perintending jurisdiction. It is for this reason, plus one other that I shall mention shortly, that the conclusion was reached that this superintending jurisdiction should be vested in a single court that enjoyed the same nation wide jurisdiction as the federal boards, commissions and tribunals themselves. The bill is therefore designed to create a single and uniform basis of superintending jurisdiction in relation to federal boards and commissions and to place them on the same footing in this regard as provincial boards and commissions.

I said there was another reason for this change in the administrative law applicable to federal boards, commissions and tribunals. It appears that the superintending jurisdiction now exercised by provincial superior courts over these federal tribunals arises out of what may be fairly described as pre-Confederation legislation that has not yet been repealed or modified by the Parliament of Canada. That being the case, it seems readily apparent that no significant improvements can be made in the existing superintending jurisdiction of the provincial courts over federal boards, commissions and tribunals by the provincial legislatures and that unless changes are made by Parliament, resort will have to be had to the ancient remedies of prohibition, certiorari, quo warranto, mandamus and the like. What I have said is based on the unanimous judgement delivered by Mr. Justice Fauteux, as he then was, in the Supreme Court of Canada—he is now the Chief Justice of this country—in the case of *Three Rivers Boatmen Ltd. v. Canada Labour Relations Board et al,* on May 13, 1969.

There is a growing feeling among those who practice law and those who observe the judgments of the courts that these ancient common law remedies are no longer adequate for present-day purposes. We as legislators must surely be certain that when we set up a statutory body to administer the fine legal principles in accordance with defined procedures, or in accordance with the rule of law and natural justice as interpreted by the courts, the jurisdiction we have created and conferred will be exercised properly and for the proper benefit of those for whom it was established. There is only one mechanism that can afford us that satisfaction, and that mechanism is the duly constituted and independent courts of this country.

I believe that our courts must be properly empowered to make certain that the jurisdiction which Parliament has created and given to boards and tribunals is exercised in the way that Parliament intended the jurisdiction to be exercised. For this reason, the bill provides that the new court of appeal will have jurisdiction to review the decisions and orders of the federal boards, commissions and tribunals stripped of the archaic legalisms that have traditionally applied to the old remedies.

I think I must make a distinction here between policy and administration on the one hand and the quasi judicial and judicial aspects on the other. Parliament sets up these statutory tribunals such as the Canadian Transport Commission, the Canadian Radio-Television Commission, the National Energy Board and other boards. We deliberately delegate to all those boards and commissions a certain range of policy decisions that have to be made falling within a general area of competence. We do this because we want a certain independence in those decisions, because we want to withdraw the decision-making power to a certain degree from the political arena, and because ministers and departments do not have the necessary opportunity and time in certain cases to deal with and address their minds to those problems.

In so far as policy or the administrative function is delegated, there is no intent that the courts should supplant the policy determined by tribunals and commissions. Parliament delegated the administrative policy to those boards; the courts should not interfere. The courts should not supplant their policy for the policy that Parliament determined should be decided by those boards. There is nothing in this bill that does that.

Where an administrative tribunal—I am talking now within the federal sphere—exercises a judicial function, or that gray area between the judicial function and the administrative function which is known as quasi judicial, where there is a dispute or contest between parties by way of an application for a licence or the determination of a rate structure, or where two or more parties have to be heard and a decision rendered by the administrative tribunal, that judicial or quasi judicial function should be exercised according to certain principles, principles of natural justice. The members of the board should have no conflict of interest. Every party should have an opportunity for a hearing. Each party should have the opportunity to hear the other party's case, cross-examine, obtain production of documents and have before him the evidence upon which the board or tribunal makes its decision.