man who belonged to the Jehovah's witnesses sect. He had a liquor licence from the provincial government but because he believed in a certain kind of religion and because he had bailed out of jail some people who belonged to that sect, they took away his licence to sell liquor. Suppose there were no appeal from that decision, what would happen then? The only reason an appeal was possible in his case was that under the great Anglo-Saxon traditions, an appeal can be made to the Supreme Court of Canada in a case where a decision is contrary to natural justice and where civil rights are eroded and usurped. The ruling was that no administrator, no premier and no powerful executive could cancel a man's licence because he held a certain religious beliefs.

• (5:10 p.m.)

That is the kind of law I want to see in this nation, not the kind of law set out by one man with all this power. This is why we need provision for appeal. Incidentally, the case to which I have just referred is cited in S.C.R. 1959 at page 123. Mr. Justice Rand said:

To deny or revoke a permit because a citizen exercises an unchallengeable right totally irrelevant to the sale of liquor in a restaurant is beyond the scope of the discretion conferred upon the commission by the Alcoholic Liquor Act.

The judge went on to point out the danger inherent in such a situation. Mr. Justice Abbott said he was shocked to find the act being administered in such a way. But I would have been even more shocked if there had not been the right of appeal to the Supreme Court against this kind of erosion of a man's civil rights.

Some hon. Members: Hear, hear.

Mr. Woolliams: There is, of course, developing in the British courts a line of law which holds that when the scope of an act has been exceeded there is always the right to appeal to the courts on the grounds that natural justice has been denied. Viscount Kilmuir had this to say after reviewing the operation of powerful administrative boards in Great Britain:

We are firmly of the opinion that all decisions of tribunals should be subject to review by the courts on points of law. This review could be obtained either by proceedings for certiorari or by appeal.

If tribunals act in a judicial capacity and make errors in law, Viscount Kilmuir recommends that the decision may be quashed by order of certiorari in England.

The courts in Scotland do not, however, exercise this jurisdiction to quash a decision for error of law on the face of the record. Moreover, an application to quash a decision on this ground is quite different from an appeal on a point of law.

In the former case the court can only quash the decision, while in the latter case the court may substitute, or in effect substitute, its own decision. Again, in the former case, the court must find the error if it can, on the face of the record. It cannot look at anything else. In the latter case the court can in addition look at the notes of the evidence given before the tribunal if the point of law is whether there was evidence on which the tribunal could in law have arrived at its decision.

But here, as the Minister of Justice so ably stated, where an act is interpreted as being an administrative act, not a judicial act, there is no right to quash the decision of a board, as was done in the case to which I have just referred involving the cancellation of an individual's liquor licence.

These special remedies which exist in the law are good. But they depend upon astute and able lawyers if they are to be effective. Why can the procedure not be simplified so that whenever an individual or an agency of the government feels aggrieved there is the right of review by a judge. If the judge says he believes the commissioner acted in accordance with the principles of law and natural justice, there will be no problem. But if the commissioner goes beyond the scope allotted to him, a remedy will be possible. It is only by granting this right of appeal that the rights of Canadians can be protected. This is why Viscount Kilmuir, after holding hearings throughout Great Britain, said the only thing to do was to give the right of appeal to individuals, to agencies, to Crown corporations, or anyone else affected.

I agree with this recommendation. All lawyers—and the Minister of Justice is no exception—fear today that an all-powerful state is infringing on the rights of individuals. The only way to safeguard the rights we now enjoy is by writing into our laws provision for appeal to an independent judiciary. Otherwise we may find, in this case, that the livelihood of many an individual in the public service is in jeopardy. No one can say that the points I have raised in this regard are not worthy of serious consideration. The other day the Secretary of State said I had made an emotional speech. Well, I have spent days and nights reviewing this situation and reading what has been said about it. Whenever I read decisions and recommendations by the courts I find they all reach the same conclusion. The courts are now holding that the rules or principles of natural justice are in themselves a sufficiently independent criterion of review as