

Judges Act

that body is attacked. Without doubt, someone in the minister's department looked into the matter I am about to raise. Let it be understood that in talking of the exchequer court I am not trying to slight the personnel of that court.

An hon. Member: Never.

Mr. Woolliams: I hear some hon. member muttering. If he has something to say, let him stand up and say it.

Some hon. Members: Hear, hear.

Mr. Woolliams: Too many people speak from the bottoms of their pants rather than from the tops of their heads.

Mr. Howard (Skeena): What's the difference?

Mr. Woolliams: If the exchequer court is so full of equity let the Minister of Justice say why the claim of the Indians on the Blackfoot reservation, a claim respecting oil rights, has been before that court for a number of years. I will tell the minister the reason. The Indians cannot obtain money from the Department of Indian Affairs to pay the costs of a very expensive lawsuit. They cannot obtain justice. Let the minister answer that.

Many lawyers would not raise the points I am raising; they are frightened. No doubt I shall appear before that court again and someone will refer to what I have been saying. I am not afraid. I am not one of those who will stand up and say that everything is fine. I do not believe that all institutions are sacred cows. Sometimes some matters have to be spoken of frankly. That is what democracy is about. If we are to have a just society we must have reforms. We must not allow the status quo to continue if it does not suit our purposes, and here I differ with our conservative Minister of Justice.

The minister cannot in all honesty say that the average citizen of this country is able to litigate in the exchequer court. It is not so difficult for those living in central Canada but for those living in Vancouver, Alberta or even Saskatchewan—

An hon. Member: Or Newfoundland.

Mr. Woolliams: Yes, or in Newfoundland—it is extremely difficult to fight expropriation proceedings. Our citizens must come here and fight the Department of Justice itself.

I remember one instance where officers of the department refused to answer certain

[Mr. Woolliams.]

questions on examination for discovery. I do not know how many questions one officer objected to answering. Finally we had to obtain a judge's order forcing the department's officers to answer our questions. That was expensive.

Who pays for a lawyer to fly the 2,600-odd miles from Calgary to Ottawa? Who else but the poor old client. The point is that if jurisdiction in these matters were given to the trial divisions of the superior or supreme courts of the province, the average citizen could afford to litigate. At present he cannot afford to.

Our conservative Minister of Justice may not have been the kind of lawyer who represents the average man. He may have dealt with corporations, and corporations can afford the luxury of litigation. The average man cannot. We need reforms in this area if our society is to become a just society.

Mr. Turner (Ottawa-Carleton): Go on.

Mr. Hees: That is quite true.

Mr. Turner (Ottawa-Carleton): Go on.

Mr. Woolliams: That is not all. Everyone knows that the lawyers assigned to defend poor people under legal aid are not of the same calibre as those who are retained by corporations.

Mr. Hees: Hear, hear.

Mr. Woolliams: We must have reforms in our exchequer court. I could easily say that it is the greatest court in the world and, when I appeared before that court, expect someone to say, "Good old Eldon, isn't he wonderful?" We must have reforms if we are to arrive at a just society and if we are not to have one law for the rich and another for the poor.

Frankly, I am shocked by the rules governing the court and I say to the Minister of Justice that those rules are identical with rules governing certain British courts. Similar rules governing the trial divisions of certain provincial courts were rescinded several years ago. The rules set out how one must come before the court and what steps one must take to do so. Those rules ought to be rescinded and jurisdiction in exchequer court matters given to our supreme and superior courts. The exchequer court, in a manner of speaking, was set up for the benefit of the crown and as such, as many lawyers will tell you, it is pro-crown. If litigants had cases tried in provincial courts they would have a better day in court at less expense.