

Federal Court Bill

remedy of coming and humbly knocking on the doors of the other place and going through the procedure there which we have had for many years. I am quite convinced they could do that, because this is the court of last resort when there is no remedy in the other courts.

In cases where jurisdiction is in doubt, or in cases where there is a difficulty in respect of the residence requirement of the Divorce Act, the federal court, by a change in the schedule, could handle these cases and thereby save people considerable expense. A point which particularly appeals to me is, as the minister pointed out, that the federal court will go to the people and not be anchored here in Ottawa where it would be remote from the lives of Canadians. I understand it will function in all the provinces and in the territories. The appeal court, likewise, will be in these places so that the people may realize the majesty, if I may use that phrase, of the federal court.

These are some thoughts I have. By and large I hope I have left the impression—I certainly intended to do so—that I think this measure deserves the generous support of members of the House. It is a very important step forward to create a federal court. I would hope we will all unite to give this very important undertaking our unanimous blessing.

Mr. Andrew Brewin (Greenwood): Mr. Speaker, I have no intention today to disturb the harmonious and almost placid atmosphere that prevails in the House. I think that this is important but highly technical legislation. The appropriate time for serious discussion of this bill undoubtedly will be when it is before the committee. So far as this party is concerned, I undertake that when the matter reaches committee our representatives will do their best to give it a searching examination, because I think it must be accepted that in respect of a bill as sweeping as this in many respects—a bill which could have a very great impact on the property and lives of Canadians, and sometimes an unintended impact—we must exercise the utmost care.

● (4:20 p.m.)

As I read the act, there is in it a vast extension of jurisdiction to the federal court. The court is to be reorganized, and we welcome this feature of the legislation. If there has been a complaint about the Exchequer Court in the past by litigants and by counsel involved before it, it has often concerned the

apparent remoteness of the Exchequer Court which usually, although not always, sat in Ottawa, and also about the high level of expense that was often involved in conducting litigation therein. But the proposed reorganization is to make the court more accessible and, I hope, when the rules are written, less expensive. If this is so, it will be a great gain.

The success of the court will depend, as the success of other courts depends, upon the quality of the people appointed to preside over the court. I want to take this opportunity—and sometimes I hate to do it as a partisan member of this House—to commend the minister for the high and non-political nature of the appointments he has made to the bench.

Some hon. Members: Hear, hear!

Mr. Brewin: I will not go into detail, but I hope he is setting a tradition which will last a long time. The appointment of people for purely political and regional considerations is not good enough. It has happened in the past, although I do not think it has happened while this Minister of Justice (Mr. Turner) has held office. As we are creating a new federal court I hope we will continue to have a rule which will ensure that the appointments are made on non-political grounds, on the grounds of capacity to do the job.

Mr. Knowles (Winnipeg North Centre): No more Liberals.

Mr. Brewin: I think we could have a few Liberals in the court: small "I" liberals especially are badly needed. The most interesting feature of this legislation, in my opinion, is the novel extension of the power of review and control over the findings of boards, commissions and tribunals of a federal nature. It seems to me a very sweeping jurisdiction. I do not want to go into the details of the bill at this point, but I think I detect some confusion—at least it seemed confusing to me—in the bill.

Clause 18 deals with the exclusive original jurisdiction of the trial division to issue injunctions and various other forms of proceeding against any federal board, commission or other tribunal. It seems to me that the language of clause 18 is extraordinarily broad. There seems to be no limit to the degree of control that the trial division is said to exercise under clause 18. Yet when we come to clause 28 which deals with the juris-