

Mr. Deputy Speaker: Order, please. Hon. members do not have a point of order and it does not accomplish anything to have repetitive speeches on a non-existent point of order.

Mr. Bell: The minister started it.

Mr. Deputy Speaker: The hon. member for Greenwood.

Mr. Brewin: Mr. Speaker, in starting for the third time, I should like to indulge myself, as have the two hon. members who spoke before me, by dealing with the amendment in detail. On the whole, I think this bill does introduce important and worthwhile changes in the administration of justice so far as it affects the federal government and the federal administration. I think there are weaknesses in it, and I think that the amendments proposed should be considered seriously. I agree with the hon. member for Calgary North that the Minister of Justice (Mr. Turner) did pay careful attention to suggestions made in committee and many of them have been adopted, as we are glad to observe.

Dealing with this particular amendment, I may say that as I understand it, it is very simple. All it proposes is to strike out of section 7 of the bill the positive requirement that all judges of the court shall reside in the national capital region. I think this is an unduly restrictive and unnecessary provision, and that they should be allowed to reside wherever they can most conveniently reside to do the business of the court. The minister has made it clear that the business of the court will be transacted in the different centres and not transacted entirely in Ottawa. This has been the tendency elsewhere and this bill would be quite unworkable if that practice is not carried out. In centres like British Columbia, for example, if there is sufficient business to keep judges busy most of the year, what is the sense of requiring them to live in Ottawa? The hon. minister says this will help their esprit de corps—

An hon. Member: The cocktail parties.

Mr. Brewin:—and will enable them to be more harmonious amongst themselves. But what is the difficulty, in these days when people can travel, of judges getting together from time to time in Ottawa if they need to have consultations or need to enlarge the harmony which should prevail amongst them?

• (4:00 p.m.)

In my view it is important that justice not only be done but that it be seen to have been done, and that it be as close to the people as possible. If that principle be adopted, I see no reason for adopting this residential straitjacket as to where judges should live. The insistence on this provision may even make it harder to get some qualified judges.

British Columbia is one of the more remote provinces, but nevertheless will be intimately concerned with the administration of this bill. Many of the subjects under its jurisdiction are particularly important to that province, and it may be that some respected judge, well qualified

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judge, will say, "I am going to be sitting in B.C. for a large part of the year, but I will be forced to move my residence to Ottawa. I don't want that, and therefore I won't accept appointment to the court."

For these reasons, because where possible justice should be administered locally, because judges should be available locally, because the bill imposes an unnecessary restriction and in effect may disqualify some highly qualified people, I hope the minister will even now agree to reconsider this matter and not complicate the legislation with restrictive provisions about where people have to live. It may be regretted in future if this is insisted upon. The minister says that the chief justice of the Court can appoint deputy judges. Mr. Speaker, we are not talking about deputy judges. We are talking about four permanent members of the court. If the court is to be properly decentralized, there is no place for the sort of restrictive provision that the amendment seeks to strike out.

Mr. S. Perry Ryan (Spadina): Mr. Speaker, I should just like to add a few words in support of the member for Calgary North (Mr. Woolliams) and the hon. member for Greenwood (Mr. Brewin). I am convinced, from my own experience as a practising lawyer, that it will cost more to litigate in federal courts if, for the most part, they are set up in Ottawa. I see no reason why judges cannot be posted permanently to the larger centres in Canada. We have the banks and life insurance companies here in Ottawa establishing branches out from the centre, and they have no problem doing business all across the country.

I am further impelled to support the amendment by the fact that I am a member for the metropolitan area of Toronto. I believe the House knows very well that a major portion of the business of this court will originate in the city of Toronto where we have a great deal of land still held under the Veterans Land Act, and a lot of agreements for sale may be the subject of litigation. Also in Toronto we have a very large port, which will have its problems. We have one airport now, and we are likely to have another one, even though I do not quite know when. In this respect, a great many problems could arise in the near future and those concerned with them would require access to this court. I see no harm whatever in making this residential provision read "may" and not "must." I ask the minister to reconsider the rather narrow Ottawa view in this section.

Mr. Deputy Speaker: Is the House ready for the question?

Mr. F. J. Bigg (Pembina): Mr. Speaker, this bill had a pretty thorough going over in committee, as pointed out by the hon. member for Calgary North (Mr. Woolliams) and by the minister. I am not entirely opposed to the committee system, but sometimes a committee becomes pre-occupied with the opinions of experts. There is no doubt that the opinions so far voiced before the committee have been largely those of lawyers, members of the bar, jurists and college professors. I would just like, therefore, to give what I would call a layman's opinion.