

Federal Court

must object to it most vehemently. I think it is incumbent upon the minister or his parliamentary secretary to give us the full explanation of what is meant by the term "federal-provincial relations." On that basis, I say that unless such an explanation is given I will have to support the amendment proposed by the hon. member for Greenwood.

● (3:50 p.m.)

After all, we know that the whole of the jurisprudence and the common law are full of anomalies. In many cases that have been heard in the courts in Great Britain and in this country the Crown, as a matter of course, has for some reason or another declared that certain documents were privileged, and that was that. The citizen, who perhaps was suing the Crown for disclosure of a document related to a claim against the Crown, was left without recourse when the Crown took refuge behind this so-called privilege of Crown documents. This, in effect, perpetrated an injustice.

I should like to have a definition given by the minister of what is deemed to be federal-provincial relations. There are all sorts of relations. For instance, if a judge were able to find that there was federal control over a pipeline, but that provincial interests were also involved, would this be deemed to be federal-provincial relations? Would documents with respect to that matter be deemed to be privileged? We should not have anything like that. The minister should be fair with the House; come clean, and tell us precisely what is meant by that phrasing.

Mr. Turner (Ottawa-Carleton): Mr. Speaker, I do not know if I have the right, under the rules of the House, to speak twice at this stage.

Mr. Lambert (Edmonton West): I have asked the minister a question. Perhaps he may answer it on my time.

Mr. Deputy Speaker: I understand the hon. member is asking a question, and if the minister replies to the question it seems to me it would be in order.

Mr. Turner (Ottawa-Carleton): Thank you for allowing me to transgress the rules, Mr. Speaker. I think the hon. member knows what is meant by federal-provincial relations in the same way that he knows what is meant by international relations. The meaning of the phrase is clear. If I were to give an off-the-cuff definition, which would not be binding on any minister or on the courts, I would say this is the relation between the federal government and the provincial governments.

Mr. Deputy Speaker: Is the House ready for the question on motion No. 14? The question is as follows: Mr. Brewin, seconded by Mr. Lewis, moved:

That Bill C-172, An Act Respecting the Federal Court of Canada, be amended by striking out the words "or to federal-provincial relations," in subclause (2) of clause 41 at page 23.

Is it the pleasure of the House to adopt the said motion?

[Mr. Lambert (Edmonton West).]

Some hon. Members: Yea.

Mr. Deputy Speaker: All those in favour of the said motion will please say yea.

Some hon. Members: Yea.

Mr. Deputy Speaker: All those opposed will please say nay.

Some hon. Members: Nay.

Mr. Deputy Speaker: In my opinion the yeas have it.

And more than five members having risen:

Mr. Deputy Speaker: Pursuant to section 11 of Standing Order 75 the recorded division on the proposed motion stands deferred.

Order. If hon. members agree, it might be the wish of the House now to consider motions Nos. 1 and 2, and I think No. 10 was consequential thereto. Hon. members will recall the remarks of His Honour the Speaker earlier this afternoon to the effect that these motions would be reinstated on the Order Paper, and also the other one with which His Honour was concerned from a procedural standpoint. So, if it is the wish of the House I will put Nos. 1 and 2. Is it the understanding of the House that No. 10 can be considered at the same time?

Mr. Woolliams: Mr. Speaker, the only problem is that if Nos. 1 and 2 were defeated then No. 10 would become superfluous. With the greatest respect, Mr. Speaker, may I say you are correct and I would ask that 1, 2 and 10 be considered in one block. In that way, we can be brief because much of the material we discussed yesterday will apply to these amendments also.

Mr. Turner (Ottawa-Carleton): Mr. Speaker, we agree to that. We agree to reinstate Nos. 1, 2 and 10 on the suggestion of the hon. member for Calgary North (Mr. Woolliams) that we treat them together and they be voted on together.

Mr. Deputy Speaker: It is my understanding that the hon. member for Calgary North (Mr. Woolliams) asked yesterday that No. 10 be withdrawn because of the Speaker's ruling, but that the House has now agreed that the three motions be considered.

The hon. member for Calgary North (Mr. Woolliams) moves motion No. 1, which is as follows:

That Bill C-172, An Act Respecting the Federal Court of Canada, be amended by striking out subclause (d) of clause 2, page 1 thereof, and substituting therefor the following:

"(d) "Court" or "Federal Court" means

(i) the Federal Court of Canada, and
(ii) for the Province of Ontario, Nova Scotia, New Brunswick or Alberta, the trial division or branch of the Supreme Court of the Province,

(iii) for the Province of Quebec, the Superior Court of the Province,