

Federal Court

judicial lines. There should not be divergence among the judges in so far as it could be avoided. Every judge brings to the court his own background—his bias if you will and his own type of legal training and temperament. However, in order to have the reasonable harmony that should be expected from a group of men involved in the same venture of administering justice in Canada, there is something to be said for the give and take of daily consultation where possible. This has proven to be a necessary ingredient in every successful court.

A judge resident in British Columbia would be out of touch with brother judges. From the point of view of a lawyer who wanted to appear before the federal court, in B.C., he would appear before the one judge on every occasion, and that would limit his accessibility to the court. I hope I have convinced members of the bar in the western provinces that it would be in their interest to have a rota of judges, not that they should go judge shopping but that they should not be caught before the same judge every time they appear on a procedural matter or on the merits of a case.

There is provision in section 10 for the appointment of deputy judges. This would provide that the president of the court, or the chief justice of the court as he will now be called, if he thinks it is in the interest of the administration of justice, to appoint a deputy judge in any province. This may be a judge of a provincial superior court who could sit as a deputy resident judge when the judge of the federal court cannot appear. It is open to the chief justice of the federal court to appoint a deputy judge in Alberta, in British Columbia and so on, if there is an emergency which has to be dealt with before a circuit judge could arrive.

I envisage that some day when the business of this court is sufficient, there might be a series of circuits of this court. There might well be a western circuit of the court and, say, an Atlantic or Maritime circuit of the court. At the moment, after looking at the statistics and from what I know of the court, I do not believe that is justified.

Mr. Perry Ryan (Spadina): Would the minister permit a question?

Mr. Turner (Ottawa-Carleton): Yes, certainly.

Mr. Ryan: What would be wrong with providing for a situation where you would have, perhaps, a court sitting permanently in these regions?

Mr. Turner (Ottawa-Carleton): Mr. Speaker, I think I answered that argument in what I just said, but I have not convinced the hon. member. To summarize, I believe that to co-ordinate the proper functioning of the court it is necessary to provide by statute that judges be on circuit, and to provide that there be a variety of judges available to any particular part of the country. In answer to the question specifically, in some areas of the country there is not enough business at the moment for a resident judge. There may be enough business for a resident judge in British Columbia, but that is not conclusive, and I believe at the moment that the people of British

[Mr. Turner (Ottawa-Carleton).]

Columbia would be better served with a rota of judges such as is provided in the bill as it now reads.

Mr. Andrew Brewin (Greenwood): Mr. Speaker, I can state in a very few sentences that I support the amendment introduced by the hon. member for Calgary North (Mr. Woolliams). Perhaps I might be indulged as both hon. members mention—

Mr. Horner: Mr. Speaker, I rise on a point of order.

Mr. Deputy Speaker: The hon. member for Crowfoot on a point of order.

Mr. Horner: Mr. Speaker, I regret very much having to do this but I want to inform you that there is not a quorum in the House. There are no committees sitting, and I think it is the duty of the government to provide the House with a quorum if they want to proceed with this legislation.

Mr. Turner (Ottawa-Carleton): Mr. Speaker—

Mr. Deputy Speaker: Order, please. Will the hon. minister please resume his seat. When it is brought to the Chair's attention that there is not a quorum, it is my duty to instruct the clerk to make a count and I shall ask him to do so now.

And on the count being made, more than 20 members were declared to be present.

Mr. Deputy Speaker: Order, please. The clerk advises me that at this moment there are 22 members in the House.

Mr. Turner (Ottawa-Carleton): On a point of order, Mr. Speaker, I should like to draw the attention of the House to some of the Conservative members behind the curtains as well.

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

Mr. Brewin: Mr. Speaker, I was saying that I could give my reasons for speaking to the amendment very briefly and perhaps I can be allowed a few general remarks—

Mr. Bell: On a point of order, Mr. Speaker, and so that there will not be a misunderstanding tomorrow in the press, I should like to point out that it is the responsibility of the government to keep a quorum in the House at all times.

Mr. Horner: When they are proceeding with legislation—

Mr. Deputy Speaker: Order, please. The hon. member does not have a point or order.

Mr. Turner (Ottawa-Carleton): Mr. Speaker, on that fallacious point of order, as Members of Parliament we all have a duty to protect the quorum.

Mr. Horner: On a point of order—