

Expropriation

individuals. I suppose I must in all fairness congratulate the minister for producing what is clearly an advance in the law on this subject. I cannot help saying that it is extraordinary to me—it is not the minister's fault and I should not blame him for it in any way—that a sensitive subject like this, which affects the whole of our economy, has up to the present time come under a law passed in 1886, more than 80 years ago.

The fact that we have had to wait 80 years to update our law is certainly a reflection on somebody. It is not a reflection on the minister, who has at long last produced this bill which contains many improvements; it is a reflection on our system of government. The minister has indicated his acceptance of my proposition. I think the hon. member for Calgary North (Mr. Woolliams) has indicated the same thing. This is an intensely complex subject. It seems easy enough in a dynamic economy, such as we have, to establish the value that ought in all fairness to be assessed in respect of an individual's property. We must remember that the state should not be required to pay a disproportionate or excessive price. This is an extremely complex matter which involves the advice of experts and substantial sums of money. In view of the complexity of the subject and the voluminous nature of the bill itself, which breaks new ground, I hope the minister will be thoroughly receptive at the Standing Committee on Justice and Legal Affairs, to which this bill is to be referred, to amendments proposed by hon. members from all sections of the House.

● (2:20 p.m.)

As I say, I think this bill is a great advance, but I believe it needs the most careful examination not only by the minister's department but by representatives of all parties in this House. In committee there is sometimes a tendency to say that we already have a lot of good advice and that we do not need much more; that by and large we will let things go as they are with only minor changes. In this case, if fundamental changes are suggested I hope they will be given the most open-minded consideration.

In my experience the property owner who is well financed originally, who owns very substantial property, has very few problems with respect to expropriation. He is able to hire an expert evaluator and experienced counsel, and he pays very substantial sums of money for their services. On the other hand, the small property owner, the farmer, the property owner who perhaps owns a small house which he has bought out of his savings,

is not only inexperienced in the law, not only unacquainted with where to get qualified advice, but is intimidated by the whole proceedings.

One of the weaknesses of our system has been the complete inequality of bargaining power as between the citizen whose property is expropriated, on the one hand, and the expropriating authority on the other hand. The authority usually has a department responsible for this work. It has a lot of expertise. Usually it has a legal branch devoted to the subject. But the ordinary citizen is baffled, worried and frightened because he does not want to incur tremendous expenses. When the minister was speaking I asked him what would happen under this legislation if the offer made by the expropriating authority were not accepted. The minister replied that it could be accepted without prejudice. That is a matter which needs to be looked into very carefully. In clause 15 of the bill it is explicitly stated:

Where an offer of compensation has been made to any person under section 14, the full amount thereof shall, forthwith upon the acceptance of the offer, be paid to that person.

I do not intend to discuss the details of that provision, but it goes to the principle of the bill. The way I would interpret a provision like this is that when you accept an offer you are bound by it. In this case you get paid. If you do not accept the offer, how can you still accept the money? How can you accept and not accept it? I am aware that there is a provision in clause 29 which indicates in some rather backhanded manner that perhaps you can accept the offer, change your mind within a year and ask for more. That is a novel legal concept. It is not made clear in the statute.

Through you, Mr. Speaker, the point I want to make to the minister is that somehow or other we have to make it clear beyond peradventure that the person whose property is expropriated, before being dispossessed and having his claim determined, should at least have the Crown's estimate of compensation—or a substantial portion of it say, 90 per cent—paid to him so that financially he may be in a position of equality and can secure the expert services necessary to take the case further.

Mr. Turner (Ottawa-Carleton): That is the case.

Mr. Brewin: The minister says that is the case. I am delighted to hear it, if that is his interpretation. But I give him notice now that in the committee we will have to clarify the question beyond what we see in this bill. If