members may make from this side of the House. Nevertheless, I do urge that this amendment if adopted will constitute a real improvement; it is the kind of amendment which ought to be accepted if this House is to function usefully.

Mr. Woolliams: I wonder whether the hon. member would be prepared to answer a question before I make a few remarks on this subject.

Mr. Brewin: I will do my best.

Mr. Woolliams: My question is this. If we delete 18—I may say at the outset that I agree with the hon. member—and leave in section 28, the section dealing with the appeal court, then the special remedies which are dealt with in 18 would still be available in any trial court with reference, say, to a case in which a board exceeded its jurisdiction or acted without jurisdiction—

Mr. Brewin: I think the hon. member is absolutely right. If a thing is a nullity, the trial court must treat it as a nullity in law. I imagine the hon. member has observed amendment nine which proposes that the use of special writs, if I may call them that, to deal with these matters should be within the jurisdiction of the court of appeal exclusively. This does not mean that if some matter came before the trial division, and it was a nullity through lack of jurisdiction, it would not be their duty so to declare it.

[*Translation*]

Mr. André Fortin (Lotbinière): Mr. Speaker, I merely wish to put a question to the member who spoke before me.

By his motion he would have the act respecting the Federal Court of Canada amended by striking out subclause (3) according to which the Court of Appeal would have exclusive jurisdiction to use a writ of certiorari. I should like to ask him, since Quebec legislators have amalgamated writs of prohibition and certiorari in the new Civil Code, which has led to a new procedure entitled "Proceedings to obtain relief against the decisions of tribunals falling under the powers of supervision and control of the Superior Court", whether the studies made by the Quebec government and the resulting new procedures have not been useless, since federal legislators now seem to retain the writ of certiorari, for which proceedings have been slightly modified, in spite of the abolition of the writ of prohibition.

I should like to ask the hon. member whether he does not agree that, should his amendment be adopted, this would lead to jurisdictional as well as constitutional conflicts?

[*English*]

Mr. Eldon M. Woolliams (Calgary North): Mr. Speaker, I want to say at the outset that I agree with the position taken by the hon. member for Greenwood (Mr. Brewin).

Mr. Deputy Speaker: Order. I am sorry to interrupt the hon. member; perhaps I misunderstood, but did the hon. member for Greenwood wish to reply to that question which, after all, was directed to him.

Mr. Brewin: The question was directed to me, Mr. Speaker, but I should like to be a little better advised before I reply to it. I am not sure I grasped its full significance.

Mr. Woolliams: Before I start, what amendments are we taking together?

Mr. Turner (Ottawa-Carleton): Four, seven and nine.

Mr. Woolliams: The confusion arose, Mr. Speaker, because when I was working last night I was using Tuesday's order paper and today the numbers seem to have been changed for some unknown reason; I do not know what happened.

Mr. Knowles (Winnipeg North Centre): The new amendments were put in.

Mr. Woolliams: Oh, the other amendments came in. First of all, with reference to amendment No. 4, I agree with the hon. member. I believe there is confusion as between Clause 18 of the act which deals with the powers of the trial division in reference to the special remedies and section 28 which deals with the powers of the court of appeal. In fact, if hon. members look at Clause 28 with special attention to paragraphs (a), (b) and (c), they will find that some of the grounds for appeal shown there are identical to the ingredients which are necessary in order to get a writ of certiorari, or an order to quash the decision of a board which has exceeded its jurisdiction or which has failed to observe the principles of natural justice.

I was interested to read a letter from a lawyer who has done some work on this subject. I should like to quote from this letter, but before doing so I will say this: when the Minister was talking about having received advice from the Canadian Bar Association I checked the reports again, particularly the evidence of Mr. Henderson, and he made it very clear that though he was a member of the Canadian Bar Association, and, maybe, an executive of the association, he was not actually presenting a brief on behalf of the Canadian Bar Association. The Minister of Justice (Mr. Turner) can say that he sent out this bill, formerly C-192 and now C-172, to some 400-odd lawyers, but the point I wish to make is this: with the greatest respect, there are very few lawyers who are really interested in the litigation which goes on in the Exchequer Court or, particularly, the litigation which may go on in the federal court and the new appeal court. When the minister says that he has the support of the Canadian Bar, let me tell him that I have attended several meetings of local Bar Associations and they were pretty upset about this bill. I do not want the Minister of Justice to leave with the media of communication to the public the impression that he has the Canadian Bar or the lawyers of Canada behind him.