provided by the Donner Foundation. I think it is a healthy thing when outside bodies are able to assist professional bodies like the Canadian Bar Association which, in turn, make reports to the minister. Presumably in these days of proliferating government grants the Canadian Bar could have asked the minister to provide funds to enable the committee to make a report to him. I have no fundamental objection to such a system, but in cases where there may have been substantial conflict of opinion I think it has been helpful that the Donner Foundation should have provided funds.

The minister mentioned an increase in the number of judges. He himself indicated he would reserve his position until he sees what the results of this bill may be. I revert to being an authentic Conservative on this matter. I hope, very much, that the bill will do what it is supposed to do, but I do not take the view now that adding more judges, or doubling or even tripling the size of the Supreme Court of Canada will necessarily mean cases will be handled more expeditiously.

I do not wish to prejudge what might happen in five or ten years, but it is a fact that in a country with ten times the population the Supreme Court of the United States still manages to deal with a couple of hundred cases a year—perhaps that estimate is somewhat liberal—although it has the same number of judges as we do. As a matter of fact I believe its docket at this very moment is for 160 cases.

The minister mentioned in passing the occasion when, by a constitutional amendment, appeals to the Privy Council were abolished. I have been advised by the highest judicial authority in this land that it took some nine years to wind down, as it were, the appeal process. In other words abolition took place in 1949, I believe, and some eight years later there were still cases in process. I agree it would be unrealistic to place pressure on the court for an eight or nine year period. I believe the recommendations of the Canadian Bar rather than those of the special committee should be accepted on this point, but because I am a person who believes in compromise on occasion, I have a suggestion for the minister. It might be possible to allow appeals as of right in cases where courts of appeal have given judgment by the date on which the bill is passed. This might be a neat way around the problem identified for us by the Council of the Canadian Bar, yet it would not get us into the predicament the country was in when appeals to the Privy Council were abolished.

● (1550)

There is one other point I should like to make, and I do so as I feel this is a general debate. I would hope that officers of the Supreme Court of Canada can think of a method whereby counsel who come to the court from great distances have some way of knowing, within at least a day or two, when their particular case may be heard. It is all very well for members of large firms in Toronto and Montreal, who are on the telephone and can get on a plane and be here rather quickly, not to know, but when one has to come from the extremeties of the country, so to speak, I believe the system is now subject to gentle criticism in that counsel wait around this city often as long as a week before their case is heard. I hope better administrative arrangements can be decided upon in this respect.

[Mr. Fairweather.]

I should like to end by commenting briefly on the matter of the interpretation of cases of public importance, and my notes indicate that the Senate dealt with this also. At page 1:13 of the report of the Legal and Constitutional Affairs Committee of the Senate, Issue No. 1, Tuesday, November 12, Professor Lederman discussed judicial definition of elements of public importance, and the phrase "public importance" was used as the key operative phrase. He suggested that these should govern the application for leave to appeal, as to whether leave should be granted or refused.

Professor Lederman reminded the Senate committee that there was a very long consideration, long in terms of patience of members in the other House, involving some 300 words, on the subject of public importance. I do not want to strain anybody's patience by going through even 300 words. Professor Lederman, who was, by the way, the consultant to the Canadian Bar Association special committee, says at page 14 of the report, sub-section (3):

> We have said that the grant of leave to appeal to the Supreme Court of Canada should depend upon the presence in the case offered for appeal of some element of public importance beyond the purely individual concerns of the parties to the case. We have given some thought to further definition in some detail of these elements of public importance, and we have concluded that specific definition and development of such criteria should be left with the courts themselves . . .

I think that is an important statement, and presumably when the standing committee of this House considers it, we will be discussing it to find out exactly what the Bar Association had in mind. We might even go through 300 words.

It is interesting to reflect that on the matter of individual rights probably in the last few years the seminal case on the whole issue of human rights, involving Mr. Drybones and a Saturday night jaunt with a little too much booze, was one of the most fundamental cases decided. It is this example I would like to think of when I envisage a sensitive court having a definition of public importance in mind when it grants leave. Indeed the court will become its own master, so to speak, and monetary consideration will no longer be the criterion in civil cases.

I must say that this is a good change in the law and one that should commend itself to this House of Commons as it has already to the other side of parliament, namely, the Senate. The minister is anxious about this bill because presumably he hopes to have it in place for the next term of the Supreme Court of Canada. By agreement in this party, and presumably others, this is the statement for the Official Opposition and we hope, Mr. Speaker, to be able to deal with the bill rather expeditiously when it goes to the committee.

Mr. John Gilbert (Broadview): Mr. Speaker, I would very much have liked to have had my colleague, the hon. member for Greenwood (Mr. Brewin), speak on Bill S-2 because of his long and distinguished career before the Supreme Court of Canada. The reason I say so is that we are now at the point where we are using his criterion of the public importance of the issue.

I cannot help but think of some of the issues and cases in which the hon. member for Greenwood has participated during his years as a lawyer. He appeared before the courts in the famous Japanese-Canadian case when the