

Supreme Court Act

respect of leave to appeal to that court. I understand the procedure is that there is a filing of all the evidence and the law with regard to an application for leave for appeal. No oral argument is made before the court, and the court then decides whether or not an appeal should be granted.

It may be, if there is an excess of applications before the Supreme Court of Canada for leave to appeal, that consideration should be given to the technique or procedure followed in the United States Supreme Court. If the Minister of Justice would like an analogy which comes quickly to my mind in reading the bill, it is that under our present immigration laws when a deportation order is made the applicant or appellant is given the right either to appeal to the immigration appeal board by written evidence, or by oral evidence and thereby appearance in person.

Here in the Supreme Court of Canada when a person wants to obtain leave to appeal he is confronted with certain expenses concerning the preparation of the record and the argument, as well as in retaining counsel. If one should live in one of the far provinces of the country and wishes to appeal to the Supreme Court of Canada, this involves quite an expense. If a person were given the right to file the evidence and written argument without appearing in person or being represented by counsel at the application of leave to appeal, this might be of some assistance not only to the appellant but also to the court. I would ask the Minister of Justice to give some thought to the practice in the United States and the practice before the Immigration Appeal Board.

I think it has been pointed out, not only by the Minister of Justice but also by the hon. member for Fundy-Royal, that we also must build jurisprudence with regard to this question of leave to appeal. It is not sufficient in respect of an application made to the Supreme Court of Canada that leave be denied without written reasons, although in many cases involving a frivolous or vexatious situation this might be a different matter.

It is important that we build up a body of law with regard to the reason leave is denied or granted, because this would give some indication to the public and to lawyers of how to proceed when there is a desire to apply for leave to appeal to the Supreme Court of Canada. I would hope the Supreme Court of Canada would sit in panels of three, as has been the case in the past, in respect of these applications. I also hope that some jurisprudence will be developed with regard to the law in order to help the public and lawyers.

● (1610)

Those are the three main areas of change in the act. I will conclude by saying that I give credit to the Minister of Justice, and special credit to the Chief Justice of the Supreme Court of Canada who has devoted his life to matters of law, and has applied his intelligence unsparingly and unstintingly. He has earned for himself the respect and regard of the legal profession and of the public of Canada. If anything is needed in matters of law it is the hard work and competence which men like the Chief Justice have contributed, and we in Canada should be justly proud of him.

[Mr. Gilbert.]

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

Some hon. Members: Question.

Motion agreed to, bill read the second time and referred to the Standing Committee on Justice and Legal Affairs.

PROCEEDINGS ON ADJOURNMENT MOTION

[English]

SUBJECT MATTER OF QUESTIONS TO BE DEBATED

The Acting Speaker (Mr. Penner): Order. It is my duty, pursuant to Standing Order 40, to inform the House that the questions to be raised tonight at the time of the adjournment are as follows: the hon. member for Winnipeg North Centre (Mr. Knowles)—Veterans Affairs—Possible introduction of legislation concerning housing for veterans; the hon. member for Humber-St. George's-St. Barbe (Mr. Marshall)—Veterans Affairs—Survey of veterans houses in Newfoundland—Possibility of assistance for improvements; the hon. member for Grenville-Carleton (Mr. Baker)—Finance—Effect of budget proposals on size of public service—Consultation with staff association.

GOVERNMENT ORDERS

CANADIAN WHEAT BOARD ACT

AMENDMENT TO SET DATE FOR FINAL PAYMENT IN POOL PERIOD

Hon. Otto E. Lang (Minister of Justice) moved that Bill S-6, to amend the Canadian Wheat Board Act, be read the second time and referred to the Standing Committee on Agriculture.

He said: Mr. Speaker, I propose to be very brief in dealing with Bill S-6 before the House. The purpose of the bill is very straightforward, namely, to give additional certainty to farmers delivering grain to the Canadian Wheat Board regarding the taxation year in which they will receive the final payment by the board.

It frequently takes a good period of time after the closing of the crop year on July 31 for the grain to be priced and for the Wheat Board to be in a position to close the pools and make a final payment within a pool. Therefore the final payment in recent years has generally been made in the year following the crop year, rather than in the taxation year in which the pool closed.

However, there was one occasion a year ago when, because of the rapid sale of grain by the Canadian Wheat Board, the board felt it desirable to close the pool at an earlier date. Accordingly, as it saw its duty under the act, the final payment was made very late in the same taxation