

Expropriation

Canada, to a trial of necessity. The Minister of Public Works will be responsible for the expropriation to his colleagues and to the Parliament of this country, and that is a responsibility he will have to accept. His responsibility will be a political one, not a judicial one, because the decision to expropriate is, in the first instance, an administrative decision for which he bears political responsibility here.

• (4:40 p.m.)

The purpose of the hearing is to allow citizens an opportunity to be heard so that the minister may, if he considers it reasonable and in the interests of the public, reconsider his decision to expropriate the property in question, or part of the property, or to expropriate the property under a different time frame. He can reject the objections. He can reject the report of the hearing officer. In doing so he would, of course, be responsible to defend his ultimate decision before Parliament, and thus before the people of Canada.

I submit to Your Honour that amendments Nos. 2 to 6 proposed by the hon. member for Greenwood attempt to convert the public hearing into a judicial proceeding, which it was not meant to be. It is meant to be an opportunity for interested people, whether or not they have an actual interest in the land in question, to make their objections heard.

I want to put on record a communication that I made to Mr. Jack Weir, who was the chairman of an ad hoc committee of the Canadian Bar Association which made a submission to the Standing Committee on Justice and Legal Affairs that tended to support the idea of converting the hearing into a judicial inquiry rather than an opportunity to present objections. This communication was sent to him in the form of a letter on December 17, 1969 and reads in part as follows:

Whatever considerations may apply in the case of expropriation by statutory bodies, it is my firm view that in the case of the Crown in right of Canada the decisions as to whether any land is required for federal public purposes and as to what land is required for those purposes are political decisions and must be made by the responsible minister of the crown. The exercise of the minister's responsibility must not be fettered in any way by the publication of the opinion of any official as to the merits of the matter, or by the review of his decisions by any tribunal other than the House of Commons.

For those reasons I cannot agree that the hearing officer should express any opinion upon the merits of the proposed expropriation, and I note that at page 1008 of the McRuer report it is said that: "Since the officer is not to have a decisional role in the procedure, it is with some reluctance that we recommend that he express an opinion on the merits".

[Mr. Turner (Ottawa-Carleton).]

I continue in my letter to Mr. Weir:

I am not satisfied that the reasons given in the report for overcoming the reluctance to make that recommendation outweigh the reasons to the contrary which apply in the case of expropriation by the crown in right of Canada.

I might say that in his report Chief Justice McRuer dealt with expropriation procedure in right of the crown for the province of Ontario, and a good deal of his observations related to the power to expropriate now in the hands of regional, municipal and statutory bodies, other than the province itself.

After due consideration the committee rejected the amendments moved by the hon. member for Greenwood, and again I would urge the House to follow the decision of the committee and reject the amendments now before the House.

Mr. Deputy Speaker: Is it the pleasure of the House to adopt the said motions? All those in favour will please say ye.

Some hon. Members: Yea.

Mr. Deputy Speaker: All those opposed will please say nay.

Some hon. Members: Nay.

Mr. Deputy Speaker: In my view the nays have it.

And more than five members having risen:

Mr. Deputy Speaker: Pursuant to section 11 of Standing Order 75, a recorded division on the proposed motions stands deferred.

Consistent with the remarks of the hon. member for Winnipeg North Centre, I might suggest to the House that discussion on Motions 4, 5, and 6 be deferred until a decision has been taken on Motions 2 and 3.

Mr. Knowles (Winnipeg North Centre): Mr. Speaker, I am very happy to agree to that suggestion. We can wait and see the outcome of the vote on Motions 2 and 3. If the vote is favourable, I will then move motions 4, 5 and 6. If the vote is unfavourable on motions 2 and 3, then obviously there would be no point in moving motions 4, 5 and 6. I just want to protect the right to move motions 4, 5 and 6 if we are fortunate enough to get a favourable decision later this day.

Mr. Deputy Speaker: I think that is understood. Agreed.

Mr. Turner (Ottawa-Carleton) moved:

That Bill C-136, an act respecting the expropriation of land be amended by striking out line 21 on page 13 and substituting the following:

"interest, and a copy of the appraisal shall".