

Judges Act

In case the Minister of Justice says: We are not holding anyone up; anyone who wishes may litigate before this court, I ask this question. How many cases having to do with the Green Belt have come before the exchequer court recently? How many people have had to litigate in that court to recover money they were entitled to as compensation for land taken?

• (4:40 p.m.)

The Minister of Justice talks about justice, but let me tell you, Mr. Speaker, how they took land for the national parks. They filed an order in council with a map in the land titles offices in the prairie provinces. They never notified the owners. The owners only got to know about it when they searched the titles.

I know of one lawyer—I shall not mention any names—who for four or five months asked a simple question with respect to an opinion from the legal officers of the Department of Justice. He never received an answer. Prying out information in order to get into the Exchequer Court is pretty difficult. I have had that experience, and I speak with some experience.

When I say that that court is pro-crown naturally I am not passing a slight on the judges of the court, but I do say that court is set up more to serve the crown than to serve Canadian citizens. I do not think people have really thought about these rules and about how much it costs the average citizen to litigate in that court. The routine is that one draws pleadings as in any court and then one has to make an appearance to find out what the issues are. Then the court makes an order. Some of the judges in that court will assist counsel by travelling to various areas throughout Canada. In that regard they have been most gracious, but the procedure is still costly.

Why do the judges of the trial divisions of the supreme and county courts not have the jurisdiction? Why is this jurisdiction lodged in a special court called the Exchequer Court? I would like the Minister of Justice to say why it must have the jurisdiction. What would be wrong with the trial divisions of the Queen's Bench in the various provinces having that jurisdiction? What is the crown afraid of? What are the great governments that have the staff, the power and the money afraid of when they are litigating? If the minister can answer that question then I will listen to him on reform because I believe in legal reform.

Before he became Minister of Justice the minister made a great speech—I read it in the newspapers—on the subject of legal care. This is something that will come; the minister says it has to come. I point out that this country is having trouble finding enough money for medicare, but we might cut down on legal care costs if we provided less costly litigation procedures whereby the average man could arrive at the door of justice. That is what I am talking about.

When I made one point of criticism of the Supreme Court of Canada I was not criticizing the court itself. I was speaking about a decision in reference to the interpretation of a contract. Lawyers have been criticizing the decisions in cases for years but that does not mean they are criticizing the court. I have said that the court is overworked, that it needs more judges and that in my opinion it has done a great job. I am very thankful for the fact that that court was established in Canada. It was a Liberal government that established it, and it is now the final court of Canada. We no longer need to go to the judicial committee of the privy council in England. That was an important legal reform.

I believe, Mr. Speaker, there is one other hon. member who wants to say something on this bill. We would like to see it receive second reading and, if the other parties agree, there is no reason why we cannot give third reading to it today and pass it.

Some hon. Members: Hear, hear.

[*Translation*]

Mr. André Fortin (Lotbinière): Mr. Speaker, I will make a few brief comments. First of all, I would like to tell the Minister of Justice (Mr. Turner) that the viewpoints expressed by the member for Shefford (Mr. Rondeau) are, of course, shared by all the members of the Ralliement Crétitiste.

As was also mentioned by the hon. member for Shefford, I would like to remind the hon. minister about the problem of the administrative tribunals. I am deeply interested in this subject on which I have tabled a motion that will be discussed at some future date. I would like at this time to discuss this matter and, briefly, the administration of justice generally.

Mr. Speaker, justice has now become a political question. This is a regrettable situation in our organized society where everybody has now in mind the "just society" motto. Mr. Speaker, justice must be free of politics in order to ensure its efficiency and its