

Federal Court

Mr. Turner (Ottawa-Carleton): I also know mine by heart, and I make it only in response to the speech of the hon. member. We did introduce evidence to the effect that the federal court is no more expensive for the litigant than any other court. I submitted the tariffs of the Exchequer Court and they compared favourably with those of the Supreme Court of Alberta, the Supreme Court of Ontario and the Superior Court of Quebec. There was very little difference between them.

The hon. member also argued that the federal court is not accessible. Let me tell him it is now on circuit. I have tried to explain that under clause 7 and clause 16 the court is empowered to go on circuit, to go where the litigants want to litigate. If an action arises in the federal court between citizens of Alberta, then the federal court will go to Alberta to hear the action, whether it be an application, motion, or any other type of interlocutory proceeding, or whether it be a trial on the merits or an appeal. The circuit procedure that has been part of the practice of the court for the last two or three years under the present president is now written into the law in statutory form.

The hon. member for Calgary North argued that the procedures of the court are complicated. We have submitted the rules of procedure.

Mr. Woolliams: The minister does not agree with Mr. Henderson.

Mr. Turner (Ottawa-Carleton): Mr. Henderson is very knowledgeable before the court, but he knows as well as I—and I have had a good deal of practice before the court as well, I might add—that the new rules of procedure were modernized and published last year. I say that they are as streamlined and as non-technical as the rules of any of the supreme courts or superior courts of this country.

This is a court that tends to have a certain type of specialty, a certain type of expertise, as a result of the very nature of the sort of litigation that comes before it. It is true that lawyers do not get before the federal court, or will not get before it, as often as they appear before the Provincial county court or superior court. The simple answer to this is that there happen to be more automobile cases, more matrimonial cases, more property cases and more contractual and tortious cases, or *délit* cases, to use the language of the Code Civile of Quebec, than other types of litigation.

However, in regard to matters that have historically and properly placed within the jurisdiction of the Exchequer Court, matters having a national impact, a certain specialized importance, matters that involve the provinces or the federal government and citizens of the country, this court is a useful vehicle for the purpose of administering justice in the interests of the people of Canada.

One final remark, Mr. Speaker. I listen often to the hon. member describing the forces of the Department of Justice being mobilized against the little guy. I would remind him there have been times when the Department

[Mr. Woolliams.]

of Justice has had to take on some of the big landowners in Alberta who are represented on occasion by the hon. member for Calgary North in order to defend some of the leasehold interests in that province. I know his argument is fiction, and I always listen to it with a smile, as I did on this occasion.

The Department of Justice represents the people of Canada and ensures that the people of Canada are properly protected.

Some hon. Members: Oh, oh.

Mr. Turner (Ottawa-Carleton): It ensures that the laws of taxation are fairly administered. Sometimes the Department of Justice, on behalf of the people of Canada, has to prosecute tax evaders and the like. It also has to make sure that the people of Canada get the best price in cases of expropriation. So I suggest his argument works both ways.

The department tries to recruit the best lawyers it can. It is true to say that 50 per cent of the cases coming before the Supreme Court of Canada and 50 per cent of the cases coming before this court are brought on behalf of the people of Canada. We bring cases dealing with admiralty matters, taxation, industrial property cases and expropriation. I think the people of Canada expect the Department of Justice to represent them as best it can, and the department will continue to do so, even against clients represented by my hon. friend from Calgary North.

Mr. Deputy Speaker: I understand the hon. member for Calgray North wishes to ask a question.

Mr. Woolliams: Assuming for a moment that everything the minister says is acceptable, rather than letting the minister or his department decide, has he any objection to letting the people decide whether it is cheaper to litigate in court A compared with court B? That is all I am asking. What is the objection to letting the people decide?

An hon. Member: No answer.

Hon. Marcel Lambert (Edmonton West): Mr. Speaker, may I first of all apologize to the House. I misread part of a report, which was more or less a synthesis, with regard to clause 41 (1) and (2). The hon. member for Greenwood (Mr. Brewin) moved an amendment in the committee which was negatived on division. I said that it had carried seemingly without discussion, and I apologize to the hon. member for innocently misleading the House. I goofed on that one.

There does not seem to have been much continuity to the discussion but I can readily understand some of the points made by the minister, though I was not so persuaded by some of the arguments put forward by the deputy minister, Mr. Maxwell, at the committee hearings, particularly in view of some of the final amendments made by the committee which appeared in the report of June 9. It seems to me that, notwithstanding the persua-