

considered when that amendment is reached. It is my thought that perhaps this proposed motion is irrelevant in the sense that it is beyond the scope of the legislative item that it seeks to amend. I would not like to go into details of the matter at the present time, but the hon. member might give some thought to my suggestion.

● (3:10 p.m.)

There is also a difficulty relating to the recommendation. The recommendation we have received and which is part of the bill at the present time, might not cover the amendment which is proposed. Again, this difficulty, if it really exists, is one which, I think, might easily be dealt with. But we could discuss this point when motion No. 19 is reached. We now propose for the consideration of the House, motion No. 3.

Mr. Woolliams: I wonder whether I might say something at this stage on a point of order affecting a matter of procedure. The chairman of our committee on legal affairs, a committee which is, of course, subject to this House, had, at our request, called witnesses to give evidence along the very line of these amendments; in fact, 99 per cent of the time of the committee was taken up in this regard and preparations were made for very extensive arguments reflecting what the witnesses had said in relation to the amendments in question. In these circumstances I would have thought that surely, at some stage prior to this, we would have been placed in a position to discuss Your Honour's ruling, if only as a matter of courtesy to those who had spent many hours of work on the amendments without the benefit of help from a research department. Unlike the minister, who, of course, is able to rely upon a great deal of help, we had to do much of this work ourselves. In this case, it was done by a very small group. Surely, if a decision from the Chair was to be forthcoming we might have been informed by an officer of the House of Commons that these amendments were to be challenged, so that we might have been prepared to argue the matter. In this instance, with the greatest respect, Your Honour had your judgment already prepared. I was out of court before I even got in. Ought there not to be a simple procedure which would be of great assistance in connection with this new committee system, by which we could be informed beforehand?

With regard to the calling of witnesses, may I point out that on two occasions there were equal votes in committee, and each time the tie was broken by the chairman. The witnesses were called at the wish of the steering committee, not at the request of our side. Surely, after all this work, after all the printing of evidence in both languages, we should have been placed in a position where we could have had, arguments to meet the judgment which Your Honour had already prepared?

I would hope that in future movers of amendments could be notified beforehand that the Chair had taken objection to them on certain grounds. Hon. members concerned would then have an opportunity to brief themselves so as, at least, to discuss the matter intelligently with Your Honour. Alternatively, they could rise and say

that having considered the arguments put forward they agreed with the ruling of the Chair. I have never encountered an experience like this. We are out of court before we start. Your Honour has a written judgment already prepared.

Mr. Speaker: Order. I suggest to the hon. member that perhaps his comments are somewhat unfair to the Chair. He knows that the Chair has to consider these questions in advance, especially when faced with a large number of motions. Even if the hon. member himself were the occupant of the chair, I am sure he would wish to give such matters advance consideration, to have some idea of the procedural position.

At the same time, I recognize the hon. member has a valid point when he suggests that he and his friends are placed in an unfortunate position when they come to the House prepared to discuss motions on which they have spent a good deal of time only to find they are ruled out of court. This is obviously unfair to the hon. member in some way. Perhaps the Chair should take into consideration the valid suggestion of the hon. member that when some doubt is felt about the validity or the acceptability of amendments from a procedural standpoint, hon. members might be given notice in advance so that they can prepare themselves accordingly. I will certainly take this under consideration and do everything that is possible to inform hon. members in advance of difficulties which may come up. We have, on occasions, followed this procedure.

Some time during last session there was one instance when a large number of motions under this standing order were proposed for the consideration of the House; hon. members more directly concerned were informed in advance that some difficulty had arisen in connection with them, and we had an opportunity to discuss these matters outside the House and then inside the House. Perhaps this is what should have been done in the present instance. I thank the hon. member for Calgary North for making his suggestion and we shall attempt to follow it as closely as we can in the future.

Mr. Eldon M. Woolliams (Calgary North) moved:

That Bill C-172, an act respecting the Federal Court of Canada, be amended by striking out clause 7 on page 5 thereof and substituting the following:

"7 (1) The Rules may provide for a rota of judges to provide for a continuity of judicial availability in any centre where the volume of work or other circumstances make such an arrangement expedient."

(2) No judge shall be required under rules made under subsection (1) to remain in any centre other than the National Capital Region for a period longer than one month, unless it becomes necessary to do so to complete the hearing of a cause or matter, or unless he consents thereto.

He said: This is an amendment which would apply to clause 7. Before beginning my argument I might read the existing clause, as follows:

A judge of the court—

Which means a judge of the Federal Court with the jurisdiction as spelled out in the act—shall reside in the National Capital Region described in the Schedule to the National Capital Act or within twenty-five miles thereof.