

*Federal Court*

hon. member for Greenwood (Mr. Brewin) are voted on first. If they are defeated, I will then ask that motion Nos. 5 and 6 be put because they are better than nothing. The amendments of the hon. member for Greenwood would cure the situation more effectively. Motion Nos. 5 and 6, are just a little cake, not the whole cake.

I do not want to repeat my argument regarding the duplication of Clauses 18, 28 and 29. I have already tried to point out some of the difficulties. I ask that my argument in reference to the amendments of the hon. member for Greenwood be incorporated into my argument with reference to motions Nos. 5 and 6. I see that the Minister of Justice is surprised at my brevity.

**Mr. Turner (Ottawa-Carleton):** I agree with everything the hon. member has said, Mr. Speaker.

**The Acting Speaker (Mr. Laniel):** Is the House ready for the question?

**Some hon. Members:** Question.

**The Acting Speaker (Mr. Laniel):** The question is on motion No. 5. Is it the pleasure of the House to adopt the said motion?

**Some hon. Members:** Agreed.

**Some hon. Members:** No.

**The Acting Speaker (Mr. Laniel):** All those in favour will please say yea.

**Some hon. Members:** Yea.

**The Acting Speaker (Mr. Laniel):** All those opposed will please say nay.

**Some hon. Members:** Nay.

**The Acting Speaker (Mr. Laniel):** In my opinion the nays have it.

*And more than five members having risen:*

**The Acting Speaker (Mr. Laniel):** Pursuant to Standing Order 75(11) the recorded division on the proposed motion stands deferred. The House will now proceed to motion No. 6.

**Mr. Turner (Ottawa-Carleton):** On a point of order, Mr. Speaker. I think there is agreement that motions Nos. 5 and 6 are to be taken together.

**Mr. Woolliams:** Motion Nos. 5 and 6 are together, Mr. Speaker.

**The Acting Speaker (Mr. Laniel):** Is it agreed that the vote on motions Nos. 5 and 6 be deferred?

**Some hon. Members:** Agreed.

[Mr. Woolliams.]

**The Acting Speaker (Mr. Laniel):** The following motion, No. 8 is proposed by the Minister of Justice (Mr. Turner):

That Bill C-172, respecting the Federal Court of Canada, be amended by (a) striking out line 26 on page 18 and substituting the following:

"party directly affected by the decision or"; and

(b) striking out line 31 on page 18 and substituting the following:

"General of Canada or to that party by".

• (5:50 p.m.)

**Hon. John N. Turner (Minister of Justice):** This amendment proposes to change the word "person" to the word "party" in lines 26 and 31 on page 18. It is made for the purpose of clarification only and I do not believe it changes the substance or principle. We want to make it perfectly clear that it is only a party to the action, or a party to proceedings before a board, who would have the right to be a party in review proceedings. If this were not the case, a person who had no original interest in an action could at any time enter to review the decision or ruling and no final decision would ever be reached concerning a ruling by a board or tribunal.

**Mr. Lewis:** Such a pleasure to hear the minister make a sensible suggestion and I hasten to support it.

Motion agreed to.

**Hon. John N. Turner (Minister of Justice)** moved:

That Bill C-172, an act respecting the Federal Court of Canada, be amended by striking out lines 21 and 22 on page 19 and substituting the following:

"where provision is expressly made by an Act of the Parliament of Canada for an appeal as such to the"

He said: Mr. Speaker, this is simply a technical change.

Motion No. 11 agreed to.

**Hon. John N. Turner (Minister of Justice)** moved:

That Bill C-172, an act respecting the Federal Court of Canada, be amended by striking out line 26 on page 20 and substituting the following:

"Federal Court of Appeal, whether or not leave to appeal to the Supreme Court has been refused by the Federal Court of Appeal."

He said: I will explain this, if I may, Mr. Speaker. This amendment is to make it clear that we want to avoid any suggestion that refusal of leave to appeal by the court of appeal would in any way preclude the Supreme Court of Canada from extending the right of appeal.

Motion No. 12 agreed to.

**The Acting Speaker (Mr. Laniel):** The House will now consider motion No. 13 in the name of the hon. member for Calgary North.

**Mr. Woolliams:** Could we go on with motions 14 and 15? I just want to check this out for a minute or two.