

Government Orders

quite absurd. We have had a ruling by the Speaker on that point.

Certain advertisements were taken in the newspapers of this land purporting to say that a certain tax is law when, in fact, that tax was proposed to become law. It was understood that it was inconsistent with the privileges of the House that a bill, which is before the House, should be regarded during that time as law.

Therefore, Madam Speaker, I think it was reasonable and just to consider that those who acted on the decision of the court, namely that the government did not have the right to recover this money, notwithstanding that the government had indicated that it was going to change the law if Parliament agreed. Nevertheless, the law had not been changed.

Parliament no doubt will agree to the law in a general sense, but it is not law yet. It may be law very soon, but it is not law. It is a proposed law and, therefore, I believe it would be undermining the country's respect for our courts if the government took the stand that the decision of the court was null and void.

I think the government has a perfect right to say it does not like the decision of the court and that it will now institute a law which will give a different result from the court's decision in future cases. This is not to say that the court did not make the decision, or had no right to make the decision that the Supreme Court of Canada upheld implicitly by declining to hear an appeal against it.

• (1620)

When I was a boy growing up in my father's family and he argued civil cases in the courts of Winnipeg, we sometimes had disputes at the supper table over the difference between what is legal and just. As far as I can remember, my father always won the arguments. He said: "The court has to try to do what is just. It has to make a decision within the facts that it has." Therefore, one could say that the court's decision is approximate justice, even if it is not perfect justice. It is not possible to get perfect justice in practical situations. We can only get closer to perfect justice.

The decision of the Supreme Court of Alberta was an attempt to get justice, because as the law stood it was unclear. That does not contribute to justice. A decision was made, and no doubt that decision prompted the action of the government in undertaking to change the law. That is all well and good. It is a reasonable thing to do, and we support it.

But to say that the court had no right to make its decision, that it was wrong to make its decision when it was upheld by the highest court in the land implicitly, or that the court's decision should be ignored and that *caisse populaire* and any other lenders should have ignored the court's decision and not acted on it in the proper conduct of their business, seems to say that any court decision of the land could be found worthless, not by the decision of a higher court but by a later, retroactive piece of legislation. Certainly, it would undermine the respect we hope people will have for the courts of this land and the respect they should have for the decision of a court when it is upheld at the highest level. People should act according to the decision, rather than waiting to see if some day some government will pass a law that will wipe out that decision retroactively.

If the government is not able to collect the money in this retroactive way, I would ask all my hon. colleagues across to consider that the loss of revenue to the government and to taxpayers is much less serious than the loss of the public's respect for the courts. It would be more serious in the long run for the public to lose confidence in a court's decision being the law of the land to the extent of the power of that court.

It would be much better to adopt the amendment my hon. friend has introduced. Then, the law will be an improvement on its predecessor.

Ms. Lynn Hunter (Saanich—Gulf Islands): Madam Speaker, before I begin my comments on this issue, I want to extend my congratulations to you in your appointment as Deputy Speaker.

Some hon. members: Hear, hear.

Ms. Hunter: Sometimes we have an opportunity in the House to consider and speak on a relatively obscure bill or on an amendment thereto. This is such an occasion.

The principle behind the amendment of the hon. member for Essex—Windsor is very important. As a