

Public Works Act

Let me return to the bill. As I read it, I cannot help but note that it will provide the government with authority to perform works on property not even owned by the government. What does this power do to the rights of private citizens? Is there any haven left where the average Canadian can stand and say, "Though a large part of my earnings and savings have been taxed away by this government, at least my home and this land upon which I stand is mine"? The answer is it is not any more, Mr. Speaker, not if this bill is passed. If you doubt that statement, I will put on the record the explanatory note covering Clause 1 of the bill, which reads:

This amendment would empower the Minister of Public Works to be involved with properties belonging to Canada of which he does not have the management, charge or direction, and also with properties not belonging to Canada.

Many Canadians own property which, I submit, does not belong to the Government of Canada. As to the passing of this bill, their title to land will be as fragile as the fog which sometimes surrounds my native province of Nova Scotia. Speaking of Nova Scotia, where is the Minister of Public Works? I note that, unfortunately, he has had to leave.

Mr. Cullen: He left temporarily.

Mr. Smith: He is lucky.

Mr. Crouse: The hon. member over there says he is lucky, Mr. Speaker. I suppose it is a joke. He is laughing, sitting in his seat. Is it a joke that two years ago this September a fire destroyed a wharf in Riverport, Nova Scotia, the only place where the big fishing fleet can land its fish? This government has been dilatory in taking any action to rebuild it. That is a joke to that member over there. It is a joke to all the Liberals over there because they have taken absolutely no action to make the repairs and to recognize the needs of those people. That is a joke to them.

Mr. Smith: Keep your blood pressure down.

Mr. Crouse: My blood pressure is fine and it is under control. But I tell the hon. member not to sit there and make interjections from his seat when I am speaking. I do not even interrupt him, and I ask him not to interrupt me at any time because I will not tolerate it.

Mr. Cosgrove: What about your party?

Mr. Crouse: I do not interrupt any member when he is speaking. My record stands for 25 years. I am glad the Minister of Public Works has come back because I want to ask him, since he is responsible, when he is going to take action to build a federal public building in the town of Bridgewater, a building that was promised by the Hon. George McIlraith in 1968. He is now a senator, but he promised that building when he was minister of public works in this House.

Mr. Kelly: Spend, spend, spend.

Mr. Crouse: He promised that to me in writing in 1968. We on the south shore know the meaning of Liberal eternity. I notice the hon. member on the other side is enjoying himself and he is interjecting again. I say to him, do not do it. It is not acceptable in the House of Commons. The hon. member

should learn some gentlemanly tactics and not be so rude. I am sorry, I will not name him but he knows very well to whom I refer.

I hope the Minister of Public Works will take my request seriously and take some action on a promise that has been delayed for 14 years. We have had no action for 14 years.

Generally, the powers of the federal government relating to the ownership of property are controlled by the heads of powers set forth in Section 91 of the constitution act of 1867, formerly known as the British North America Act. For example, the federal government, in the exercise of its power over navigation and shipping, something with which I am quite familiar, having operated a fleet of three deep-sea ships for 20 years. Under Section 91(10) could expropriate property in order to permit the erection of works for navigational purposes. It would seem to me that any federal ownership of land would have to be justified in relation to some head of federal power. If, therefore, the federal power to deal with land is limited to the subject headings in Section 91 of the constitution act of 1867, then the powers which are to be exercised under Clause 1 of Bill C-91 should also be limited by the subject headings of Section 91. However, as it is arguable that there may be a general federal land holding power unrelated to any of the subject headings in Section 91, it is possible that under this section the federal government would attempt to find the authority to make expenditures outside of the field of federal power, and by so doing possibly encroach on the provincial land-holding powers.

● (1540)

The powers given to the minister under Clause 1 seem to have no set criteria for their exercise. The decision of the minister is an arbitrary one and could have either a positive or negative effect upon properties not belonging to Canada. Because of the fact that it is a discretionary power, the property owner who would be the recipient of the services or work has no opportunity at all to contest the exercise of this power, and he has no forum in which to register a grievance. Furthermore, as no hearing is required, no complaint of the denial of natural justice can be made. This would seem to place a severe limitation upon the rights of the private property owner. His right of ownership could be interfered with in a negative fashion by the minister, and the owner has no recourse to a hearing under the amendments in question. This is considerably different from the case of the Crown interfering with ownership rights under the Expropriation Act. Under the Expropriation Act a public hearing may be requested by any person objecting to the intended expropriation, and the minister is under an obligation to order a hearing into the nature of the objection.

The implementation of this clause of Bill C-91 is an attempt—I do not want to impute motives—to circumvent the long proceedings required under the Expropriation Act, so that the minister may do as he wishes with a piece of property