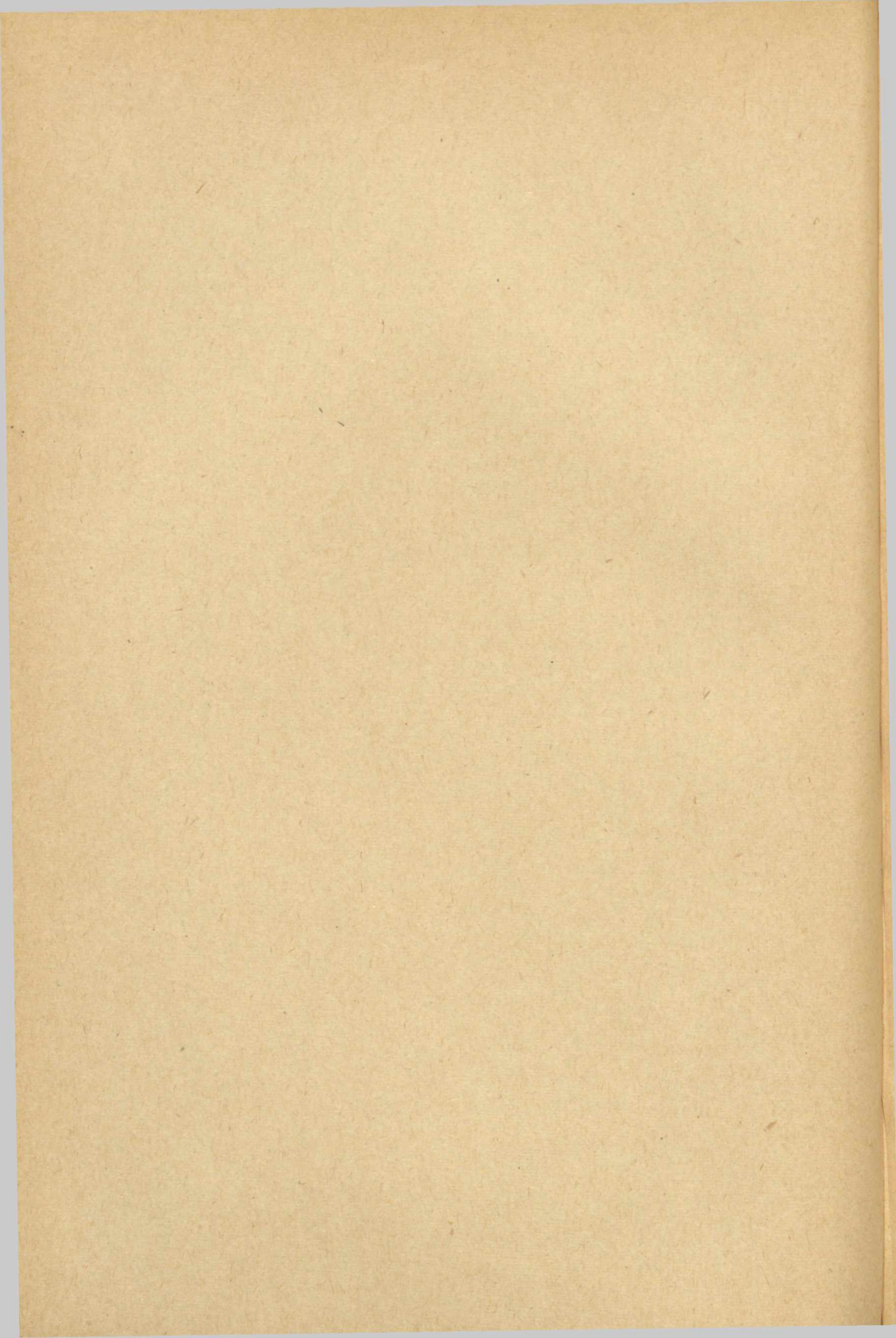
The CHAIRMAN: Are there any other questions on this. I might say to the committee that our clerk has managed to obtain enough copies of the Fauteux report to send a copy to each member of the committee. They will be in your mailboxes at the conclusion of this meeting.

Mr. WINCH: May I ask what time we will adjourn so that I will know whether or not to carry on the discussion at this time?

The CHAIRMAN: Gentlemen, we will meet, unless something comes up to change our plans, on Tuesday at 10:30 a.m. and after the orders of the day are through in the afternoon. Then we will meet at 10:30 a.m. on Thursday and after the orders of the day are through in the afternoon, and tomorrow Friday, we meet at 2:30 p.m. Our meetings will be two hour sessions.

The committee adjourned.







HOUSE OF COMMONS

Fifth Session—Twenty-second Parliament

1957

SPECIAL COMMITTEE

ON

ESTIMATES

Chairman: W. A. TUCKER, Esq.

PROCEEDINGS

No. 2

FRIDAY, MARCH 22, 1957

DEPARTMENT OF JUSTICE

Hon. S. S. Garson, Minister of Justice; Mr. F. P. Varcoe, Deputy Minister;
Mr. F. P. Miller, Assistant Director, Remission Service; and Mr. T. D.
MacDonald, Director of Investigation and Research.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1957.

SPECIAL COMMITTEE ON ESTIMATES

Chairman: W. A. TUCKER, Esq.,
and Messrs.

Brown (<i>Brantford</i>)	McLeod	Purdy
Cameron (<i>High Park</i>)	Michener	Reinke
Decore	Mitchell (<i>London</i>)	Richardson
Enfield	Monteith	Weselak
Garson	Montgomery	White (<i>Waterloo South</i>)
Laflamme	Murphy (<i>Westmorland</i>)	Winch
Leduc (<i>Verdun</i>)	Philpott	Yuill
Macdonnell (<i>Green- wood</i>)	Power (<i>Quebec South</i>)	Zaplitny
	Power (<i>St. John's West</i>)	

Quorum—10

E. W. Innes,
Clerk of the Committee.

ORDERS OF REFERENCE

FRIDAY, March 22, 1957.

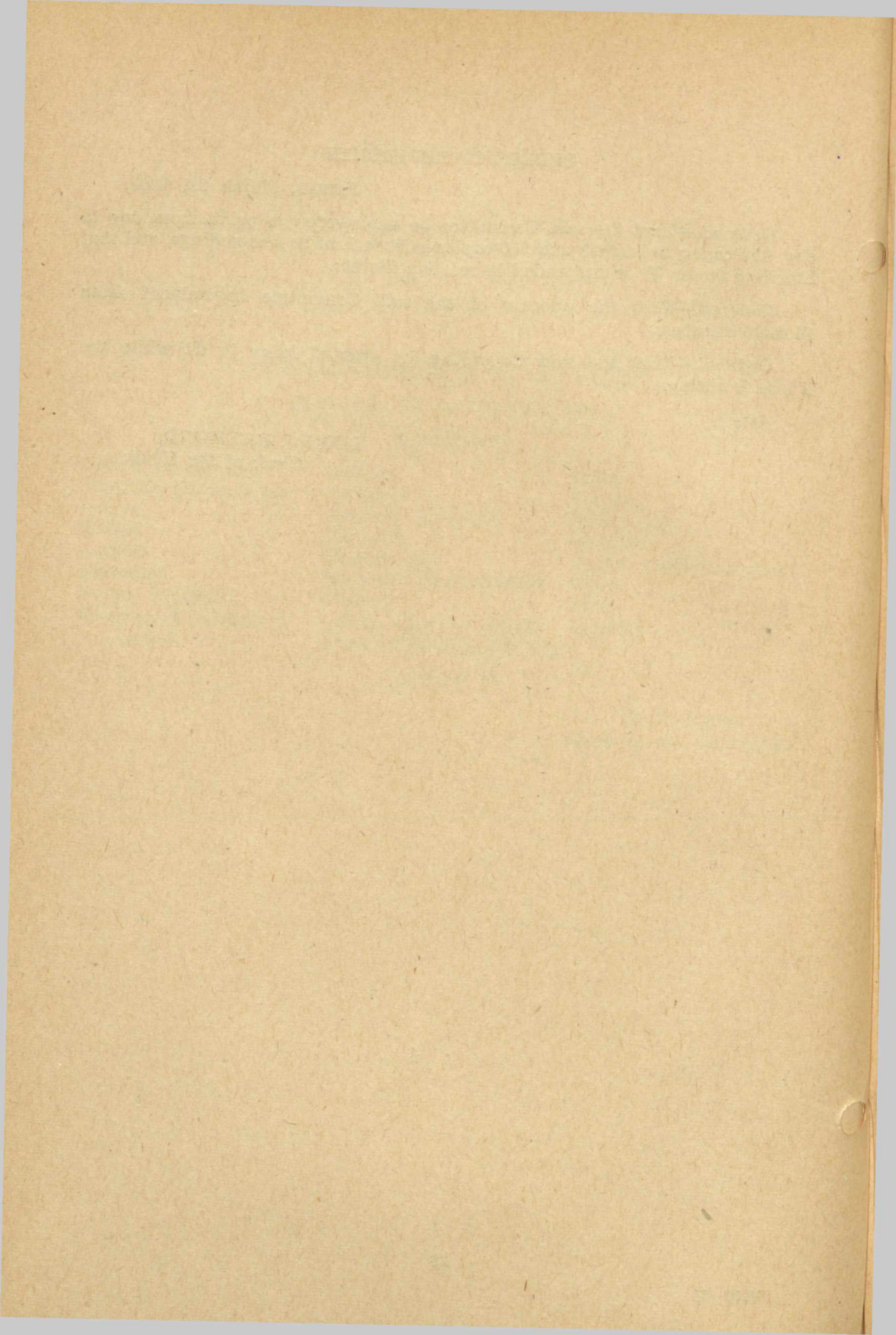
Ordered,—That the said Committee be empowered to print, from day to day, 750 copies in English and 250 copies in French of its Proceedings, and that Standing Order 66 be suspended in relation thereto.

Ordered,—That the quorum of the said Committee be reduced from 14 to 10 members.

Ordered,—That the said Committee be granted leave to sit while the House is sitting.

Attest.

LEON J. RAYMOND,
Clerk of the House.



MINUTES OF PROCEEDINGS

FRIDAY, March 22, 1957

The Special Committee on Estimates met at 2.30 p.m. this day. The Chairman, Mr. Walter A. Tucker, presided.

Members present: Messrs. Cameron (*High Park*), Decore, Hon. Stuart S. Garson, Laflamme, Macdonnell (*Greenwood*), McLeod, Monteith, Montgomery, Philpott, Power (*St. John's West*), Purdy, Reinke, Richardson, Tucker, Weselak, Winch, Yuill, and Zaplitny.

In attendance: *From the Department of Justice:* Mr. F. P. Varcoe, Deputy Minister; Mr. R. B. Gibson, Commissioner of Penitentiaries; Mr. F. P. Miller, Assistant Director, Remission Service; and Mr. T. D. MacDonald, Director of Investigation and Research. *From the Royal Canadian Mounted Police:* Mr. L. H. Nicholson, Commissioner.

The Committee resumed its consideration of the Main Estimates, 1958, relating to the Department of Justice.

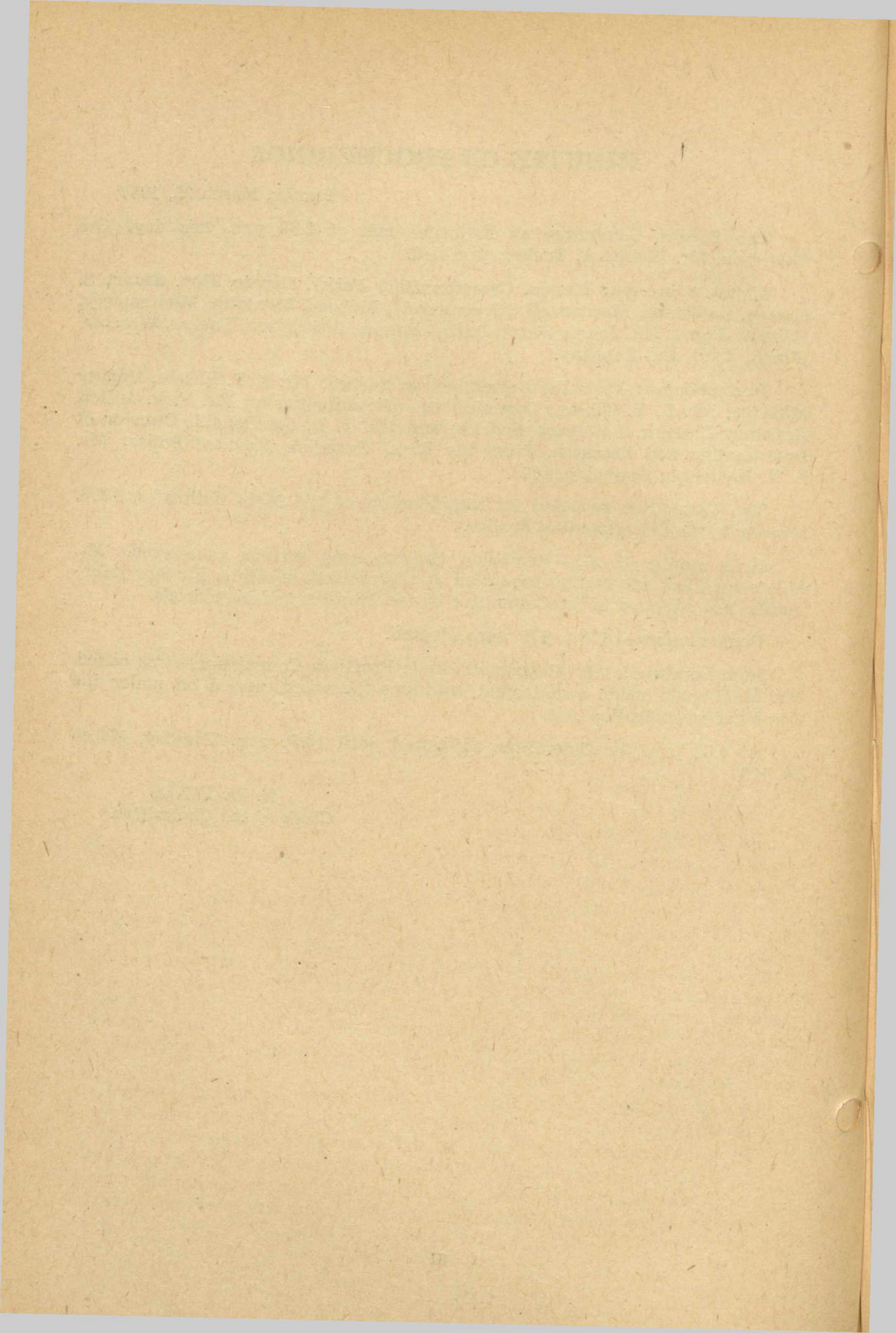
Item numbered 173—Remission Service—was further considered. Mr. Miller supplied information requested at the previous meeting. Further information was supplied to the Committee by the Minister and his officials.

Items numbered 173 to 178 were adopted.

Item numbered 179—Restrictive Trade Practices Commission—was called. Mr. MacDonald made a statement outlining the work carried on under the Combines Investigation Act.

At 4.30 p.m. the Committee adjourned until 10.30 a.m. Tuesday, March 26, 1957.

E. W. INNES
Clerk of the Committee.



PROCEEDINGS

FRIDAY, March 22, 1957.

2.30 p.m.

The CHAIRMAN: Order, gentlemen, we have a quorum. Mr. Miller has some answers ready to questions asked yesterday by Mr. Macdonnell. We shall now hear from Mr. Miller.

Mr. F. P. MILLER (*Assistant Director of Remission Service*): Mr. Chairman, Mr. Macdonnell's first question was as to the number of probation officers in Canada. My source for this is the directory of correctional services in Canada, the latest issue, November 1956.

I have divided it under three headings: administrative, full time adult probation, and part time adult probation.

In British Columbia there are two under administrative; six under full time adult probation officers, and sixteen under part time adult and juvenile.

In Alberta there is one under administrative. There are sixteen full time adult, and none part time.

In Saskatchewan there is one administrative officer, and three under full time adult; and then the workers in the welfare department may be used as probation officers.

In Manitoba, nil.

In Ontario, there are two under administrative, 60 under full time; and under part time—this is juvenile and adult—there are 28.

In Quebec, nil.

In New Brunswick, nil.

In Nova Scotia, there are none under the administrative heading, but there are four under full time, and none under part time.

In Prince Edward Island, nil.

In Newfoundland, nil.

These appear to be the official probation officers. There is no doubt that some provinces use other people to do these duties.

The second question was how many persons were placed on probation in one year. The latest statistics available are for the year 1954 and my source is the Bureau of Statistics report. I have them under two headings, indictable offences, and summary conviction. I make this distinction because it is only under indictable offences that we are dealing for sure with persons. Under summary convictions there may be more than one conviction for a single person. But if a person is placed on probation, this is not too likely. The figures are as follows: British Columbia, under indictable offences, 268, and under summary convictions 374.

In Alberta under indictable, 34, and under summary convictions 45.

In Saskatchewan under indictable, 20, and under summary convictions, 8.

In Manitoba, under indictable, 25 and under summary convictions, 34.

In Ontario, under indictable, 1296, and under summary convictions, 815.

In Quebec, under indictable, 520, and under summary convictions, 768.

In New Brunswick, under indictable, 3, and under summary convictions, 9.

In Nova Scotia under indictable, 193 and under summary convictions, 21.
In Prince Edward Island, under indictable 8, and under summary convictions, 2.

In Newfoundland, under indictable, 59, and under summary convictions, 7.

The total under indictable is 2,426 and under summary convictions, 2,083 making a grand total of 4,509.

You will note there are provinces where there are a number of people listed as being people under probation where there is no official probation service. I suppose under section 638 of the code that the court could designate a father as supervisor and it would be the equivalent to saying that the person was on probation. But we know there is considerable use of the Salvation Army and of other agencies—sometimes the children's aid societies—for the purpose.

Mr. Macdonnell asked how many persons could have been placed on probation who were not. I regret that there are no records available from which this information could be obtained. Section 638 of the Criminal Code places certain restrictions on the use of probation.

To determine, for example, how many of the 30,000 odd persons convicted of indictable offences in 1954 could have been placed on probation—it would be necessary to identify each case and to examine the criminal record of each person convicted. But there is no place where this sort of record is being kept.

I might say that the raw data for all this information comes from thousands of sources across the country. And there is probably a judgment exercised at the source sometimes as to whether the case is called a probation case or simply a suspended sentence without probation.

Another question was: what does the Fauteux report recommend concerning probation? References in the Fauteux report are pages 13, 14, 15, 25, 26, 87, and 88. The principal recommendations are recommendation number three which reads:

3. Each of the provinces should establish full scale systems of adult probation.

Recommendation number four reads:

4. The parliament of Canada should give serious consideration to:

- (a) The abolition of a number of the restrictions on the power of courts to suspend the passing of sentence; and
- (b) the enactment of legislation to authorize probation without conviction.

Other recommendations which refer to the work of probation officers are number seven, which reads as follows:

7. In passing sentences the courts should rely, to a much greater extent than they now do, upon pre-sentence reports.

Recommendation number thirteen which reads as follows:

13. In any case where a convicted person is between the ages of 16 and 21 or where a maximum term of imprisonment of two years or more may be imposed, no offender should be sentenced to any term of imprisonment without consideration, by the court, of a pre-sentence report.

The introductory statement to the discussion on the subject of probation reads as follows:

It is our opinion that adult probation is the area of corrections in Canada where the most significant advance is required to be made.

Mr. Macdonnell asked one other question: what were the expenses involved. There would be no way that we could produce that information. Many of the

costs—even if the provincial people were to be asked for this information—are hidden in these part time workers.

Mr. REINKE: Might I ask Mr. Miller a question? You mentioned probation without conviction. I have not had a chance to study this report. What is the thinking behind it? Might there not be a case where a person was put on probation by a magistrate or a judge to guide him and keep him out of trouble even though he may not have been convicted?

Mr. MILLER: I suppose that in Canada the device of an adjournment sine die could be used to accomplish the purpose. The committee makes reference to this particular device (probation without conviction) which is in use in the United Kingdom where there is no conviction recorded against a man. Therefore he has no official record. Where they are able to keep him under the supervision of a probation officer over a period of time, in order to accomplish that in selected cases, there would be no record at all.

Mr. MACDONNELL (*Greenwood*): Would you say that the third paragraph on page 13 of the Fauteux report is a correct statement of the difference between probation and suspended sentence? Perhaps you might read it out?

Mr. MILLER: What was the paragraph again, please?

Mr. MACDONNELL (*Greenwood*): I refer to paragraph two on page 13 of the Fauteux report under the heading of adult probation.

Mr. MILLER:

Probation is an alternative to imprisonment. It is a system that is designed to be used in conjunction with the power of the court to suspend sentence. It is however, different from mere suspension of sentence. It involves compliance by the offender with specific conditions and his acceptance of correctional treatment under supervision. Suspension of sentence by itself involves compliance only with general conditions, if any are imposed at all. Probation is not leniency or mercy. It is a form of correctional treatment deliberately chosen by the court because there is reason to believe that this method will protect the interests of society while meeting, at the same time, the needs of the offender. Probation permits the offender to lead a normal life in the community and enables him to avoid the inevitably disturbing effects of imprisonment. It makes it possible for him to continue his normal associations and activities while he receives the constructive assistance of supervision and guidance by a trained probation officer.

Mr. MACDONNELL (*Greenwood*): And that follows the first short paragraph which reads as follows:

“It is our opinion that adult probation is the area of corrections in Canada where the most significant advance is required to be made.”

Mr. Chairman, I do not want to monopolize the conversation here, but I would like to ask a question.

The CHAIRMAN: I wonder if Mr. Reinke has finished with his questions?

Mr. REINKE: I was going to ask a supplementary question. If I heard it correctly, one of the recommendations was that this probation without conviction should be eliminated.

Mr. MILLER: No, the recommendation is that it should be implemented.

Mr. REINKE: Oh, I misunderstood it.

Mr. MACDONNELL (*Greenwood*): I have one or two questions to ask, and I preface them by repeating what the minister said yesterday about the importance of probation, and that when a man enters jail it is like his crossing the Rubicon. I have forgotten the wording of his other remarks, but what

we wanted to do was to get at the man before he had gone to jail and so to give him a chance to get back on the rails again.

Quite frankly I have been disappointed beyond words in the amount of time that has been required. The minister spoke about it very frankly yesterday. My memory goes back to almost two years ago when I first become interested in it by reason of an article with some rather extravagant figures in it. The minister may remember it. I am sure it painted a situation which was somewhat extreme in that connection, but nevertheless if the minister will not disagree, the article illustrated the immense importance of this matter and in a way it stated it more strongly than he did yesterday.

Some time last autumn there was a meeting of civil servants following the Fauteux report.

Hon. Mr. GARSON: That is right.

Mr. MACDONNELL (*Greenwood*): What was the date of it?

Hon. Mr. GARSON: I am afraid I could not give you even an approximate date.

Mr. MACDONNELL (*Greenwood*): I believe it was in November or December.

Hon. Mr. GARSON: November or December or thereabouts.

Mr. MACDONNELL (*Greenwood*): That, I understand, was not a policy meeting.

Hon. Mr. GARSON: That is right.

Mr. MACDONNELL (*Greenwood*): Am I correct—and this is with respect to time—in thinking at that time it was hoped to have a further policy meeting in June, during which time various facts would be arrived at?

Hon. Mr. GARSON: No. Mr. Chairman, perhaps I should read from my file a series of letters; but it may be enough to say that as soon as the Fauteux report was available, and within twenty-four hours after we had received copies of it from the Queen's Printer I sent letters to all the Attorneys-General of Canada, forwarding a copy of the report.

With that beginning then, we commenced correspondence which led up to this meeting of civil servants. As I explained, I thought in considerable detail yesterday, the subject of this meeting was for the experts in these fields in the various provinces to gather together with us to decide what facts and statistics and information the ministers,—that is the provincial attorneys-general and the solicitor-general and myself,—would require when we got together in a dominion-provincial conference to consider the implementation of the recommendations in the Fauteux report.

At this meeting of provincial and federal civil servants, those persons attending that meeting brought along with them all the information which they thought was relevant and available. When they pooled all that information they found there were still enormous gaps in the information required, which they would have to fill. They had the impression it would take about five months to gather together this information. They went back home with the undertaking that they would send to us here one hundred copies each of the information which each had brought to that meeting, so that we could distribute that among the other provinces. They also undertook to furnish us with additional information as it was prepared.

The idea was, when the conference took place on the Fauteux report and its recommendations, we would have all of the necessary data and thus we would be able to make proper policy decisions.

I cannot emphasize too strongly my agreement with the proposition as read by Mr. Macdonnell to the effect that "It is our opinion that adult probation is

the area of correction in Canada where the most significant advance is required to be made", nor can I stress too strongly the fact that that is in the provincial field of jurisdiction. The only way in which it is possible for us to have reform in adult probation is to endeavour to persuade provincial representatives at a conference that it would be a wise expenditure of provincial public funds to embark upon such a program.

I do not mind saying that in order to encourage them to that end we would bring along a program of our own of improvements in our federal field of responsibility which would cost us considerable money. We would also be quite willing to consider other recommendations of the Fauteux report, such as that we should take away from the provinces the responsibility for custodial care of certain prisoners, which responsibility is now in the provinces. What we would attempt to do would be to have an over-all implementation of all the Fauteux recommendation which in the discussions at the conference could secure the consent and support of all the governments.

Mr. MACDONNELL (*Greenwood*): A question arises out of the report at page 87 where there is a recommendation on one or two things which should be done by the federal government. I refer particularly to the fourth recommendation. I have been disappointed in the fact that there is no sign of any action being taken in this respect. Is there any reason why that could not be gone ahead with?

Hon. Mr. GARSON: An excellent reason. This is what it is. My hon. friend will remember when Mr. Fulton introduced his bill dealing with obscene literature—and I cite this as an example of the very same considerations which would apply under this paragraph—we held that bill in committee for several weeks because we wanted to go back to the people whose responsibility it was to enforce that law to find out from them, on the basis of their practical experience, what they thought we should write into it.

Now in this same manner, with respect to this item number 4 "The parliament of Canada should give serious consideration to (a) the abolition of a number of the restrictions on the power of courts to suspend the passing of sentence; and (b) the enactment of legislation to authorize probation without conviction" our thought was if we were going to implement that particular recommendation, which involves legislation by the provinces and by Ottawa at the same time, dealing with different aspects of the same subject matter, we could do it much more intelligently after we had conferred with all the provinces than before. It would be a very poor compliment to them to go ahead and put our idea of the thing into effect without getting their opinions.

It is obvious that in this matter, from top to bottom and from beginning to end, if we are going to do a good job it has to be done through cooperation between the two levels of government.

Mr. MONTGOMERY: I think we realized that that is the case when we were dealing with matters before the Criminal Code committee. We found that in order to obtain universality of punishment, treatment, and so on we need that cooperation very badly.

Hon. Mr. GARSON: Yes. Mr. Montgomery is speaking from his personal experience. If I had had any doubt myself that doubt was completely removed by our experience on the Criminal Code committee.

Mr. MACDONNELL (*Greenwood*): I am particularly disappointed that the recommendations of the Archambault report have not been implemented. It goes out of its way to speak about probation officers. I will read it again: "The pay and duties of probation officers should be the subject of an agreement between provincial and federal authorities." Having regard to the fact that

the minister really implied that no action is taken, and further, that people are going into jail who might be saved from it, is it not possible that that definite recommendation could be carried out without any enormous amount of further information? It might be in the future when the further information comes in that adjustment could be made; but is it not a simple straightforward recommendation? Will the minister say whether or not any assistance has been given to any province?

We had figures read by Mr. Miller showing in some provinces they have what seems to be a pretty adequate staff, and in others practically no staff. The result will be what the minister implied yesterday. Rather than waiting for months to receive further detail which has to do with the niceties of inter-connection between the provincial and dominion governments in matters of legal procedure, here is a simple recommendation and it would not need too much persuasion to get the provinces to agree to it. Is it not possible that this can be carried through?

Hon. Mr. GARSON: I must, with great respect, dissent from my hon. friend's proposition that this is a simple recommendation. I suggest to him it is one of a large number of recommendations, the implementation of all of which can intelligently take place only as a result of a very carefully implemented plan. If we are going to get all the provinces to come up to a proper level, and bring ourselves to a proper level, and thus have a disposition of this problem in cooperation with them, I do not think it would be wise for us to do it piecemeal at all unless and until it is demonstrated that we cannot do it all as part of an integrated plan.

Surely my hon. friend from Greenwood will agree that the present situation where you have a fairly high degree of probation in some provinces and in some others scarcely any at all is not desirable, and that we have a far better opportunity of achieving a reasonable measure of uniformity if we deal with the matter of probation in its relation to all these other matters. It is better, I think, if we do this as a result of joint action by all the provinces and we here tackling the whole problem together.

The whole problem is by no means simple. It is an extraordinarily complex and difficult one. Was it not Lord Tweedsmuir who once wrote, "To be simple in a non-simple matter is the surest road to confusion". The confusion in this field now is because of nibbling a little bit here and there. What we need is an over-all plan, if we can achieve it. If we fail, then we can go back to a nibbling process.

Mr. MACDONNELL (*Greenwood*): I do not wish to take up the time of the committee, but this recommendation is a simple recommendation which I read from the Archambault report, which was made years ago, when I suppose matters may have been simpler. But this was put forward as a recommendation by that commission, which was appointed by the federal government. It is far from clear to me why action could not be taken on these four or five recommendations which culminated in the one which says: "The pay and duties of probation officers should be the subject of an agreement between the provincial and federal authorities." I have some figures prepared for me here. They are not official figures. They are from the combined counties, cities and towns in Ontario, showing probation during the year 1956 of nearly 4,000 persons and just over 5,000 cases of suspended sentence.

I have also information on the constructive side showing what has been done by the people who are under probation. The total number who are under probation and earning in Ontario now are some 7,200 and they earn \$12 million a year. That figure, in one sense, is irrelevant, but it shows what has happened. Those are people who might otherwise have been in prison. Is it not possible for

the minister to cut through the technicalities which exist and deal with those, if you like, on a temporary basis, to take care of a terribly important situation which has been crying out for assistance for many years.

Hon. Mr. GARSON: Mr. Chairman, when my hon. friend refers to cutting through red tape—

Mr. MACDONNELL (*Greenwood*): I corrected that.

Hon. Mr. GARSON: Yes; that is not the case. Does he still seriously suggest to me that, in order to instal just this one important matter of probation, I call all of the attorneys general of the provinces down here to a dominion-provincial conference on that subject alone—

Mr. MACDONNELL (*Greenwood*): No.

Hon. Mr. GARSON: —in order to save time and get results. We would be the laughing stock of the country if we did, especially when we have a report here which covers the whole field. Surely if we have that, and we are asking the provinces to send these delegations down, under very considerable expense, to gather data and statistics, and so forth, so that we can discuss it intelligently, —surely it is a matter not of technicalities or red tape, but a matter of ordinary sense, that we are going to deal with the whole subject, if we can, and only in the event of our failing to deal with the recommendations as a whole will we come back and start this nibbling process of doing a little bit here, and a little bit there, and a little bit some place else.

Mr. MACDONNELL (*Greenwood*): I will say no more, except to remind the minister that it was a plain and simple recommendation made in 1938, which is still crying out to be done.

Mr. WINCH: Mr. Chairman, in view of the broad discussions, which I appreciated, that we had yesterday, and have had this morning in respect to vote number 173, there are two questions which I would like to ask, and of course, to have commented on by Mr. Miller, if they are within the field. If they are outside of his purview, then perhaps the Minister of Justice might care to comment on them, or if they concern matters of policy to any degree.

The first one comes to my mind as a result of a statement made this morning by Mr. Miller in respect of probation, or suspended sentence with no record being kept. I have had, over the course of the years, a number of cases with problems of that nature. I would like to ask Mr. Miller, or if it is a matter of policy, the minister, this question, and I guess the best way to do it is, of course, to give a concrete example.

A young chap of 18, in the year 1917, got in with a bunch, and he did not know that they were going to break in and enter. They were arrested and charged with breaking and entering. This young chap of 18 was in. He was able to prove that he had no knowledge of this escapade at all. He was released, but that offence is a matter of record.

The chap I am talking about is only one year younger than myself, and I will be 50 years old in June. He has never been in trouble of any kind since. Time after time he has had employment, and risen to a position where he had to be bonded. Immediately he lost his position, because he could not be bonded on account of what happened when he was around 18 or 19 years of age—that escapade, of which he had no knowledge, when he was in court back in 1917.

This man is now driving a taxi, and his family is living on that standard, although he could have been a high executive, and it is a direct result of this record of breaking and entering back in 1917.

Could I ask Mr. Miller if there is any way, under such circumstances as that, that it could be wiped out, so it would not go on the record? If this is a matter of policy, I would ask the question of the minister. Could anything be done under circumstances such as that? I think it is absolutely unfair.

Mr. MILLER: I assume that there was a conviction in regard to that concrete example that was given, because otherwise there would be no record. This again is a matter that is discussed—

Mr. WINCH: He did not serve one day in jail.

Mr. MILLER: No, but he might have received a suspended sentence.

This, again, is a matter that is discussed in the Fauteux report, and there are recommendations there. I doubt that it would be proper for me either to concur in the recommendation or not.

Mr. WINCH: I would ask the minister; in such a case, is there anything that could be done, do you think?

Hon. Mr. GARSON: There is something that could be done, by implementing the recommendation of the Fauteux report upon that point. This is just another example of the scope of the subject matters which would have to be considered by a dominion-provincial conference. In other words, would we want to go to the lengths of the probation that they have in some countries where, if a person is caught in a crime, then after a great deal of checking up as to all the circumstances, the Court and the prosecuting officials have the power, without securing a conviction against him at all, of putting him on probation, and thereby saving that stain which goes against his record—once a conviction is registered. That is one of the matters that we will have to consider at this conference. That is the reason why we do not want to deal with just one item, out of a large number like this. We want to deal with them all, if we can.

Mr. WINCH: All right, Mr. Chairman, I will accept that. I appreciate the interest the minister has in that question.

Referring now to my second question which, to me, is of utmost importance, if I might say so, Mr. Chairman. It ties in, I believe, because of our discussions yesterday with this particular problem in respect of men and women once they are released from the jails or penitentiaries. The remissions branch, and only the remissions branch, as a result of its study, can recommend to the minister that a man or woman should be let out on a ticket-of-leave. I am not quite certain as to whether they also make recommendations in respect of good conduct, or not. But the fact still remains, in regard to a broad basis, of the rehabilitation which your department is trying to do, in the field of penology. It is your hope and aspiration that, once a prisoner is released, he shall become a member of society.

It has been my experience now, over a number of years, that there is a major problem, which I am certain must have taxed your remissions branch, and the Department of Justice, and it is this: When a man or a woman is released from the penitentiary, or jail, he or she has very little money. Let us be absolutely honest. If a man has been in a penitentiary for 2, 3, 4, 7, or 10 years, he comes out from behind those bars, gates and walls, and it would not be natural if he did not have two things in mind. Most of them have. One is a blow-up, or a blow-off party, and perhaps some companionship of the opposite sex. They have very little money, and in two or three days they are out of money. That is only natural and understandable.

Hon. Mr. GARSON: Yes.

Mr. WINCH: They have got to get a job. Sometimes it is difficult enough, even when a man has always been straight to get a job. But, when he comes out of a prison, it is most difficult, in many cases for him to get a job. As a result, he is out of money. I have found, over the period now of almost 24 years, that that is the biggest problem.

They are up against, first of all, the stigma. They are up against the problem of employment and they have very, very little money. I am convinced,

Mr. Chairman, that one of the greatest steps forward, that would ever be made in regard to penology in Canada, would be taken, if there could be some follow-up basis, which you spoke about yesterday, so that they are not out of money after a few days following their release, and when he is unable to get a job. He is able to get the odd meal and the odd bed from the John Howard Society, the Salvation Army or the Y.M.C.A., et cetera; but there should be some provision that could be made to give them time to rehabilitate themselves while living on honest sustenance, and until they got employment.

I have given a great deal of thought to this. I would like to ask Mr. Miller if there is any thought being given to that, and in particular if there is any means whereby some provision could be made for a prisoner, following his incarceration in a jail, or penitentiary. For instance, under a section of the Unemployment Insurance Act, a certain amount of money could be paid in, and also contributed by the federal government, so that when a prisoner came out, and in the event that he could not immediately find a job, for a minimum period of time there would be a guarantee that he would have just enough money to carry on his sustenance, and he would have a place to sleep.

I am convinced, sir, that that would go a very long way; it is something we have not got now. That is one of our big problems. Is something being done about it, or is it practicable to work out something in regard to this question?

Hon. Mr. GARSON: Mr. Chairman, what Mr. Winch wants is that a man who is released from prison, should have enough money to carry him through that first difficult period of adjustment.

Mr. WINCH: I would not say in his pocket.

Hon. Mr. GARSON: No, no.

Mr. WINCH: But under some sort of supervision.

Hon. Mr. GARSON: Yes, that would be necessary, I think Mr. Miller could give you, much better than I could, a detailed description of the resources now available to a prisoner when he gets out of prison. But, before he does that, I wonder if I could ask Mr. Winch how much is enough?

Mr. WINCH: That is a very good question, and I do not blame you for asking it. It is an absolutely logical question, and because I knew that you were the Minister of Justice, and you might even ask that question, I have been thinking about it.

I do not believe that, if a man is in jail for a period of a great many years you could be expected, or there could be a plan of continuous payment into, let us say, the Unemployment Insurance Act plan. I do not think it would be reasonable to ask, or to expect that. I do believe, after my experience of 24 years, with jails and prisoners' problems, that if, when a man went into a jail or a penitentiary there was some plan evolved—and it would be a very small contribution, because a prisoner only gets 15 cents or 20 cents a day in the penitentiary—whereby there was a premium paid to the unemployment insurance fund, in respect of a proper and efficient follow-up on those who left the jail, whether on a ticket-of-leave, or on good conduct, or just a straight release, so that they could have contribution benefits allowable, under supervision, up to three months.

That would be a step, not only in the right direction, but would be for a sufficient length of time, so that by trial and error, after a period of experience, you would then know whether or not it was too little or too much. I have no hesitation, sir, whatsoever, in saying that, if it could be worked out on an efficient and legal basis to allow a man, coming out, three months to adjust himself, with no more than anyone else would receive under similar circumstances, it would allow him to re-establish himself. I honestly believe

that between the controls that you have, or that you anticipate having in regard to rehabilitation with supervision, you will get around a great deal of your present problems and that three months is a good period of time to gain experience through trial and error. I know I have given you a long answer but that is the way I feel about it.

Hon. Mr. GARSON: I do not suppose you can give it to us in dollars, can you?

Mr. WINCH: I am afraid sir it might cost you around—well I do not know, I can only make a rough estimate, but my rough estimate is that it might cost your department around \$35,000 a year.

Hon. Mr. GARSON: And how much per person?

Mr. WINCH: Per person? I just have it for the penal institutions and your jail institutions.

Hon. Mr. GARSON: Oh I know, but if you are going to pay out anything you would have to know what the cost would be per person, and also the number discharged. How much would you pay to a discharged person in dollars?

Mr. WINCH: After one week out of jail, the same as a single or a married person on unemployment insurance, if not employed,—and I stress that, "If not employed."

Hon. Mr. GARSON: Yes; well that is related to your wage rates though, is it not?

Mr. WINCH: Well I said, sir, that there has to be a special amendment to the Act. You could not work on the same basis now, as the others.

Hon. Mr. GARSON: Well could you give us any figure in dollars, or would you not want to do that?

Mr. WINCH: For each inmate, sir?

Hon. Mr. GARSON: Yes.

Mr. WINCH: I am afraid sir I could not do that. I am asking you to think about the principle and the problem first.

Mr. MILLER: I can only speak about those who are released on ticket of leave. First of all, to clarify any misapprehension there might be about good conduct remission, the remission service, despite the name, has nothing to do with good conduct remission. This is provided for in the Act and it is administered by the penitentiary. The man earns at the rate of six days per month until he reaches a total of 72, and then he begins to earn at the rate of ten days a month. He is credited with this amount but if he appears in the warden's court and is charged for an offence that can be deducted. So this follows automatically by law; we have nothing to do with that. So if a man is not released on a ticket of leave, but is released on what is called expiration of sentence—that is the full sentence, less any time he has earned—he is a completely free agent when he steps out the door. He leaves the institution with some funds, depending on what institution he comes out of. There are some provincial institutions where he has no funds given to him by the institution. In other provinces there are some amounts given. The commissioner of penitentiaries can tell you the pay scale in the penitentiaries, but I think a man under two years' sentence would have a minimum of, I believe, \$15—

Mr. WINCH: \$15?

Mr. MILLER: \$15.

Mr. WINCH: How long would that last?

Mr. MILLER: I am not prepared to say, but if the man is released on a ticket of leave—

Mr. PHILPOTT: May I interrupt there. That is a minimum of \$15, but what maximum could he have?

Mr. MILLER: I do not know what maximum he could have.

Mr. WINCH: There are maximums.

Mr. MILLER: He could spend some of the money he makes, and if he chooses to save it he would have that much more.

Mr. WINCH: He gets 20 cents a day.

Mr. MILLER: Some of course make money by hobbycraft while in the institution, and others have funds from an outside source.

Mr. WINCH: But that is very much limited under the Penitentiaries Act is it not—or in the regulations of penitentiaries.

Mr. MILLER: Whether on a ticket of leave or not, of course the man can go to the appropriate after-care society for material assistance, which is one of their functions; and naturally they administer this very carefully. However, so long as the man is showing an effort to live a law-abiding life, they will see that he has money to meet his material needs.

Mr. WINCH: I hate to challenge you on that point, but I will accept your statement.

Mr. MILLER: For one on a ticket of leave the same applies, and practically all these people are under supervision. It is part of the supervisor's job to see that the discharged person is able to get along on the funds that are at his disposal. Sometimes he may have family resources, but he is helped in getting a job usually within a short time after his release, in these days of good employment.

We have not had any reports to us which would suggest that any man on a ticket of leave has been in such a position that the supervisor cannot get necessary assistance for him, and that that has brought about his return to crime. I cannot recall ever having received a report like that. Occasionally we find in the reports that the man has had to watch very carefully the limited resources that he did have, and the supervisor usually takes his success in doing this as a measure of his good intentions. Some do go out with considerable resources that they have had from some other sources and have not used them properly, and have found themselves in a pretty bad economic position shortly after release—although they had a much better start than anyone else. I think that is all I have to say on that particular aspect.

Hon. Mr. GARSON: Mr. Chairman, I think it might perhaps be of interest to Mr. Winch and to the members of the committee if I gave the figures that we have for those who were granted tickets of leave in the last completed year, viz. 1955. There were 1309 released in that year under tickets of leave from the penitentiary system. These were broken down into four headings: Those cases where we had to revoke tickets of leave, which comprised 2.13 per cent. Those cases of forfeiture, which were 2.97 per cent. Those where there was shown a subsequent sentence to a provincial institution, that is to say those who got into trouble and went into the provincial jail, 1.22 per cent. Those cases which showed a subsequent sentence to a penitentiary were less than 1 per cent or .76 per cent, or a total over-all rate of recidivism on the whole of 7 1/10 per cent. In other words 93 per cent at this stage of rehabilitation—went straight even without the financial assistance Mr. Winch is advocating.

Mr. WINCH: Have you also the figures at this time of those not on ticket of leave but discharged from penitentiary?

Hon. Mr. GARSON: No I have not those. I just took the tickets of leave. As a matter of fact this was tabled in the House of Commons in response to a request put by the member for Brandon.

Mr. WINCH: Yes I have it.

Hon. Mr. GARSON: Yes I think you have got that.

The CHAIRMAN: This is the first year.

Hon. Mr. GARSON: Yes this is the first year. That will go up as the years pass, of course, there will be some others of the group of released prisoners who will go wrong in the next year and the next year and so on.

Mr. WINCH: Well I would like to explain my point, Mr. Minister; if a man for some reason is out of money and cannot get a job and goes back into crime; if he is weak he does do that. Now that will cost your department between \$1,500 and \$2,500 per year. I am putting it to you that if they go back you have got to keep them. I have given you a figure of \$35,000 but I may be wrong; supposing it costs you \$70,000 per year, it does not take very many at \$1,500 or \$2,500 a year to pay for that.

I am absolutely convinced that the man or the woman helped in this way would save you a very great deal of money. If you could work out some plan whereby, under rigid control, if they were trying to get some job and could not do so, they could live at least on adequate resources, I am convinced it would pay off, not only from a morality point of view, not only on the question of illegality, but it would pay off completely in the long run.

Hon. Mr. GARSON: I suppose you mean the absence of illegality?

Mr. WINCH: Yes; it would pay off.

Hon. Mr. GARSON: Well; I do not want to suggest for one moment that we are not in the ordinary course of routine bound to consider this proposal because it is part of the recommendations that will come forward—must inevitably come forward—before the conference. But I point out in setting these statistics I particularly had in mind this particular kind of recidivism you are discussing which takes place immediately after the prisoners are discharged from penitentiary under ticket of leave.

Mr. WINCH: That is right.

Hon. Mr. GARSON: And therefore when we have figures—relating to your \$35,000 proposal we were discussing just now—that were taken off for the year 1955, that is they are almost a record of that kind of recidivism, which takes place during the year after release.

Mr. WINCH: But you are naturally dealing with tickets of leave.

Hon. Mr. GARSON: Well just let me finish my sentence—those of course show that including all other cases of recidivism, other than the absence of cash in the pocket, that the total rate was—

Mr. WINCH: 7.03 per cent.

Hon. Mr. GARSON: 7.01 per cent—7 1/10 per cent. So in other words 92 9/10 per cent at this stage had managed to avoid revocation of their tickets of leave, or forfeiture, or subsequent sentence to either provincial or federal institutions.

Mr. WINCH: Would you care to make any comment on the problem, and any possibilities of action.

Hon. Mr. GARSON: Well as to the possibilities of action I think I have been very frank in saying on a number of occasions—and I am afraid I have bored the members time and time again by repeating this—that these matters will be determined at the conference.

Mr. WINCH: Oh I know, sir, I know; but this is not something that requires provincial co-operation. This is something which can completely come within your jurisdiction and upon which action can be taken now.

Hon. Mr. GARSON: Yes, it is quite true that we are going to keep ourselves in the position when we are dealing with the provinces of paying them the

compliment that we have not gone forward with any part of this program except with their concurrence. They will have a say in what we do. We are even prepared to listen to suggestions from them as to our policy, and if there is anything that we can do that will make things easier for their administration, for my part I would be quite prepared to do it.

Mr. MONTGOMERY: Mr. Chairman, if there is nothing else on that question, I would like to ask is there any system of a sort of automatic review of all cases, or just those cases where either some personal application is made or something of that sort.

Mr. MILLER: In the case of a man who is in a provincial institution, we do not know that they exist until someone applies on their behalf—say the warden of the institution draws it to our attention. In other words there is no routine way in which documents are sent to us. As soon as we receive an application we immediately write to the superintendent of the institution to obtain the official documents on it. So, obviously, there is no automatic examination. Therefore in the case of penitentiaries the act does not provide for any automatic examination and, in the past, there was none. The investigation of a case stemmed in the main from an application, or you might call it the drawing of the case to our attention by the warden, in the sense of an application by the warden on the inmate's behalf.

We have introduced partially in the last three years a system of automatic examination, first in the case of men under preventive detention. This was laid down by law. Then we went a step further to the cases of men serving a life sentence, and now we have stepped on to a gradual pick-up of those serving long sentences. And then in selected institutions where it has been feasible we have been starting examining newcomers' sheets—that is to say, the document containing identifying data which comes to us from the penitentiary to set them down for an investigation at the proper time.

You may very well ask the question, that since we have gone so far we have therefore accepted the principle, and why then do we not make it a complete automatic examination system? The reason is that it has been an impossible task from the point of view of our staff, the fact that we had started this, was recognized and endorsed in the Fauteux Report. It is suggested that the staff be provided to do this.

This year, in asking for these two extra positions at headquarters as well as our extra positions in the field, we definitely have in mind to commence as soon as the new staff is trained, to handle an automatic examination in cases of all persons serving sentences in penitentiaries.

Now I can here say that this should not eliminate any inmate making his own application. This is another function, and it is very important that we know that the inmate wants to get out. I am not saying that facetiously, it is sometimes an indication of his good intentions to have his application. We want to know his plans as he sets them down. So when I say automatic examination, I do not mean that it is going to lead suddenly to a man finding himself out on parole. It would come to a point if there is no application from him, we would go to the warden and say that we have no application from him. There are certain points we have to consider, and we would be ready if he is now ready to put in his application, and we proceed from there. But we have our reports in order so that the case may be considered at the appropriate time.

Mr. MONTGOMERY: You keep your files up to date, in other words?

Mr. MILLER: That is right. This is the case in preventive detention, life sentences, and long sentences and some others in certain institutions. There is an officer who is able to handle this matter and he is having all these documents sent to him and he makes a note on the file and puts it under control in order to obtain the necessary reports.

If it is at a stage in the sentence where long enough is served, there would be immediate enquiries and there is no question about an application. We would take it up ourselves with the warden.

Mr. WINCH: How many thousands do you go over in a year? After you have reached a certain conclusion, I suppose you will reject a number of them, and you may think that some of them ought to have consideration. What do you do then? Do you submit them to the solicitor general for his consideration?

Mr. MILLER: I am sorry.

Mr. WINCH: I mean the tickets of leave; as far as you are concerned, they are tickets of leave?

Mr. MILLER: Yes.

Mr. WINCH: How many thousands of cases do you go over in a year? Do you make the decision with these cases whether they should be considered? There would be some which you thought would be deserving of consideration. Do you make the decision or does the minister? Does he make all the decisions or do you refer them to the solicitor general with your recommendations?

Mr. MILLER: We submit all cases to the solicitor general when we have applications before us that are to be dealt with. We submit a précis. The salient features of the case which are outlined and we come to a conclusion and advise him on the matter as to what his decision should be.

Mr. WINCH: Could you tell me just approximately how many thousands of cases last year or the year before came to your remissions branch and through you were submitted to the solicitor general for his decision?

Mr. MILLER: I can give you some figures which will give you the picture. In 1956 we opened 4,426 new cases. During that year the Governor General granted 1,423 tickets of leave. That does not necessarily mean that the balance were turned down because some of those new cases opened may have been premature and some tickets of leave granted during that period may have been for cases opened in a year or two or sometime before then. I do not have the figures here to give you the number of decisions rendered by the solicitor general in that year.

Mr. WINCH: Would he not have to make a decision on 1,900 and something?

Mr. MILLER: He would make a decision on 1,423 tickets of leave. During the year—I do not have the figures at this moment so I shall make a guess—but during the year—I can have the figures for you at the next meeting—there might be between two and three thousand cases in which there was a negative decision.

Mr. WINCH: Are they also submitted to the solicitor general?

Mr. MILLER: Oh yes.

Mr. WINCH: And in addition he also takes up each one of the capital cases; he has to go over every capital case. What does he do with his spare time?

Mr. MILLER: You are asking me about spare time. There is no spare time. The case is presented to him in the form of a précis. If you want a further indication of incoming correspondence during the same year, there were 54,526 pieces of correspondence which included some routine reports and other documents, and outgoing there were 50,082. That includes the issue of tickets of leave and there might be outgoing about six to ten documents in each case.

Mr. WINCH: I shall not ask any further questions at this time. But I would ask the minister why he does not double his estimates. If he does so I will support them in the House of Commons. I do not know how they can do all that work and do it properly.

Mr. McLEOD: Like Mr. Winch I was disturbed as to the position of these unfortunate people upon their release, or before the completion of their sentence, on ticket of leave. I think that the figures that have been placed on the record by the minister have certainly been very enlightening. I believe they have shown us that during the first year which in my estimation is the most important, there has been a very good effort made to enable these people to return to society. Of course I would certainly agree with Mr. Winch that in cases where necessary there should be financial support provided for these people as they are released, and not only financial support but moral support as well.

And then we also heard something about the stigma which was attached—I do not like to use the word “convict”—but anyway, that is the thing which influences their employment. I wonder if that is something that can be cured by the courts or is it something that can be cured by a different outlook on the part of the Canadian people. Are we ourselves not responsible for that situation?

I felt possibly that with the employers—in a good many cases where they cannot get bonds—I do not think it is going to make any difference, since the man has a black mark against him because he has been committed, or whether that black mark has been removed and more or less does not exist. It is just like the person who used to like to drive nails into a piece of wood and then pull them out when he did a good deed. The hole was there just the same. I think the people of Canada should have a different outlook on this whole question and upon their duties in accepting these people back into society. I think we are going to have a problem which cannot be cured by any organization or even by the courts.

Mr. WINCH: It is the bonding companies not the employers in the cases which I mentioned.

Mr. MONTGOMERY: Why can't the bonding companies take these things into consideration? Why do they have to be dogmatic in their acceptance of them as a stumbling block in the way of a fellow getting a bond? I do not see how the courts could possibly make any regulation or pass any law which would compel the bonding companies to accept a man once he has been convicted and the conviction is registered against him. I am firmly convinced that the only way we can solve this problem is by adopting a different approach, that is, by the people of Canada as well as ourselves.

There was one other matter brought up by Mr. Macdonnell concerning recommendations. I agree with him that it is a very important part of the approach to this new problem. We have some 44 recommendations made by the Fauteux Commission and I am inclined to think that if we accepted one now and then perhaps another one next year and so on we would perhaps not destroy but certainly delay the implementation of the many recommendations which are required to put the whole program into effect. That is all I have to say at this time.

174. Administration—Exchequer court of Canada—judges' salaries, including district judges in Admiralty, and travelling allowances (Chap. 159, R.S., as amended) \$116,900.

Mr. MONTGOMERY: I am afraid I did not ask this question in the right place. The legal end of it is just coming up. May I ask a question generally out of order? It arose yesterday out of the discussion concerning the number

of solicitors who are loaned by the Department of Justice to other departments in an advisory capacity. I would like to know which department employs them.

Hon. Mr. GARSON: They are employees under the Department of Justice.

Mr. MONTGOMERY: Thank you.

Hon. Mr. GARSON: And they are responsible to it.

Mr. WINCH: May I ask the minister a similar question? I too may be out of order in doing so. I have been concerned with some of the capital cases not only from what we have heard in recent months but also from the evidence which we received before the joint committee of the House of Commons and the Senate which sat for three years. We received evidence from a criminal lawyer to the effect that men had been sentenced to death, and that in his opinion it was all due to their counsel and the fact that the counsel were not qualified to conduct capital cases. This is a concern of the supreme court, I take it? Capital cases have to go before the supreme court? Has any thought ever been given by your department to a system for the appointment of qualified defenders—I think that is the name used mostly—

Hon. Mr. GARSON: Yes, that is the name.

Mr. WINCH: —in such cases in order to be absolutely certain that the accused has the finest possible qualified legal counsel?

Hon. Mr. GARSON: Well, Mr. Chairman, no consideration has been given to it because of the fact that the administration of justice under the British North America Act is assigned exclusively to the provinces; consequently, if any counsel were to be appointed to act as defence counsel in a capital case, that counsel would have to be appointed before the trial court. You see, the cause which comes to the supreme court in capital cases begins as a cause in a provincial court.

Mr. WINCH: Yes.

Hon. Mr. GARSON: The supreme court in that case is acting as a court of appellate jurisdiction in relation to a matter which originated in a province. If you are going to have a man effectively defended, you must have a good lawyer acting on his behalf right from the very beginning of the case, and that lawyer would have to be appointed by the provincial attorney general.

Mr. WINCH: I think it was Mr. Maloney, Q.C. who gave that evidence before the joint committee.

Hon. Mr. GARSON: Yes.

Mr. WINCH: I noticed that he secured the release of a man who was charged with murder, and whose case went through three different courts. When I was reading about it this morning, his evidence before the joint committee came back to my mind. I wondered if we fully realize that the administration of justice is a provincial matter. If such a case should come before the supreme court which is the final court, may that man have counsel appointed?

Hon. Mr. GARSON: Not by us.

Mr. WINCH: It is still under provincial jurisdiction?

Hon. Mr. GARSON: That is right.

Item agreed to.

175. Administration. Northwest Territories territorial court. Judge's salary and travelling allowance (Chap. 159, R.S., as amended), \$19,900.

Mr. WINCH: Are you bringing in, Mr. Minister, any recommendation that they handle divorce cases?

Hon. Mr. GARSON: No.

Mr. WINCH: Will you?

Hon. Mr. GARSON: No.

Mr. WINCH: Then we will.

Item agreed to.

176. Administration, including administration of justice—Northwest Territories,
\$93,800.

Mr. WINCH: I am sorry, Mr. Chairman, if I am asking too many questions.

Hon. Mr. GARSON: That is what we are here for, not for the asking of too many questions but for the asking of plenty of questions.

Mr. WINCH: You and I, Mr. Minister, have been in correspondence about the administration of justice in the Northwest Territories with respect to a particular case. I am very grateful for all your answers, but I find, not only in that case, but in others, that it is difficult to understand the situation where a person receives a judgment in a court of a province. The case I have in mind is on desertion. The husband moves into the Northwest Territories, the wife even goes up there, and not only does the local magistrate say the judgment is correct but he even increases the allowance. But the woman never gets it. She lives in British Columbia.

I am sorry, but I still do not understand from your answer why it is not possible, when there is a judgment from a court of a province, or from a magistrate in the Northwest Territories when a man has escaped out of a province into the Northwest Territories in order to avoid the payment, for the wife, by a letter from her solicitor, to have that magistrate enforce his own order. Why? You understand the position of a person in Newfoundland, Quebec, British Columbia or Ontario in the matter of desertion. They have everything through the the courts. There is a magistrate in the Northwest Territories. But the man does not pay. Unless the woman goes through a certain procedure she cannot collect that \$25 or whatever it is a month. Why? In the Northwest Territories I presume it comes under your jurisdiction.

Hon. Mr. GARSON: I am not really an expert upon the law of domestic quarrels. I can only give you what is really not an answer but rather a surmise on my part. I think you will find this matter of getting erring or delinquent husbands to assume their responsibilities is one of the most difficult problems of law enforcement. It is a problem in almost every country.

It seems to me, as one who really knows practically nothing about the subject, that all a wife can do is to exhaust all the existing remedies for the collection of her claim or judgment for support, including those which may be provided in some jurisdictions giving her a somewhat better remedy than has the ordinary creditor. We have a strong objection in this country to jailing anybody for debt, even a delinquent husband. I am afraid, in the absence of ability to jail the husband, if through hatred, anger or bad feeling between himself and his wife he has really made up his mind he is not going to pay, you will have trouble collecting unless you have something better than a judgment summons.

The CHAIRMAN: In Saskatchewan if a husband is able to pay and does not pay there is no hesitaiton about putting him in jail. I would be surprised if that does not also apply in the Northwest Territories.

Mr. WINCH: It does. The magistrate actually increased the amount. Then the wife went back to British Columbia; he is not paying now, and she cannot collect. Why does the magistrate up there not put the man in jail or tell him to pay up. Why is it that the woman in Princeton has to suffer?

The CHAIRMAN: Your trouble is —

Mr. WINCH: It is not mine; it is Mrs. Crawford's.

The CHAIRMAN: The problem is that she has the order of a magistrate with jurisdiction in the Northwest Territories, and if she wanted to put her husband in jail she would have to apply to the magistrate with jurisdiction in British Columbia. I take it the husband is now in British Columbia?

Mr. WINCH: No. She is. The court order was granted in Princeton. After several years she raised enough money to go to Yellowknife, and had him hauled before the magistrate. The magistrate issued instructions. He paid up that month. She is back in British Columbia and he has not paid since.

The CHAIRMAN: If you had someone to act on her behalf in the Northwest Territories and if he was in default on this payment I do not think you would have too much difficulty in getting an order.

Mr. WINCH: I believe you have to get an order in the courts of Alberta for a writ of something or other for the magistrate in Yellowknife.

Hon. Mr. GARSON: No. This is, I think, what you wrote to me about.

Mr. WINCH: It is the case of Crawford versus Crawford.

Hon. Mr. GARSON: I wrote you recently a letter in which I said: "As I have previously indicated, all that would appear to be required is a motion to be made before Magistrate Phinney for committal of Mr. Crawford to prison for his failure to comply with the maintenance order. There are solicitors in Yellowknife who, I am sure, would be prepared to take instructions from Mrs. Crawford's solicitor in Princeton, B.C., in this connection." I think that is the best thing to do.

Mr. WINCH: Read the whole file. We have tried for two years.

Hon. Mr. GARSON: You may still have difficulty, because even when the law is in good shape it is administered by human beings and if the lawyer does not apply properly you cannot get it; and if the magistrate does not act properly you cannot get it. You have to take your chance on all those factors.

Item agreed to.

177—Administration, including administration of justice—
Yukon Territory \$85,650.

Mr. REINKE: I wish to ask the minister a question with respect to judges. In the county of Wentworth we had three county judges and it has been brought to my attention that a fourth judge is required. Is it the responsibility of the provincial government to make the request for a fourth judge? The three judges there are handling immigration and citizenship matters, which take up a considerable amount of time, as well as all the other jurisdictions which come up in the county of Wentworth, and they are in my opinion overworked. Is this something which you may be discussing at your conference?

Hon. Mr. GARSON: No. We would not discuss that. I do not think we would want to discuss it, even if it were brought up. We will have a very large field of discussion and it will take all the time available, even if we only stick to that large field.

This matter which you raise is a relatively simple one. In their powers under the British North America Act, the provinces, as you know, have power to pass legislation creating provincial courts, the provincial appellate court, the high court trial division, and also the county courts. We cannot make an appointment of a judge to any of those courts until they and the judicial vacancies upon them have been created by provincial legislation. I imagine, from what you say in this case, the present law of Ontario provides for three judges in this county or in this combination of counties, and you need a fourth. In order to bring that about an amendment would have to be made to the relevant statute in Ontario creating that additional vacancy. Then we would have to amend the federal Judge's Act to obtain authority to fill that vacancy.

It would not be until both those statutes shall have been passed that we would have power to make any appointment. Of course there is certainly no purpose at all in our making an amendment to our act until the provincial amendment is first put through.

Mr. REINKE: The initiative would then have to be on the part of the province? They would have to be convinced there is a need for another judge?

Hon. Mr. GARSON: Yes.

Mr. WINCH: Could I ask a question on a similar plane. I admit I should know the answer but I do not. The administration of justice is provincial and the appointment of judges is federal?

Hon. Mr. GARSON: Yes.

Mr. WINCH: How do you appoint judges? Do you get a recommendation from the attorney-general? Do you get a recommendation from the benchers of the province? Just how do you appoint judges?

Mr. RICHARDSON: May I ask, not a subsidiary question but an ancillary question. How many years has my friend been in public life?

Mr. WINCH: Twenty-four years, and I have never yet received the answer. Perhaps I will get it right now. How do you appoint judges?

Hon. Mr. GARSON: I am surprised to hear my hon. friend say that.

Mr. WINCH: I do not believe the information I received before.

Hon. Mr. GARSON: Be careful; because you got the information, if you were in the house at the time, from me. I made quite a long speech on this subject the year before last, and I made one previous to that. I explained in great detail how we went about the appointment of judges.

Mr. WINCH: If you want to save time, give me the Hansard pages and I will read it, but I would just as soon have the answer now.

Hon. Mr. GARSON: I will give the Hansard reference to the reporter and it will appear in the transcript May 2nd, 1952 Hansard pages 2688 to 2705.

Mr. MACDONNELL (*Greenwood*): Could we have a summary of it now?

Hon. Mr. GARSON: It is rather difficult to summarize. On that occasion the remarks I made were in respect to certain rather pointed criticisms by some of my hon. friend's colleagues. I dealt with all the points which were raised there in some detail.

Mr. WINCH: Would you give us a general explanation?

Hon. Mr. GARSON: At the present moment, with the legal profession as lucrative and prosperous as it is, it is a matter of very considerable difficulty especially in the larger cities, to even get any large body of lawyers to devote themselves mainly to court work. Many lawyers would rather do corporation work in their offices where they can get very good pay for a given quantity of effort. We prefer, if possible, to get men on the bench who are experienced advocates. We also like to get experienced advocates who are as young as possible. Our average appointments in Ontario for the last few years have been under 50 years. It is difficult to persuade a man who is a good advocate, in active practice, right in the peak of his earning power, to drop his profession and take an appointment to the bench for perhaps less than half of what he is earning. I know at times appointments which we make are criticized. However if our critics knew the names of the persons whom we had asked to go on the bench, and who turned us down, they would not be nearly so critical.

Mr. WINCH: May I ask you, do you hear from the attorneys general of the provinces?

Hon. Mr. GARSON: No, sir.

Mr. WINCH: Or do you hear from the benchers, or do you do it completely on your own?

Hon. Mr. GARSON: Yes, completely on our own. With such advice as we get in relation to—

Mr. WINCH: From whom?

Hon. Mr. GARSON: Very frequently from the chief justice of the appeal court, and the chief justice of the trial court, and other judges before whom these lawyers have practised, who therefore know just how sensible and cogent their arguments are. It is quite difficult, at the level of salaries we have now, which we have increased three times in the last few years—it is difficult even with those increases—to get men who are in active practice at the bar and who are not beginning to slow down to take on the work.

Mr. WINCH: You mean, there is not much difference between the Senate and the bench?

Hon. Mr. GARSON: I would not want to make the comparison.

Mr. RICHARDSON: You have been successful, Mr. Minister, in getting that type of judge.

Hon. Mr. GARSON: Yes, we have. I think I would say this; in the appointments that I have had to do with, the lawyers who have gone on the bench have done so in a great majority of the cases at a sacrifice which, in some cases, was very substantial indeed.

Mr. WINCH: How do you remove a judge from the bench?

Hon. Mr. GARSON: The way in which a judge is removed from the bench is this: under the Judges Act, we have authority, if proper representations are made, to set up a court of enquiry into his conduct. If there is an adverse report from that court of enquiry, then he can be removed, for cause, only by a joint address of the Senate and the House of Commons.

Mr. MACDONNELL (*Greenwood*): I was interested in one thing the minister said, and I recognize the difficulties he described. One thing that he said was that it was often difficult to get men who had had experience as advocates.

Hon. Mr. GARSON: Right.

Mr. MACDONNELL (*Greenwood*): Could the minister say anything as to what his experience has been with men who have not been advocates? In other words, have there not been office or corporation men, or otherwise who have gone on the bench? I would be interested if the minister could say something about that. I believe there are some cases that turned out very well.

Mr. WINCH: I was very interested in that statement, because you recently made an appointment in British Columbia, and I am not criticizing it a bit, but he certainly was not an advocate. His services have been in an entirely different field.

Hon. Mr. GARSON: The point Mr. Macdonnell raises is a very good one. As a matter of fact, if my memory serves me, it was Chancellor Haldane in his autobiography who said that some of the best appointments he had made to the bench in England were men who had been consulting counsel, practising in their chambers and had not been active advocates in the courts. He said that some consulting counsel had made excellent judges.

Mr. WINCH: That is the reason I asked that, Mr. Minister.

Hon. Mr. GARSON: I beg your pardon?

Mr. WINCH: That is the reason I asked that, Mr. Garson, in view of your statement, and because it was a very definite statement. As I say, I offer no criticism at all, but this man was just appointed in British Columbia, a man who has been in the legal department as a legislation counsel, as

assistant deputy minister, as deputy minister, and as deputy attorney-general. I have no criticism in respect to his appointment. It was just in view of your statement that I mentioned it.

Mon. Mr. GARSON: There is not the inconsistency in my two statements that there might appear to be on the surface. Perhaps I had better reconcile the one with the other. There is this difference, that if an appointment is made of a man who has been active at the bar, the extent of his ability and his capacity is well known, and can be pretty accurately measured. The appointment of a man who has not had much experience at the bar, and whose abilities are therefore not so well known, because they are demonstrated among his own clients in the confines of his office, is a little bit more risky as to whether it will be a good appointment or not. Where you have a man who, although his work has been inside his own office, has come to be known as having great sagacity and good judgment, and fairness of mind, and the like, then I think that he is a very good potential appointee for the bench.

Mr. MACDONNELL (*Greenwood*): Do you have one set of qualifications in your mind when you are seeking a judge for trial court work and another for appeal court work, or is that carrying refinement too far?

Hon. Mr. GARSON: I think the answer to that would be yes. For example, you might have a man who would be a first-class lawyer, but he might not have the qualities that you would think would be necessary in a man who is going to conduct, we will say, a trial in a capital case. He might not be temperamentally fit to handle trial work, but he might be an excellent man in the court of appeal. It is very hard to generalize in these matters. What actually happens in most of these cases is that you have two or three or, when you are lucky, more candidates to consider, and you have to reach your opinion, not with regard to any ideal qualities, but with regard to the relative merits of these particular candidates whom you are considering.

Mr. MACDONNELL (*Greenwood*): There is one final question, which may be a rather fanciful one. Has it ever been suggested that a man is too great an advocate? A man who is a terrific fighter, and who is known as a terrific cross-examiner, like the man that is doing it in England now; has it ever been suggested that there might be a temperamental disadvantage in a man of that kind? That is purely a matter of conjecture.

Mr. WINCH: He would be fighting for a conviction, like a prosecutor.

Hon. Mr. GARSON: I think that is true. I must say, in my fairly short experience, I have not faced that problem in actual life. I have known, when I was practising myself, in my own province, a man who was enormously successful at the bar, and who was a very good judge, but would have been a better one if he had been a little more balanced in his judgments, and not so much inclined to take sides on a case.

Mr. PHILPOTT: Could I ask a question along a different line, bearing on a point raised by Mr. Reinke. What effect on the administration of justice has the fact that the judges now have to take so much responsibility in these citizenship and immigration cases? It seems to me it has placed a great new load upon the judges in courts, in the past few years. Has that caused special problems in administration?

Hon. Mr. GARSON: As the Minister of Justice, I have not had any representations to that effect, but I know that Mr. Pickersgill, in Toronto, and in Montreal, has found it necessary just for the sake of getting reasonably expeditious consideration of the applications themselves, to set up a special federal court for that purpose, which is working very satisfactorily, and I am sure makes the civil courts judges which would otherwise have to

deal with them, only too happy to have these cases taken over by the federal naturalization court.

Mr. WINCH: Could I add to that, Mr. Chairman, that in some way it is quite understandable, because a judge is, by practice and disposition, supposed to be particularly impartial as a judge on evidence, and the provinces, more and more, are utilizing the services of judges as royal commissioners, and in some instances, most important royal commissions that sometimes take two or three years of study. Is this in any way causing hindrance in regard to the administration of justice in their positions?

Hon. Mr. GARSON: I would not know, Mr. Winch, because the provinces create their own courts. They supply them with staff, except the judges whom we appoint. They supervise the administration of justice, and if there is an accumulation of arrears in cases like that, it is their concern, not mine.

Mr. WINCH: It has been bad, for example, in British Columbia this past year or two.

Hon. Mr. GARSON: If it has, that is not my responsibility, and not my concern, and for that reason I do not think I should comment on it.

Mr. WINCH: Are you not concerned with the use of judges as royal commissioners?

Hon. Mr. GARSON: Yes. I have no objection to doing that. But there are two sides to that question. Where they are used to an excessive degree, so that the business of the court suffers, obviously it is a public disadvantage. But where they can be used to a degree that the business of the court does not suffer then, in my view—and it is a personal view, not an official one—this is a good thing. The most important parts of the work of a royal commission involves the art of adjudication. Now the art of adjudication is not something an inexperienced person can just pick up in short order. Of all the professional groups that are available to do commission work the one whose members, by reason of the work they usually do, would seem best equipped, by predilection and experience, to hear many sides of a problem, and to balance judicially the merits of the various sides—how they can be reconciled and the like are our judges. Other things being equal—natural talents being equal—a man trained in adjudication is better than a man who has not been trained.

Mr. WINCH: Are you ever consulted as to whether or not a judge shall accept an appointment to a royal commission?

Hon. Mr. GARSON: No. I am occasionally, but not very often. That is in relation to federal courts, of course, but not in relation to provincial courts. You mean provincial courts?

Mr. WINCH: Yes.

The CHAIRMAN: Mr. Reinke?

Mr. REINKE: I was just going to comment on the citizenship aspect.

The CHAIRMAN: Mr. Macdonnell.

Mr. MACDONNELL (*Greenwood*): I was going to ask; is there an arrangement in respect to judges in each province? I notice the number varies quite a bit. How is that arranged?

Hon. Mr. GARSON: It is in the Judges' Act, and it is all spelled out there. It is in sections four to twenty of the Judges' Act. Set out there, is a list of judges, in the various provinces, and their salaries.

Mr. RICHARDSON: Mr. Chairman, I see a vote is provided for four additional judges in the superior court of the province of Quebec. As this requires more

legislation in the province, would the minister care to make any comment as to the possibility of those four judges being appointed within the foreseeable future?

Mr. MONTEITH: Such as before the election?

Mr. RICHARDSON: They have had theirs in Quebec.

Hon. Mr. GARSON: As I have explained before, to Mr. Reinke, the provinces create the vacancies and we fill them. When we have obtained authority, which we did obtain in the last session of parliament, to fill these positions in Quebec—we understand they are quite badly needed—we take this vote. But, in the meanwhile, the provincial statute, which passed the legislature, comes into force on proclamation, and it has never yet been proclaimed. So that until these vacancies have been completely created, by the proclaiming of the provincial statute, then we cannot act, under the authority which we have, to fill the vacancies.

Mr. RICHARDSON: Do you regard that, Mr. Minister, as a matter where the federal people should do the prompting, or the provincial people?

Hon. Mr. GARSON: I do not think we should do any prompting. There is no function of government about which the provinces are more jealous than the administration of justice. When we were at this conference dealing with the question of constitutional amendment we were classifying various sections of the British North America Act into various groups, one of which covered changes which could only be made with the consent of all the provinces. Most of the provinces classify the administration of justice in this protected group.

Mr. MONTEITH: Is there any maximum age as far as appointment goes?

Hon. Mr. GARSON: No, there is none certainly by statute, and as I say, our average appointment in Ontario, in the high trial division court, has been under 50, but there is no maximum.

Mr. WINCH: There is no compulsory retirement age either?

Hon. Mr. GARSON: No, not with regard to the high court under the provisions of the British North America Act. Judges in the high courts of the provinces hold office during good behaviour, which means for life: and if we were to attach any limitation to their period of retirement we would have, first of all, to amend the British North America Act in order to have the authority to do so. Our federal courts, the Supreme Court of Canada and the Exchequer Court have a top limit of 75 years and as you know the provincial county court has also a top limit of 75.

Mr. MONTEITH: Are pensions for judges equalized regardless of the years of service?

Hon. Mr. GARSON: Yes, that is right.

Item agreed to.

The CHAIRMAN: Is item 178 carried?

Item agreed to.

Combines Investigation Act—
179—Restrictive Trade Practices Commission \$79,465

The CHAIRMAN: The details are on page 249.

Mr. WINCH: Well I would like to ask Mr. MacDonald some questions, but I did not realize that we would reach this item today. I think if we adjourn, then perhaps Mr. MacDonald would like to check his files before answering my questions.

The CHAIRMAN: I was going to suggest that if there are many questions on this item, the various members could indicate what questions they intend

asking so that, if such might require some research, Mr. MacDonald would have an opportunity of doing so before we begin questioning at our next meeting.

Mr. WINCH: I have already told Mr. MacDonald the questions I would like to ask, Mr. Chairman.

The CHAIRMAN: Are there any other questions the members of the committee would like to ask, which might require some research?

Mr. MACDONNELL (*Greenwood*): I would like to ask some questions with respect to the actual amount of money involved. When we have had the preliminary statement this will leave the situation that there are some very important points for discussion. We have to hear about the history of this item, and there are also some very important legal question that do arise. I had hoped that we might be adjourning before this matter was reached.

The CHAIRMAN: Well, we might have the statement before adjournment.

Hon. Mr. GARSON: Yes, that will be perfectly agreeable to me; I think it is a very good suggestion and if the members would like to hear that tonight perhaps we will ask Mr. MacDonald to give up his preliminary statement at this time.

Mr. REINKE: Why do we not start at the next meeting?

The CHAIRMAN: Well, I think if we took the statement now, the members could think about it. How long would your statement take, Mr. MacDonald?

Mr. T. D. MACDONALD (*Director of Investigation and Research, under the Combines Investigation Act, Department of Justice*): Well, Mr. Chairman, it could be as short as desired, but I should think about 5 minutes would suffice.

The CHAIRMAN: Well, then, I would ask you to come forward now, Mr. MacDonald. Would you please give us the statement now, and if there are any questions about which the members would like information, obviously, they will have every chance to ask them on Tuesday. But I would like to open the discussion today, and perhaps in the meantime we may think about the scope and the nature of the subject.

Mr. MACDONALD: Mr. Chairman, items 179 and 180 cover the work of what is commonly referred to as the "Combines Branch". The Combines Branch is engaged in the investigation of certain restrictive trade practices as defined in the Combines Investigation Act and several related sections of the Criminal Code. This legislation is sometimes referred to collectively as the "anti-combines legislation". Actually, as items 179 and 180 indicate, the Combines Branch has two separate and distinct divisions. This came about in 1952. Up until that time there was a single commissioner and his staff, and he was responsible both for detecting restraints of trade and then describing them objectively in a report which was made public. In 1950, the MacQuarrie Committee was appointed to review the Canadian anti-combines legislation and to make recommendations. This committee made certain recommendations which were incorporated in the legislation, chiefly in 1952. One recommendation was to the effect that the two responsibilities, first for detecting restraints of trade and second, for reporting upon them objectively, should not be exercised by one person because, no matter how fair that person was, the two functions were incompatible; it was like joining the functions of the investigator and the court.

In 1952, then, amendments were made which provided for a Restrictive Trade Practices Commission on the one hand and a Director of Investigation and Research on the other. The director is responsible for investigating restraints of trade and carrying out various measures of research related thereto. In gathering information for the purpose of his enquiries he may exercise certain compulsory powers, provided he first obtains the consent of

the Restrictive Trade Practices Commission, upon persuading them that he has reasonable cause to commence an investigation.

After the director has gathered together all the information that can be obtained, if he believes that it discloses a forbidden restraint of trade he organizes it into something that is called a "statement of evidence". Then he submits that statement of evidence to the Restrictive Trade Practices Commission and to any persons against whom allegations of restraint of trade are made in the statement. It then becomes the function of the Restrictive Trade Practices Commission to hear the director in support of the statement and to hear the parties affected in opposition to it and then to write a report and submit it to the minister. Unless the Commission recommends to the contrary, this report must be published within 30 days.

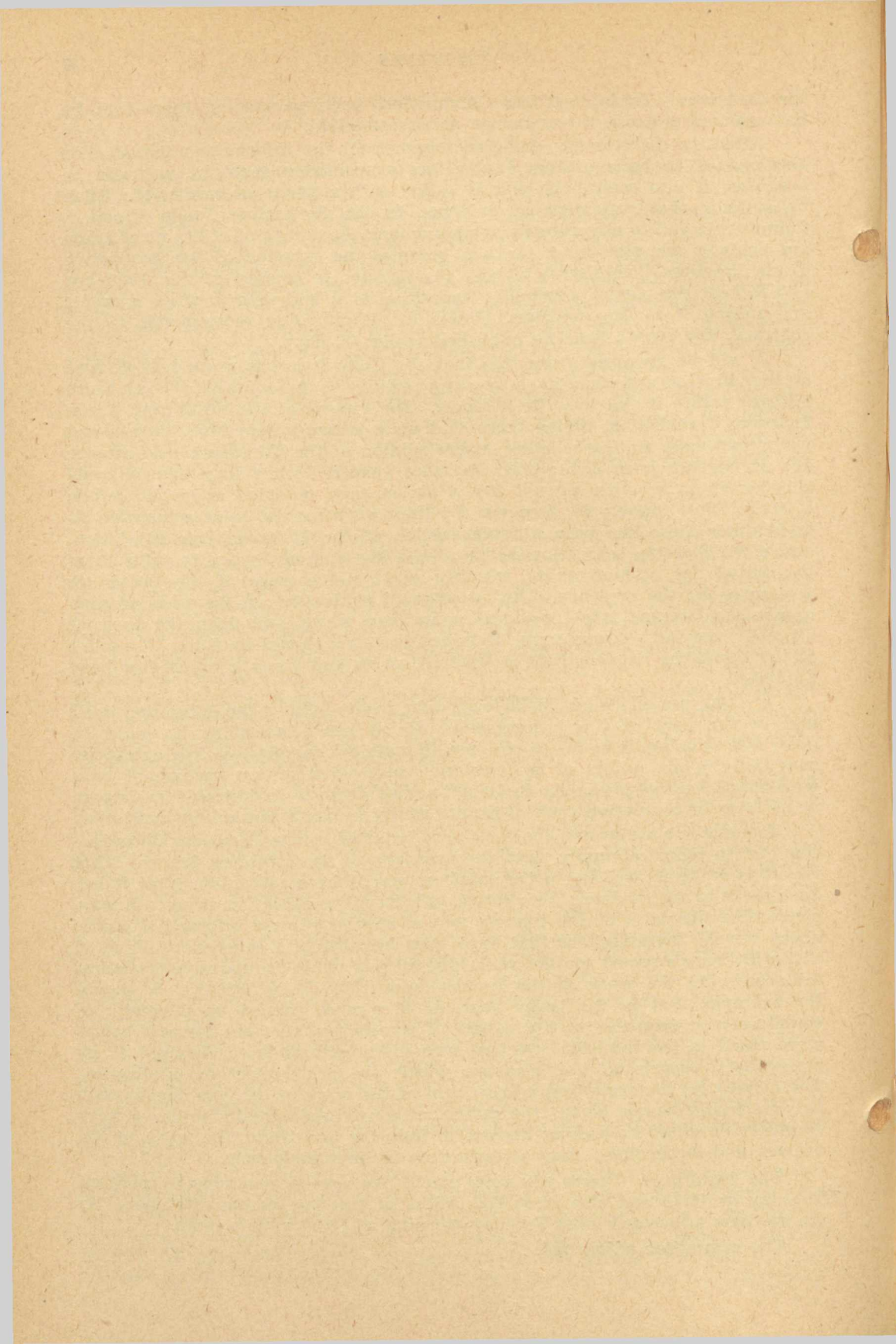
It will be apparent from this that the Commission is quite independent of the director and that its only responsibility is to appraise the evidence brought before it and to write a report. The reports of the Restrictive Trade Practices Commission, unlike those that were issued before 1952, do not end up by expressly stating whether in the opinion of the Commission an offence has or has not been committed. In more general terms, they express conclusions as to whether or not the situation they describe is in the public interest. Most reports do, however, by their very nature, raise a question as to whether there has been a contravention of the anti-combines legislation, and when they do, it is the practice of the Minister of Justice to refer them to counsel for opinion as to whether court proceedings of any kind are warranted by the evidence. The Department of Justice, on the basis of such opinion, and taking into consideration its own views, and upon the basis of all other relevant circumstances, then decides what should be done. The work of the Combines Branch itself is formally at an end when a report has been published.

The purpose of the combines legislation, in the light of the legislation itself and in the light of the jurisprudence which has attached to it, could be described as being, in so far as possible, to maintain competitive free enterprise conditions in all sectors of the economy, save those where parliament or a legislature, acting within its jurisdiction, has deemed it desirable to impose some form of regulation such as public utility or farm marketing legislation.

As members are aware, the director is required by the Combines Investigation Act to report annually upon the activities of the combines branch. That report is made in writing to the minister and it becomes public after it has been made to the minister. This serves to inform the public, in an overall way, concerning the work of the branch, just as specific reports inform the public about specific investigations that have been brought to a conclusion. Page 39 of the Director's report for the year 1955-56 sets out a comparative statistical table showing the work of the branch from 1951-52 to 1955-56. It shows, for example, that in the latter year, 91 files were opened upon receipt of complaints or enquiries in the nature of complaints, that six formal reports were made to the minister and that two investigations were disposed of by preliminary reports to the Minister, which are not subject to publication. These statistics illustrate that a great deal of the work of the combines branch never actually comes before the public, although undoubtedly it has a very considerable effect in making known, in industry and trade, the work of the branch, and in checking many malpractices in their incipency.

The CHAIRMAN: Thank you very much. We agreed yesterday to meet on Tuesday at 10.30 and also after the orders of the day in the afternoon. So we are now adjourned until Tuesday morning at 10.30 in this room.

The committee adjourned.



HOUSE OF COMMONS

Fifth Session—Twenty-second Parliament

1957

SPECIAL COMMITTEE

ON

ESTIMATES

Chairman: W. A. TUCKER, Esq.

PROCEEDINGS

No. 3

TUESDAY, MARCH 26, 1957

DEPARTMENT OF JUSTICE

and

ROYAL CANADIAN MOUNTED POLICE

Hon. S. S. Garson, Minister of Justice, Mr. F. P. Varcoe, Deputy Minister of Justice; Mr. T. D. MacDonald, Director of Investigation and Research; Mr. R. B. Gibson, Commissioner of Penitentiaries; and Commissioner L. H. Nicholson of the Royal Canadian Mounted Police.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1957.

SPECIAL COMMITTEE ON ESTIMATES

Chairman: W. A. TUCKER, Esq.,

and Messrs.

Brown (<i>Brantford</i>)	Michener	Purdy
Cameron (<i>High Park</i>)	Mitchell (<i>London</i>)	Reinke
Decore	Monteith	Richardson
Enfield	Montgomery	Weselak
Fulton	Murphy (<i>Westmorland</i>)	White (<i>Waterloo South</i>)
Garson	Philpott	Winch
Laflamme	Power (<i>Quebec South</i>)	Yuill
Leduc (<i>Verdun</i>)	Power (<i>St. John's West</i>)	Zaplitny—26
McLeod		

Quorum—10

E. W. Innes,
Clerk of the Committee.

ORDER OF REFERENCE

MONDAY, March 25, 1957.

Ordered,—That the name of Mr. Fulton be substituted for that of Mr. Macdonnell on the said Committee.

Attest.

LEON J. RAYMOND,
Clerk of the House.

MINUTES OF PROCEEDINGS

TUESDAY, March 26, 1957.

(3)

The Special Committee on Estimates met at 10.30 a.m. this day. The Chairman, Mr. Walter A. Tucker, presided.

Members present: The Honourable Stuart S. Garson, Messrs. Leduc (*Verdun*), McLeod, Michener, Mitchell (*London*), Philpott, Power (*St. John's West*), Purdy, Richardson, Tucker, White (*Waterloo South*), Winch, and Yuill.

In attendance: From the Department of Justice: Mr. F. P. Varcoe, Deputy Minister; Mr. A. J. McLeod, Director of Remission Service; Mr. T. D. MacDonald, Director of Investigation and Research; and Mr. R. B. Gibson, Commissioner of Penitentiaries: Mr. G. L. Sauvant, Assistant Commissioner. From the Royal Canadian Mounted Police: Mr. L. H. Nicholson, Commissioner.

The Committee resumed consideration of the Main Estimates, 1958, relating to the Department of Justice.

Item numbered 179—Restrictive Trade Practices Commission—was further considered, the Minister and Mr. MacDonald supplying information thereon.

Items numbered 180 and 181 were considered and adopted.

Item numbered 182—Administration of the Office of Commissioner of Penitentiaries together with certain grants—was considered and adopted, Mr. Gibson supplying information thereon.

Items numbered 183 and 184 were considered and adopted.

The Committee reverted to Item numbered 172. The item was adopted.

The Committee then proceeded to the Main Estimates 1957-58 relating to the Royal Canadian Mounted Police.

Item numbered 396—Headquarters administration, Operation and Maintenance—was considered. Mr. Nicholson made a statement outlining the organization and purposes of the force. He also supplied charts showing the set-up of that organization.

At 12.30 p.m. the Committee adjourned until 3.00 p.m. this day.

AFTERNOON SITTING

The Special Committee on Estimates resumed at 3.45 p.m., the Chairman, Mr. W. A. Tucker, presiding.

Members present: The Honourable Stuart S. Garson, Messrs. Laflamme, Leduc (*Verdun*), McLeod, Michener, Mitchell (*London*), Monteith, Philpott, Power (*Quebec South*), Power (*St. John's West*), Purdy, Reinke, Richardson, Tucker, White (*Waterloo South*), and Winch.

In attendance: From the Royal Canadian Mounted Police: Commissioner L. H. Nicholson; Assistant Commissioner E. H. Perlson; and Inspector G. W. Mortimer.

The Committee resumed consideration of the Main Estimates, 1958, relating to the Royal Canadian Mounted Police, the Minister of Justice and the Commissioner of the R.C.M.P. supplying information thereon.

Item numbered 396—Headquarters administration, Operation and Maintenance—was further considered.

At 5.15 p.m. the Committee adjourned until 10.30 a.m. Thursday, March 28, 1957.

E. W. Innes,
Clerk of the Committee.

PROCEEDINGS

TUESDAY, March 26, 1957.
10:30 a.m.

The CHAIRMAN: Order, gentlemen. We have a quorum.

We are on item 179, Restrictive Trade Practices Commission, page 35, the details of which are on page 249.

Mr. WINCH: Mr. Chairman, Mr. MacDonald is aware of this question which I am going to ask. On October 1st last because of the number of representations which were made to me alleging that there was a big combine operating in the salmon industry in British Columbia preventing the acquisition and sale of canned salmon, I sent down a condensation in fourteen sections of the information which had been supplied to me. I would like to ask Mr. MacDonald as to the state of the progress on the investigation of that matter.

Mr. T. D. MACDONALD (*Director of Investigation and Research, under the Combines Investigation Act, Department of Justice*): Mr. Chairman—

Hon. Mr. GARSON: Is this a report on the investigation being made?

Mr. WINCH: No. It is something I sent on October 1 in regard to canned salmon.

Mr. MACDONALD: Ordinarily, Mr. Chairman, by reason of the legislation itself, which requires that all inquiries be conducted in private, and out of respect for parties themselves who may be under inquiry, it has not been the practice to discuss a particular pending inquiry or even to disclose whether or not an inquiry is going on in a particular industry, unless and until a report has been made to the minister and has been published. That is the stand the minister has always taken in the house. There are exceptions, however, where inquiries are brought into the open in one way or another.

In this case it was brought into the open that an inquiry was going on in British Columbia into certain aspects of the fish trade in that province; it was brought out through exchanges in the House: I can only say, with reference to the information about which Mr. Winch has asked me, that the information was received as he said, and was and is being carefully considered, and is being taken into consideration in connection with the inquiry.

Mr. WINCH: It is not yet completed?

Mr. MACDONALD: The inquiry is not yet completed.

Mr. WINCH: Is it possible for me to ask when you contemplate it may be completed?

Mr. MACDONALD: That is a question to which I could not reply, Mr. Winch, even if I were free to do so. The different steps in an inquiry under the Combines Investigation Act are so difficult to predict as far as the time element is concerned, and it involves so many people, that it would be just impossible to say.

Mr. WINCH: I am not quite certain, but I wonder if I could ask whether or not Mr. MacDonald can comment on his report, which has been filed with all the members, on the situation in regard to the British Columbia sugar refining matter and their proposed taking over of a company in Manitoba which has been very strenuously objected to by the beet growers in Manitoba. Is it permissible to ask a question concerning an elaboration of a report like that?

Mr. MACDONALD: Mr. Chairman, I would have no comment upon that aspect of the matter. The information relating to the inquiry was collected by me, as director, in the manner that the act provides, and it was laid before the Restrictive Trade Practices Commission. The commission later reported to the minister. That report was published, I do not think I could add anything to it, nor do I think it would be proper for me to add anything to it, because I am the investigating officer who gathered the information about it, and the Restrictive Trade Practices Commission is the adjudicating body. I believe the minister made a brief statement when the report was published to the effect that the parties would be given an opportunity to consider their positions in the matter, or something similar to that, and to the best of my recollection that is where the matter now stands.

Mr. WINCH: Mr. Chairman, I am afraid I put my question in a rather confusing manner. The information I am trying to obtain is this. If in a report the conclusion is that, if a company takes over another company, it would be a combine or an act in restraint of trade, is it then possible to stop the purchase of the said company by another one? Or, in view of the findings of your department, do you have to wait until they actually take such action and then have a decision as to whether or not they will be charged under the legislation? Or, is that a question for the minister?

Mr. MACDONALD: I think it is a question of procedure. I think I can answer it, but it may involve me in a considerable description of the act. I may be able to answer it briefly.

In 1952 one of the amendments introduced in the Combines Investigation Act was a provision to the effect that, upon conviction for an anti-combines offence a doubtful court could, in addition to any other penalty, make an order restraining the parties from a continuation or from a repetition of the offence and, in the case where the merger conviction was for a trust or monopoly order that the merger, trust or monopoly be dissolved. Then the section went on to provide that in the case of an incipient offence an application may be made to a superior court, without prosecution, for an order restraining the commission of the offence.

While I am speaking here rather quickly it would seem to me that the position under the act is this: if an offence has been completed then any action by the court toward breaking up a resulting merger would have to follow upon a charge and a conviction. If an offence was not completed, but in its incipency, then an application could be made to the court for an order directing that it not be proceeded with.

Mr. MICHENER: Along somewhat similar lines, Mr. Chairman, I have been reading the report of the director and there is some reference to legislation in the United Kingdom and the United States. I would like to ask a question or two with a view to making a comparison between the procedure in the United Kingdom and the procedure in Canada, based on my limited knowledge and information that there is more consultation and negotiation between the commission and industry in the United Kingdom about trade practice and less of the attitude of prosecutor and criminal. I wonder if I could have some comment on that?

Mr. MACDONALD: In the United Kingdom, Mr. Chairman and Mr. Michener, there was no anti-combines legislation until 1948. In that year an act was passed which provided that the Board of Trade, corresponding as you of course know, roughly, to the Department of Trade and Commerce here, might refer specific industries or specific trade practices to the monopolies and restrictive trade practices commission, which the act set up, for examination and report back to the board of trade.

If a report was made reporting adversely upon a particular industry the conditions condemned might be corrected by negotiation between the board of trade or other appropriate government department and the industry concerned, or in the final analysis, if such negotiation was not successful, a statutory order might be initiated by the department most interested, which would have the effect of law, for the purpose of modifying the arrangements that had been criticized and condemned in the report. Up until August of last year, I believe the commission turned out upwards of a dozen reports—perhaps around 15, something like that. At that stage, apparently, it was the feeling that there had been sufficient experience gained on the basis of these ad hoc reports, to treat the matter in a more methodical way.

Immediately prior to that legislation the monopolies commission, as it is known now, had issued a somewhat different kind of report in which, instead of dealing with a particular industry, it dealt with a number of particular practices throughout various industries.

Consequently the new act, largely superseding the old was passed, and came into effect in August, 1956. What it does, speaking very generally, is to describe a large number of restrictive practices, pricing practices, limiting of production, setting of quotas, determining channels of distribution, and so on, and to provide that they must be registered with a person called the registrar. At the same time, it sets up what is called a restrictive practices court, or a trade practices court, consisting of so many judges, and so many laymen. That court can, I believe, sit as a whole, or it can sit in panels, each presided over by one of the judicial members. It is the duty of the registrar to bring those agreements, that have been registered with him, up before the restrictive practices court. If an agreement limits competition in one of the ways I have described, then there is a presumption in the act that it is contrary to the public interest. The onus then is upon the parties to justify the agreement. There are about 7 different heads under which the parties may come in and rebut the initial presumption that it is contrary to the public interest. If they succeed in getting through one of these seven gateways as one author has called them, then they must show, in addition that the agreement is not on balance unreasonable, having regard to the public interest. If they fail in discharging the onus the act puts upon them, then the court may make an order declaring the agreement invalid, and directing the parties not to pursue it. If that order is violated, such violation may be punished as a contempt of court.

There are some other provisions in the act relating to resale price maintenance, but the ones I have outlined are the ones relating to restrictive practices. According to the last report, which I saw, there were 1,200 of these agreements that had been registered, and were waiting to be brought before the court by the registrar.

Mr. MICHENER: Then these two procedures, that you have outlined so clearly, cover approximately the same ground as our Combines Investigation Act and the two sections of the Criminal Code, 411 and 412?

Mr. MacDONALD: Yes, I think they do, if we take into consideration the remaining provisions of the old act, which is not entirely superseded. The old monopolies commission is reduced in number, and its functions are now restricted to examining export arrangements, and what we call monopoly situations, as contrasted with agreement situations.

So, if you take the fact that under the new act you examine arrangements among parties, that have the character of restricting competition, and under the old procedure, monopoly situations can still be examined, and if you have regard to the price maintenance provision in the act, then I think you can say that the two pieces of legislation cover it, although of course, in considerably different ways, roughly the same field.

Mr. MICHENER: With that background, I just want to ask, for the purpose of comparison, whether, under these two procedures, in the first place where the Restrictive Practices Commission is acting, and there is a negotiation between the government and the industry, and under the other procedure where the agreements are filed, and may be declared void by the court, there does not seem to be prosecution of the industry, or industries involved. It seems to be more of an administrative procedure, with the idea of separating the harmful and other practices, and advising the industry, or deciding administratively almost, that certain practices are not in the public interest. That seems to be the only consequence unless there is a violation of the orders or decisions made.

In contrast to that, under our law, the only place where I see anything comparable is where there is an inquiry, and where the parties are called in before the commission and give evidence on their own behalf. The director presents his facts, and there is an inquiry of an administrative kind, which is not a prosecution in a criminal court. Apart from that, when an industry in its practices which are considered inappropriate proceeds along a line which is contrary to the section, there is a prosecution, and the industry is charged with being a felon. It then must decide whether it is going to admit that its practices are contrary to the act, plead guilty, and be convicted of a serious crime, and fined.

This, and I have followed some of these cases,—is a very expensive and lengthy process, and may go on for years in the court. I do not know how far the department follows the British practice, but it seems to me there is a good deal to commend this British practice.

Hon. Mr. GARSON: Did I understand you to say that we were following the British practice?

Mr. MICHENER: No. I said I do not know how far the department administering the Combines Investigation Act keeps abreast of what is going on in Britain and how much they have considered the British practice as a remedy for this problem, as against our use of the Criminal Code. I would like to ask whether there is anything comparable in our legislation, except where there is an inquiry and hearing before the commission, in the one case which I have been able to find.

Hon. Mr. GARSON: I do not want to interrupt the trend of the discussion, or of my hon. friend's thoughts, but I think it might be useful to the committee if the witness could indicate whether the trend as compared with, say, the position ten years ago has been for the British to come closer to the practices which we are following, or vice versa.

Mr. MICHENER: I understand our statute goes back to 1906.

Hon. Mr. GARSON: 1889.

Mr. MICHENER: Yes, longer than that, and the British legislation, on this subject, is more or less recent—1948.

Hon. Mr. GARSON: Yes, and my impression is that it tends to become more like ours as the years go on.

Mr. MICHENER: In this description that we have here, there is a vast difference. I was just wondering how much scope there is in our act for the adjustment of these matters. I think that very often industry is endeavouring to have orderly marketing practices, and considers what it is doing is right. Under the present legislation, it is not possible to correct this, as the industry would be willing to do; but it seems to me that there is scope here for an earlier inquiry or conference of an administrative kind between the authorities and industry. I wonder whether the department has considered anything to that end.

Mr. WINCH: I have a question along the same line, and perhaps we can get the answers at the same time. I am interested in what has been raised by Mr. Michener, and the answers of Mr. MacDonald. I do not yet quite understand what the procedure or the policy is, when you make an investigation or an inquiry, and then in your report the indication is that you think that if certain action takes place, it will not be in the public interest, but would be contrary to the legislation. Of course, as an example you have this matter of the British Columbia Sugar Refinery and the company in Manitoba.

Now, as I remember your report, on the completion of your investigation, you felt that the action contemplated was not in the public interest. It is what I understand you have termed an incipient situation. In view of your findings in the investigation, what happens then? Was any action taken in the court to prevent this combine, and if not, then why not, in view of your findings?

The CHAIRMAN: I think, Mr. Winch, that is really another matter. It may be connected, but I think we will find that, if we try to get the witness to answer both of them, I think the matter will become confusing.

Mr. WINCH: In Mr. MacDonald's reply, he mentioned an incipient—

The CHAIRMAN: Yes, but—

Mr. WINCH: And the fact that it would be handled as a contempt of court, I believe he said.

The CHAIRMAN: Mr. Michener is trying to get at why we do not approach the British system. I suggest that it perhaps has to do with the fact that they have a unitary system of government, and can legislate without worrying as to whether they have got to bring it into any particular field like the criminal law.

Mr. WINCH: Mr. Chairman, I do not want to confuse it, but I thought that, in view of the fact that as I understand it, there has been no action taken, perhaps it was the same thing as the British system, as raised by Mr. Michener.

The CHAIRMAN: We could come to that afterwards, but I believe the reason for the different approach was that if we approached it at all, we have to come under some head of Federal Jurisdiction such as the field of criminal law. Britain can approach it without worrying about that, and I fancy that had something to do with the original approach, along the line suggested by Mr. Michener.

Mr. WINCH: Perhaps Mr. MacDonald will answer my question after he has answered that of Mr. Michener.

Mr. MACDONALD: Mr. Chairman, undoubtedly there is a very considerable difference in the approach of the Canadian system and that of the United Kingdom system. In seeking the reasons for that, I think we would find several.

In the first place, I think it is correct to say that the British system is still largely in an experimental stage. They are feeling around for a proper long-term policy. Both the 1948 act and the 1956 act, while they met with quite a lot of unanimity as to the ultimate purpose, encountered many differences of opinion as to how best to proceed.

When the act went into force in 1948—the first act—it was something very new as far as the United Kingdom was concerned. In explaining the procedure to be followed, it was frequently said at that time that the act stressed the empirical, as they call it, as contrasted with the doctrinaire. That is, it would proceed from the examination of individual cases, and not from the standpoint of applying any preconceived principle to cases that came before it.

At the same time, the hope was expressed that, as the work of the commission proceeded from case to case, it would build up a body of experience, and perhaps of principle.

After about 12 reports on individual industries, the board of trade said, in effect, to the commission: You have examined 12 industries, and you have come upon various practices in those industries in restraint of trade. Now, we would like you to take these practices themselves and examine them in their general application throughout industry, and let us have your recommendations. The commission did that. It examined a series of restrictive practices, excluding straight price fixing but including collective boycotting and so forth, and the majority report was to the effect that sufficient experience had been gained as to the effect of these practices, to justify outlawing them outright in the form of criminal law, and that any exception to the general condemnation of the practices should be written right into the statute.

Now that report—on “Collective Discrimination”—by the monopolies commission received a mixed reception from different quarters of the economy, and I suppose it is fair to say that the 1956 act may be regarded as a sort of compromise between some of the different views. In some respects it falls short of the recommendations of the monopolies commission in that it does not take the line of criminal law, and in some respects it goes further than the report because it sweeps into its ambit a lot of agreements—for example, price fixing and what they call level tendering—which had not been dealt with by the commission.

I would think that the act was still to be regarded as being in the experimental stage. There are very many interesting questions which arise and which of course will be followed by us with great interest. For example, the registrar has before him now 1200 agreements.

Mr. MICHENER: Among them price fixing agreements, price maintenance agreements and that sort of thing?

Mr. MACDONALD: I would guess, and it would be an informed guess, that that was the essential characteristic. The registrar will have to bring them, one by one, before the new court, and what procedures he will develop in doing so or what staff he will require to get into the economic background of all these agreements, is a matter that will not become apparent until he gets going. One of the questions which was asked when the legislation was being put through, was: how long is it going to take in this way to get these agreements before the restrictive practices court and to get judgments upon them? That was a matter on which there was considerable debate and considerable difference of opinion.

Mr. MICHENER: May I interrupt here to ask whether there is anything in the Canadian law to permit either an industry or a number of industries who may have some particular program in mind to bring a subject to the commission and to consult with the commission about it, so that the commission might declare in advance whether it was good or bad according to the law. Is there any procedure of that kind in our system?

Mr. MACDONALD: Not under the act expressly, Mr. Michener, but it is the practice in many cases to do so. That is to say, there is no section of the act which outlines a procedure for that kind of action. However, on the occasions when I have had the opportunity of addressing industry or trade groups, which is fairly frequently, and also on the occasions when the minister has addressed them, which also is fairly frequently, we have both emphasized that one of the most important functions of the branch, and one which is available to anybody who wishes to ask for it, is to come in and discuss with the branch such situations beforehand. I have in mind situations concerning which they entertain doubt or which they see developing. We tell

them that while we cannot put ourselves in the position of their own solicitors and undertake to give them an opinion upon a particular set of facts in the same way as their solicitor would, we will try to explain the legislation to them in such general and at the same time sufficiently precise terms as to permit them to come to a reasonable conclusion as to whether or not what they have in mind may get them into trouble. We have had many such conferences.

Mr. MICHENER: I wonder whether Mr. MacDonald would like to express an opinion as to whether it would be helpful in promoting that kind of conference which might prevent combines or restrictive trade practices from developing, if such conferences were officially provided for in the legislation.

Mr. MACDONALD: I am inclined to think, Mr. Chairman and Mr. Michener, that it can be done effectively without being spelled out in the act. I believe also that the practice in the United States is along the same lines and there is no provision, in their legislation either, providing for it especially. I should be a little apprehensive that a written provision might tie down, or there would be some danger of its tying down, the procedures and making them a little less flexible than they now are.

Mr. MITCHELL (*London*): I understood, Mr. MacDonald, that you said there was no legislative provision in the United States for that kind of conference, but it was my understanding that there was such provision.

Mr. MACDONALD: Yes, we are talking about two slightly different things here. Under the Federal Trade Commission Act the Federal Trade Commission holds quite a few conferences with trades and industries and those conferences frequently end up in a set of industry rules—a sort of code. Now when I replied in the first place I was thinking more of the Sherman Act which corresponds to our combines provisions and, under that act, to the best of my knowledge, and I think I am correct in this, there is no provision for conferences of that kind, although conferences do take place.

For example, in a recent proposal for amalgamation between two steel companies in the United States there was some kind of advance discussion with the anti-trust division of the Department of Justice.

Mr. MITCHELL (*London*): And there was a set of rules laid down under that act, was there not?

Mr. MACDONALD: No, not in that case because the department indicated informally that if the amalgamation were to proceed it would consider itself bound to open an inquiry.

Now conversely, in the case of the automobile companies where there was a question of Studebaker & Packard and Nash and Hudson getting together, I believe there also was some advance discussion with the department and they indicated the opposite conclusion. However, I am quite sure that a conference of that kind is purely informal and not covered by any legislation.

Mr. RICHARDSON: Mr. Chairman, I would like to ask Mr. MacDonald if his experience with a great many parts of industry has shown that advantage has been taken of this conference method.

Mr. MACDONALD: Oh yes, we have a large number of such conferences now. I do not want to create the impression, when I use the word "conference", that this is something that we arrange weeks in advance and sit around a table with an agenda, or anything like that. It is simply a case of somebody writing in or phoning in and saying "A client of mine has a problem that he wishes to discuss, and I would like to bring him in." Or somebody may phone or write saying such and such a trade association would like to send a delegation in to discuss some reorganization that they have in mind. We have many of those situations.

The CHAIRMAN: I believe Mr. Winch wanted you to comment on a situation in regard to the beet sugar industry. Mr. MacDonald; could you do that now?

Mr. MACDONALD: Yes Mr. Chairman. I think it is now common knowledge that by the time the sugar report had come out the amalgamation between the companies had been completed, so that it was not a case where you had what I referred to as an "incipient situation." It was a case where at that stage you had a completed situation and that was the situation which had to be considered and is, I believe, being considered by the minister. Had it been otherwise, and were you to have a report that came out on a certain date which dealt with an offer of amalgamation, say, between two companies, which report expressed the opinion that the amalgamation, for reasons which it spelled out, would be contrary to the public interest and such amalgamation had not taken place but steps were being taken indicating that it was going to do so, then it would be possible, I believe, under the legislation, to go directly to the court without a prosecution and seek an injunction. However, that was not the situation in the present case.

Mr. MICHENER: Mr. Chairman, referring to the report of the director, which I suppose is now somewhat out of date, I would like to ask whether there have been any further reports made to the minister, by the Restrictive Trade Practices Commission other than those mentioned in the directors' report for the year ending March 31, 1956. Those mentioned are beer, which at the time of the report was under consideration by counsel—although I suppose that has been completed.

Hon. Mr. GARSON: That is right.

Mr. MICHENER: With a recommendation for prosecution?

Hon. Mr. GARSON: Well, as a matter of fact, in none of these cases do we disclose whether or not there is a recommendation for prosecution. We act on our own responsibility, after having perused carefully all the material and having received counsel's opinion on that material.

Mr. MICHENER: Has a prosecution been undertaken?

Hon. Mr. GARSON: No.

Mr. MICHENER: That was one of those reports and the next one was on asphalt roofing—what is the status of that matter?

Mr. MACDONALD: The state of that case is that the grand jury brought in a true bill in Toronto several months ago and the judge who was presiding, decided to await setting it down until the decision came out in the fine paper case, which is now before the Supreme Court of Canada.

In answering your other question, Mr. Michener, I believe that, according to the report you have there, the last report referred to quilting?

Mr. MICHENER: Yes.

Mr. MACDONALD: And since that time there have been three additional reports, one referring to boxboard in June, one referring to tobacco in November and the sugar report last January.

Mr. MICHENER: On the question of what time it takes to dispose of these matters when they become crystallized for prosecution, how many cases or how many prosecutions are still in the course of proceedings, that is unfinished, and how far back do they go, really?

Mr. MACDONALD: The oldest unfinished case is the fine paper case.

Mr. MICHENER: 1952?

Mr. MACDONALD: Yes.

Mr. MICHENER: That case has been going for seven years from the time the report was made?

Mr. MACDONALD: Five.

Mr. MICHENER: Five years then, I am sorry.

Mr. MACDONALD: Yes. The report was published in 1952. It went through the trial court in Ontario and it went through the appeal court in Ontario and it is now waiting for a decision in the Supreme Court of Canada. It cannot go to the Privy Council because it was not under the line.

Mr. MICHENER: It was one year too late?

Mr. MACDONALD: Yes.

Mr. MICHENER: What other old cases are there still pending?

Mr. MACDONALD: The electrical wire and cable prosecution is under appeal in Ontario and again is hanging on the result of the fine paper case. The wire fencing case is in the same position. The asphalt roofing case for the same reason is awaiting trial; the transmission and conveyor equipment case like the asphalt roofing case has had a true bill returned and is awaiting decision of the Supreme Court of Canada.

Mr. MICHENER: May I interrupt: the case before the Supreme Court of Canada is in relationship to public interest.

Mr. WINCH: What is the fine point?

Mr. MACDONALD: The Winnipeg coal case is in preparation for prosecution, and the quilting case is in the same position.

Mr. MICHENER: These cases are usually very lengthy and very expensive proceedings both for the crown as well as for industry. They take days and weeks sometimes for hearings, and as we have seen, they drag out through appeal after appeal. Altogether it is slow justice in the sense of justice as we understand it in Canada. That bolsters my point that perhaps it is time to think again about the way of dealing with these matters. But I know we cannot settle that today.

Mr. WINCH: Coming back to the sugar company case, is it usual or is it unusual when companies are under investigation by our department, as were the sugar companies, for them, while under investigation and perhaps under some indication of your views of the law—that they should deliberately go ahead and complete their merger? I gather from what you said that they must have gone ahead while under investigation and completed their merger, although the companies were being investigated on that basis.

Mr. MACDONALD: That question arises in merger cases rather than in combines cases. I do not think there have been enough cases up to the present time for me to be able to say that this or that was the experience.

Mr. WINCH: It is not what you would expect to happen? All right, do not answer.

Mr. MACDONALD: I do not think that my expectations have much to do with it.

Mr. MICHENER: I notice the number of files opened by your branch upon receipt of complaints or inquiries is generally, steadily diminishing, or it has been over the last five years, from 122 in 1951 to 191 in the last full year; and the number of formal directions from the minister for enquiry are nil.

Hon. Mr. GARSON: There is nothing unusual about it.

Mr. MICHENER: No, it has been good; that has been your experience in the last five years.

Hon. Mr. GARSON: It indicates that we have an efficient staff which does not need to be prodded.

Mr. MICHENER: As to the number of applications from citizens for enquiries, there was only one last year.

Hon. Mr. GARSON: That is more than we usually get.

Mr. MICHENER: And there were none the year before.

Hon. Mr. GARSON: That is right.

Mr. MICHENER: So the public is not clamouring at the door of the branch to institute enquiries? On the other hand the director seems to be becoming more active with respect to initiating enquiries on his own initiative; there were eight last year as against five the year before.

The CHAIRMAN: Are there any further questions?

Mr. McLEOD: I have been listening to this with a great deal of interest. I am not a lawyer and therefore I am not so much interested in procedure as I am in the results obtained. I would like to bring one case before the committee. I am thinking of the prosecution against the rubber companies in very recent years. I ask if beyond the collection of a fine, any good has resulted from the investigation of the rubber companies. Has there been any evidence since the time of the prosecution that the various companies have ceased to operate as a combine in regulating prices, dealer bonuses, and dealer outlets in Canada? In other words, are we getting any good from all these investigations that are being carried on? I do not care how you carry them on. It is the result in which I am interested.

Mr. MACDONALD: This is not a matter which you can measure with a ruler. It is a difficult question to reply to with facts and figures. But I think it is quite fair to say that all the evidence that comes informally before the combines branch indicates generally, as in the rubber cases, that the action which has been taken has been effective.

Mr. McLEOD: Well, I am inclined to disagree with that statement from personal contact and personal knowledge from the dealer's angle. There has been a slight rewording in the contract which is supposed to get by the order that was laid down. But so far as the control of prices is concerned, one tire will go up on one day, by one company, and the next day they are all the same. The contracts are identical; and if you have an agency in a certain area, there would not be another agency until the companies are convinced there is room for more to operate. Control stands just the same today as it stood before the investigations and before the fines were levied on them. I am quite confident of that.

As far as the rubber companies are concerned I wonder if there has been any good resulting from the investigations and from the money spent! What does a fine of a few hundred thousand dollars mean to these companies!

There is one other thing. I may be wrong, but did I not understand you to refer—or to assume that there is a new policy by which monopolies and mergers will be allowed providing they operate under a system whereby the prices of the product or commodities to the public are fair? Is that the idea?

Mr. MACDONALD: To answer your question in two parts: I do not want to enter into a discussion on the basis of a particular case without having the facts of the case before me, because I think we would both be at a considerable disadvantage. But I would like to make this general comment: that price uniformity in itself may not be very significant under the Combines Investigation Act. There are certain things which will almost inevitably carry the same price at any particular time and place. A thing like cement is one; a thing like sugar is another; and to a great extent a thing like first line tires is still another.

What was criticized in the rubber report both as regards tires and other rubber products was not the fact that the prices were identical. It was the manner in which they were made identical. If prices become identical through the ordinary pull and draw of independent action, then that is one thing, and it is a situation with which the combines legislation is not concerned. But if they become identical through pre-arrangement, then that is another thing with entirely different consequences and a thing with which the combines legislation is concerned.

Mr. McLEOD: Well then, Mr. MacDonald, would you say that it was anything more than a coincidence that we have the same prices, and that it is not pre-arranged?

Mr. MACDONALD: I would not express any opinion about it without having the facts of a given situation before me. I can only say that with respect to any industry if we receive or come across any information which leads us to believe that the price identity is coming about through pre-arrangement, then we commence an inquiry.

The CHAIRMAN: The second part of Mr. McLeod's question is on the real point before the Supreme Court of Canada, is it not, and the extent to which it could be argued whether or not the companies are operating against the public interest; that a combine which is not proved to be operating against public interest is not necessarily illegal unless proof is given that it is in fact operating to the detriment of the public. That question is before the Supreme Court of Canada. That is the point raised by Mr. McLeod in the second part of his question. It was raised before, and I thought Mr. MacDonald was going to deal with it. It is the very point which I understood is before the Supreme Court of Canada. I think the committee would like to know just what that point is. It is just a legal point.

Mr. MACDONALD: The leading question which is before the supreme court of Canada in the fine papers case is: what is the nature of the public detriment which the crown must prove in a combines case? Need the crown in each individual case demonstrate that the prices that were agreed upon are, by some standards, excessive, or is the criterion to be the degree to which competition has been interfered with?

It is sometimes said in combines cases that at the present time the crown does not have to prove any detriment to the public. But that is not correct. I think it probably comes down more to a question of definition than to anything else.

The Combines Investigation Act only deals with situations which, by its language, are detrimental, to the public, because those words are written right into the Combines Investigation Act. They are essential to any charge under the act.

A similar meaning, I think it is fair to say, has been attributed to the word "unduly" in the corresponding section of the Criminal Code. So the question actually is not: need the crown prove detriment to the public? The question is, rather, what is the evidence which the courts will accept as constituting such detriment?

That is one of the main issues before the Supreme Court of Canada in the fine papers case that is, whether the element of detriment to the public is proved by showing a sufficiently far-reaching interference with competition, or whether the crown must go further and, for example, compare the prices which are in effect under the agreement with some other prices which it might be surmised would be in effect without the agreement, and show the actual difference between them.

The CHAIRMAN: Gentlemen, I thought it was fair to have that information before the committee, although it is in connection with a case before the courts, as an indication as to why it is almost impossible to proceed with the other cases until this case is decided. I felt, since all these other cases that are under the administration are apparently held in abeyance, that it is only fair that the committee and everybody should know it is because this very fundamental point is up for decision by the Supreme Court.

Mr. WINCH: Is it fair to ask, if the crown loses that case, does the legislation topple to the ground.

Hon. Mr. GARSON: I would not say it would topple to the ground, but it would have to be reviewed.

Mr. MICHENER: Could we have the status of the other three reports? Are there any in the hands of counsel at the present time? It would seem to be the practice of the minister to refer these cases to counsel before making a decision

Hon. Mr. GARSON: Yes.

Mr. MICHENER: Is that an invariable practice?

Hon. Mr. GARSON: Yes. And they are always outside counsel.

Mr. WINCH: Why do you not use the counsel in your own department?

Hon. Mr. GARSON: As you can see from the sentiments voiced this morning, any organization that is investigated is a bit suspect and we thought, amongst other advantages we would obtain by securing opinion of outside counsel, would be the knowledge on the part of industry that we were not deciding inside the department that we had a case, but rather that we were obtaining the independent advice of counsel in private practice who were under no obligation to the government or to the department.

Mr. MICHENER: I have a question I would like to raise, and I do it with diffidence and not by way of making any accusation. It seems to me that when the minister refers a matter to an eminent counsel for his opinion and then decides to prosecute, he engages the same counsel?

Hon. Mr. GARSON: Yes.

Mr. MICHENER: It strikes me that is rather asking a man to provide himself with a case. I would not accuse any lawyer of doing that, but is that a good practice?

Hon. Mr. GARSON: Yes, I think it is a very good practice. One of the points which I think most people fail to appreciate about these cases is they all involve a very voluminous mass of evidence, the mere perusal of which is a large task in itself. The concerns that are ordinarily involved as accused are wealthy and powerful concerns that have long since in their experience seen the wisdom of obtaining only the best legal talent to advise them.

So we know if we are going to carry out a prosecution we will have nothing but first-class talent opposed to us, and we feel we should have first class talent advising us. The reason why I am sure we get quite independent advice, notwithstanding the fact that if we do decide to prosecute it is the counsel giving this advice who will be acting for us, is that the man whom we consult has already weeks of work on hand and is not looking for a retainer. The men we consult have plenty of work, even if we never consulted them at all; and the wisdom of their advice is pretty well proven by the fact that in recent years—certainly within my own experience in the department—the only case I can recall that we lost is a case in British Columbia where we had secured a conviction, but it was thrown out in the court of appeal upon the ground that the trial judge had misdirected the jury, which was certainly no fault of our counsel or of our judgment in retaining him.

When we ask a counsel to advise us he has to go through all that mass of evidence in order to come up with an opinion. We have to pay him to do that. For us to obtain another expensive counsel to start all over again to prepare himself to prosecute I think would be a great waste of money and of energy.

Mr. MICHENER: I can see the economy argument, but I do think it is important to have the appearance of doing right as well as actually doing right. It seems to me you are putting a man in the position where his interest lies in one direction.

Hon. Mr. GARSON: With all respect, I do not think that it is so, because all a good advocate in an active practice can do is use the time he has, so many hours each day for a certain number of weeks and months. We may approach

three or four men before we find a counsel who is in a position to take it on, and even when he takes it on he sometimes does so at inconvenience to himself. As a matter of fact the standing at the bar of such this kind of counsel is that he does not want to affect it adversely by advising an unsuccessful prosecution.

Mr. MICHENER: I appreciate that that is so but I am thinking more of what people outside the profession would say than those inside. I do not think any wrong comes out of this practice, but it is placing a man in a position where if it were not for his reputation he would be exposed to accusation.

Hon. Mr. GARSON: I could well understand it if we had lost all our cases instead of winning them all. In that event it could be argued that we did not get good advice, but the facts show that the proof of the pudding is in the eating.

Mr. MICHENER: I see that the budget for legal fees and for advice is down. That is under the office of investigation and research.

The CHAIRMAN: It is down about \$3,200 under this item of fees and expenses of legal counsel. This is on page 250.

Mr. MICHENER: We are on item 179?

The CHAIRMAN: Yes.

Mr. MICHENER: I was looking at item 180, which I take it is the item which covers advice for prosecutions of this character.

Item agreed to.

180.—Office of Investigation and Research..... \$455,375.

Mr. MICHENER: How many cases are there for the year which would warrant fees of \$140,000?

Hon. Mr. GARSON: This covers everything. For example if appeals are taken to the provincial appellate court and then to the supreme court the expense involved in all of these steps has to be provided for.

Mr. MICHENER: I think Mr. MacDonald outlined the cases outstanding, but he did not tell us the total number in all stages.

Mr. MACDONALD: Could I answer the question by coming back to 1955-1956 for which the figures are complete?

Mr. MICHENER: Yes.

Mr. MACDONALD: In that year the appropriation was \$150,000. The item for legal counsel, fees and expenses was \$84,553. That was divided among twelve cases in various stages of development.

Mr. MICHENER: Thank you.

Mr. RICHARDSON: That not only includes counsel but also witnesses.

Mr. MICHENER: No.

Item agreed to.

181.—Bankruptcy Act Administration \$48,985

Item 181 agreed to.

182.—Penitentiaries—
Administration of the office
of the Commissioner of
Penitentiaries, including
\$60,000 for grants to recog-
nized prisoners' aid societies,
as may be approved by the
treasury board..... \$482,446.

Mr. WINCH: Mr. Chairman, I would like to ask the Commissioner of Penitentiaries at what stage is the proposal made some time ago with respect to a new penitentiary in western Canada?

Major-General R. B. GIBSON (*Commissioner of Penitentiaries*): Mr. Chairman, the situation there is, in view of the recommendations of the Fauteux commission to the effect that the federal government might take over prisoners who are now provincial responsibilities, the construction of that institution has been temporarily postponed until we see what accommodation will be available from provincial sources which might be taken over by the federal authorities.

Mr. WINCH: I was most interested, Mr. Chairman, some two years ago in seeing the work being done in respect of these twice-a-year Dale Carnegie courses in one penitentiary. I have been most interested in following that up. I think that has been, as far as the individuals were concerned, a significant success, so much so that first of all I wish to commend the officers for having had it started. Then I wish to ask if it is now in all the penitentiaries, and if not is it the intention, because of the success where you have had it, to put it into effect in all the penitentiaries.

Commissioner GIBSON: There have been, as the hon. member has suggested, I think five courses at the British Columbia penitentiary. We have also had a Dale Carnegie course at Dorchester penitentiary. It was put on there because the Dale Carnegie authorities were available and willing to take on the work. We have not made arrangements at other penitentiaries, because the same facilities have not been available, as were available in British Columbia and at Dorchester.

Mr. WINCH: Would it be possible to have somebody trained, in each penitentiary? I mean,—one of your officers, so that they could carry on these courses? The results, as far as we are concerned, I am convinced, are so significant and wonderful that it has proven to be of great advantage.

Commissioner GIBSON: I think the penitentiary authorities have found it very desirable to have the courses carried on by trained outsiders rather than by the staff themselves. I think it might be rather difficult to have the same result if the courses were carried on by officers of the institutions. We could consider that.

Mr. WINCH: I certainly hope it can be extended, because I think it is doing a remarkable job.

Mr. PHILPOTT: I want to ask a question, Mr. Chairman, as to how the magazine publications in the penitentiaries have worked out. Before I do that, may I say that, as a professional writer myself for over 35 years, there is no better writing being done in Canada today, either outside, or anywhere at all, than in these penitentiary magazines. I often think that, perhaps, they have got the time there to do better writing than those of us who are outside. I just wonder how it had worked out, from the point of view of the administration?

Commissioner GIBSON: I think I can say it has worked out most successfully. We now have these little magazines published at all our institutions, by a small editorial committee, some of whom do a good deal of the writing themselves. We have found that a considerable number of inmates have contributed to the magazines, and it has brought to light, as the hon. member has said, a good deal of unsuspected talent.

From the administrative point of view, it has not involved any real difficulties. We have found that the board of editors, with very few exceptions, take a very sensible view on what they should put in and what they should not put in. We have been able, I think, to persuade them that the magazine is not a place for personal beefs, or for dealing with individual complaints, and the editorial boards have carried out that policy, I think, in a very satisfactory way.

Mr. WINCH: Mr. Chairman, could I ask the commissioner what the present regulations are with regard to the use of solitary confinement. I was very much disturbed some time ago, on visiting one of the penitentiaries, to find at that time two men who had been in solitary for over a year. I was very disturbed by that. I would like to know what the present regulations are, as to how long a man can be kept in solitary without a break?

Commissioner GIBSON: Regulation 69 reads as follows:

- (b) If at any time it appears to the warden that it is necessary or desirable for the maintenance of good order or discipline, or in the interests of the inmate, that he should not be employed in association, the warden may arrange for him to work temporarily in a cell or other place, and not in association. The warden may take action but shall report any such case to the commissioner.
- (c) It shall be at the discretion of the warden to arrange for such dissociated inmate to be again employed in association when he considers it desirable, and he shall in any case so arrange at the expiration of one month from the commencement of the period of dissociated employment, unless otherwise recommended by the classification board of the penitentiary and approved by the warden."

In respect to the case to which the hon. member has referred, the individual's case would be considered, and was considered each month by the classification board by the warden. There were good reasons why it was undesirable for the particular inmate to be placed again in association with other individuals.

Mr. WINCH: I can recognize that, or at least I can understand that. At the same time, there has got to be a little bit of humanity. As the commissioner knows, the case I am referring to, was at Kingston,—and we may as well name it.

In the British Columbia penitentiary we are faced with the same situation, where they have to put men in solitary, but I notice a big difference. It may be on account of accommodation and, if so, something should be done about it. In Kingston, on solitary, prisoners are placed in a very small,—regular cell, and completely confined. One can just reach out and touch the walls. In the British Columbia penitentiary, still in solitary, month after month, they are in a very large room, which is well lighted, and they can carry on hobbies. It is a room, as a matter of fact, about half the size of this, for each prisoner. There is a big difference in being confined month after month almost in a box, and being confined in an area half the size of this room. If it is a matter of accommodation, we should review it. I do not know how a man can maintain his sanity at all if he is confined in a small cell.

Commissioner GIBSON: Mr. Chairman, may I ask the hon. member if he is referring to what is known as the dissociation cell block at Kingston? Because, my recollection of the accommodation in the cells of that block certainly does not correspond with that description.

Mr. WINCH: I went right down, and they opened up the cells for me. They were just straight, single cells in this one section.

Commissioner GIBSON: There is, at Kingston, a dissociation cell block, which contains 24 cells.

Mr. WINCH: That is it.

Commissioner GIBSON: They certainly are considerably larger than the description the hon. member has given.

Mr. WINCH: By golly, they would drive anybody nuts in three days.

Mr. PHILLPOTT: Do we have any figures as to how often you have to place people in solitary confinement?

Commissioner GIBSON: No, I have not got any figures on that. I would say, though, that any protracted period of dissociation is quite unusual.

For the ordinary type of prison offences that comes along, a man may be dissociated for a week, or ten days. Those cases, which are referred to in the regulation I read, are cases where there is some very sound reason for keeping an inmate away from the rest of the population. Any protracted period, and certainly a period of over two weeks, would be quite unusual.

Mr. WINCH: Could I ask the commissioner if there has been an improvement, and I think there has, in that you no longer have in the penitentiaries inmates who have been certified insane, which you still have to carry in the penitentiary?

Commissioner GIBSON: We apply to the provinces—

Mr. WINCH: You had a bad situation, you remember, about two years ago in Ontario.

Commissioner GIBSON: When an inmate has been certified insane we apply to the provinces for his admission to the provincial mental hospital, and in most of the provinces he is admitted without too much delay. There are periods when provincial hospitals, through overcrowding, are not able to accept an inmate as soon as the application is made. In that case we have to retain him for the time being, until there is a vacancy, so that he can be admitted.

Mr. WINCH: It is very desirable, not only to the other inmates, but also very desirable to your officers, not to have to handle them?

Commissioner GIBSON: That is quite true. We are most anxious to have anyone who has been certified insane sent to a mental hospital as quickly as possible. But, of course, we are in the hands of the provinces who control the mental institutions and we have to accept what they can do for us.

Mr. MICHENER: How many men does it take to operate a penitentiary, Mr. Gibson?

Commissioner GIBSON: If the hon. members will look at pages 253 and 254 of the estimates, they will see, set out there, the different types of positions that are authorized. For the coming fiscal year the number is 1952. At the present time the staff employed is about 1830. It fluctuates with the population. As the population goes up we take on more people. In preparing the estimates we have to make a reasonable forecast as to what we think the population is likely to be over the next fiscal year, and plan our requirements accordingly.

Mr. MICHENER: Is the last category a penitentiary assistant, grade 3?

Commissioner GIBSON: That is correct, yes.

Mr. MICHENER: And his starting salary is \$3,000?

Commissioner GIBSON: \$3,000 to \$3,600. Those are what we call guards, grade 1.

Mr. MICHENER: Is it difficult to recruit suitable people at that figure?

Commissioner GIBSON: The salaries, of course, were raised last year quite considerably, from the maximum for guards of \$3,060 up to the present \$3,600. Since that increase came into effect, we have had a quite considerable number of applications, and I think at practically all of our institutions we have now a waiting list of people who have applied, and will be taken on when vacancies occur.

Mr. MICHENER: That is a very noticeable improvement over the experience of the last few years.

Commissioner GIBSON: Quite a distinct improvement, yes.

Mr. MICHENER: What has the turnover experience been in the past year as compared to the year before?

Commissioner GIBSON: In the fiscal year 1955-1956, the total number who left the service was 186, from all causes retirement, deaths and resignations. It has been running, I think, about ten per cent over the last two or three years.

Mr. MICHENER: Do you have many officers who stay in that work throughout their lives?

Commissioner GIBSON: Oh, yes, a very large proportion of them.

Mr. MICHENER: Can you tell how many men have had 25 years of service? You probably recognize that length of service and have some record of it.

Commissioner GIBSON: I am afraid I cannot give you that figure. I think, in the last annual report, we mentioned people who have had 25 years service, who retired during the year. There are ten or 12 set out in that report.

Mr. PHILPOTT: May I ask, who is responsible for the planning of meals in the penitentiaries? Is it all done from one central office?

Commissioner GIBSON: We have, at headquarters, a supervisor of catering and stewards, who has general supervision of the planning of the meals, and of the ordering of food commodities. At each institution we have a steward, and a number of assistant stewards, who plan the weekly meals from week to week. Each week, copies of these menus, are sent to headquarters, and checked here by the supervisor.

Mr. PHILPOTT: How do the penitentiary meals compare with, let us say, army meals?

Commissioner GIBSON: I have before me the menus for the last week at St. Vincent de Paul and Kingston. It is rather difficult to compare them with army meals, because army meals vary greatly.

Mr. PHILPOTT: Could we have one of the menus for a day?

Commissioner GIBSON: We will take Wednesday, March 20, at Kingston. The breakfast was as follows: cream of wheat, milk and sugar, cinnamon toast, bread, butter and coffee. For lunch there was vegetable soup, scrambled eggs, mashed potatoes, stewed tomatoes, applesauce, cookies, bread and tea. For supper there was boiled beef with hot mustard, baked potatoes, peas and carrots, mashed turnips, fancy sweet rolls, bread and butter, and coffee.

Mr. PHILPOTT: That looks pretty good on paper. What about butter? Do they have all butter, or margarine?

Commissioner GIBSON: They have butter.

Mr. PHILPOTT: Do you manage to get the butter at a cut rate from the Minister of Agriculture?

Commissioner GIBSON: I think we buy our butter on the open market.

Mr. MICHENER: What is the cost of feeding a prisoner a day? How does it work out?

Commissioner GIBSON: It works out at about 54 cents a day.

Mr. MICHENER: That is not allowing anything for rent; that is just for food?

Commissioner GIBSON: That is the cost of foodstuffs, and that includes an allowance for what we grow on our farms as well.

Mr. MICHENER: Does it include any service?

Commissioner GIBSON: No, that does not include service.

Mr. MICHENER: That is just the cost of the food.

Mr. WINCH: On this question of meals, would the commissioner comment on this: I noticed in each penitentiary I visited that the inmates go down and get their food, and they take it up to their cells. That is quite different from what they have in other countries, where they eat in one assembly room. Why do we have this particular system in Canada? Is it an advantage over the other way? I am just asking for information. I do not know myself.

Commissioner GIBSON: Perhaps I should say this: the older institutions were built to provide for feeding in that way. At our most recent institution the federal training centre in Quebec, the inmates there have their meals in two mess halls. In the newer buildings that we have been putting up over the last few years, we provide a common room where they have their meals in association. This room is also used in the evenings for card playing, or study, and that sort of thing. In the older institutions, of course, the mess halls were not put in.

There is a feeling, I think, among a lot of prison people, that a large mess hall, where you get a large congregation of inmates at one time, is a danger spot. Many of the troubles that have taken place in the American institutions where they have these mess halls, have broken out when they get a group of people assembled in one area.

Mr. WINCH: I would like to ask one question, if I may, Mr. Chairman. Mr. Gibson do you have full-time psychologists at all of your penal institutions?

Commissioner GIBSON: We have an establishment for a full-time psychologist at all our institutions. We have actually two at St. Vincent de Paul, two at Kingston and one at the other institutions, except Dorchester where we have not yet been able to find a suitable candidate. At Saskatchewan I think they now have an applicant for the post and it is quite possible he may be appointed in the very near future.

Mr. WINCH: Outside of the fact that a penitentiary is a place where a man has to pay a penalty for being anti-social, one of your functions is to try to build up a social attitude while they are in the penitentiary. That being so, is there going to be any relaxation of the number of letters that a man is able to receive and send out? I have found in speaking to various inmates in the penitentiaries that one of the things which irks them and gripes them, and seems to hold back the building up of a social attitude, is the fact that they are so sadly limited in the number of letters they may receive, and from whom they may receive them. I understand, of course, that for the reasons I have stated, they have to be under some restriction, but I have never been able to understand why they are so sadly limited on the amount of communications they may have from their loved ones and their friends on the outside, and the number of communications they may write to them. Is there anything contemplated by way of some relaxation in that regard?

Commissioner GIBSON: Well about a year ago we did increase from two to four a month the number of letters a man could send out. They are allowed to write to quite a wide list of relatives. One of the limiting factors, of course, is the fact that correspondence, for security reasons, has to be censored and if we made a substantial increase in the amount of correspondence we would have to increase our censorship staff to look after it.

Mr. WINCH: Well would it not be worthwhile if it meant a greater feeling of social attitude even if you have to put on another censor?

Commissioner GIBSON: We have in the last few years allowed, or I should say the wardens have allowed, a considerably larger number of special letters for special reasons, and there really is no restriction put on an inmate who has some legitimate reason to write out in connection with his business or his family affairs. I do feel, however, it would be rather difficult to increase the ordinary volume of correspondence without a substantial increase in our staff to take care of it.

Mr. PHILPOTT: Mr. Gibson, how does this regulation compare with other countries, for instance, Great Britain.

Commissioner GIBSON: My assistant tells me in France where he has seen some of the institutions the regulation is a letter per week or the same as we have here. I think that is fairly general in most of the prison services.

Item agreed to.

183.—Penitentiaries: Operation and Maintenance of Penitentiaries, including supplies and services relating thereto; administration, operation, repair and upkeep of buildings, works and equipment; maintenance, discharge and transfer of inmates; compensation to discharged inmates permanently disabled while in penitentiaries.....\$11,002,925

details on page 253. We have already had some questions on this point. Are there any others.

Mr. MICHENER: May I ask what the chaplain arrangements are at the penitentiaries?

Commissioner GIBSON: The chaplains?

Mr. MICHENER: Chaplain arrangements, yes.

Commissioner GIBSON: We have a full-time Protestant and Roman Catholic chaplain at each institution.

Mr. MICHENER: And are they paid out of the estimates?

Commissioner GIBSON: They are paid out of the estimates, yes.

Mr. MICHENER: Are there visiting clergymen and priests allowed as well?

Commissioner GIBSON: Oh yes, any inmate who has a personal clergyman may have that clergyman visit him at any time, by arrangement.

Mr. MICHENER: How many inmates are there in the biggest of the penitentiaries at the present time?

Commissioner GIBSON: At the present time, that is St. Vincent de Paul, which is our largest institution, and the population I think in the last report at the end of last week was 1174.

Mr. MICHENER: And there are just two chaplains there, one Protestant and one Roman Catholic, that is to say permanent full-time chaplains?

Commissioner GIBSON: And also at Kingston and St. Vincent de Paul we have a Jewish Rabbi who attends from time to time.

Mr. MITCHELL (*London*): What are the visiting arrangements and regulations in so far as others are concerned?

Commissioner GIBSON: Others?

Mr. MITCHELL (*London*): Other than clergymen.

Commissioner GIBSON: Inmates are allowed to have one visit a month from their relatives.

Mr. WINCH: On this question of visiting, may I ask one question. Quite obviously an inmate must be under close supervision, that must be for obvious reasons—but is it possible, under supervision of course, to make it a little more comfy for an inmate and visitor? I was at one time visiting a penitentiary and an inmate, who was a young man, was visited by his wife and a child in arms. In talking afterwards with the young man I found out how he would have felt if he could have held his child. In these circumstances he was not able to do so and I do not see any reason why he should not. Is it contemplated or is it possible that you can get a few more dollars from the minister, or perhaps public works or someone, and make it a little more social?

Commissioner GIBSON: Well this year we have remodelled the visiting arrangements at St. Vincent de Paul and they are nearly completed, I think they should be ready for spring. We are also remodelling the visiting arrangements at Kingston.

Mr. WINCH: Oh, are you? I do wish you would do a little more for the B.C. penitentiary.

Commissioner GIBSON: And at B.C. we are building considerable additions to the present visiting room, extending it out into the prison yard. I think if the hon. member goes back this fall he will find a very considerable difference.

Mr. WINCH: Well I will if I can get out.

Mr. PURDY: You must get in first of course.

Mr. WINCH: I can get in; it is the getting out that worries me.

Mr. MICHENER: Does the penitentiary population vary in about the same proportion as the population of the country generally? Has that been the case over the last few years?

Commissioner GIBSON: Well over the last few years since the war it has, speaking generally, risen.

Mr. MICHENER: Relative to the population of the country it has risen?

Commissioner GIBSON: Yes I would think so. On March 31 last year the population on the registers, which includes people actually in the prison and those whom we carry in the mental hospitals and that sort of thing, totalled 5,508. Now at the end of February last it was down to 5,308, so we have dropped about 200 over the same period last year. It fluctuates from month to month. We find in the summer time when the courts are closed the population will go down possibly as much as 200. Then it starts to rise again in September and October and keeps rising until about this time of the year when it starts to fall again.

Mr. MITCHELL (*London*): Did I understand your answer to be that the prison population has risen faster than the general population?

Commissioner GIBSON: In 1953 the population as at March 31 was 4,934; in 1954 it was 5,120; in 1955 it went up to 5,507; in 1956 it was almost the same, 5,508 and, as I say, that is now down by some 200 as compared with this time last year.

Mr. WINCH: I have been very glad to notice that there has been an expansion of the privilege whereby a man who is on good behaviour and is approaching the time of his release, is allowed to use the dormitory system of sleeping. I have noticed that it has a great effect on morale because they certainly prefer sleeping in dormitories to sleeping in a cell. I was wondering if that was not something which it is possible to extend to an even greater extent?

Commissioner GIBSON: We have been using the dormitories at practically all our institutions and in the new or more recent construction that we have carried out, it has been on the dormitory principle.

Mr. WINCH: Oh, has it?

Commissioner GIBSON: For example, about a year ago we completed, outside the walls, a dormitory to accommodate 100 inmates who are men working on the farms and other outside work, and this forms a very useful type of segregation, particularly for people, as you say, who are approaching the end of their sentences, and for whom association in the dormitory with other people is very helpful in accustoming themselves to living on the outside.

Mr. MITCHELL (*London*): What is the remuneration paid to inmates? How is that worked out?

Commissioner GIBSON: The present arrangement is that there are three scales of daily pay—12 cents a day, 18 cents a day, and 24 cents a day. A man who comes in starts off at the 12-cent rate. After he has been in the penitentiary for at least three months he can be considered by the grading committee for an upgrading to the 18-cent rate and later on to the 24-cent rate. Grading is carried out by a committee of officers who consult with the officers who are

in daily touch with the inmates, and they make recommendations to the committee. The committee decides who should be moved up into the vacant places as other men go out.

In order to control the arrangements from a financial point of view we have certain percentages for each rate, the 12-cent rate, the 18-cent rate and the 24-cent rate and of the money that is placed to their credit, they are required to save a certain amount against the day of their release. They are allowed to purchase or obtain from the institutional canteen tobaccos, cigarettes and quite a considerable number of comforts of various kinds, such as soft drinks and toilet articles and that sort of thing.

Mr. MITCHELL (*London*): Is the rate tied to the job that the inmate is doing, or is it tied more to the period that he has served?

Commissioner GIBSON: No; the period that he has served of course has a bearing on it, because he does not get to the higher rate until he has served a certain time; time enough to be assessed; but we try to base the grading on his industry, on his conduct, and on his general attitude towards rehabilitation.

Mr. MITCHELL (*London*): Rather than on the particular job that he is doing.

Commissioner GIBSON: A man may be an excellent man on a machine, but on the other hand he may be a very hopeless risk for rehabilitation. So that we take that very definitely into consideration in making gradings.

Mr. MITCHELL (*London*): And what percentage of these earnings is put away and saved?

Commissioner GIBSON: A man on the lowest rate has to save three cents a day, a man on the second rate must put away four cents a day and a man on the third rate must put away five cents a day and of course, if he wants to, he can save the whole amount. It is rather surprising, but I have seen cases where a man has not even purchased cigarettes or tobacco while he is serving his sentence. He has saved the whole of his earnings. And of course, if he does that, he comes out with a substantial amount of money.

Mr. MITCHELL (*London*): What are the mechanics for withdrawing that money?

Commissioner GIBSON: Well he does not withdraw the money. What happens is that he makes out a list either weekly or every two weeks of the articles he would like to obtain from the canteen. That list is priced and then it is sent to the accountant's office and debited against his earning power.

Mr. MICHENER: What happens to the product of the labour of the inmates? Is any of it sold in the ordinary way, in commerce?

Commissioner GIBSON: No, not to outsiders. But we do a great deal of work for other government departments. I think the last annual report shows the value of work performed by inmates to be in the neighbourhood of \$1 million.

Mr. MICHENER: What are the principal items?

Commissioner GIBSON: We make a very large proportion of mail bags for the post office. We carry on a program of repair of mail bags for the post office, and we are now doing quite a lot of work for public works in the way of refinishing and repairing furniture.

For several departments we do overhauling of vehicles. We have several very good garages in which we have expert and trained people. We do quite a lot of that type of work and at the present time we are busily engaged in making a large number of ballot boxes.

Mr. WINCH: What for?

Mr. PHILPOTT: What about construction performed by prisoners themselves? Is there a policy on it? I notice that in some other countries the prisoners themselves are building new buildings and modern jails for themselves right inside.

Commissioner GIBSON: Practically all our construction work is done by the inmates themselves. The only time we let contracts for outside work is where we have a large new building where the organization and timing of the construction is important. Generally speaking all maintenance and construction of a smaller type is done by the inmates themselves.

Mr. MICHENER: The inmates grow a great part of their own food?

Commissioner GIBSON: We have 5,000 acres of farm land across the country. At each institution there is a farm; and at each one, except in British Columbia, we have dairy herds to provide the institution with milk. There are beef cattle and pigs, and we grow most of our own meat. We also grow a great deal of vegetables and farm feeds as required.

Mr. MICHENER: It works out to an acre per man so it should go quite a way towards feeding them.

Mr. WINCH: In the provincial jails in British Columbia they have instituted a system whereby they have baseball and football teams and they allow them to go out to the city when they play just like a league team. From all the reports which I have seen, it is working out exceptionally well. Is there any thought of following a similar principle in regard to teams inside your penitentiaries?

Commissioner GIBSON: We allow outside teams to come into the penitentiaries to play with the penitentiary teams but we have not got to the point of allowing our own prisoners to go to play outside. I think perhaps a short time man in a provincial jail is in a little different position than a man serving a penitentiary sentence from the point of view of security.

Major G. L. SAUVANT (*Senior Assistant Commissioner*): He might make a home run!

Mr. WINCH: No. You mean that he might make a run for home!

Mr. PURDY: I have a question on ballot boxes. What is the dateline for their delivery?

Item agreed to.

184. Construction. Improvements and equipment..... \$2,365,555

Mr. WINCH: May I ask whether or not there is going to be any change at any time in the construction of another women's jail, and will you have more than just one in Canada? I have heard that one of the problems which besets women inmates is that it is practically impossible—unless it be in the Kingston area—for them to have a visit from a relative. It means a great deal to them. I know you cannot have them in each province, but is any thought being given to a new construction of one or two women's jails across Canada instead of in just the one location?

Commissioner GIBSON: That again is a matter which is pretty clearly tied up with the recommendations of the Fauteux report. If the federal authorities were to take over women serving sentences shorter than two years, it is obvious that they would have to consider what accommodation is available.

Mr. WINCH: An awful lot seems to be dependent upon the Fauteux report. I suggest you arrange to have a conference and see if we can do something about it.

Item agreed to.

The CHAIRMAN: We now come back to general item 172. Are there any further questions on it?

Mr. WINCH: It all depends on the Fauteux report. So what is the use! Item agreed to.

Royal Canadian Mounted Police
 Headquarters Administration, National Police
 Services and training establishments.
 396. Administration, Operation and Maintenance \$7,329,030.

The CHAIRMAN: Perhaps we might have a statement from the commissioner. Is he here?

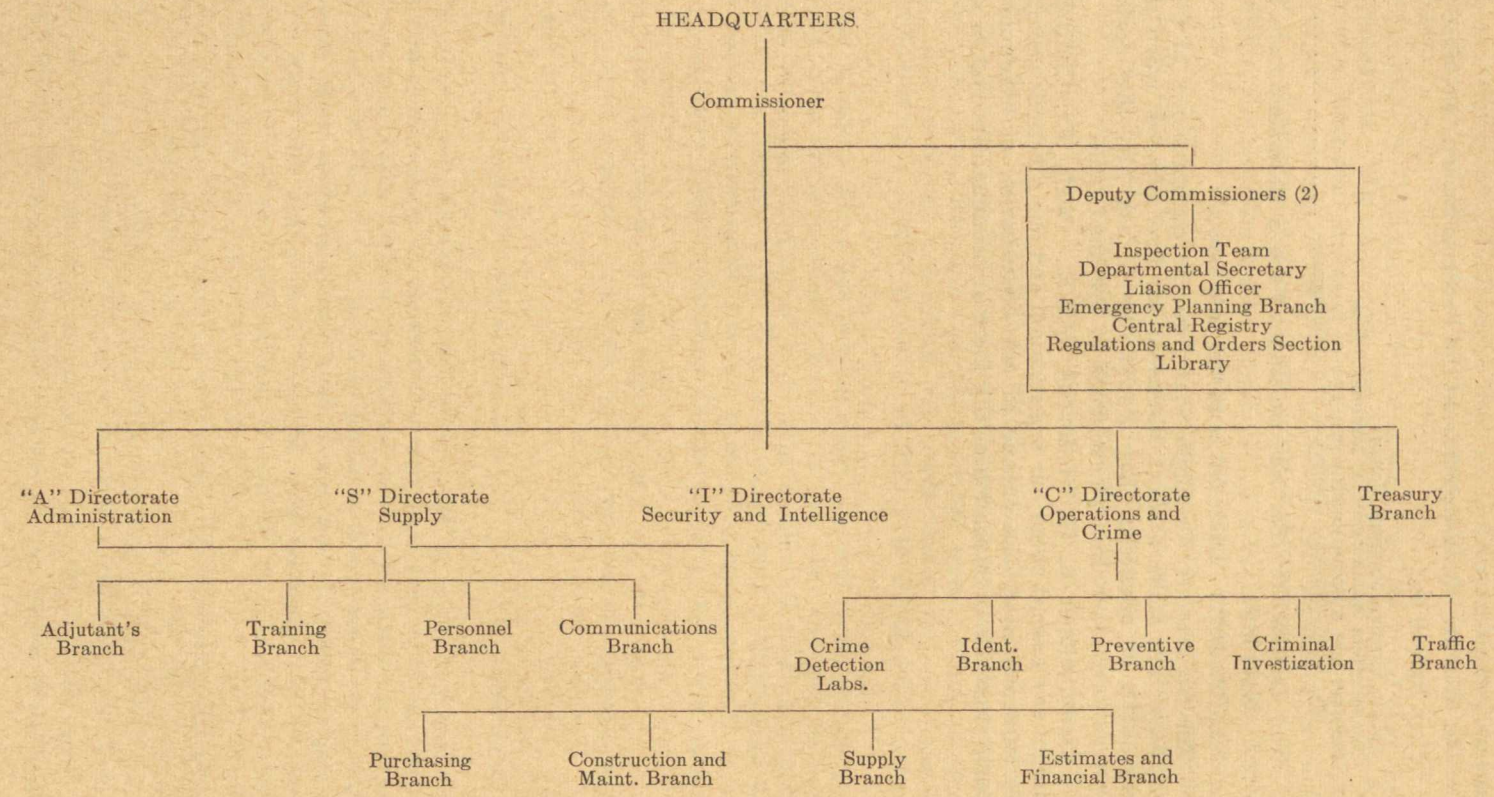
Mr. PHILPOTT: I think it is rather late now.

The CHAIRMAN: We might introduce the commissioner to the committee and have him make a short statement for five minutes, when the members may think of questions they would like to ask him this afternoon. Will Commissioner Nicholson please come to the head table.

Commissioner L. H. NICHOLSON, M.B.E.: Well, Mr. Chairman, perhaps I might say a word about our organization and our functions generally. I have charts which show the outline of our organization at headquarters. These charts show the organization of the force at headquarters and in the field.

ROYAL CANADIAN MOUNTED POLICE

HEADQUARTERS ORGANIZATION



Generally at headquarters the organization is broken down into four directorates. The first directorate deals with administration, and we call it the "A" directorate. It has to do with recruiting, training and general personnel problems throughout the force. Also it deals with discipline, transfers, promotions and so on.

"S" directorate deals with supplies. In the army it would be called "Q". It deals with equipment, transport, buildings, uniforms and so on.

"I" directorate is the one about which we say very little. It deals with security and intelligence. It is just what the term implies.

"C" directorate—we call it operations and criminal investigation—has to do with all the work of the force except that with respect to security and intelligence. It has to do with case work and policy.

Then I have two deputies, one at headquarters who alternates with the second deputy who heads the inspection team. The functions of that inspection team is to visit and inspect all the field divisions once a year.

That, in outline, is the organization. Functions, I might say fall into three principal works divisions.

There is federal work which includes the enforcement of federal statutes other than the Criminal Code; the Narcotic (Opium and Narcotic Drug) Act; excise, customs, shipping, migratory birds, and so on, and various other works that we carry on as a matter of assistance to federal departments. We refer to that as our federal work.

The second division of our work is what we call conventional police work. For the most part this comes about by virtue of those contracts which the federal government has with the provinces and with municipalities. That is, it is ordinary policing of rural areas and small towns in eight out of ten province—all but Ontario and Quebec. The number of towns in which this function is performed numbers something like 120.

In that type of work, conventional police work, we place also the work we do in the Northwest Territories and the Yukon. That comes to us as a direct function of the force because the federal government carries on the administration in the territories.

The third work division is the one we refer to as national police services. We maintain certain services of a national character covering the entire country and available to all police forces, not just to our own. I refer to such things as the National Finger Print Bureau which we operate here in Ottawa. We keep a central registration of firearms, or a record of pistols and revolvers registered throughout the country. We keep central criminal records, in some countries they are called "modus operandi", but we call it a crime index. It is broken down into types of crime by method and description. That record is also available to other police forces.

Then there is the Police Gazette which we publish and make available to our own detachments and other forces; and then there are our laboratories. We have one here in Ottawa and one in Regina. We are also opening one this spring in Sackville, New Brunswick to serve the Atlantic provinces.

I have outlined our organization and mentioned our three principal work divisions, federal, conventional police, and national police services.

The CHAIRMAN: Thank you, Commissioner Nicholson. For the record I think it would be good to have this chart in regard to headquarters included in our record today.

We shall meet again this afternoon after the orders of the day are called. We shall meet in room 118, when we shall continue with the R.C.M.P. estimates.

AFTERNOON SITTING

3:00 p.m.

The CHAIRMAN: Gentlemen, we have a quorum.

We are on item 396, Administration of the R.C.M.P.

Mr. WINCH: Mr. Commissioner, the first question I would like to ask is not based on my own knowledge. I was requested by a member of the house to ask this question. I am told by a member of the House of Commons that a member of the R.C.M.P. cannot insure his own car because he is a member of the R.C.M.P. Is it as a result of regulations by your department or by the insurance companies? A member of the House of Commons told me over the noon hour that in his own home city the R.C.M.P. were disturbed because they could not insure their own personal cars. Even if they are off duty and are taking their own family for a drive in their own car they are not able to carry insurance on that car. Would the commissioner give us any information he has on that point?

Commissioner NICHOLSON: The only thing I can think of,—and it may have no relation to your question at all,—is before we are able to pay mileage for the use of a private car that car must be covered by insurance. That really does not answer the question. I have no knowledge of any regulation which would interfere with a member in a personal matter such as that.

Mr. WINCH: As far as the R.C.M.P. are concerned you have nothing of that nature, and therefore I assume this must be because of a regulation on the part of the insurance company.

Commissioner NICHOLSON: We have no such regulations.

Mr. WINCH: Could it be because the person concerned is a member of a police department, and even if he is off duty he is still a member of the police department? Is that why it may happen?

Commissioner NICHOLSON: If his car is also used on a mileage basis—

Mr. WINCH: No. This is his own personal car.

Commissioner NICHOLSON: Then I can think of nothing that answers your question. I know of no regulations of ours, and indeed I am sure there are none.

Mr. WINCH: A member of the House of Commons asked me to add, that if it is not under your regulations it must be under the regulations of the insurance company.

Commissioner NICHOLSON: It is certainly not under ours.

Mr. WINCH: Thank you.

Now, if I may, I would like to ask the commissioner a series of questions. Mr. Commissioner, do you have requests from the F.B.I. on security with respect to the examination of a Canadian citizen?

Commissioner NICHOLSON: Mr. Chairman, we have a close and continuing relationship with many law enforcement agencies outside of Canada including the F.B.I. On a reciprocal basis we deal with inquiries which come to us from them and they in turn deal with similar inquiries which we direct to them.

Mr. WINCH: My question was, do you receive inquiries from the F.B.I. asking you for information on Canadian citizens? If so, do you make a check on that citizen and report to the F.B.I.?

Commissioner NICHOLSON: Well, Mr. Chairman, I do not want to appear to be evading the question but it is taking us into the field of security and security inquiries, upon which the minister has himself made statements in the house, and upon which I have certainly not been in the habit of making any statement or comment.

Mr. WINCH: Would you mind, sir, answering my question. Do you receive inquiries from the F.B.I. asking for a report on a Canadian citizen and do you make that report and give it to the F.B.I.?

Hon. Mr. GARSON: Mr. Chairman, I wonder if in fairness to the witness—

Mr. WINCH: He is not a witness. He is our commissioner of police.

Hon. Mr. GARSON: I wonder if in fairness to the commissioner, who has a heavy responsibility as head of the R.C.M.P. in national security matters and in the enforcement of federal laws generally, would you particularize in your question as to whether this information is required by the F.B.I. with respect to criminal prosecutions or otherwise.

Mr. WINCH: I can put the question another way by asking a different question. I have noted upon occasions—sometimes I agree and sometimes not—that members of credit unions and trade unions going to the United States have been stopped at the border. Is this practice based on information supplied by the R.C.M.P. in Canada? When a member of a trade union or of a credit union is going to a convention and is stopped at the border, is that in any way because of any report which has been requested from the R.C.M.P. by the F.B.I. as to their activities?

Commissioner NICHOLSON: I do not think, Mr. Chairman, I should answer the question because I say again it deals with a matter of security and on that, certainly in the past, I have not made any comment publicly or in a place such as this.

Mr. WINCH: Mr. Chairman, this is important. What is the activity of the R.C.M.P.? I know it generally; we all know it. But what I want to know is this. Is there investigations going on whereby the F.B.I. ask for information from the R.C.M.P. and the R.C.M.P. investigate Canadian citizens.

Hon. Mr. GARSON: Mr. Chairman, I think if my friend will forgive me for saying so, the question is a little unfair in this sense, that there is no way in which any person in Canada can tell upon what basis the F.B.I. or the American immigration authorities refuse admission to the United States of any Canadian citizen. The commissioner has been very frank in stating that we have arrangements with other forces in the world under which we exchange information.

Mr. WINCH: You must have.

Hon. Mr. GARSON: Yes. We must have in our national interest; that is unavoidable. If any information is exchanged and that information is part of a complex variety of information upon the basis of which some action is taken in this or in some other connection, it would be quite wrong, it seems to me, to deduce that the refusal of admission at the border was due solely to any information that was obtained in that exchange. The refusal of admission might be due to a number of other factors about which we know nothing.

Mr. WINCH: Is there any reason why you, Mr. Minister, or Commissioner Nicholson cannot tell me whether or not you are requested by the F.B.I. to make a check on Canadian citizens.

Commissioner NICHOLSON: Mr. Chairman, if the question refers to criminal matters I shall be able to answer at once; but I take it it refers to security—

Mr. WINCH: This is in connection with a person who has no criminal record at all.

Commissioner NICHOLSON: If it refers to a security matter, it does not seem to me I should go beyond what I said at first, and that is that we have an arrangement for exchange of information with forces such as the F.B.I.

Mr. WINCH: Will you tell us what is the basis of exchange on security matters? Is it in connection with matters that are considered to be treasonable? Just how do you investigate a Canadian citizen?

Hon. Mr. GARSON: Mr. Chairman, with great respect I think Mr. Winch has a totally inadequate conception of the process which he is attempting to describe.

Mr. WINCH: I am only searching for information.

Hon. Mr. GARSON: This is not a case of—and we will leave our own police force out of it entirely—the security police force of Graustark putting the finger upon some person so that he is excluded from admission to some other country. It is surely just a case of the security forces of a number of countries exchanging particulars of information which, however insignificant they may be separately, when combined with each other and with other information obtained from a great variety of sources enables the security police force or immigration authorities of certain countries to reach certain conclusions. To draw a conclusion that a particular item of information from any one of these many items caused the exclusion of an individual from another country, I think is quite unwarranted. I do not pretend to be an authority on these matters, but I would be very surprised if such an action was ordinarily based on a single item of information but rather that such a decision is reached on the basis of all available information from all sources.

Mr. WINCH: I wish to ask this question. Commissioner Nicholson, as Commissioner of the R.C.M.P., are you asked, and have you been asked while you have been in that position, to complete a dossier on any person who is a member of a political party in Canada? If so are you still doing it?

Commissioner NICHOLSON: That is a very general question. I suppose by “dossier” you mean a file or a collection of information.

Mr. WINCH: I will take your interpretation. Are you doing that in connection with any member of a political party in Canada?

Mr. MICHENER: He probably has a file on each member of the House of Commons.

Commissioner NICHOLSON: We have intelligence files on people living in Canada.

Mr. WINCH: Members of parliament?

Commissioner NICHOLSON: That is carrying it a step further. I do not think I can go beyond saying we have intelligence files on quite a few people who are living in Canada.

Mr. WINCH: Can you tell me why you will not say whether or not you have a file on members of parliament?

Commissioner NICHOLSON: If I answered that I suppose the next question would be with relation to some other group, and it would be an endless progression.

Hon. Mr. GARSON: May I interject and ask a question. Mr. Commissioner, do you know of any security force in the world that does not have files on certain residents of its own country?

Commissioner NICHOLSON: No; indeed not.

Mr. WINCH: Would you, Mr. Minister, ask the commissioner a question now as to whether or not the R.C.M.P., under whose control the security and intelligence matters come, has not and is not now compiling a file on members of the House of Commons and M.L.A.'s? Would you answer that question?

Commissioner NICHOLSON: Mr. Chairman, I really do not think I should go beyond saying what I have said already. As a national intelligence and security services we have files of a general nature on individuals, and certainly on individuals in this country. If we did not have files and records we would be a very poor intelligence or security service. I do not see how I can be more specific.

Mr. WINCH: I know, sir, you are in a tough spot and I am putting you in a tough spot. The minister is the only one who can answer that question.

Hon. Mr. GARSON: I do not think the question should be asked.

Mr. WINCH: I have a very good reason for asking it. This is the kind of matter in which we should have the answer. We have now before us the estimates of the R.C.M.P. There is one section admittedly where we cannot disclose the funds and the amount spent; but I want to be absolutely certain that your department, under whose control is the R.C.M.P., is not doing on a national basis what I think they have done in past years, and that is use the R.C.M.P. for political purposes. That is the reason I want the answer to that question. I happen to be a socialist, sir.

Hon. Mr. GARSON: Mr. Chairman, if this will help my hon. friend to any extent, I can tell him that during the eight years I have been Minister of Justice, I have not seen nor have I heard of any file on a member of parliament.

Mr. WINCH: Would you then ask the commissioner, sir, because I cannot.

Hon. Mr. GARSON: No. You ask your own questions.

Mr. WINCH: Would you ask, if, over the years there has not been a record kept?

Hon. Mr. GARSON: You are an articulate person.

Mr. WINCH: On parties and some members; do you mind asking the commissioner that question, and giving him the right to answer it?

Hon. Mr. GARSON:—There has been no restriction imposed upon the commissioner at all, except those which he imposes upon himself.

Commissioner NICHOLSON: I have no hesitation in answering in this way, Mr. Chairman: certainly we have files on the communist party in Canada.

Mr. WINCH: Right. Anybody else?

Commissioner NICHOLSON: I shall not go beyond that.

Mr. WINCH: Anybody else? I am asking it directly: anybody else?

The CHAIRMAN: The commissioner has said that he does not choose to answer that. I do not think, Mr. Winch, you should insist on it, because I have in mind that, when I was a member of parliament during the war, we had secret sessions and we did have a member of the communist party as a member of parliament. We know now that he was making some reports on one secret session of parliament to Stalin. It was a most unfortunate thing that that happened because, after all, it was a shameful thing that Stalin knew more about what was going on in secret sessions than members of our own Canadian electorate did.

When it comes to a question of vital security, I do not think that there should be any attempt to interfere with the greatest possible efficiency of those doing the work of protecting our country, or any attempt made to try to find out what they are doing along that line. I do not think that you should insist on it.

Mr. WINCH: Mr. Chairman, I want to agree with you almost 100 per cent. There is nobody that hates the communists and the communist party more than I do. Every degree of security that can be sustained, because of the operation of the Minister of Justice through the R.C.M.P., I support 100 per cent.

The CHAIRMAN: You will also agree, Mr. Winch, that the most dangerous communist is not the avowed one, but the secret one, and to know who is a secret one and who is not you have got to investigate people who in the eyes of the general public might be completely above reproach. We should not, it seems to me, pry into these things.

Mr. WINCH: Sir, I certainly have because, as I said before, I am an avowed hater of communists and the communist party. I love this country, and all that it stands for. I would like to know whether or not in this security and intelligence branch of the R.C.M.P. they do not go beyond that. What I would like to know in particular is this: I have a pretty good record, I think. I would like to know how come there was an R.C.M.P. file on me. Why?

Hon. Mr. GARSON: You know more about it than I do.

Commissioner NICHOLSON: I would like to be as helpful, Mr. Chairman, as I can, within the limits which the job imposes on me and in the interests of national security. I would like to be as helpful as I can. I can, I think, go this far, and say that our records, and our work in the intelligence and security directorate, is designed as a protection internally against sabotage, espionage, and subversion.

Mr. WINCH: Why did you investigate me?

Commissioner NICHOLSON: Certainly, since I have had to do with the affairs in this capacity, that directorate of the force has never been used for political purposes, as that term is normally used. I think that is as far as I can go. I should like to be as frank as possible within those limits, which I feel I must respect, and in the interests of national security.

Mr. POWER (*St. John's West*): Is it not a fact that, Mr. Chairman, if the commissioner told us that there was a file on someone, the mere fact that he says there is a file destroys the value of that file?

Commissioner NICHOLSON: Indeed and there are files, and files, Mr. Chairman. I very often take friends of mine—if I may take a minute to explain this—into our records office, people who come to visit me, and I will gladly take any member of the committee who cares to come along—and show them our open records.

Mr. WINCH: Will you also show all the records on this department?

Commissioner NICHOLSON: I will come to a cabinet with this friend and say, "Give me your full name". We look through this card index and we very often find his name there. It may be because he has written in to inquire about a firearms licence, or it may be because he has been caught speeding some time or it may be some completely innocuous thing, or something to do with administration. So, when we speak of files, it covers an awfully big field. I suppose we have thousands and thousands of files all coming about through our pretty widespread operation, that extends from one end of the country to the other, and has been going on for years and years and years. In fact, one of our big problems now is to try to thin them down, and throw out the dead ones.

Mr. WINCH: But as far as you are concerned, sir, since you have been commissioner of the R.C.M.P., there has been nothing of a political nature?

Commissioner NICHOLSON: That is right.

Mr. WINCH: And no investigations on any kind of politics?

Commissioner NICHOLSON: I beg your pardon?

Mr. WINCH: No kind of investigation on a man's politics?—I mean, outside of the communist party?

Commissioner NICHOLSON: No. I have said that our interest is only in respect to a collection of intelligence in a matter of internal protection against espionage, sabotage, and subversion.

Mr. WINCH: No investigation of any kind of politics, outside of the fact that he is a communist, since you were commissioner?

Commissioner NICHOLSON: Do not try to pin me down to that.

Mr. WINCH: I am asking you a direct question. Has there been, since you were commissioner—

Commissioner NICHOLSON: Let me just mention this: there are various groups hanging around the fringe of communism, that we investigate, and that we must know about; so I must mention that.

Mr. WINCH: Fine; and I agree with that.

Mr. Chairman, there is only one way of coming to this thing, and I want an answer to this, sir, if I can, Mr. Minister. I want an answer to this. I am going back now a great many years in my own life. My father, who died in January, was very active in the trade union movement. I can remember when I was just a youngster, and the R.C.M.P. came into our home—do not tell me that they did not, because I was there, and I know—with social literature—

Hon. Mr. GARSON: With what?

Mr. WINCH: Social literature. That is many, many years ago now. That is going back to, I think, 1917. He was a trade unionist. When I was leader of the opposition in the British Columbia legislature, at a time not too long after Pearl Harbour, certain action was taken by the federal government—and we understand why. I did not quite agree with all they did, but we understand why—and information came to me, and it was plenty, that the leader of the Black Dragon in Canada was a man by the name of Mori.

I made enough statements in places out there, and to Japanese included, that a commission was appointed by the federal government. The judge was from Ontario. He sat in Vancouver, British Columbia, and because I had made certain charges about Mori being the leader of the Black Dragon, and had certain translations on Japanese magazines, I was on the stand. I was queried by a man, who is now a senator here. His name is Senator Farris. In the course of my investigation as to why I said that Mori was the leader of the Black Dragon and therefore a Fascist, Senator Farris introduced a complete report from the R.C.M.P. of words I had said over many days. I was, therefore, completely followed and reported upon by the R.C.M.P. I was the leader of His Majesty's Loyal Opposition, and you can say what you like, whether you are Liberal or Social Credit or C.C.F., there is nobody more loyal to Canada than myself. There was introduced by Senator Farris—he was not a senator—a verbatim report of everything that I had said under certain circumstances. Now, will you sir,—you were not commissioner then, I was told.

Commissioner NICHOLSON: What year was that?

Mr. WINCH: Yes, you were.

Commissioner NICHOLSON: What year was that?

Mr. WINCH: That is going back now to 19—

The CHAIRMAN: 1945, I believe.

Hon. Mr. GARSON: No, it was before that, I think. 1942.

Mr. WINCH: Well, what I want to know is why? There is no more loyal citizen than I am, and I think the Minister of Justice would be my sponsor in making that statement. I want to know, sir, because before that commission, appointed by the federal government, you produced—I am sorry, sir, not you—the R.C.M.P. gave to Senator Farris a complete verbatim coverage of every word that I had said. Now, why? I want to know whether this is going on now, and if so, why?

Commissioner NICHOLSON: Mr. Chairman, I cannot answer that question. I was not even on the force at that time, I was in the army. If it is to be answered, I would certainly have to go and see, first of all, if we have a file, and if so, read it.

Mr. WINCH: And if so, why?

Commissioner NICHOLSON: I do not know what the facts are. I would only be guessing if I attempted to answer it. As to whether this sort of thing, which is described, is going on now, I have already answered that in a general way, I think.

Mr. WINCH: Could I have a straight answer now? There is no use being made of your special division, security and intelligence, for political purposes?

Commissioner NICHOLSON: In the normal sense of that term "political", it is not used in that way.

Mr. WINCH: I am sorry, sir; would you answer that again? I said, you are not using that section in any way whatsoever for political information, or purposes, outside the one exception of communism?

Hon. Mr. GARSON: Mr. Chairman, just a minute. I suggest that when a witness is being asked to answer a question, he should at least have the privilege of answering it in his own language.

Some Hon. MEMBERS: Hear, hear.

Commissioner NICHOLSON: I am being careful in answering this, Mr. Chairman, because the term "political" has all sorts of implications. The communists consider that they are a political party, and that that is a political group.

Mr. WINCH: I said, outside of the communists.

Commissioner NICHOLSON: So, I say, in the ordinary sense, that the man in the street would use that term "political purposes", the mounted police intelligence directorate is certainly not used.

Mr. WINCH: That is all.

The CHAIRMAN: Any other questions on that? We can leave this administration question open to the last, and go on to 397.

Mr. WINCH: Mr. Chairman, could I ask one question. Would the Minister of Justice, and the commissioner, allow me to come down and see what you have got on me?

Mr. MICHENER: That would be much more sensible than having it out here.

Mr. WINCH: Would you open the file?

Commissioner NICHOLSON: I will be glad to see what we have.

Mr. WINCH: Could I be allowed to see that file?

Commissioner NICHOLSON: Let me see if we have one first, Mr. Chairman.

Mr. WINCH: Sir, it was produced in court by a senator, so you have. Could I see that file, because I would like to know what I have been doing.

Commissioner NICHOLSON: Aside from the question as to whether we ever had a file, it may be out of date; if there was one, it may have been destroyed.

Mr. WINCH: The commissioner gave the file to Senator Farris.

Commissioner NICHOLSON: I say, now, it may have been destroyed in the interval, if there ever was one.

Mr. MICHENER: Mr. Chairman, we are setting a precedent here. Of course, I am not interested as to whether there is a file on me or not, but I would be disappointed if there was not, because I would feel there was derogation of my importance in the country, if there was no file.

Mr. WINCH: All I want to know, Mr. Chairman, is this and I want to be certain of it. I realize full well that in our national police force body, the R.C.M.P., there have got to be security and intelligence files but I want to be absolutely certain that in no way whatsoever is it being compiled or used for political purposes. I want to know that there are no instructions from the Minister of Justice in that regard. I am sorry, I am not clearing you on that.

Commissioner NICHOLSON: I have stated that it is not so used.

Mr. WINCH: You can assure me as commissioner that you have no instructions at any time to collect any information on any man who is a member of a political party outside of the communist party.

The CHAIRMAN: I do not want to interfere, Mr. Winch, but actually I should not have permitted even if there were willingness on the part of the commissioner to do so, that an answer to that question should be given. Instructions passing between the Minister of Justice—

Mr. WINCH: I would have thought the minister, sir, would like to answer that question and that is the reason I have asked.

The CHAIRMAN: Well the same reasoning applies to the Minister. If I agreed to that question being asked and being answered a precedent would be set, as Mr. Michener said, and there is no right whatever to pry into the instructions given in such a matter by the Minister of Justice to the head of the Royal Canadian Mounted Police.

Mr. WINCH: Well on a matter of principle I think there is and I am, I think, being very decent in asking the minister if he will so state.

The CHAIRMAN: Well I do think that the question is really much out of order because questions of this kind are going into a field which I do not think anybody should ask or answer.

Mr. WINCH: This is under Estimates and I have asked a direct question under Estimates. I am certain that the minister would like to reply.

Hon. Mr. GARSON: Well Mr. Chairman, perhaps I can express my likes and dislikes in this connection. The principle which the chairman has stated is a hard and fast one which I think should never be broken, because if we do break it it simply means that the mutual confidence and good faith between the minister and his deputy upon which good government is founded, is damaged if not destroyed. I think, in fact I have already answered the question myself when I said that in all of the time that I have been in the department I have never seen any files upon any member of parliament.

Mr. WINCH: No.

Hon. Mr. GARSON: Not in this parliament nor in any other parliament of which I have been a member.

Mr. WINCH: Nor asked for one?

Hon. Mr. GARSON: Nor asked for one, that is right. It never crossed my mind as a matter of fact, I never thought of it until my hon. friend brought it up this morning.

An Hon. MEMBER: It is a good idea though.

Mr. WINCH: You are not as naive as you try to make out.

Hon. Mr. GARSON: No I am not naive, but I try to be honourable.

Mr. MICHENER: It reminds me, Mr. Chairman, of an episode in 1949 which occurred in the Province of Ontario when changes were made of the use of information in police files for partisan purposes which turned out to be somewhat of a boomerang to those who made the charges, as I recall it.

The CHAIRMAN: We will not carry item 396 in case there might be something desired to be asked before we carry all the items of the Department, but we will go on with 397.

Mr. WINCH: Oh no I am still on 396.

The CHAIRMAN: Oh I thought you were through with that item.

Mr. WINCH: Oh no, no, I have one more question. I would like to ask Mr. Nicholson and once again I am afraid that I am treading on very delicate ground but I would like to ask the question anyway. If the minister and the commissioner say it cannot be answered, well I will accept that.

I completely realize that there is no police force anywhere in the world that can work without what we call stool pigeons and they are also called informers. I would like to ask, if it is permissible to do so and to get the answer, whether in the operation of the R.C.M.P. they use informers—well, of course, I realize they must have informers, naturally—but are such informers paid for and if so under what vote are they paid and is there any basis for such payment.

I am not going beyond that because I know you must have informers, every police force must have informers otherwise they could not operate and that is why a lot of offences are solved but is it under a vote and under what basis do you pay informers? Is that a question that I am not supposed to ask?

Commissioner NICHOLSON: Well I will answer that. Indeed, we have informers, Mr. Chairman, and we do pay them.

Mr. WINCH: And that is all you are prepared to say?

Commissioner NICHOLSON: Pardon me?

Mr. WINCH: Well that is fine. You do have them naturally and you do pay them.

Commissioner NICHOLSON: Sure.

Mr. WINCH: Did you ever at any time have men who are, what I might term "professional informers"?

Hon. Mr. GARSON: May I suggest—

Mr. WINCH: All right, I will drop it.

Hon. Mr. GARSON: No, but I do suggest that where you are going to use terms you should define them. What do you mean by a "professional informer"? For that matter what is an amateur informer?

Mr. WINCH: Well I was not thinking in that sense but did you ever at any time have somebody who may be in the criminal world, to whom you pay a regular salary—let us put it that way, a regular salary.

Commissioner NICHOLSON: I think I can best answer that by saying that we do have information which we pay for, the basis of payment varying at different times. Payments may be spread over a period and at times they may be in the form of one payment.

Mr. WINCH: Am I being too indelicate in asking how much you spend on that in a year?

Commissioner NICHOLSON: I prefer not to answer that.

Mr. WINCH: Right. I will not ask it then. That is one of the things, however, that comes under this separate vote, is it? May I also say that I have been very much impressed by the work that some of your men have been doing in British Columbia where they are up against the narcotic problem. We have a very serious situation there and I think that over the years you have always used a "rookie". That is quite understandable, of course, because he is not known. Now they have been doing some truly magnificent work and especially in this last situation in British Columbia where there is no question at all that your men did a magnificent job, with the result that perhaps it is going to stop a lot of trafficking.

The point I would like to ask is this, in view of the serious danger in which you put the rookie in this connection, is there any special compensation given to him. And at this time may I pay a great compliment to the work that these men are doing in a most dangerous situation.

Commissioner NICHOLSON: Well I appreciate very much, Mr. Winch, those remarks and I certainly agree that the work in that field is tricky and dangerous. The men engaged upon it are not compensated directly but where

they do good work it certainly is taken note of and is kept before us as the man's career is watched. Very many of our best men in the force who have gone on to high rank started in that sort of difficult and dangerous work.

Mr. WINCH: Is there any way at all that the Minister of Justice, the R.C.M.P. or the government can make a special commendation at the end of such work so that when the man concerned does go on to court work later he would have the benefit of such a special commendation?

Commissioner NICHOLSON: Well there is commendation within the force itself. We do not publicize it very much but it is important to a man's record and if a man did do outstandingly good work then he does get such a commendation and it is recorded on his file.

Mr. WINCH: I realize I have no authority to ask this but could the man who did this work over the last six months in Vancouver be given a special commendation?

Commissioner NICHOLSON: Thank you, I will certainly take note of that remark.

Mr. MICHENER: Is the enforcement of the law against narcotics and drugs a special responsibility of the R.C.M.P.?

Commissioner NICHOLSON: This is a responsibility which we share with city forces in those areas where the drug addiction is a problem and we share the work something like this. We pay particular attention to the importation and the wholesale and jobbing level of the traffic. The city forces pay attention to a greater extent to the street peddler and the peddler addict. Now we do come together on it because in order to get to the jobber, the wholesaler and the importer we very often have to start on the lower level of the peddler or the addict. So, while there is a general distinction or a general line between the responsibility which we carry jointly, it is not too accurate because it is more a matter of working together.

Mr. MICHENER: Your purview of this particular problem then extends over the whole of Canada?

Commissioner NICHOLSON: Yes.

Mr. MICHENER: And I suppose it is more difficult in the larger cities?

Commissioner NICHOLSON: Yes.

Mr. MICHENER: And in the seaport towns or seaport cities?

Commissioner NICHOLSON: Yes.

Mr. MICHENER: Could you say whether, in your experience, with the drug traffic that it is a traffic that is under control or do you feel that it is increasing and getting out of control, currently.

Commissioner NICHOLSON: That is a matter of opinion but I feel perhaps I can answer it because almost the same question was asked by a parliamentary committee a year or so ago when I was a witness appearing before it. I think probably the level of addiction is not altering very much and if there is an increase, it is a small one. I think probably also that owing to the efforts that are being made, to enforce the law and in other ways, the problem is not growing. It is probably staying about the same. It changes from time to time in character and as to concentrations. The present concentration may be in one place and in five years from now, it may be in another place. The character of the drug may change but, generally, I would think it is fair to say there is no very big increase or decrease in the volume of the drug traffic.

Mr. MICHENER: That is in the narcotics traffic?

Commissioner NICHOLSON: Yes.

Mr. MICHENER: We do read these days about new drugs all the time. I was reading not so long ago about a very considerable extension of the use of what were called "happiness drugs" in the United States and in some parts of Canada. I think perhaps they were on prescription here, although I am not at all sure, but people are taking a lot more drugs today. I am referring to the narcotic of the habit-forming drug type that you deal with and in your view that addiction is not increasing by leaps and bounds. It is not getting out of hand, in other words, Mr. Nicholson?

Commissioner NICHOLSON: No, but I don't belittle the importance of the thing and we do pay continual attention to it.

Mr. MICHENER: Is the supply of drugs all from outside of Canada,—that is to say, the original supplies?

Commissioner NICHOLSON: Yes.

Mr. MICHENER: There is none of Canadian origin of which you are aware?

Commissioner NICHOLSON: No.

Mr. WINCH: May I ask the commissioner this question—your major interest naturally, as an R.C.M.P. Commissioner, is in the original trafficking of drugs.

Commissioner NICHOLSON: Yes.

Mr. WINCH: I might be ruled out of order on this, but as a result of your experience, have you anything to recommend to our committee on the handling, not of the traffickers, but of the addicts? I want you to be able to answer this question, so I will put it in this way: As a result of your experience as Commissioner of the R.C.M.P. who looks after the entire narcotics and illegal drugs in Canada, have you found that addicts have become traffickers because they are addicts.

Commissioner NICHOLSON: Yes, that is correct.

Mr. WINCH: That is so, is it?

Commissioner NICHOLSON: Yes, they very often traffic in order to make enough money to support the habit themselves.

Mr. WINCH: So if you, as an R.C.M.P. officer, could first control the traffic, do you believe that you would control the addicts, which is a significant matter, and would it perhaps help to calm it.

Commissioner NICHOLSON: I am just trying to turn up the paragraph on that in my last annual report which I think attracted some attention. This is a quotation from our report tabled in the house. This is what I said:

Though the R.C.M. police and large city police forces continue and indeed intensify their efforts to keep the illegal drug traffic under control in Canada, it becomes more and more apparent that enforcement alone will never provide a satisfactory remedy. While there is an addict market there will be criminals to supply it and the jailing of addicts and addict-peddlers seldom cures these unhappy people of the drug habit. This force feels that the root of the problem could be attacked with real hope of success by compulsorily quarantining all addicts, treating them and releasing them under careful parole arrangements only when there is real promise of cure and rehabilitation.

Mr. MITCHELL (*London*): You work at a little different aspect of the narcotic business in the event of a theft of narcotics. I am thinking of hospitals or drug stores or doctors' offices when there is a theft of narcotics, and I take it that the R.C.M.P. immediately assumes responsibility for the investigation?

Commissioner NICHOLSON: No, that would not be quite right. In a large city that theft would probably be reported first to the city police. If it was a breaking and entry, the city police would take the responsibility for the investigation. But as a matter of inter-force relationship and co-operation,

they would notify us at once if they found that narcotic drugs had probably been stolen. We would then show an interest in it and probably work along with the city detective squad in an effort to run it down. That is the general rule.

Mr. MITCHELL (*London*): That leads to my second question: do you have specially trained men in your narcotics department to meet narcotics problems, and are these men called in to meet such a situation, or do you just use your local detachment?

Commissioner NICHOLSON: We have specially trained experienced narcotics squads in large centres where narcotic addiction is a problem; I am thinking of Montreal, Toronto, Winnipeg, Edmonton and Vancouver. And we have a number of single men at some other centres where there is some narcotic traffic.

Mr. MITCHELL (*London*): So if it was a problem facing a municipality outside of those centres, they could call upon you and receive assistance from those specially trained men?

Commissioner NICHOLSON: Indeed.

Mr. WINCH: On the same principal, I understand from the last report that there are approximately 5,000 drug addicts in Canada of whom 2,200 are in British Columbia with the majority in the city of Vancouver. Is it possible at all to increase your narcotics squad in Vancouver? If you stop trafficking, then the addicts will be up against it will they not?

Commissioner NICHOLSON: Yes. We are giving what attention we can to meeting situations as they arise. Today, as I have said, the problem is in Vancouver, and we have, over the past two years, strengthened our squad there quite a bit.

Mr. WINCH: You have your own narcotics squad, and there is also a qualified narcotics squad in the Vancouver police?

Commissioner NICHOLSON: Yes.

Mr. WINCH: Who has jurisdiction?

Commissioner NICHOLSON: You mean as between the two forces?

Mr. WINCH: Yes.

Commissioner NICHOLSON: That is a question we never face. We just work together. The only distinction is the one I just mentioned. They pay particular attention to the street addict and the peddler, while we pay attention to the trafficking. We do the thing together and we do not worry about jurisdictional aspects. We try to concentrate on the problem.

Mr. WINCH: Do you think that the addict problem is a health problem? Do you think that a concentrated effort under your jurisdiction with perhaps an increased force in Vancouver would help you to remove the traffic in so far as these addicts are concerned? Is it worth while to consider even greater ways and means? I want to say that I think you have been doing a marvellous job over the last few years especially.

Commissioner NICHOLSON: I think all we can hope for is to keep it under a measure of control by pretty rigid enforcement. As I have said I doubt if it will ever become eliminated in that way alone. What we are working for now is to see that the level does not get too high or that the thing does not get out of control.

Mr. WINCH: Control of trafficking is your responsibility in the main?

Commissioner NICHOLSON: Yes.

Mr. WINCH: And control of addicts belongs to the Vancouver police in the main?

Commissioner NICHOLSON: Yes, in the main.

Mr. WINCH: Thank you.

Mr. MONTEITH: Might I ask if item 396 covers purely headquarters administration, national police services, and training establishments. This is not all in Ottawa by any chance, is it?

Commissioner NICHOLSON: No. That is for our headquarters in Ottawa, our training establishments here and in Regina, and our laboratories and certain other elements of the force which are controlled from headquarters as headquarters units. The second vote alone, lands and air service, is the big overall operating vote.

Mr. MITCHELL (*London*): May I ask a question concerning the professional and special services at \$21,698?

The CHAIRMAN: That is on what page?

Mr. MITCHELL (*London*): Page 495.

Commissioner NICHOLSON: That is a variety.

Mr. MICHENER: Is it a miscellaneous item?

Commissioner NICHOLSON: No.

The CHAIRMAN: That is the second item on page 495.

Commissioner NICHOLSON: I can give you some information on that item. Here are some of the details: veterinary fees; we still have some horses. That is only a small thing. Legal fees. We have personnel who sometimes require legal assistance as a result of becoming involved in litigation while on duty. Special fees paid to people who are professionals who come to lecture to our classes such as the police college classes. They are fairly substantial because we get people who are of a stature in their own field. And we send men, for instance, to the special traffic training course at Northwestern University outside Chicago. We must pay fees for that sort of things. And there are other items. Take for example the training of radio operators and technicians. We also have some university training included in it. We have a few men attending university on a non-degree basis and a few on a degree basis. Those things are all included in the miscellaneous professional services item.

Mr. WINCH: Do you maintain very close collaboration between your finger print service and *modus operandi* index and the F.B.I. and Interpol?

Commissioner NICHOLSON: Yes.

Mr. WINCH: Do you maintain a telegraphic service immediately with Interpol and the F.B.I. in Washington on a full time basis?

Commissioner NICHOLSON: Yes. We have a close link between the F.B.I., our national finger print bureau, the Interpol Bureau which is the International Criminal Police Organization with a secretariat at Paris, and with Scotland Yard.

Mr. WINCH: Does that include also *modus operandi*?

Commissioner NICHOLSON: Yes.

Mr. WINCH: Do you have with your *modus operandi* for instance a system whereby the method of operating and various features may be blended with an I.B.M. machine or whatever you use?

Commissioner NICHOLSON: No. We have found that we have to get a rather different set of indices than they do in the United States, at Scotland Yard, or at the Interpol secretariat in Paris. If we are corresponding in the case of an international criminal we would extract from our *modus operandi* or criminal index such records and details as would be needed by the services so as to permit them to make an examination of their files and records.

Mr. WINCH: How long would it take you or the F.B.I. to get an answer back and forth?

Commissioner NICHOLSON: Not very long. We can get a quick answer by cable or by telephone if we have the identifying number, but if we have not, it would be a matter of some time because it would require a search.

Mr. MICHENER: I would like to ask a question about horses not if they are on the payroll, but as they are used in the force? I am sure that the commissioner noticed the remarks of the hon. Earl Rowe in the house the other day when he made a special plea for good quality horses in the force. He is very fond of well bred horses and he feels that we are not doing our best in that way. I must say that the horses perform very well, but perhaps they are not as highly bred as they might be.

I wonder if the commissioner would keep it in mind.

Commissioner NICHOLSON: We have already made some investigation and we are improving our breed of stock. We find that we must breed our own rather than to buy them because it is not possible to find the type of horses we want. So we are improving our stock breeding, and we have had various consultations with horse-men outside our own organization in an effort to get advice. The result is that we are showing some improvements. Last year's colt crop was very promising, and I look for even better ones this year.

Mr. MICHENER: I think that is a move in the right direction. And now, under your customs and tax work, can you tell us approximately how many men in the force are engaged in that kind of work on customs, income tax, and other tax investigations and prosecutions?

Commissioner NICHOLSON: I am afraid I could not, because that sort of work is incorporated with other police work all along the boundary. It is only in such places as Montreal, Toronto, Windsor, Winnipeg and Vancouver where we have some small special squads. The great bulk of the work is handled by regular squads or regular detachment men as part of their normal duty. But if an intricate case arises, where specialists are required, we send them out to work on it.

Mr. MICHENER: Do you perform all the border work and police work in connection with customs enforcement?

Commissioner NICHOLSON: We have that responsibility, yes.

Mr. MICHENER: For the whole length of the border?

Commissioner NICHOLSON: Yes.

Mr. MICHENER: That means quite a number of men because there are a great many border points. Do you have any responsibility with respect to the importation of salacious literature, crime comics, and that sort of thing?

Commissioner NICHOLSON: That might come to our attention in one of two ways: first, as a violation of customs regulations by importing something illegally; or secondly, it might come to our attention in a province where we are doing normal police work as a matter of violation of the criminal law with respect to obscene literature. So we would get it in either one of those two ways occasionally.

Mr. MICHENER: I am more interested in border crossing and that kind of thing, and that would be your responsibility?

Commissioner NICHOLSON: Yes, but our responsibility for customs enforcement is in relation to enforcement as distinct from port work.

Mr. MICHENER: Your first duty would be at the customs office where they question the material, and your job would be to conduct the investigation from there on?

Commissioner NICHOLSON: It would usually only come to our attention through information after it had been reported.

Mr. MICHENER: You do not act as censors at all to determine what is and what is not to be imported?

Commissioner NICHOLSON: Oh no.

Mr. MICHENER: Your income tax work is fairly extensive. Do you carry on enquiries for income tax officials for enforcement purposes?

Commissioner NICHOLSON: Yes. We do two things in respect of income tax: we make enquiries for the income tax branch. When they are seeking the address of some person they cannot locate, we make enquiries and report as a result. In addition we take care of what might be termed routine prosecutions—that is, where some person has violated the act. What the facts are clear, and the foundation for prosecution is provided by the papers, the department refers these cases to us. We absorb enough of the facts to be able to lay the information, and we serve the summons.

If the person pleads guilty, we report the court action. But if there is a plea of not guilty, we seek counsel. Our task there is a matter of bulk and routine in handling a lot of these cases in which the investigation otherwise would have to be taken care of by the department and by counsel.

Mr. MICHENER: Do you get into the accounting angle in an effort to find out if there has been an insufficient report for income tax purposes?

Commissioner NICHOLSON: No. Normally we do not touch it.

Mr. MONTEITH: Does the commissioner agree with us that his full force is being advantageously used by the Department of National Revenue? For instance, they issue summonses to some individuals who should have made returns but who did not, and that sort of thing, and this routine business which you are mentioning.

Commissioner NICHOLSON: I suppose, Mr. Chairman, it is a matter of opinion as to what is and what is not valuable. Certainly from the standpoint of handling this bulky job, we were in a good position to do it. We had detachments scattered across the country and we could do it all probably better than any other agency. Bearing in mind the problem with which the income tax department would have been faced had it had the job for setting up a big field force, it seemed reasonable for us to accept it. It is a bulky, monotonous, routine job.

Mr. MONTEITH: Let us assume everybody should know they are supposed to file an income tax return. Is there any indication that possibly some poor ignorant soul, who ought to know but perhaps does not, might be frightened by having an R.C.M.P. officer appear at his door? Do you think it is a correct impression to leave with a man? Is the offence that serious?

Mr. RICHARDSON: That is hardly a fair question to ask the commissioner.

Commissioner NICHOLSON: It has been my experience not very many citizens of the country are afraid of us in that sense.

Mr. MONTEITH: At the bottom of page 494 it says: "Local Assistance—Assistant 9, 8, 7," and so on. I notice there is one Assistant 9, \$1,287. I am wondering how this applies. That does not seem like very much money for one person to receive.

Commissioner NICHOLSON: These would be people employed locally for some routine task. The employment would only last perhaps for a short period of time.

Mr. MONTEITH: Might there be people such as caretakers included?

Commissioner NICHOLSON: It might also be a very routine clerical job.

Mr. MONTEITH: Below that I see "Civilian allowances \$15,508." I am wondering what that would be.

Commissioner NICHOLSON: We have some civilian people working with immigration teams at various places overseas. They come under the standard overseas allowances which apply to any employee of Canada working in a foreign country. That is what that is.

Mr. MONTEITH: In other words somebody who is assisting the immigration department in another country?

Commissioner NICHOLSON: Yes.

Mr. MONTEITH: On a temporary basis and that sort of thing?

Commissioner NICHOLSON: Yes.

Mr. MONTEITH: I notice there is an amount at the bottom "Less—amount recoverable from the sale of clothing and kit; \$28,600". How do you dispose of that? Do you dispose of it on the open market or do you have tenders for it?

Commissioner NICHOLSON: We are inaugurating a new system under which some of our kit items previously were issued periodically to the men are now purchased by them. In order that their position is not any less favourable than it was we give them allowances rather than the kit and they turn around and buy these articles whenever they need them.

Mr. MONTEITH: Do you have a revolving fund for certain things.

Commissioner NICHOLSON: Clothing is one.

Mr. MONTEITH: And they pay that from the fund?

Commissioner NICHOLSON: No. The kit payments goes back in consolidated revenue. Rather than issuing a complete kit to the men, we issue the things most obvious such as the red jacket, the brown jacket, and so on, so we are able to see those items are in proper shape. But for the other items we give the men an allowance, and they buy them. This is the amount we estimated we will get in this way.

Mr. MONTEITH: There is another item of revenue, some \$6 million odd received in 1956, and it is estimated it will be \$7 million in 1957. What would that be for?

Commissioner NICHOLSON: Those would be payments by the provinces and towns for our contract services.

Mr. MITCHELL (*London*): In connection with the mess ration allowance, does that mean it is the rations which are consumed in barracks or is there also a ration allowance for those messing out of barracks?

Commissioner NICHOLSON: No. The men receive a consolidated rate of pay as a matter of principle. They do not get a ration allowance. The single men in barracks have a standard amount deducted from their pay a day. The cost of operating a mess varies from place to place depending on the size of the mess. We fix a rate from time to time sufficient to allow the mess to operate and we pay the mess that amount. In some cases it may be 90 cents a day or 30 cents a meal, or in others \$1.10, or in some places higher. Some of our smaller messes in the north go a good deal above that. That amount is paid from public funds to the mess.

Mr. MITCHELL (*London*): This is the difference between operating the funds and the amount contributed by the men?

Commissioner NICHOLSON: No. The mess ration allowance is the total amount we pay the messes.

Mr. WINCH: Mr. Commissioner, as it is now you almost have a national police force in Canada in the form of the R.C.M.P. In the provinces, towns and municipalities you have a contractual agreement with the Department of Justice. You do not charge the full cost of policing. Is there any broad principle as to what percentage of the cost you ask the towns, cities or provinces to bear, and if so what is the principle?

Commissioner NICHOLSON: At the present time the rate charged to the provinces is based on 40 per cent of our per capita operating costs.

Mr. WINCH: 40 per cent of your operating costs?

Commissioner NICHOLSON: 40 per cent of our per capita operating costs. In respect to towns, there is the same proportion of per capita cost, plus the provision of a police station, with heat, light and cell accommodation, and a garage if necessary, and the payment of police car mileage over a certain level.

Mr. WINCH: And you buy the vehicles?

Commissioner NICHOLSON: We buy the vehicles, yes.

That is right at the present. It is going up in respect to towns and cities on June 1 of this year.

Mr. WINCH: On the average, it will work out approximately 40 per cent of your own costs, and the federal government is paying approximately 60 per cent of the cost of policing?

Commissioner NICHOLSON: Yes.

Mr. WINCH: And is that the accepted principle that you now follow?

Commissioner NICHOLSON: I suppose it is not for me to say anything on the basis of the principle. The minister has discussed it. Perhaps I could say that, even in the provinces where we are doing contract work, the same people carrying out that work of a provincial nature also carry out such federal work as occurs there, such as the income tax work, which was referred to a few minutes ago, and custom, patrol work along the borders and so on. So, while the federal government is paying 60 per cent on that formula, it gets back the services required, of a federal nature.

Mr. WINCH: That is what you would have to do anyway?

Commissioner NICHOLSON: Yes, but which we can do perhaps, more economically because we have more detachments and better coverage.

Mr. WINCH: That is the point, now. Is there any idea as to what portion of that work you would have to do anyway you can now cover by that, is it 10 per cent, or 12 per cent? Have you any idea?

Commissioner NICHOLSON: In respect to federal work, what would it amount to?

Mr. WINCH: Yes.

Commissioner NICHOLSON: It is difficult to estimate. I can, if the committee wishes, give my estimate, which is based to quite an extent, on judgment, because it is not good enough just to add up cases. One case may take more time than 20 others. The federal work in the provinces where we are under contract—not the central provinces—would be, in my opinion, something like 20 per cent.

Mr. WINCH: That is 40 per cent and 20 per cent; that is 60 per cent. Therefore on straight policing the federal government is making a contribution of around 40 per cent of the cost?

Commissioner NICHOLSON: Yes.

Mr. WINCH: May I ask then, on what basis? Is it because you feel that, the more you can get in the way of efficient control in one national body, the better?

Commissioner NICHOLSON: I think I can only answer that from the police standpoint. I think there are advantages, certainly, especially in sparsely populated areas, and small towns, in having one police force doing all these jobs. That is strictly from the standpoint of police efficiency and economy. As to the reason which led the government to embark on this system, I think I would simply say that, as far as I am concerned, it is something that has been going on since 1928. In 1932, there was another big increase in that sort of work, and finally in 1950. I do not think it would be for me to say why the governments felt it best to—

Mr. WINCH: There must be a fundamental reason, though.

Hon. Mr. GARSON: I think one obvious reason is the one that appealed to me when I was on the other side of the deal, as a provincial treasurer; and that is, is it not a very sensible arrangement to have two separate police forces performing police functions in any jurisdiction? While present arrangements we have with the provinces sound rather disadvantageous to us, as compared with the provinces, the comparison that might be made on the other hand, from the federal point of view, is what it would cost us to operate a federal police force that was doing only federal work. If we can save the provinces a lot of money without at all increasing our own net costs, so much the better for everyone. I think this is true of every province, as it certainly was with my own province of Manitoba, that it was very much less expensive to pay the amount of money which was paid then, and which they still pay to the federal government, than to operate a police force of their own. I do not think we have ever calculated, Mr. Commissioner, as to whether we could operate a federal police force, we will say in Alberta, doing only federal work, for the net amount that it costs us now—that is, our total cost less the provincial contribution. I doubt if we could.

Commissioner NICHOLSON: No. As a rough calculation it has been thought that the federal government probably comes out of this thing with no more expense than it would pay if it had to do all these tasks with a separate force.

Mr. WINCH: Even though you now accept a 40 per cent cost of policing?

Commissioner NICHOLSON: That is right. The only point may be that the advantage, or the saving is enjoyed by the provinces, and the federal government pays no more than it would pay if it operated its own force; and the provincial governments pay a good deal less.

Mr. WINCH: Only one more question, and then I will subside. I think I know the answer. In the new contracts which come into effect in about a month or so, or a couple of weeks, have you found more of the provinces, or municipalities that basically turn you down on your new contracts, or are they accepting it as such?

Commissioner NICHOLSON: The provinces are renewing. Because the rate is going up to the towns and cities—the rate is going up to 50 per cent for the first five men and 75 per cent for the men over that number—the sixth man, the seventh man and the eighth man and so on—five municipalities, that I can think of, have decided to set up their own forces.

Mr. WINCH: Could I ask you just how you handle this administration under the provinces because your own police force, which is a national force, comes under the control of the attorney general or of the city, does it not? Do you have a separate department which looks after these contractual obligations?

Commissioner NICHOLSON: No. It is not too complicated, Mr. Chairman. In the first place, the internal administration of the force remains in the hands of the force itself.

Mr. WINCH: Who pays the men?

Commissioner NICHOLSON: The recruiting, training, equipping, the pay, the allowances, the discipline, remains within the hands of the force itself. The only thing that is, perhaps, different, is in the provinces, where we are under contract. The senior officer there has a direct responsibility to the attorney general of the province for those matters which are constitutionally a provincial responsibility. For instance, the policy to be followed in the enforcing of the vehicular regulations in a province.

Mr. WINCH: In British Columbia, I imagine, it is backwards. You have got all the licensing and everything.

Commissioner NICHOLSON: Yes, indeed. The policy to be followed in respect to the game act, and the policy to be followed in respect to the ordinary criminal work, and the decisions on criminal prosecutions, in all of these things, the senior mounted police officer deals directly with the attorney general, or the attorney general's department, and normally it is the deputy.

Those are things which, I say, are constitutionally upon the provinces. Likewise in the towns, though the distinction is not so noticeable, on these things which come within the town's control, for instance, the enforcement of certain by-laws, the sergeant in charge would go directly to the chairman of the police committee, and discuss with him, and receive from him, all policy that is to be followed. The only check, on these things, which we make from headquarters is to be sure that our men are discharging their responsibilities under the contract.

Mr. RICHARDSON: Is it our understanding, then, Mr. Chairman and Commissioner Nicholson, that during your period of office, you have never found any great reluctance on the part of the provinces to cooperate fully with your force?

Commissioner NICHOLSON: We have had excellent relations with all the provinces where we have contracts.

The CHAIRMAN: Vote 397?

Mr. WINCH: No, Mr. Chairman, just one more final question. I am sorry, but it just came to my mind. You now have how many men on your force, under contract and everything else?

Commissioner NICHOLSON: The total of uniform strength at the moment—the establishment is 4,890. The actual strength is just a little below that.

Mr. WINCH: All right. You have then, under your jurisdiction, approximately 5,000 men in police work. How do you reach those men in trying to give them a directive—and the minister knows what I am going after now. How do you reach those men? It is something I am very much interested in. They have got to watch men, who are ex-convicts, in the event of a robbery, and of course they have to question them. How do you reach them to tell them they are not to go to an employer and say, "you have got an ex-convict in your employ", and so on?

I know that about two years ago I raised this question with the Minister of Justice, and with yourself, and I know that you spent a good many thousands of dollars in completely investigating that case. I am told, by the Minister of Justice, and I still have his letter, that certain instructions were sent out, that they had to be a little bit more careful in what they were doing when investigating men who were trying to earn an honest living, after being convicts. How do you reach those men to let them know your policy, and the minister's policy, in respect to what they should do?

Commissioner NICHOLSON: Mr. Chairman, we have various channels of communication to different levels of the force. We have different types of orders that go out. I issue General Orders weekly, and a copy of a general

order finds its way to each of the 600 odd posts of the force. We have division orders issued by, let us say Regina, covering "F" division, in the province of Saskatchewan. Those are things coming within the responsibility of the officer commanding there. He, likewise, publishes these orders weekly. On top of that, we have a looseleaf system of standing orders, or instructions—policy instructions we call one volume—in which these things are promulgated, things that must remain and are permanent. Depending on the subject matter, we decide the channel that should be used in getting this out, how far must it go, and must it stop at the division, or should it go down to the subdivision or should it go right down to every man. Having decided that, we choose that method which seems to be the best way of getting it through.

Mr. WINCH: Is it possible, Mr. Commissioner, for you to give me a copy of an order that must have reached every man, as to what they are to do in going to an employer, who is employing a convict?

Commissioner NICHOLSON: I am afraid I anticipated this, Mr. Chairman.

Mr. WINCH: You did not have to, because I asked the question before.

Commissioner NICHOLSON: Yes, indeed. I can, if you wish, read it.

Mr. WINCH: If it is not too late, but otherwise, I would like to have it personally. What was the order?

Commissioner NICHOLSON: It is a very short one. It would take two paragraphs, if the committee wishes. I think I have it here.

Mr. WINCH: And this would reach every man on your force?

Commissioner NICHOLSON: Yes, it would.

Mr. WINCH: May I ask, if it is not followed, what do we do,—get in touch with you?

Commissioner NICHOLSON: No, you do not need to get in touch with me. You may, if you wish, and I would be glad if any person finds that they are not being taken care of—

Mr. WINCH: On the order, what were your methods after the minister investigated a certain situation?

Commissioner NICHOLSON: This is how the instructions are issued. This is about two years ago.

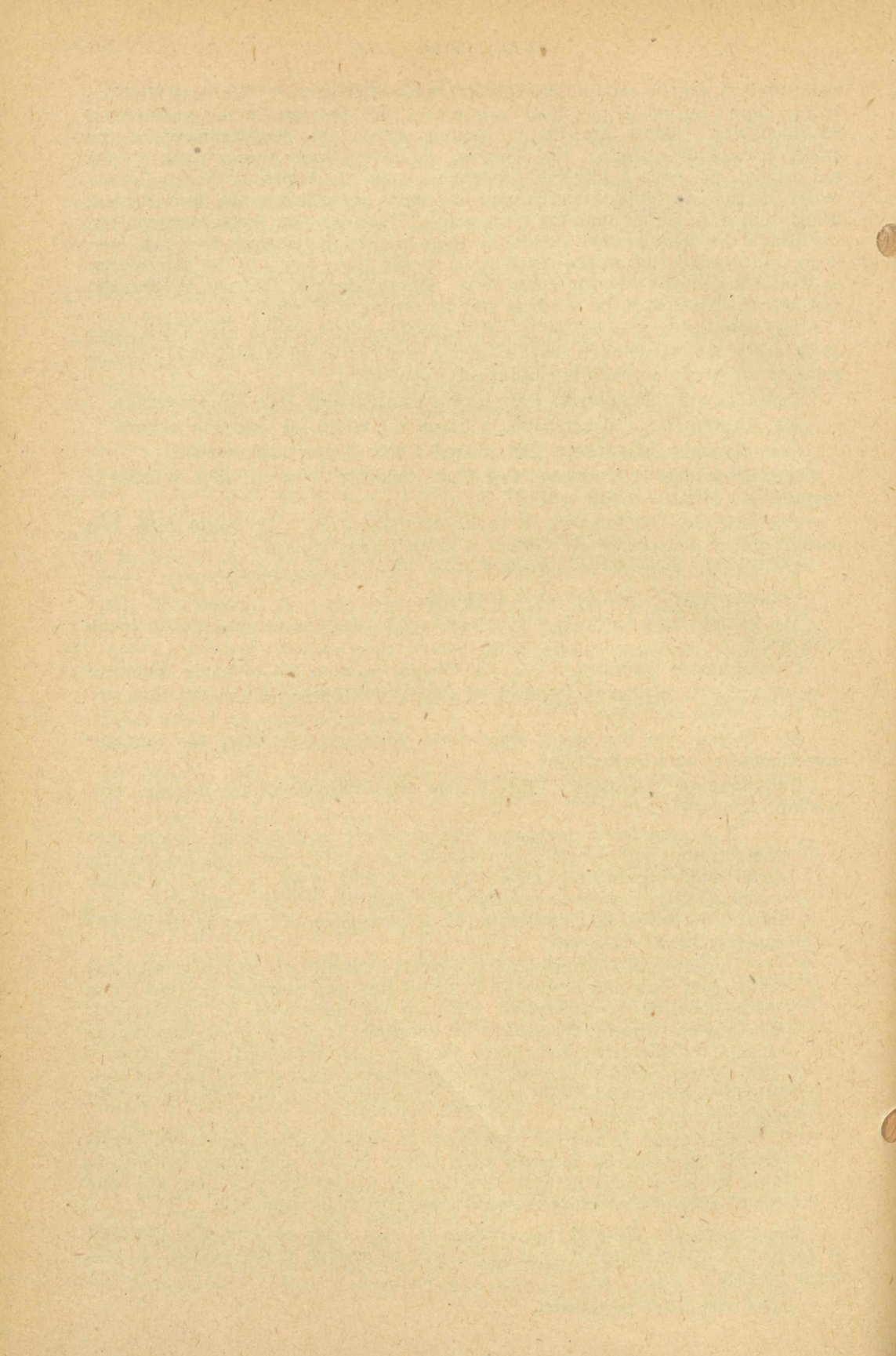
It is sometimes necessary that members of the force inquire into the activities and associates of released convicts or interrogate ex-convicts as to their associations and movements. Such work is a part of police responsibility to the community and nothing in this instruction is to curtail the action of members in the investigation of crime or the proper questioning of suspects.

Inquiries affecting ex-convicts must, however, always be carried out with great care and discretion in order that any genuine attempt being made towards rehabilitation will not be hampered or discouraged. Ex-convicts who have resumed or continued a life of crime deserve no special consideration but where there is any indication that a man is making any effort to reestablish himself as a good citizen, any contacts members have with him should be arranged so that his task will not be made more difficult.

The force is vitally interested in rehabilitation work and must always be prepared to assist such efforts in any reasonable manner so long as our actions in that direction do not conflict with our primary police duty of protecting the public and investigating crime.

The CHAIRMAN: We will now adjourn to meet again on Thursday morning at 10:30 a.m. The room we will be in will be posted in the notice. It will likely be 497.

—The committee adjourned.



HOUSE OF COMMONS

Fifth Session—Twenty-second Parliament

1957

SPECIAL COMMITTEE

ON

ESTIMATES

Chairman: W. A. TUCKER, Esq.

PROCEEDINGS

No. 4

Including Index of Items relating to the Department of Justice
and the Royal Canadian Mounted Police

THURSDAY, MARCH 28, 1957

DEPARTMENT OF JUSTICE

and

ROYAL CANADIAN MOUNTED POLICE

Honourable Stuart S. Garson, Minister of Justice; and Commissioner
L. H. Nicholson of the Royal Canadian Mounted Police.

SPECIAL COMMITTEE ON ESTIMATES

Chairman: W. A. TUCKER, Esq.,
and Messrs.

Brown (<i>Brantford</i>)	Michener	Reinke
Cameron (<i>High Park</i>)	Mitchell (<i>London</i>)	Richardson
Decore	Monteith	Weselak
Enfield	Montgomery	White (<i>Waterloo South</i>)
Fulton	Murphy (<i>Westmorland</i>)	Winch
Garson	Philpott	Yuill
Lafamme	Power (<i>Quebec South</i>)	Zaplitny—26
Leduc (<i>Verdun</i>)	Power (<i>St. John's West</i>)	
McLeod	Purdy	

Quorum—10

E. W. Innes
Clerk of the Committee.

ORDERS OF REFERENCE

THURSDAY, March 28, 1957.

Ordered,—That the quorum of the said Committee be reduced from 10 to 8 members.

THURSDAY, March 28, 1957.

Ordered,—That the name of Mr. Nesbitt be substituted for that of Mr. Montgomery;

That the name of Mr. Hamilton (*Notre-Dame-de-Grace*) be substituted for that of Mr. Mitchell (*London*);

That the name of Mr. Hamilton (*York West*) be substituted for that of Mr. Fulton;

That the name of Mr. James be substituted for that of Br. Brown (*Brantford*);

That the name of Mr. Cavers be substituted for that of Mr. Cameron (*High Park*);

That the name of Mr. Hanna be substituted for that of Mr. Decore;

That the name of Mr. Mitchell (*Sudbury*) be substituted for that of Mr. Enfield;

That the name of Mr. Deschatelets be substituted for that of Mr. Laflamme;

That the name of Mr. Marler be substituted for that of Mr. Garson;

That the name of Mr. Robichaud be substituted for that of Mr. Murphy (*Westmorland*);

That the name of Mr. Lavigne be substituted for that of Mr. Power (*Quebec South*);

That the name of Mr. Batten be substituted for that of Mr. Power (*St. John's West*);

That the name of Mr. Jutras be substituted for that of Mr. Weselak;

That the name of Mr. Leboe be substituted for that of Mr. Yuill;

That the name of Mr. Argue be substituted for that of Mr. Zaplitny; and

That the name of Mr. Bryson be substituted for that of Mr. Winch, on the Special Committee on Estimates.

Attest.

LEON J. RAYMOND,
Clerk of the House.

REPORTS TO THE HOUSE

THURSDAY, March 28, 1957.

The Special Committee on Estimates begs leave to present the following as its

SECOND REPORT

Your Committee recommends that its quorum be reduced from 10 to 8 members.

Respectfully submitted.

W. A. TUCKER,
Chairman.

THURSDAY, March 28, 1957.

The Special Committee on Estimates begs leave to present the following as its

THIRD REPORT

Your Committee has considered and approved items numbered 172 to 184 inclusive, relating to the Department of Justice, and items numbered 396 to 405 inclusive relating to the Royal Canadian Mounted Police, as listed in the Main Estimates 1957-58 and referred to the Committee by the House on March 7, 1957.

A copy of the Proceedings of the Committee in respect thereof is appended.

Respectfully submitted.

WALTER A. TUCKER,
Chairman.

MINUTES OF PROCEEDINGS

THURSDAY, March 28, 1957.

(5)

The Special Committee on Estimates met at 10.50 a.m. this day. The Chairman, Mr. Walter A. Tucker, presided.

Members present: Mr. Brown (*Brantford*), The hon. Stuart S. Garson, Messrs. Leduc (*Verdun*), McLeod, Michener, Mitchell (*London*), Monteith, Murphy (*Westmorland*), Philpott, Purdy, Tucker, White (*Waterloo South*), and Winch.

In attendance: From the Royal Canadian Mounted Police: Commissioner L. H. Nicholson; Assistant Commissioner E. H. Perlson; and Inspector G. W. Mortimer.

On the motion of Mr. White (*Waterloo South*),

Resolved,—That a recommendation be made to the House to reduce the quorum of this Committee from 10 to 8 members.

The Committee proceeded to further consider the Main Estimates, 1958 relating to the Royal Canadian Mounted Police, the Minister of Justice and the Commissioner supplying information thereon.

Item numbered 396 was further considered and allowed to stand.

Item numbered 397 was considered and adopted.

Items numbered 398 and 399—Land and Air Services—were adopted.

Items numbered 400 and 401—Marine Services—were adopted.

Item numbered 402—Grant to the Canadian Association of Police Chiefs—was adopted.

Item numbered 403—Grant to the Royal Canadian Mounted Police Veterans' Association—was adopted.

Items numbered 404 and 405 relating to pensions and other benefits were adopted.

The Committee reverted to item numbered 396 and the item was adopted.

The Chairman submitted a draft "Report to the House". The said Report was adopted and, on motion of Mr. White (*Waterloo South*), the Chairman was instructed to present same to the House. (*See Third Report to the House.*)

Agreed: That the Committee would sit again this afternoon to consider the Estimates of the Department of Transport if the necessary arrangements could be made,

At 12.00 noon the Committee adjourned to the call of the Chair.

E. W. Innes,
Clerk of the Committee.

PROCEEDINGS

THURSDAY, March 28, 1957.
10.30 a.m.

The CHAIRMAN: Order gentlemen.

As the members, who have been here for the last quarter of an hour, know, we have been waiting for a quorum. The minister, and his officials have been here. I wonder if someone would be ready to suggest that we cut the quorum from ten members to eight. That would give us roughly 30 per cent of the number of the committee, which is more than some other committees, such as the committee on Agriculture and Colonization which has about 25 per cent as its quorum, and the Banking and Commerce committee, with about 20 per cent as a quorum. Eight members out of our total number of 26 would give us about 30 per cent as a quorum. I do not know whether we should cut it any lower than eight.

Mr. WHITE (*Waterloo South*): I will so move, Mr. Chairman.

An hon. MEMBER: Seconded.

The CHAIRMAN: It is moved that we recommend that our quorum be cut to eight. Is that carried.

Motion agreed to.

The CHAIRMAN: We are still on item 396, at page 68; "Administration, Operation and Maintenance", with details on page 494.

I had reached a point, two or three times, of suggesting that we pass on to the other items, and leave item 396 standing until the end, because we were beginning to get questions in regard to some of the detailed items. If it is satisfactory now, I will not call 396 as carried, but pass on to item 397, and then come back to item 396 when we have passed the individual items. If that is satisfactory, I will now call item 397, with details on page 495.

Royal Canadian Mounted Police
Headquarters Administration, National Police
Services and training establishments.

397. Construction or Acquisition of Buildings, Works, Land and Equipment,
\$912,129.

Mr. MITCHELL (*London*): Mr. Chairman, unfortunately I have not got the commissioner's report with me, but I recall in it, I think, some indication that there was some concern, and some necessity for a comparatively large increase in accommodation for the force. I would like the commissioner to comment generally on what the needs for accommodation are, and why the need.

Commissioner L. H. NICHOLSON, M.B.E.: Mr. Chairman, I would be glad to do that but, before doing so, may I refer to a correction which I would like to ask the committee to deal with in regard to evidence I gave when I was before the committee last. I referred there, in speaking of the municipal contracts, to an increase in the rate to be charged to municipalities. I said that that increase would apply from April 1, 1957. That should read, June 1, 1957.

As to our construction program: yes, there has been a need for new buildings, but we really feel that we are making good progress. This vote the committee is now considering deals with the construction for headquarters, and headquarters units; that is, the headquarters establishment itself, the

training division at Rockcliffe and the training division at Regina. At Regina, where we have a big establishment, we are making real progress in our new building program. We have a new barrack block there completed two or three years ago, and another large one going up now. We have other new buildings, which will round out our requirements there—several under way, or planned. We have certain requirements at Rockcliffe, not too pressing, but we are fitting them in as a future program.

Speaking generally of our building program throughout the force, and not restricting it to this vote, but to our field divisions, we are also making substantial progress. We are very pleased with what we have been able to do during the past year, and with what the Department of Public Works has been able to do for us. There is a big building well under way at Edmonton. We have a new subdivision headquarters at Moncton, completed and in use. We have one at Lethbridge, and one well under way at Swift Current. In these estimates we have provided for one at Nelson, and one at Truro, Nova Scotia.

Mr. PURDY: Hear, hear.

Commissioner NICHOLSON: We have buildings under way in Newfoundland, at various points, and we have made real progress there in the past year.

While, I suppose, one is never quite happy in respect to what we have in the way of buildings, I must say this has been a very satisfactory program. We now feel we are overcoming the backlog of requirements which built up in the late 1930's, and during the war years.

Mr. MITCHELL (*London*): How has the force grown, in numbers, since the time when that need for accommodation became noticeable?

Commissioner NICHOLSON: It has increased—speaking from memory—from 2,600 to its present 4,800 uniform strength.

Mr. MITCHELL (*London*): Then a large portion of this money, which is estimated here, is for increased accommodation rather than rebuilding, or renovating existing accommodation?

Commissioner NICHOLSON: Perhaps both, Mr. Chairman. For instance, our barrack accommodation at Regina had to be replaced. It was really out of date, and it was in very bad shape. That was a replacement, but the replacement is a much larger barrack block. Likewise at Edmonton there was an old building, which had to be torn down and replaced by a much larger block, which will accommodate our stepped up requirements there.

Mr. MITCHELL (*London*): What are the requirements at Rockcliffe?

Commissioner NICHOLSON: We need some more living accommodation. We want another double there eventually. We will not go ahead with it this year but we want another double for senior n.c.o.'s working on the station. We hope some day that we will be able to get a swimming pool there, the same as we have at Regina. We have not incorporated that on our present program, but we have it before us as a possibility for the future, in order to permit us to give the recruit class training in life saving at Rockcliffe, as they do at Regina. We also have a requirement there for a new laboratory building. Our present laboratory at Rockcliffe is very crowded, so we have that before us for the future.

Mr. McLEOD: Mr. Chairman, in connection with the construction program, I can understand the need for headquarters requirements, and so on, but where the force is policing for the province, is it not the duty of the province and of the district in which they are quartered, to provide quarters for them? You mentioned here Swift Current and Truro. I can understand the need at Edmonton, and Regina, and places like that, but why would you need buildings in smaller places?

Commissioner NICHOLSON: Mr. Chairman, in the first place there is the need, and when we have the responsibility, we have to have a place to work. In some of these towns it is very difficult to rent satisfactory accommodation. I do not think I need to say it, but over a period of time, perhaps it is better to purchase than to rent. For instance, we have been policing Saskatchewan since 1928. We have been policing Nova Scotia since 1932; so, I suppose, when we put forward our requirements, those things are considered. Quite a bit of the construction will be used in relation to provincial work, and present indications are that we are going to go on with it.

I might say, where we are doing town policing, we do require the town to supply us with accommodation. We do not build for town policing requirements.

Mr. McLEOD: That is what I had in mind. I knew that, in our own province, we had to provide accommodation for the police.

Commissioner NICHOLSON: That is right, but Truro is a subdivision headquarters, controlling the northeast portion of Nova Scotia, as well as detachment that polices the rural area around Truro.

Mr. PURDY: You do not police Truro though?

Commissioner NICHOLSON: We do not police Truro.

Mr. MURPHY (*Westmorland*): They do not need it, of course.

I want to inquire about this building program that is referred to in respect of the towns. In Moncton you have a headquarters, but in a smaller town like Shediac, you also have a building there.

Commissioner NICHOLSON: Yes.

Mr. MURPHY (*Westmorland*): What about the other towns there? We have a new laboratory set up in Sackville. You are not going to build a building or accommodations there for your men, you are going to rent there?

Commissioner NICHOLSON: We are using accommodation there made available by the Department of Agriculture in their building on the campus. The men who will work in the laboratory will get their own accommodation; they will rent their own living quarters.

Mr. MURPHY (*Westmorland*): And in Port Elgin?

Commissioner NICHOLSON: I could turn up Port Elgin—I do not know whether it is included in our program or not.

Mr. MURPHY (*Westmorland*): Well, what I wanted to know was, is there any rule that you follow? In some instances you seem to have accommodations that you have bought and others you are renting.

Commissioner NICHOLSON: Yes. With the number of posts which we have it is, of course, impossible to consider building in all these places so we put in estimates for each year with a modest provision, taking priority cases first. Where there is a reasonable rental and where our men are accommodated to some satisfaction in rented quarters, we put that place aside and do not consider it priority. Where the rented accommodation is poor or the rent is exorbitant or something of that sort, we consider it as a priority case and try to get it through as quickly as we can.

Mr. MURPHY (*Westmorland*): But in country districts, not incorporated towns, you will probably have a building?

Commissioner NICHOLSON: Yes.

Mr. MURPHY (*Westmorland*): Just as you say.

Commissioner NICHOLSON: On a priority basis; we consider all these cases on a priority basis. I think I may have some figures I can give you here.

Mr. MURPHY (*Westmorland*): Well, the rule for towns is not the rule which holds good for villages?

Commissioner NICHOLSON: No, but of course, we very often have detachments located in towns which police the surrounding area but not the towns themselves.

Mr. MURPHY (*Westmorland*): Of course where these men are located in a village, a village has no funds, generally, to build buildings?

Commissioner NICHOLSON: No, but I am thinking Mr. Chairman of the rural police operations and our detachments that do work throughout the rural areas.

Mr. MURPHY (*Westmorland*): Well, Westmorland county is rural.

Commissioner NICHOLSON: Yes.

Mr. MURPHY (*Westmorland*): And I am thinking now of the shore districts of Port Elgin.

Commissioner NICHOLSON: I can only say that we take each case or each province actually, and consider its requirements and we take the most needy case first for construction purposes.

Mr. MURPHY (*Westmorland*): Well, it really depends upon the place—there is no uniform rule at all.

Commissioner NICHOLSON: Oh, yes, I think there is a uniform rule but we certainly cannot provide our own detachment buildings throughout the country all at once. We take so many each year, and we approach it on the basis that I have described. If the rental is satisfactory, we pass that place over and we consider first the place where the need is much greater.

Mr. MURPHY (*Westmorland*): I see. Thank you.

Item agreed to.

Mr. WINCH: May I take item 398 and 399 together for the purpose of one question?

The CHAIRMAN: Yes.

Land and Air Services

398. Operations and Maintenance of Divisions. \$26,472,859.

Mr. WINCH: Would the commissioner explain just what is the basis of the type of air-sea rescue work that we hear about, as compared with forces like the air force and the navy, for example, in the case of British Columbia?

Commissioner NICHOLSON: Well, the R.C.A.F. of course, Mr. Chairman, has responsibility for coordinating—I just forget the official term—I believe it is air-sea rescue service. The air force maintains that service and uses not only its own facilities, but the facilities of any other government agency that it is able to bring in. We are one of those government agencies which work with the air force and answer calls when they need help. Now, that help extends to the use of our patrol boats along the coast and we are tied in with the air force in our communication system and the use of the few aeroplanes which we have scattered across the country. We also of course take a fairly active part, indeed a very active part, in land searches where it is a matter of getting search parties out on the ground.

Mr. WINCH: Do you have any integrated system of shortwave radio and telephone communications so that it can be very speedily operated?

Commissioner NICHOLSON: Yes, we have quite a system tying in all our patrol boats and many of our detachments and many of our patrol cars. Furthermore, places such as British Columbia on the sea coast we have worked out an arrangement with the air-sea rescue headquarters of the air force for quick communication between our two organizations.

Mr. WINCH: But, the air force actually has responsibility after the calling of assistance or help?

Commissioner NICHOLSON: Yes. That is the directing agency.

Mr. WINCH: And have you found that it has worked out quite efficiently?

Commissioner NICHOLSON: Yes and I can say I think it seems to work out very efficiently. It means that all resources of the government that are at all available, may be mobilized and used, not just the resources of one department.

Mr. WINCH: Thank you.

Mr. MITCHELL (*London*): In connection with that point, Mr. Chairman, I would like to ask Commissioner Nicholson how many patrol boats there are, and how many aircraft and what types?

Commissioner NICHOLSON: Well, as far as the aircraft is concerned, I will take that first. We have 12; a Grumman Goose, a Norseman; two twin-engined Beechcraft; an Otter based at Churchill, one Stinson used as a trainer, and the balance are Beaver aircraft.

Mr. MITCHELL (*London*): And how are the pilots trained?

Commissioner NICHOLSON: The older ones for the most part, are ex air-force. However, some of the young ones coming in now were too young to serve in the war and many of them have joined the force since and, having a really active interest in flying have on their own qualified and secured their own commercial flying licenses. After they do that, they apply for a transfer to the air division and if they meet the other requirements, they are accepted and then they go on to further training.

Mr. MITCHELL (*London*): With the air force?

Commissioner NICHOLSON: Well, for certain courses, they do, yes. But there are some courses under our own control and others with the Department of Transport. On the patrol boats—we have such a variety of patrol boats—

Mr. MITCHELL (*London*): I was just thinking in the over-all terms, really.

Commissioner NICHOLSON: Yes. I can say that we have many patrol boats operated in the same way as our patrol cars—detachment men for instance all along the Newfoundland coast and in the north, the Hudson Bay area and the bush country and the fringe areas; those men have their own boats which they take care of just as they would a car or a horse which they operate themselves.

Outside of that, we have our marine division operating to an extent with ships on the east coast, on the west coast and in the great lakes areas and the St. Lawrence system. Now, the patrol boats that we have, vary in size from Bangor minesweeper types, carrying a crew of 30, to small patrol boats carrying one, two or three men. I can give you one total here which might be helpful; under the marine division control, that is boats of the larger size of which I spoke. There are 29 patrol boats and as I say, that which does not include the many small boats that are handled by detachment men themselves. I might mention that the Bangor minesweepers are the largest type of boat—although any seaman here will correct me for saying boats—I think in speaking of Bangors one should say ships—however they are getting out of date and we now have under construction at Lauzon, Quebec, a new large patrol boat, about a 165 footer.

Mr. MICHENER: What is the principal duty of the marine division?

Commissioner NICHOLSON: Customs preventive patrols on both coasts and along the great lakes waterways, is one of the principal duties.

Mr. MICHENER: Does that engage more of your time than the rescue and life saving work?

Commissioner NICHOLSON: It is a little hard to just balance it now. Perhaps I can just say that the marine division was originally almost entirely used on customs preventive work during the thirties when rum running was so very prevalent, particularly on the east coast and the St. Lawrence and Great Lakes system. Because it was such a big operation at that time it has been thought necessary to keep up the marine section and we do a lot of patrolling of a preventive nature. There are certain other duties which make most effective use of this group of men and their equipment. They are used in assisting detachment men on land at various times and they are used for conveying medical teams into Labrador and Hudson's Bay country, checking on the eskimo and the indian people there, government parties; used for supplying our detachments in Labrador and used for conveying police parties and actually for doing police work along the British Columbia coast where a great deal of transport must be on the water. They are used for migratory bird act enforcement—used for checking on Shipping Act violations and that sort of thing.

Mr. MICHENER: Do these duties correspond approximately to the United States coast guard duties?

Commissioner NICHOLSON: Yes, yes, to a great extent.

Mr. MICHENER: And have we any other marine forces in Canada that do coast guard work of the kind that your marine forces do?

Commissioner NICHOLSON: In the United States the coast guard also takes care of almost all government duty at sea, whereas fishery enforcement in Canada is handled by the Department of Fisheries with their own patrol boats and the Department of Transport also has its own patrol vessels doing various things. The Department of Transport administers lighthouses—they run the lighthouse service, whereas in the United States the coast guard takes care of it.

Mr. MICHENER: So that in addition to the Royal Canadian Police boats there are Department of Transport boats on the coastal waters?

Commissioner NICHOLSON: Some, yes.

Mr. MICHENER: And the Department of Fisheries?

Commissioner NICHOLSON: And the Department of Fisheries.

Mr. MICHENER: Are there any other departments that maintain boats in any number?

Commissioner NICHOLSON: I can only think of those large ones.

Mr. MICHENER: Has the navy any service of that kind doing the work that your men do in the marine detachment?

Commissioner NICHOLSON: No, I think not.

Mr. MICHENER: And is there any coordination between your work and the work of the boats of the other two departments?

Commissioner NICHOLSON: Yes, there is a certain amount. For instance, the Department of Fisheries at times asks us to take on a particular task and make a particular cruise. If foreign fishermen are doing something that they should not do off the Nova Scotia coast for instance, fishery patrols might not be available and they would ask our help.

Mr. WINCH: On the same line, Mr. Chairman, I would like to ask the minister and not the commissioner—

Mr. CHAIRMAN: Just a moment, Mr. Winch, I wonder if Mr. Michener has completed his questioning.

Mr. MICHENER: Well not quite sir, I was just going to ask whether the enforcement of arrangements with respect to fishing in territorial waters causes any complications with which the police are called upon to deal?

Commissioner NICHOLSON: Well it is directly the responsibility of the Department of Fisheries and if we do it we are asked to do it to assist the Department of Fisheries.

Mr. MICHENER: It has not been an active problem then?

Commissioner NICHOLSON: No, I think not.

Mr. MICHENER: Can you give us any idea of how much rum running is going on, for instance in Nova Scotia where it was so prevalent? Perhaps the number of prosecutions or the number of seizures last year would give us an idea of how far that continues today.

Commissioner NICHOLSON: Well, Mr. Michener although it was so very active in the nineteen twenties and nineteen thirties it has almost entirely died out.

Mr. MICHENER: You cannot get any of that good rum anymore.

Mr. MONTEITH: Just on that point, Mr. Chairman, I was wondering if there was any regular number of seizures in any other kind of contraband goods.

Commissioner NICHOLSON: Oh indeed. I have not the up-to-date statistics on criminal matters because our records are kept for the fiscal year and therefore we have to wait for one year to get up-to-date records. But customs seizures for the last year for which we have complete records amounted to 1,799 which was a decrease compared with the previous year but included 679 vehicles, 137 vehicles and oh—cigarettes, tobacco, aircraft, a variety of things. The number of customs seizures remains pretty well steady.

Mr. MONTEITH: Oh you did mention aircraft, but there would not be many of them I presume.

Commissioner NICHOLSON: No, only a few—two or three I think.

Mr. MONTEITH: Six?

Commissioner NICHOLSON: Six, yes.

The CHAIRMAN: That would be the period ending March 31, 1956?

Commissioner NICHOLSON: 1956 yes, we are just completing our annual report for this year now.

Mr. WINCH: The question I was going to ask the minister was, in view of the information given by the commissioner, has any consideration been given or is any now being given to any possibility of feasibility of a greater coordination in patrol work of the Department of Fisheries, the Department of Transport, and the R.C.M.P. under one agency such as the R.C.M.P. would give rise to greater efficiency and economy. It does seem to be rather logical.

Hon. Mr. GARSON: There is no consideration being given to it at the moment. I would imagine the reason is that such consideration has been given in the past and it has been found, upon balance, that the present arrangement is the more efficient one of the two.

Mr. WINCH: As they are all doing police work of one kind or another, why would it not be more economical if it were all done under the one service?

Hon. Mr. GARSON: If the Department of Fisheries is operating an efficient service for their purpose, and they are doing that, and it is directed to an express purpose which they have in mind, it does not seem on the face of it that there would be any gain in efficiency if you tried to combine those purposes and objectives which are quite different, with police water patrol.

Mr. WINCH: That is the reason I asked my question. You have fishing seasons; it is not one continuous operation that their men work on.

Hon. Mr. GARSON: Yes, that is true; but on the other hand as the commissioner told you just a few minutes ago there is a measure of co-operation now whereby we work back and forth with one another.

Mr. WINCH: I think it is something worthy of further study.

Hon. Mr. GARSON: Yes. I would not quarrel with that idea at all.

Commissioner NICHOLSON: May I add to what I said about custom work. I notice in looking at incomplete records that it is suggested there will be an increase in our customs work this year which has just finished.

Mr. MICHENER: What boats are stationed at the great lakes?

Commissioner NICHOLSON: We have one at Sarnia.

Mr. MICHENER: What kind of a boat is that?

Commissioner NICHOLSON: It is a "detachment class" patrol boat. It is about 45 feet long and it carries a crew of three. We have two at Windsor, and two at Toronto. If I may check my list I can give you a more accurate location.

Mr. MICHENER: Are they all the same type of boat?

Commissioner NICHOLSON: Pretty well, yes.

Mr. MICHENER: They are used mainly for customs work?

Commissioner NICHOLSON: They are used mainly for customs work, but they also do other things such as a lot of checking under the Shipping Act.

Mr. MICHENER: Is there much being done in the way of attempted border crossings, back and forth, across the Canadian-American border?

Mr. WINCH: Or in relation to alien smuggling?

Commissioner NICHOLSON: There is a certain amount and our men along the border have to look out for it.

Mr. MICHENER: I suppose the movement is largely from Canada to the United States, so it would be more of an American responsibility than a Canadian one?

Commissioner NICHOLSON: That may be, yes.

Mr. WINCH: The reason I asked a question in a similar vein is that quite often we read statements in the press that because of the difficulties of evading the coastguard in the United States, people try to get into Canada and then cross our land border and thereby get into the United States. That kind of thing would not give you much difficulty, would it?

Commissioner NICHOLSON: We have not noticed any indication of big traffic.

Mr. MICHENER: You were going to complete the list of boats.

Commissioner NICHOLSON: Yes; Windsor, Kingston—I am looking at the great lakes lot—Toronto, one at Fort Francis—a small boat at Fort Francis; one at Sarnia, one at Sault Ste. Marie and Kenora.

Mr. MICHENER: Could one say that those boats constitute a patrol of the great lakes? Do they cover the great lakes? They are not on a regular beat. Do they attempt to patrol the waters of the great lakes, in connection with crime, safety, and all those things? It is only a limited service.

Commissioner NICHOLSON: No. In Ontario and Quebec we are interested only in federal work. We do assist local authorities if they need help in a drowning case, for example. But we are interested particularly in customs enforcement, shipping, and migratory birds. The patrols are not on any regular schedule but just as requirements seem to dictate.

Mr. MICHENER: Would you care to express any opinion about the need for more patrols in the great lakes?

Commissioner NICHOLSON: From our standpoint I think our present plans are adequate to meet the load we have to carry.

Mr. MONTEITH: The commissioner mentioned that there is a crew of three on the boat at Sarnia. Are they all equally qualified in all departments of your police work and so on?

Commissioner NICHOLSON: No, it would not be fair to say that. The man in charge would probably have a pretty good general qualification as well as being a seaman. One man would be an engineer with probably not too much knowledge of police work. Then there would be a man doing deck hand work with some general police qualifications as well as some knowledge of seamanship. During the winter season these men are used for a variety of duties when the boats are laid up.

Mr. MITCHEL (*London*): Are they all members of the force or are any of them civilians attached to the force?

Commissioner NICHOLSON: No. They are all members of the force.

Mr. MICHENER: I have some questions on personnel if I may be permitted to ask them under this heading. I refer to the report which gives certain figures but it does not indicate that any men were dismissed during the year. I take it that there were some men dismissed.

Commissioner NICHOLSON: Yes, but we have not reported that in the annual report. There was no particular reason. Wastage I might say is something which we watch pretty closely. Taking it over a period of years the average runs to about 7 per cent. We drop 7 per cent.

Mr. MICHENER: That includes those retired on pensions?

Commissioner NICHOLSON: It includes all men leaving the force for any cause.

Mr. MICHENER: And you say it is 7 per cent of the force?

Commissioner NICHOLSON: Yes. That is our wastage rate and it has held pretty steadily over the past several years. It includes superannuation, pensions, discharge for cause, and resignations.

Mr. MICHENER: How many men were actually dismissed? You have given figures for those retired on pension and those who died, but how many were discharged last year? Where is that table?

The CHAIRMAN: It is on page 34 of the annual report.

Commissioner NICHOLSON: I am afraid I have not the total number or anything in the nature of an accurate table of the number discharged during the year. Oh yes, I find that I do have it here. Here is a record of releases. The total wastage, 1955-56, was 351; and the total wastage 1954-55, was 256.

Mr. MICHENER: The total force includes the uniformed as well as the civilian personnel, does it not?

Commissioner NICHOLSON: It would not include the civil service.

Mr. WINCH: The force last year numbered about 5,400; that is, 4,569 plus 843; and the wastage was about 351?

Commissioner NICHOLSON: That is right.

Mr. WINCH: How many of these people were discharged as against retirements and the number who died?

Commissioner NICHOLSON: I do not have those figures. I am sorry.

Mr. WINCH: There must have been quite a number, because those listed as having retired on pension are 2 commissioned officers, 94 non-commissioned officers, 15 constables, and 5 special constables. That totals approximately 100, and there were seven deaths reported.

Commissioner NICHOLSON: Our men are engaged only for a period of five years. And a number of men do not re-engage.

Mr. WINCH: They would not receive a pension. They would be released simply because their contract was up?

Commissioner NICHOLSON: That is right. That accounts for a part of this wastage.

Mr. WINCH: I would think so too. Can you give us any idea of the number discharged for cause?

Commissioner NICHOLSON: I could make a guess, but I would rather not.

Mr. WINCH: Perhaps you will let me have the information.

Commissioner NICHOLSON: I would be glad to.

Hon. Mr. GARSON: Would it not be better to secure it and have it put on the record?

Mr. MICHENER: Yes, I would say so.

Commissioner NICHOLSON: The following table will supply that information.

ROYAL/ CANADIAN MOUNTED POLICE
WASTAGE

Fiscal Year Ending	Pensioned	Purchased	Time Expired	Discharged For Cause	Invalidated Died To Pension	Totals
31-3-51	96	95	1	44	14	250
31-3-52	75	158	13	46	17	309
31-3-53	122	157	6	35	27	347
31-3-54	107	185	19	44	27	382
31-3-55	68	96	15	55	23	257
31-3-56	108	158	16	55	14	351
31-3-57	64	141	25	39	14	283

Mr. WINCH: One thing which has always intrigued me is the reason for the discharge in the case of a man who without first having served the necessary period of years, gets married without permission.

Commissioner NICHOLSON: Yes.

Mr. WINCH: Would you mind explaining why you are so insistent that a man—even though he is a member of the R.C.M.P.—should not follow the usual biological urge and get married? I have never quite understood it.

Commissioner NICHOLSON: This question has been discussed before. There are a number of reasons. We still have quite a few posts where we require single men because we simply cannot send married men in with their wives. But perhaps more important is the fact that we do not consider that our men are completely trained when they finish their recruit training. Therefore in the first part of their engagement, for two or three years after they have completed their recruit training, they are moved about quite a bit. On the average, it runs to something like five years, with two transfers a year or something of that sort. And if we have married men, we would not be able to move them so freely during that period when we are trying to get them settled down in the Force and to gain some reasonable experience. Usually we take on men just after they come out of high school and it does not seem too much of a penalty for them to serve for that period of time and to gain that experience.

Mr. WINCH: What is the period he has to serve before he can get married without permission?

Commissioner NICHOLSON: Basically, it is five years, but there are some exceptions to it. If a man joined the force after he was 24, then the qualifying period is three years. There are some places in Canada where we have a particular need for married men. I am thinking of some of our large town detachments, and if the man has served three years and we think he is the right type of man who can do that work and having regard to the establishment in that district, we would accept his application. He would get married and we would move him there.

Mr. MICHENER: Can you give us the figures of married and unmarried men at the present time?

Commissioner NICHOLSON: It stands at about 50 per cent.

Mr. WINCH: Are there any women in the force?

Commissioner NICHOLSON: Not as police women. Some women are civilian employees, and our messing officers are women.

Mr. WINCH: When a person is discharged for cause, is he just discharged, or do you have something similar to an army court-martial, and is there an appeal? You understand what I mean.

Commissioner NICHOLSON: He may be discharged following what we call orderly room proceedings. Disciplinary action may be taken in a formal way against him, or he may be discharged if over a period of time his service has been consistently unsatisfactory. He will be given an opportunity and after the opportunity, if he has failed to correct his weakness, he may be discharged.

Mr. WINCH: What is the system of appeal if a man believes he has been dealt with unjustly.

Commissioner NICHOLSON: There is, for instance, the orderly room proceedings, which is the formal action. The man has an appeal from those proceedings to me. He puts it in writing and he may have assistance in preparing his appeal if he wishes it. The record of the hearing and the decision of the officer who dealt with the case and the appeal come to me. I consider and dispose of it as I think best. If there is a formal recommendation for discharge the man is warned whatever number of times may seem necessary in an effort to attempt to correct his weaknesses. He is finally told that his services are unsatisfactory and that his commanding officer proposes to recommend his discharge. If he wishes to appeal to me he likewise submits an appeal.

We have a personnel system which operates with a senior personnel officer who answers directly to me. Under him, at each division, there are personnel officers who are available for consultation and advice by any member who feels that he may have a grievance and who does not want to take it up through the normal command channels; perhaps he does not want to go through his own officer commanding. In that case he may say he wishes to see the personnel officer. He must be permitted to see the personnel officer. Then the personnel officer makes a report and a recommendation and if he sees fit it is directed to the senior personnel officer at headquarters.

Mr. MITCHELL (*London*): Is there a code of service discipline within the force?

Commissioner NICHOLSON: Yes.

Mr. MITCHELL (*London*): Does it operate roughly along the same lines as the army system?

Commissioner NICHOLSON: Yes. However, we have nothing the same as a court martial.

Mr. MITCHELL (*London*): Are there minor offences and minor punishments prescribed?

Commissioner NICHOLSON: There is not a distinction between minor and major as in the army, but it amounts to the same thing. The punishment is related to the offence.

Mr. MICHENER: Last year you recruited 416 persons out of 899 applicants. Was there any difficulty in obtaining 416 men up to your standards?

Commissioner NICHOLSON: No. Last year we had a good year. Indeed in this year we have a waiting list of applicants.

Mr. MICHENER: In reference to recruiting, for example, do you have a preference for men who have second war military service, or on the basis of Canadian citizenship or anything of that nature?

Commissioner NICHOLSON: The personnel officer also has another function, and that is dealing with applicants. All applicants are interviewed by the personnel officer. He catalogues each applicant as either outstanding, very good, good or fair.

Mr. MICHENER: That is a catalogue of his physical and mental qualifications?

Commissioner NICHOLSON: No. It is an over-all assessment, academically, physically, as to his character, and as to whether or not he looks as though he would be a good policeman. The personnel officer assesses the man's suitability as a policeman. It follows that the outstanding applicant is more likely to be called than is the man in a lower category.

Mr. MICHENER: As between equally qualified men on their personal qualifications is there a system of priority for the veteran, for instance, or does that arise because of the age of the man?

Commissioner NICHOLSON: It has never been a problem with us because up until this past year we were glad to take every person who came along who met our qualifications. Now we have a waiting list and some priority will apply. There are now very few ex-servicemen applying.

Mr. MICHENER: You do not limit it to Canadian citizens?

Commissioner NICHOLSON: No. It is limited however to a person being a British subject.

Mr. MICHENER: What about racial questions? Are there any people engaged on the force who are not of the white race?

Commissioner NICHOLSON: Not employed in police work. At the present time I do not think we have any engaged in any sort of work other than as interpreters, guides in the north, and persons on Indian reserves. We have no barrier to people of other races.

Mr. MICHENER: I take it that it is mainly because you have not had many applications?

Commissioner NICHOLSON: We have had a few in the past, but for one reason or another they just did not meet the standards.

Mr. MICHENER: You do not have any rule as to colour or religion?

Commissioner NICHOLSON: No.

Mr. MICHENER: But I suppose they must speak the English language and if they are bilingual I suppose it is an advantage.

Commissioner NICHOLSON: If they are bilingual we welcome them.

The CHAIRMAN: If an application is made and somebody is turned down do you have a look at it yourself? I have in mind a very fine young Indian who told me his father had been turned down, as he understands, because he was an Indian, a native of Canada. Apparently this young man had been

brought up with a desire to join the force also, although his father had not made it. He tried to join and I was told by the people who knew him very well and by the people who were in the school where he had been trained and in the Indian school where he worked with young people, that he was a man in whom they found they could have every confidence. I wonder if he has been turned down and if so would it have been by local people and in cases of this kind do you take an interest in it. I felt it was rather a moving thing that this boy, whose father he believed had been turned down, as I understand it, because he was an Indian, wanted to get in the force. I thought it would be a splendid thing if he could be found worthy of being admitted.

Commissioner NICHOLSON: I take it he must have been turned down for some reason other than race.

The CHAIRMAN: That is the father. I can understand in a force where tradition is so strong young men might be turned down by a local man under the influence of such tradition. Do you take any interest in cases like that?

Commissioner NICHOLSON: I very often examine a file concerning an application if it is a case which deserves reconsideration.

Mr. PHILPOTT: Is the term of enlistment still five years?

Commissioner NICHOLSON: Yes.

Mr. PHILPOTT: Have you ever considered a probationary term? I have heard young fellows talking about whether or not they should join the R.C.M.P. or go in the army, or in some other service; and I hear the teenagers say they are attracted to the R.C.M.P. but are not absolutely sure they would make out. I have also heard them make the statement that five years seems a long term. Has any consideration ever been given to a shorter term?

Mr. WINCH: Of course they can always buy their way out.

The CHAIRMAN: The minister has to leave to catch a plane. Perhaps you would like to hear a few words from him?

Hon. Mr. GARSON: I must apologize but I have an engagement out of town which I made before the date for the sittings of this committee was announced. I am very much upset that I must absent myself.

Before I leave I would like to thank the members of the committee for the very fair and cooperative attitude they have taken insofar as the estimates of the Department of Justice are concerned in all the questions they have asked and the attitude they have taken.

The CHAIRMAN: We wish you a very safe return, Mr. Minister.

Commissioner NICHOLSON: At one time the term was three years. In fact when I joined the force it was three years. There is a pretty general feeling that it takes about five years for a man to really become acquainted with the work and be of some real value. That is the reason it was extended to five years. We have never in recent years considered reducing the period.

Mr. PHILPOTT: Over the years I have had several complicated cases having to do with R.C.M.P. pensions; that is, in respect of pensions of people who were in the R.C.M.P. for a while, in the army for a while, and back in the R.C.M.P. Has all that backlog of complicated cases been pretty well cleaned up? To my knowledge I have had six or eight cases over the years.

Commissioner NICHOLSON: There are still some problem cases. They are still coming forward and questions are being asked. I might say on that point, as the committee will recall, there was an indication, a year or so ago, that there would be a revision of our act, and that is one of the things that will be and is being examined.

Mr. MITCHELL (*London*): How long does a recruit spend in his early training before he is put out in a detachment or post?

Commissioner NICHOLSON: Part 1, primary training, is for a period of six months. Then if the man passes that he moves into part 2 and after that he is posted to the field.

Mr. WINCH: Are these members of the force who are outside the building here receiving part of their training?

Commissioner NICHOLSON: No. These are all men who have completed their training. They may serve a year or so here directly after their training, but they have completed their training.

Mr. WINCH: I was asked whether they were being penalized for something?

Commissioner NICHOLSON: No. It is fair to say they are not.

Mr. MITCHELL (*London*): They get their pictures taken more than anybody else in Canada.

Commissioner NICHOLSON: I cannot say it is a popular duty, but they are not being penalized.

Mr. MITCHELL (*London*): I suppose except in the far north and outside detachments there are certain civilian people employed?

Commissioner NICHOLSON: Yes,—cooks, janitors, and people like that, and also mess help. In the isolated areas, however, they run their own show.

Mr. MONTEITH: I understand that you give courses of some kind to constables who are recommended by the municipalities and so on. Would you give us a brief outline of that?

Commissioner NICHOLSON: Yes. One course is a specialist course in identification work. That is in the technique of fingerprinting and, in particular, photography. We hold these courses periodically here in Ottawa. To the extent of our ability we open them to other police forces. That is a specialist's job, and a specialized course. In addition, we have our senior courses called the Canadian Police College. We operate about three of them a year, each taking 30 candidates. These courses are open to other police forces. The proportion of mounted policemen to people from other forces varies, but probably runs around 50 per cent. In these courses we also have, at times, senior police people from other countries. We have had them from Indonesia and from Pakistan, and so on.

Those are the two courses where we accept people from outside. There may be others where, occasionally, men from an outside force will be accepted but, in general, those are the two.

Mr. MITCHELL (*London*): You mentioned specialists, Mr. Nicholson. I presume a person does not get into specialization unless he has a particular qualification at the time he joins the force, so that he becomes an ordinary constable in his early years and then, following specialization training, I presume he is shifted to particular jobs where that special qualification is necessary?

Commissioner NICHOLSON: Yes, that is right although, at times, a man may have a special qualification before he comes to us, and for some reason or other he pushes it aside and decides he wants to be a policeman. Then we find out about this qualification, and perhaps, convince him it would be better to use it. I can think of one man, who was a sculptor, and he gave that up to do police work. We now have him back doing a very excellent and valuable job as a sculptor, handling molds and highly technical things of that type.

Mr. MICHENER: What age must a man retire at?

Commissioner NICHOLSON: It depends on the rank. A constable retires at 56, and a commissioner retires at 62.

Mr. MICHENER: At what age may a man retire on pension?

Commissioner NICHOLSON: It depends on the type of pension he has. If he is still on the old non-contributory type of pension, he may retire after 20 years service. No one has been able to take out that type of pension since 1949, when a contributory type of pension was introduced. The actual age of retirement has not been too well fixed yet, because our experience is not very great.

The CHAIRMAN: Carried?

Item agreed to.

Land and Air Services

399. Construction or Acquisition of Buildings, Works, Land and Equipment,
\$3,351,070.

Mr. MITCHELL (*London*): Mr. Chairman, I have a question here, if I may ask it. There is an item here; special constables and employed civilians. I can understand the employed civilians item, but I was wondering about the special constables item.

Commissioner NICHOLSON: Actually those two items may properly be grouped together. They are civilians, in the first place, employed under the authority of our act, not civil servants. If a person, employed under the authority of the Mounted Police Act, is required to do some sort of police work, he is given an appointment as a special constable. The rough distinction is; the group shown as special constables is doing something that touches upon police work. The others are doing maintenance work or clerical work.

Mr. MITCHELL (*London*): That was my point. Can you give me an example of the duties that a special constable might fulfil?

Commissioner NICHOLSON: Mr. Chairman, that is an awfully complicated thing, and is one of the situations we hope to correct when our act is revised. Special constables and employed civilians are doing work ranging all the way from maintenance jobs to highly qualified jobs in laboratories—people with science degrees, and so on. That is the only authority I have, to employ people for other than uniform duty, so if I cannot get a man from the uniform force, to do a particular job, I use that authority to employ a man as a special constable, or as an employed civilian. The duties range through almost every type of job we have to do.

Mr. MITCHELL (*London*): And does he carry any identification with him?

Commissioner NICHOLSON: If his work calls for him to have identification, yes, and he normally would as a special constable. Some of them, indeed, wear a uniform.

Mr. MITCHELL (*London*): I see.

Commissioner NICHOLSON: If a man is actively employed with uniformed men, he does wear a uniform. For instance, we have special constables on Indian reserves, and they wear a modified type of uniform. Quite a few marine division men are special constables and do wear uniforms.

Mr. MITCHELL (*London*): Are we getting back to the engineers we were referring to a few minutes ago?

Commissioner NICHOLSON: Yes, some of the engineers and some of the desk hands would be special constables.

Mr. MITCHELL (*London*): They would wear uniforms?

Commissioner NICHOLSON: They would wear uniforms, yes.

The CHAIRMAN: Item 399, is that item carried?

Agreed to.

Items 400 to 403 agreed to.

Mr. WINCH: I find it hard to believe that you only need \$6439 in that they are pretty well tied up?

The CHAIRMAN: Yes.

Pensions and Other Benefits

404. Pensions to families of members of the Mounted Police who have lost their lives while on duty, as detailed in the estimates, \$6,439.

405. Government's contribution to the Royal Canadian Mounted Police Pension Account, \$986,710.

Mr. WINCH: I find it hard to believe that you only need \$6,439 in that one case. Mr. Commissioner, could you explain just what the system of taking care of the families is? I gather from item 405 that they are not covered by the Workmen's Compensation Act, and the figure seems to be so low, I would like the commissioner to explain what the system is, in regard to taking care of those families of members who have been killed or maimed?

Commissioner NICHOLSON: There are two or three different procedures involved here. Most of the widows listed here have been drawing these pensions for some years. Their husbands were killed years ago.

Mr. WINCH: This is a very small amount. It is only \$6,000 and something.

Commissioner NICHOLSON: There are only ten widows drawing pensions, and this amount has remained constant for some time. I recognize some of the names, and I know that they have been drawing pensions, in some cases, for 20 years, and longer. Men presently on the contributory style of pension may draw a disability pension as well as a service pension, whereas, under the old non-contributory style, if a man was injured, he had to elect to take either the service pension, or the disability pension. That is one of the situations which is now being studied, as we revised our pension provisions in the draft form.

Mr. WINCH: I have just one further question in respect to item 404. These widows, that you have mentioned, who have been drawing pensions for over 20 years; do the pensions remain stationary, or as other pensions go up, because of the increased cost of living, and so on, do these pensions also go up? Has there ever been any increase to those people who have been drawing pensions for over 20 years, or are their pensions stationary?

Commissioner NICHOLSON: I think there was a minor increase some years ago. That came about through some consolidation of pay and allowances. I am speaking from memory, but I think, in some of these cases, when the men were killed, they were drawing pay in one amount, and an allowance in another, and the pension, therefore, was based on pay only. After the death, the pay and allowances were consolidated, and that had the effect of increasing the pension somewhat.

Mr. WINCH: But there has not been a recent increase?

Commissioner NICHOLSON: So there was a small increase on that basis.

Mr. WINCH: That was several years ago?

Commissioner NICHOLSON: That was several years ago, yes.

Mr. MITCHELL (*London*): Does the amount being paid to each of these widows simply reflect the length of service?

Commissioner NICHOLSON: The length of service, or the rate of pay.

Mr. MITCHELL (*London*): Or the rank?

Commissioner NICHOLSON: Or the rank, yes.

Mr. MITCHELL (*London*): Why is Basil Burke Currie specifically singled out?

Commissioner NICHOLSON: I am afraid, Mr. Chairman, I cannot give a good answer to that. That particular man served in Nova Scotia and in the north, and retired, presumably, with just under the period of service that would allow him to get a pension but, because of his health, there was special provision made to give him a small pension. I also recall that he had some—I must not say that, I do not know. I was going to refer to his disability in the first war, but I am not sure of that.

The CHAIRMAN: I was wondering, Commissioner Nicholson, about these pensions paid to families of members of the mounted police who have lost their lives while on duty. In the case of widows, or members of families, of those who lost their lives in the armed service while on duty, their pensions have been increased as the value of money has gone down and the cost of living has gone up. I wonder why the same principle is not applied to those members of families of mounted policemen, who lost their lives while on duty?

Commissioner NICHOLSON: I know of no reason, Mr. Chairman. I can only say that, in the review of our pension provisions, now underway, we are making a very careful comparison in respect of pension provisions of other government acts—the public service superannuation and armed service pension provision—we are trying to bring ours properly into line.

The CHAIRMAN: Well I was looking at this particular item and when this pension was originally put through, the purchasing power, for example, of the first item, \$639 would be very much greater than it is today so we are actually giving them, in the way of means enabling them to live, much less than we did when the pension went through. Personally I think that some consideration should be given to that situation. They have not any big organization behind them like the veterans, but they are in the same position really. Their husbands have given their lives in the course of duty and it seems to me it is something that no member of parliament of any party would object to.

Mr. PHILPOTT: You had better turn that over to the non-pensioned widows and who always turn up in connection with the veterans' problems.

Mr. MITCHELL (*London*): Just one question in connection with the compensation for injuries to members of the force. Is there a record of the number of people who are being paid such compensation? Let us take perhaps the fiscal year with which we are dealing as an illustration.

Commissioner NICHOLSON: I am just looking to see if I can get the answer to that—I am told 65 at the present time are drawing disability pension but I am not quite sure how many of them have gone on this pension in the present year.

Mr. MITCHELL (*London*): Is it a serious factor in your year to year work?

Commissioner NICHOLSON: No, no.

Item agreed to.

The CHAIRMAN: Now going back to item 396 which is the estimate covering administration—are there any further questions on that?

Item 396 agreed to.

Now, gentlemen, I have a draft report covering the justice items and the Royal Canadian Mounted Police, I take it that this will be our third report because we have made a second report reducing the quorum to eight.

Mr. MONTEITH: Mr. Chairman just before you go on with that subject, did you carry item 172, the first item of justice?

The CHAIRMAN: Yes we did. The justice items were referred to us separately, from those of the R.C.M.P. Mr. Monteith. I will read the draft report the clerk has prepared. "Your committee has considered and approved items Numbered

172 to 184 inclusive, relating to the Department of Justice, and items numbered 396 to 405 inclusive relating to the Royal Canadian Mounted Police, as stated in the main estimates 1957 to 1958 and referred to the committee by the house on March 7, 1957. A copy of the proceedings of the committee in respect thereof is appended. Respectfully submitted." May I have a motion authorizing me to bring that in as the third report?

Moved by Mr. White. Seconded by Mr. McLeod.

Agreed to.

The CHAIRMAN: The next item referred to our committee was the Department of Transport. We have decided to meet today after the orders of the day are called. As far as I know the minister and his officials will be ready to go on, so unless you are notified to the contrary we will meet again then.

Mr. MITCHELL (*London*): Mr. Chairman, may you not require a change in the personnel?

The CHAIRMAN: If the members of the committee would advise their respective parties that we are going to deal with transport, a change could still be made this afternoon.

We will adjourn now until 3:00 o'clock this afternoon, or after the proceeding leading up to the calling of the Orders of the Day.

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