I wish to analyze briefly the jurisdiction of the Federal Court. The hon. member sought to give the impression that this bill was the expression of a reaching out for power on the part of the Crown. Well, the jurisdiction of the federal court differs from the present jurisdiction of the Exchequer Court in only a very few aspects. First, there is a jurisdiction of review and appeal over federal boards and tribunals. That is an extension of jurisdiction. The second extension is concurrent jurisdiction with provincial courts over matters involving promissory notes or bills of exchange, where the Crown is a party. The third extension is a concurrent jurisdiction with the provincial superior court in matters concerning aeronautics. Those are the only extensions in jurisdiction given.

I wish to analyze the jurisdiction of the Exchequer Court and the Federal Court and attempt to explain it, through this House, to the people of Canada. Historically, the act was set up because there had to be some forum in which claims could be made against the Crown in right of Canada. So all actions against the Crown in right of Canada are taken in the Exchequer Court—and if I use the term "federal court" I am not doing so on the assumption that the House will pass this measure but to make it more convenient for hon. members by using a consistent terminology.

There are certain branches of federal law which, for historical and practical reasons, come before the federal court. This is because they are complicated, because litigation is specialised and because a certain expertise has to be developed. They involve questions of Admiralty, of industrial property, patents, trademarks and copyright, expropriation, estate tax and income tax. As I say, this type of law is specialized. It often involves the Crown and it has been adequately handled by the Exchequer Court in the past. As a matter of fact, several judges from provincial superior and supreme courts have advised me privately that they wished jurisdiction over industrial property could rest exclusively with the federal court. They say that a case involving patent or copyright so seldom comes before a provincial court that the judges lack the necessary background or expertise to deal with it, properly and trials are unnecessarily long because of lack of experience in this type of case.

There are other branches of federal law which are left to provincial courts—divorce and bankruptcy, both of which fall within the jurisdiction of Parliament. It is worth noting that because of the technical nature of these branches of the law, the law itself has to be supplemented by very full sets of rules. Indeed, in these two fields, the rules from a procedural point of view are almost as important as the substantive provisions of the act itself. In order to place a technical branch of the federal law within the competence of a provincial court it is necessary to supplement it with extremely comprehensive rules. Some Chief Justices of provincial courts have suggested to me that the federal government ought to take bankruptcy cases away from the provincial courts and give them to a federal court. There are a number of judges in Ontario and Quebec who would prefer to see the federal bankruptcy law handled by the Federal Court.

• (4:30 p.m.)

We are not grabbing back jurisdiction, as the hon. member suggests. We have left bankruptcy where it is, and we have left divorce where it is. As a matter of fact, we are hoping that divorce cases will be handled not only by superior courts, but that advantage will be taken of the latitude in the law and that county courts will handle divorce as well. I would inform the hon. member for Greenwood (Mr. Brewin) that there is sufficient latitude in the law, in my opinion, to allow county court judges in Ontario or elsewhere to hear divorce actions.

There are certain branches of the law with national impact involving litigation that crosses provincial boundaries and which is probably better handled by a federal court than a provincial court, where only one party to the action might be in his home territory. This is why we suggested concurrent jurisdiction in the the aeronautics field. Supposing there was an air tragedy involving a major air line; it is likely that the passengers on the aircraft would come from more than one province. On the other hand, in the crash of a small plane in the Okanagan valley involving two or three people from British Columbia, any subsequent litigation obviously should properly be brought before the Supreme Court of British Columbia, and there is nothing in this federal court bill to take away this jurisdiction.

However, in the case of a national disaster involving passengers from every province in the country and even from abroad, rather than have a host of actions brought in various provincial superior courts or supreme courts all across the country, it would be better for all litigants to have one forum where the action can be decided at one and the same time.

So there is no federal power grab, to use the synonym of the hon. member for Calgary North. The jurisdiction is not being increased except in the three areas I have described. The jurisdiction has been increased in the field of promissory notes and bills of exchange where the Crown in right of Canada is party to the action, and in the field of aeronautics. In both these areas the jurisdiction is concurrent, not exclusive. There is still concurrent jurisdiction left with the superior courts.

In reviewing the supervisory jurisdiction of federal boards, commissions and tribunals, the whole rationale of the bill is that there should be a review procedure, whether by way of the traditional common law prerogative writs or the new statutory review remedy available under clause 28. Right of appeal under specialized statutes is preserved under clause 29.

As I say, there should be a common forum so that the federal boards cannot be attacked or harassed by a multiplicity of jurisdictions. Federal boards should be dealt with on a federal basis. I make no apology for this because in clauses 18, 28 and 29, as I said yesterday, we are setting up the infrastructure of public administrative law in this country, a branch of the law that has been too weakly developed to this point.

The hon. member for Calgary North adduced an argument that I know by heart.

Mr. Woolliams: I know yours too.