

Canadian Human Rights

member for Calgary North has been more successful in court than the Attorney General of Canada has been. He has the experience of many years before the courts, which is something the Attorney General has not got.

I am fully in accord with the spelling of this legislation of the right of appeal, not only on law, not only on mixed law and fact, but also on fact alone. One should not have to wait for some federal court which, according to the Minister of Justice, would have before it an application for leave, and that court, basing itself on the circumstances of the case, might say, "Oh, but this is just an appeal as to facts, and there lies no jurisdiction in this court to review it". Just that one potential case would be sufficient to justify this direct and unambiguous amendment, and I would so urge the House to accept it.

Mr. Robert McCleave (Halifax-East Hants): Mr. Speaker, if we are going to accept this proposed legislation in a serious spirit—and I think all of us in this Chamber are committed to the spirit of the legislation—I think we should do our best to see that it is effective legislation. For this reason I must raise and support the argument of the hon. member for Calgary North (Mr. Woolliams) and reject the argument which has been advanced by the Minister of Justice (Mr. Basford).

As I see his point, the Minister of Justice relies upon Section 28 of the Federal Court Act. That section has had difficulty

going in previous court cases, and apparently it is the subject of review as to whether it might be improved by amendment, although the minister has told us that he is not going to guarantee that any amendment will be proposed.

However, given the circumstances, if there is a question about legislation which may not achieve the purpose we want, or legislation which through an amendment, such as the one set out by the hon. member for Calgary North, would at least clearly spell out people's rights, I would say that it would be common sense to pass the amendment. If it adds surplusage to the legislation, at least its intention is in the right direction, and it does set forth something specific which is not otherwise clear at all in the law as it exists in Canada now. For that reason alone I must say that the hon. member for Calgary North has made his case, and the Minister of Justice has let the House down.

Second, I must support the argument of the hon. member for Annapolis Valley (Mr. Nowlan) that it would be helpful to have consistency within the legal operations of Canada.

The Acting Speaker (Mr. Turner): Order, please. It being 10.30 p.m., this House stands adjourned until tomorrow at 2 p.m. pursuant to Standing Order 2(1).

At 10.30 p.m. the House adjourned, without question put, pursuant to special order.