

registrar of the court, will be retained and dealt with in the same manner as amounts paid to him as provincial court fees. It is contemplated that the fees so retained will either underwrite or assist in underwriting the additional office expenses that will be incurred by the provinces supplying this service.

● (3:20 p.m.)

Mr. Diefenbaker: Mr. Chairman, I wish to raise two questions. The explanation covers the situation in general but certainly it is not shown in the explanatory notes what provinces have made complaints regarding the procedure that has been followed throughout the years. Second, what has been the amount of fees year by year in the last three years of fees collected by deputy registrars in the provinces, which apparently also will be appropriated now by those provinces?

Mr. Cardin: Mr. Chairman, perhaps I could answer the last question first. I am sorry that I do not have the figures as to the amounts of money that were paid. Now as to the complaints that have been received. British Columbia and Ontario had made some representations concerning the methods which we used for the remuneration of deputy registrars. As the right hon. gentleman realizes, what we are trying to do here is utilize deputy registrars or registrars or officials of the provincial courts in such a manner that they will act for us in the field of Exchequer Court matters. The question of remuneration had to be reconsidered. This amendment means that the law stamps which were customary in the past no longer exist and that the deputy registrars in the different provinces will receive tax and keep revenue in order to be able to pay for the expenses which would be incurred by the imposition of these additional duties.

Mr. Lambert: Mr. Chairman, I can see where provincial authorities, whose clerical staffs might be used in carrying out duties that are attendant upon the fees of the deputy registrar, might be entitled to say that they should get the revenues from these fees. This is what has happened. In other words, any fees paid into a deputy registrar's office at a provincial capital form part of the consolidated revenue fund of the province. I am wondering about the appointments of these deputy registrars who very likely are clerks of the courts. Any such deputy registrar will become an agent of Her Majesty's government in right of Canada. He is personally undertaking responsibilities that are not

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within the terms of reference of his office as clerk. He is not paid by the province for this additional responsibility. Therefore, the only entities to gain from this arrangement, as explained by the minister—and I am sorry if I have misinterpreted the remarks he has made—are the consolidated revenue funds of the provinces. The clerks or the deputy registrars assume responsibilities with respect to those. I would think that the province could only claim to impose additional responsibilities if it were paying a supplementary allowance or salary to the clerk so that he might also act as deputy registrar.

Mr. Cardin: My understanding of the matter is that the fees that would be taxed by the deputy registrar would go to the registrar and would be in part, compensation to him for his extra duties.

Mr. Lambert: I am sorry, but that does not appear from my interpretation of the legislation. The bill indicates that fees collected:

—shall be retained and dealt with in the same manner as amounts paid as provincial court fees.

Fees do not go to the clerk. They go to the consolidated revenue fund as revenues of the department of the attorney general. It should be clearly spelled out, therefore, that any clerk or other official of a provincial court who takes on the responsibilities of deputy registrar shall receive some salary increment to compensate him for his additional responsibilities. There is nothing in the legislation before us which spells this out.

Mr. Cardin: As the hon. gentleman can understand, there was an arrangement between the Department of Justice and the Attorneys General of the provinces in which this arrangement is being made. According to this arrangement the law stamp fees which would normally go to the federal government would be discontinued. The amount of fees involved would then go to the provincial government for the payment, in part, of the deputy registrar's fees for his additional work. The balance, of course, would go toward stenographic staffs, space, and this type of thing. That, fundamentally, is the understanding between the Department of Justice and the offices of the Attorneys General of the provinces where this arrangement is to be made.

Mr. Lambert: Another question comes to mind. I have never been enamoured with what I consider to be a spoils system under which an official of the court, whether he be