member's office to get the material. I understand that the hon. member was involved in a press conference and revealing the material during the course of that conference; perhaps that is why I could not obtain the material at that time. I am aware that he did try to get in touch with me this morning but I was not available, being involved in cabinet and other meetings. I would be more than happy to meet the hon. member right now, after the question period, and to see that material if he will let me have it.

Mr. Speaker: Orders of the day.

Mr. Jelinek: Mr. Speaker, I rise on a point of order to clarify what the minister has said. I was with the press immediately after the question period, but I went to the office and waited—

Mr. Speaker: Order, please. The hon. member raised the subject which, as I have already indicated, does not constitute a question of privilege. I do not think it is fair to other hon. members to continue this proceeding. Orders of the day.

GOVERNMENT ORDERS

[*English*]

SUPREME COURT ACT

AMENDMENTS RESPECTING RESIDENCY REQUIREMENTS FOR JUDGES AND APPEAL RIGHTS

Hon. Otto E. Lang (Minister of Labour) moved that Bill S-2, to amend the Supreme Court Act and to make related amendments to the Federal Court Act, be read the second time and referred to the Standing Committee on Justice and Legal Affairs.

He said: Mr. Speaker, I think hon. members wish to pass this measure, so I will say only a few words at this stage. The purpose of the bill is to amend the Supreme Court Act and the Federal Court Act in order to bring under control the workload of the Supreme Court of Canada.

The workload of the court at present is too large, and the court therefore has fallen behind in the hearing and disposition of appeals. The main reason for this is that there are too many cases coming before the court under the present provisions whereby an automatic right of appeal is given in actions involving at least $10,000.

In the past few years it has become obvious, from the number of cases left over from previous sessions of the court, that there is a serious problem in relation to the workload of the court; particularly in 1970, 1971 and early 1972 a large number of cases remained to be dealt with at the end of each session.

My predecessor, who was minister of justice then but is now the Minister of Finance (Mr. Turner), wrote to the President of the Canadian Bar Association to ask that body to examine the work overload of the Supreme Court and to make suggestions about what might be done to correct the situation. The then President of the Canadian

Bar Association followed up that request with the appointment of a committee under the chairmanship of B. J. MacKinnon, Q.C., of Toronto. The other members of the committee were: George S. Cumming, Q.C., of British Columbia; J. H. Laycraft, Q.C., of Alberta; Keith Turner, Q.C., of Manitoba; François Mercier, Q.C., of Québec; D. M. Gillis, Q.C., of New Brunswick and I. Norman Smith, for many years the editor of the Ottawa *Journal*. Professor W. R. Lederman of Queen's University was the research officer for the report.

The report of the special committee was made to the Canadian Bar Association well over a year ago. A copy of that report has been printed as Annex "A", to the report of the Standing Senate Committee on Legal and Constitutional Affairs of Tuesday, November 12, 1974. The special committee reached the conclusion that the Supreme Court was, in fact, overloaded and that the principal reason was that there were too many civil cases coming to the court under the automatic entitlement to appeal where more than $10,000 was involved in a case. The special committee concluded also that many such cases were not worthy, by the test of public importance, of a second appellate review.

It should be made clear at this point that the report and the bill are solely concerned with a second appeal in that they relate to appeals to the Supreme Court after the hearing of an appeal before the provincial court of appeal or the federal court of appeal.

The committee found, upon examining the workload of the court in recent years and making comparisons with the Supreme Court of the United States, the House of Lords and the Judicial Committee of the Privy Council, that latterly there have been more cases than the court could reasonably be expected to deal with, and the committee accordingly made some recommendations. Its first and principal recommendation was that all appeals in civil cases to the Supreme Court of Canada should require leave from a panel of judges. Appeals as of right in such cases should be abolished. It further recommended that the present rules should be continued in relation to criminal appeals and reference cases.

A summary of the committee's recommendations is as follows: First, the abolition of appeals as of right in civil cases should be made fully effective without delay; second, present procedures for hearing applications for leave to appeal should be continued; third, the judicial definition of elements of public importance should govern when applications for leave to appeal are granted or refused; fourth, certain questionable uses that might be made of appeals as of right in civil cases would be precluded by the abolition of such appeals; fifth, the Supreme Court of Canada should remain the general and final court of appeal for Canada on all subjects. The court should not be limited to so-called federal questions.

I say as an aside that that safeguard had been proposed as one way of limiting the work of the court, but the committee felt that it was undesirable to limit the court in that way.

It further recommended that, sixth, the Supreme Court of Canada should continue at its present size of nine judges, but if the principal recommendation does not bring the necessary relief from case overload after a trial period, enlarging the court should then be considered; seventh,