

HOUSE OF COMMONS

Thursday, November 8, 1984

The House met at 11 a.m.

• (1105)

GOVERNMENT ORDERS

[English]

ONTARIO AND MANITOBA COURTS AMENDMENT ACT

MEASURE TO ESTABLISH

Hon. Ray Hnatyshyn (Minister of State (Government House Leader)): Mr. Speaker, I rise on a point of order. I just want to indicate before we proceed with this legislation that the Minister of Justice (Mr. Crosbie) is just coming from Cabinet where we have been discussing matters; he will be here in a moment. I believe he is coming in now, so I guess we can get on with the business.

Hon. John C. Crosbie (Minister of Justice) moved that Bill C-3, an Act to amend various Acts as a consequence of the reconstitution of the courts in Ontario and Manitoba, be read the second time and referred to the Standing Committee on Justice and Legal Affairs.

He said: Mr. Speaker, it is very good of you to be so patient and understanding at such an early stage in what I am sure will be your most eminent career as Speaker.

The legislation before us is necessary because of initiatives taken by two provinces, Ontario and Manitoba. It has to do with the reorganization of the courts in those two provinces. In putting forward this legislation, we are responding to requests from those two provinces to bring our laws into conformity with their legislation.

In the case of Ontario, they are reconstituting the County and District Courts into a single District Court of Ontario. In the case of Manitoba, this reflects the merger of the County Courts in Manitoba with the Court of Queen's Bench which was effective on July 1, 1984.

These amendments, as anybody who has read the Bill will agree, are largely technical in nature. Their purpose is to delete obsolete references in federal legislation to courts and judicial officers in those two provinces. The amendments, you will also note, are contained in the schedule to the Bill. With respect to Ontario, they have a new Courts of Justice Act there, as I say, which provides for a province-wide District Court. There are two amendments that might require a little further explanation.

There is an amendment to Section 34 of the Judges Act which preserves the present requirement that judges reside within the county or district to which they are appointed or assigned, subject to a discretion in the Governor-in-Council to permit residence elsewhere of the judges of the District Court. It is preferable for a judge to reside within his own county or district.

I see the Hon. Member for Vancouver-Kingsway (Mr. Waddell) is back in the House. It is a bit of a surprise to see him back here. Nevertheless, I welcome him back. I note with some interest that he is not the justice critic. The justice critic is a colleague of his from the lower mainland. I hope the lower mainland will not be any lower than it was in the last Parliament.

Mr. Deans: Unlike the Tories, we wanted someone who knew what they were talking about.

Mr. Crosbie: I am glad to see that he has been re-elevated to the justice level after his experience with the issue of prostitution.

Mr. Deans: Tell us about the economic statement tonight.

Mr. Crosbie: I would sooner discuss what I am discussing because this is what I am supposed to discuss. I am a member of the silent service. I am going to keep strictly within my own area of jurisdiction.

This is a matter of tremendous national importance. It is important that a judge reside in his own county or district. Please don't try to divert me.

Another very significant part of this legislation is that we are amending the Railway Act because the Province of Ontario has abolished the office of clerk of the peace and has requested the transfer of the record-keeping functions presently exercised by that officer under the Railway Act to the office of the Crown Attorney. If you understand that, you are far ahead of me.

With respect to Manitoba, all references to the former County Courts are deleted and now the references are to the Court of Queen's Bench of Manitoba. One thing that might be noted as well in the amendments is the repeal of paragraph 21(5)(d) of the Judges Act which presently prohibits the payment of travelling allowances to a judge of the Court of Queen's Bench for attendance at the City of Winnipeg. Since these courts have merged, a number of judges are required to reside in judicial centres other than Winnipeg, so we are repealing that provision to permit the payment of validly incurred travelling expenses by judges of the court for their attendance at the capital.