

Federal Court

cars A and B and car C, an RCMP vehicle. Because the Crown is involved this must be decided in the new federal court. A and B can have their case decided in the provincial court. What happens if the provincial court decides that A is at fault and the Exchequer Court decides that B is at fault? When the sheriff picks up the property to pay for the damages, which judgment governs?

Dozens of powerful corporations make contracts with such Crown corporations as Panarctic. If they become involved in litigation, there are eight corporations which could be sued. The problems of these corporations could be litigated in the provincial court, but if the Crown were in breach of contract the provincial court could not make a decision. If the provincial court decided that a company was at fault and the Exchequer Court decided that the Crown was at fault or one of the other companies involved, we then have legal chaos. Mr. Watson said that he did not have any experience as a court room lawyer, but he was able to look at the chaos that some lawyers meet with this bill.

I now wish to deal with one other thought. The most important instruments a citizen has are special writs. At one time I was very critical of administrative boards. I had a lot of suspicion about them, but I have changed my philosophy. There is a place for administrative boards. When a matter is decided by the board everything, including the kitchen sink, goes in. I compare the powers of a board to a book. It has four sides. The powers of boards are set out in a book about the size of the book I am now holding. If they exceed those powers, their orders can be quashed. It is very simple, really. There is no need to go through a procedure costing \$1,000 or \$2,000. You go to a judge and say: This board has exceeded its authority and I want its order quashed. The mistake is generally on the record, or it is a question of law, or the decision was contrary to natural justice. Those rights have existed for a number of years. They are the safeguard of the citizens against an all-powerful state. This is why we find special remedies given to the trial court in section 18 yet the right of appeal in section 28, sets out the same reasons as those applicable to special remedies. This is legal chaos in itself.

• (4:20 p.m.)

To compound it, two of the witnesses before the committee said they still did not know whether, when boards exceeded their authority, people who felt themselves aggrieved should apply to the ordinary courts of a province or not. One lawyer may hold one view, and another lawyer may hold a different view. Lawyers do not always agree; that is why we have judges. But why should citizens be put to such great and unnecessary expense?

With great respect, I suggest that the motivation behind this bill was to give the Crown more power. Remember, people who work for the Crown, and I am not being disrespectful to them, naturally hold the philosophy that if you are going to play a game of cards it helps to have a good hand. But, Mr. Speaker, once in a while when I am playing cards I like to have the right to deal.

[Mr. Woolliams.]

An hon. Member: Stacked deck.

Mr. Woolliams: That's right. I want to make sure the deck is clean when I am playing blackjack. These people put together a bill. They have thought it out so as to give the greatest power to the Crown. The amendments I propose would at least put some safeguards into it from the point of view of the average man. These two amendments are very serious; in fact, I have never been more serious. I thank the House for its kind attention and I hope hon. members will give what I have said the kind of consideration for which I have sought to argue.

Some hon. Members: Hear, hear.

Mr. Turner (Ottawa-Carleton): I shall not get into a forensic duel with the hon. member for Calgary North (Mr. Woolliams). Those of us who are members of the committee have heard his arguments a number of times.

An hon. Member: Never better than today.

Mr. Turner (Ottawa-Carleton): Never better than he was today. But there was nothing new. This issue was canvassed thoroughly by the committee under the chairmanship of the hon. member for Welland (Mr. Tolmie). I should like to pay tribute to him—he is sitting in the House today—for his leadership and impartial chairmanship of a very sensitive committee of the House of Commons—

Some hon. Members: Hear, hear.

Mr. Turner (Ottawa-Carleton): —a committee which transacts at least as much business as any other committee of the House.

Despite some of the flourishes of the hon. member for Calgary North, during most of our deliberations we engaged in a non-partisan review of the bills which came before the committee. The hon. member mentioned that Liberals had occasionally disagreed with the position taken by the government before the committee. I see no objection to that, because one of the merits of the committee system is that it enables Members of Parliament to exercise independent judgment relatively free from the control of party whips. As a matter of fact, I have found myself on the losing side on several occasions before that committee. One was in connection with the breathalyzer test; the hon. member for Sault Ste. Marie (Mr. Murphy) beat me on the penalty. The government did not seek to revive this issue on the report stage; we took our beating in committee because we believe in the committee system. The fact that the chairman had to break a tie in the voting on several occasions, as the hon. member pointed out, is in itself an indication that we have been considering this bill in a non-partisan way. But the question raised by the hon. member was considered thoroughly by the committee and rejected by it, so the hon. member cannot say the subject did not receive the consideration which it merits.