Hon. John N. Turner (Minister of Justice): Mr. Speaker, before I reply to the hon. member for Calgary North (Mr. Woolliams) I wonder if I might raise a question of privilege at the earliest opportunity accorded me. It has been drawn to my attention—I have not had an opportunity to check the blues—that when the hon. member for Lafontaine (Mr. Lachance) asked me whether the right to counsel had been suspended under the regulations of the War Measures Act, the hon. member for York South (Mr. Lewis) said "Yes". I did not hear the question too clearly and said, "Yes, the hon. member is right". I wish to make perfectly clear to the House—and I have asked my Parliamentary Secretary to inform the press gallery—that what I should have said is, no, that the right to counsel has not been suspended under the regulations and applies as in the ordinary law. I regret very much if I misled the House at the time.

Mr. Speaker, this is the first opportunity we have had at the report stage to deal with these motions. First of all, I should like to say how much I appreciate the co-operation of the hon. member for Calgary North and the hon. member for Greenwood (Mr. Brewin) in particular for allowing this bill to be brought forward. As Your Honour knows, this bill lapsed during the last session of this Parliament and, in the ordinary course of events, would have had to be re-introduced for first reading, second reading and study by the committee had it not been for the courtesy of the opposition, particularly those two members who had charge of this bill on behalf of their respective parties. I am very grateful indeed. I think it is a very good example of how co-operation in Parliament can achieve the right result without any rights being infringed.

This bill received first reading on March 2. It received a very thorough review by the Standing Committee on Justice and Legal Affairs. It received the scrutiny of a good many top legal counsel throughout the country. As a matter of fact, I sent a mimeographed letter to all 14,000 members of the Canadian Bar Association, thanks to its distribution system. The Canadian Bar Association designated a committee to review the bill. Two distinguished members of the association appeared on behalf of the association, namely Gordon Henderson, Q.C. of Ottawa and Louis Philippe De Grandpré, P.C. of Montreal. I had the opportunity to appear on a panel discussion which was televised and videotaped and will be shown to all provincial subsections of the Canadian Bar Association. This panel was held in Halifax in September, during the annual convention of the Canadian Bar.

What I am saying is that the bill has received a good deal of public scrutiny from the legal profession, from those organizations accustomed to appearing before federal boards and tribunals and from private citizens generally who are interested in the administration of justice.

What the hon. member for Calgary North is attempting to do by this amendment is to replace all of clause 7. Instead of the clause, providing for the judges to reside in Ottawa and sit by way of rota from time to time throughout the country, he would revise it and provide a rota of judges who would sit in various centres and would not be required to reside in Ottawa. This matter was very thoroughly canvassed in the committee. I might say also that it was very thoroughly canvassed at the Canadian Bar Association Convention in Halifax, where certain members of the law association of British Columbia were particularly interested in what answers I could give in respect of this particular aspect of the bill.

The hon. member for Calgary North has said—he admitted this and I thank him for it—that during the past two or three years there has been a great decentralization in respect of the court. The court, under the name Exchequer Court, does go out on circuit and try to handle the business of the court as it arises throughout the country. The court has also set up registry offices in some places, some of them through the co-operation of the provinces and some of them as special registry offices. It is provided by this bill that the decentralization which has brought justice closer to the people will be given statutory form.

Clause 7 (2) of the bill provides that, notwithstanding that judges must reside within 25 miles of the national capital region, the rules may provide for a rota of judges to provide for a continuity of judicial availability in any centre where the volume of work or other circumstances make such an arrangement expedient. If an appeal or interlocutory procedure should arise in any major sector of the country the court will go out to meet the litigants and justice will be administered on the scene.

Mr. Ryan: Will or may?

Mr. Turner (Ottawa-Carleton): There is provision for this in the statute. The answer is "will". Now, under clause 16(3), it is provided that the place of each sitting of the court of appeal shall be arranged by the chief justice to suit, as nearly as may be, the convenience of the parties. In other words, if the parties require the court of appeal of the federal court to travel to Calgary, Edmonton, Regina, Vancouver, or Ontario, or the Maritime provinces, then if the appeal is properly triable the court of appeal will travel. There was a suggestion in the committee, and the hon. member alluded to this in his speech earlier this afternoon, that there should be resident judges of this court in various parts of the country. It has been suggested there be a resident judge of the federal court seated in British Columbia, in Alberta and so on. I rejected that idea, and I believe the majority of the legal profession agree with me, because I feel it is essential that the court reside in one locality, in this case the national capital region, as does the Supreme Court of Canada itself. I think it would be very dangerous for the court and would tend to fracture it, if the court were divided into individual resident judges sitting across the country.

• (3:50 p.m.)

I remember talking to Chief Justice Warren, who was then the chief justice of the United States Supreme Court, just before he retired and he impressed upon me the necessity of ensuring that there is harmony in the court and that the court is proceeding along the same