

Supply—Justice

dealing with others I had found this experience. But when you are dealing as a member of one enterprise with a member of another enterprise, two lawyers who are free enterprisers in the same city, you are able to make decisions over the telephone and reach expedient agreements. The lawyers in the Department of Justice work under a great disadvantage. They are always responsible to some other person and cannot act or conduct their affairs as an average lawyer can when dealing with a local lawyer.

• (5:10 p.m.)

You will find when you get into the higher courts, and I have been in the high courts of the provinces, that the higher the court is the simpler the procedure and the better the quality of justice. In the Supreme Court of Canada you will find the greatest grace in the judges. I am not being critical, but the department's lawyers do not expedite matters as quickly as outside lawyers would. To illustrate what I mean let me say that I wrote to the department of northern affairs over two months ago with respect to some land. They said, "We must refer this to the Department of Justice". It was a matter in which Mr. James Boyce of Banff was interested. I have yet to get a reply. I might have to wait for a year. We are told that they have a great volume of work to do or that the matter must be strained through many fingers before an answer can be given.

An hon. Member: They are not efficient.

Mr. Woolliams: They are not efficient. The department's lawyers have to be very careful. They cannot say as an outside lawyer would say, "Look Eldon, I think this will happen; let us take a look at this thing." Within 24 hours of writing you have the answer. You are lucky to get an answer from the department or from any crown agency within 24 days. Delays like that lead to frustration.

Let me come to my next point. If you are not satisfied with an Exchequer Court decision you may want to appeal to the Supreme Court of Canada. There is one law for the rich and one law for the poor, and this has never been more apparent than today. You must pay the court reporter at so much per line or so much per page. In the instance I am thinking of where land use was in question and a town was to be built on a tract of land, it was thought that an appeal might help. When the cost of appealing was looked

into the appellant said, "We cannot go on; we have no more money."

Let me tell hon. members what it would have cost to buy the evidence, forgetting about the lawyers entirely. The cost of printing the exhibits for the Supreme Court of Canada would have been \$2,464. The pleadings would have cost \$430 to print and the proceedings at trial were estimated to cost over \$2,000. Altogether we had to raise \$4,894 to buy the evidence before we could even proceed with the appeal. When they heard of these amounts the appellants said, "We have heard enough." That illustrates what I mean when I say there is one law for the rich and another for the poor. Those without means cannot litigate against the all-powerful state. Those who legislate in parliament and those who draft legislation do so keeping the interests of the crown uppermost in their mind. The poor citizen, the litigant, has everything stacked against him. The onus is on him to buy the evidence. To fight the sort of case I have just spoken of would cost \$25,000. I say that the ordinary citizen cannot afford to litigate in the Exchequer Court and cannot afford to go to the Supreme Court of Canada if he is not satisfied with the Exchequer Court's decision.

In all seriousness let me say to the minister that I am glad to have this opportunity, as chairman of the justice committee of the Conservatives, to speak of these matters. The jurisdiction of the Exchequer Court must be reviewed. The fees of court reporters must be reviewed. It cost so much a line or so much a page to buy the evidence of any proceedings recorded in the Exchequer Court.

The criminal courts are administered by the provinces. Judges are appointed by the federal government and paid by the federal government. Over the years a system of legal aid has been evolved whereby those who need legal help are able to obtain it. The attorney general of a province will buy the evidence of a preliminary hearing for someone who cannot afford to buy it. Do you know, Mr. Chairman, that a volume of evidence as thin as this volume which I hold in my hand will cost you from \$90 to \$100? Not only will the attorney general buy the preliminary hearing evidence but he will also appoint a defending lawyer. That is all very well in criminal cases, but where is the money to come from for those who want to fight the all-powerful crown agencies? What a difference there is in the chances of those who, facing criminal proceedings, have the means to gather evidence and to hire their