

Federal Court

It seems to me that in this age of the rapid adoption of socialistic measures in Canada, where every day we are coming more and more under the decisions of tribunals of one form or another—what the lawyers would call quasi-judicial bodies—there is a great need for some court of this sort. I think there are many provisions in this bill with which I can agree.

Perhaps some of the provisions in the bill are long overdue and, projecting into the future, no doubt federal courts will become more important. But from the point of view of the ordinary voter, the man in the street, I can foresee some dangers. We have had the prerogatives of the Crown, writs of habeas corpus, writs of certiorari, writs of mandamus—some of these for 700 years—and perhaps because of human nature we have had to preserve these extraordinary rights. Because all courts are made up of human beings, there must be procedures for appeal. But it seems to me, Mr. Speaker, that if we are to put all our eggs in one basket, if we are to give any one federally appointed court sole jurisdiction in these matters, at a time when governments at all levels can interfere deeply with the private fortunes, property and affairs of each single individual in Canada, I for one would at least like to have the assurance that this court does not become a faceless monster in the capital city.

I go along with the idea that we need to have appeals, and that we do need a strong federal court to deal with many of these matters. But I do not think it is necessary to panic the Canadian people and this House into accepting the opinions of legal experts. That is why I do not hesitate to stand here for a few moments to give my opinion. Today, the War Measures Act gives us a very good basis for my argument. Habeas corpus has been suspended indefinitely, or we have a six and a half month moratorium on it, and if you trust our government, our Prime Minister (Mr. Trudeau) and our Minister of Justice (Mr. Turner), which undoubtedly many of us do, you can say that our future and our security are in good hands. But, Mr. Speaker, governments change rapidly these days—

Mr. Deputy Speaker: Order. I know the hon. member will move very quickly to make his remarks relevant to the motion before the House. I think that at this stage of our proceedings it behooves all hon. members, and the Chair, to keep the debate confined within the terms of relevancy.

Mr. Bigg: Mr. Speaker, I do not know how I can be more relevant than to bring to your attention, and to the attention of all hon. members, that this bill and any amendments made to it affect the lives of all hon. members and of all members of the Canadian public. I do not see anything that could be much more relevant. There is a need for those of us who are not experts in the law, who are not completely enmeshed in professional attitudes, to express our views.

For instance, this bill provides that all the judges shall reside in Ottawa where they will be out of touch with the people. Unless they are strange men, after 15 or 20 years of living in the rarified atmosphere surrounding the

[Mr. Bigg.]

higher echelons of the civil service, circulating among judges of the Supreme Court and other judges of their own rank, they will probably lose that touch with the little people which is very essential in order to make decisions on such matters as the expropriation of land, as well as the settling of labour and other disputes. It may be true that one of the national parks needs homesteads, or that a game preserve or community pasture should be made out of it. It is, nevertheless, important for us in a democratic society to have full confidence in any judge before whom we may appear. He must remain aware of the sentiments and attitudes which have developed over the ownership of a piece of land. He must also know that the attitudes of those who live in western Canada will be different from the attitudes of those who live in the maritimes, or Newfoundland. I must support what a previous speaker said when he entered a plea in this regard. It is not good enough for justice to be done; we must know that it has been done and feel it has been done. I cannot go along with the assurance of the Minister of Justice. I am opposed to passing Bill C-172 in its unamended form.

• (4:10 p.m.)

Prominent members of our community do not agree entirely with the minister's views. I do not wish to go into details and take up the time of the House. Prominent men, no matter whether or not they are learned members of one of our committees, may not be able to influence the actions of the government. Evidence of this is to be found in the way the government has reacted to committee reports, and especially to the report of the Committee on Veterans Affairs. That report does not seem to have influenced the Treasury Board or the members of the front benches. I think all members of the House ought to take a little more interest in this matter. It is a very important one since it deals, as I said, not only with the prerogatives of the Crown, but with our ancient personal rights and remedies.

At the risk of boring hon. members may I allude to some Latin words. I am one of those who does not understand Latin very well, yet I believe the most important phrase for us to consider at present is habeas corpus.

An hon. Member: You have the body.

Mr. Bigg: At present a person's very right to appear among his friends and, in some cases, to be represented by legal counsel is threatened to the Nth degree. I heard the Minister of Justice himself assure us just a few moments ago that a man detained under the War Measures Act is not denied access to counsel. I will not put words into his mouth or suggest anything devious in his assurance, but that assurance does not spell out exactly how the man is to get in touch with counsel. Is he denied this right for a possible 90 days, as set out in the War Measures Act, or is it to be for some shorter period of time?

Mr. Gibson: The government is bringing in a measure next week.