

siveness of Mr. Maxwell, there is a built-in attitude or frame of mind as a result of his extensive communication with the department. Quite frankly, I think he is too involved with the department to look at the situation as one does from the outside. I would caution the minister very seriously and sincerely that while the department does say it sets out to defend the interests of the people of Canada, that is not so in fact. The interests of the Crown become paramount. It is not the interests of the people that become paramount. There is a very grave distinction between the interests of the Crown and the interests of the citizen.

● (4:40 p.m.)

The minister knows that when he was with a firm in Montreal which made a specialty of taking on the Department of National Revenue, those who took cases for prosecution on behalf of the department were not doing so with the interests of the people in mind. This was done on behalf of the government with a capital "G".

**Mr. Turner (Ottawa-Carleton):** In those days we took on every department.

**Mr. Lambert (Edmonton West):** In any event, that was the case. There is one point I want to suggest to the minister which may provide an out in respect of the point made by my colleague the hon. member for Calgary North (Mr. Woolliams). The minister did say that judges would travel on circuit as provided in clause 7 and subsequent clauses. He said a person from Vancouver would not necessarily have to come to Ottawa to pursue a case. There are many interlocutory procedures. This is the point that concerned my friend.

**Mr. Turner (Ottawa-Carleton):** They will be heard there, too.

**Mr. Lambert (Edmonton West):** Interlocutory procedures arise for certain purposes and need one judge. Perhaps this judge will not be travelling at the time. I trust we are not going to have judges travelling around like the stars in the firmament.

**Mr. Turner (Ottawa-Carleton):** There is provision for deputy judges in clause 10.

**Mr. Lambert (Edmonton West):** This is the point, the provision involves difficulties. The appointment of a deputy judge under clause 10 can only occur on the recommendation of the Chief Justice, as I recall it, with the approval of the governor in council. In other words, there has to be an order in council for this. The clause states:

—any judge of a superior, county or district court in Canada, and any person who has held office as a judge of a superior, county or district court in Canada, may, at the request of the chief justice—

I presume that is the chief justice of this federal court. Let me repeat:

—may, at the request of the Chief Justice made with the approval of the governor in council, act as a judge of the Federal Court—

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### Federal Court

I wonder why a couple of superior court or county court judges in a province could not be appointed on a permanent basis. They could hold the position of deputy judge for the purpose of interlocutory proceedings in respect of which one has to obtain an ex parte order or orders that have to be obtained for substitutional service and this sort of thing. I refer to what we call interlocutory applications made in chambers. These are the things in regard to which you are able to go down to see a judge in his chambers. I suggest this would remove a great deal of difficulty. If the judge or members of a federal court did not happen to be in Edmonton, for instance, I, as a barrister with a case for some citizen in hand, could get an order for substitutional service or something of that nature. Under this clause, I would have to wait for the federal judge to come or retain an agent in Ottawa to get that order from a federal judge in his chambers here. I do not think that should be the case.

Let me offer as a sincere suggestion to the minister that one judge could be appointed in the city of Calgary, the city of Edmonton and at other points on a permanent basis so that members of the bar would know they could go to see Mr. Justice so and so, or his honour judge so and so, and get the necessary order in that way.

**Mr. Turner (Ottawa-Carleton):** Mr. Speaker, I do not know whether the hon. member for Edmonton West (Mr. Lambert) is aware that this matter was discussed yesterday. I intervened in the discussion on amendment No. 3, which has already been put to a vote. This dealt with the rota of judges. I hope he will not feel I am being discourteous if I do not reply on this issue, because I am already on record in *Hansard* on the point.

**Mr. Lambert (Edmonton West):** I am sorry I did not see those remarks in *Hansard*. It seems to me the minister might have replied in the same vein to the hon. member for Calgary North because this was a good part of the argument of that hon. member.

Having said that, I will not come to the practicalities of the matter. I suggest to the minister that this will create almost a bar here in Ottawa to deal with the federal court. The minister may shake his head but this happens to be one of the facts of life when working in centres some distance removed from Ottawa. The minister, when practising in Montreal, found it easy to get up here to Ottawa, but I will ask him whether his clients of very limited means could afford to send him from Edmonton or Calgary to Ottawa at an expense of some \$220 just for airfare?

**Mr. Turner (Ottawa-Carleton):** He would not have to do it because the court is on circuit.

**Mr. Lambert (Edmonton West):** Because of the timing, it may be necessary to appear before the court here. One may have to retain an agent in Ottawa to initiate the proceedings because, undoubtedly, they will have to be initiated in Ottawa. Statements of claim and other documents will have to be filed here. There will be a tremendous business created for members of the Ottawa bar. If the minister does not think that is going to increase the costs, I do not know what will. He mentioned that court