

• (3:40 p.m.)

Mr. Turner (Ottawa-Carleton): He would interpret the law on the evidence.

Mr. Woolliams: Yes, but it is he who would decide the case. He would be entitled to use his environmental experience in interpreting that evidence and in coming to a decision. Why is there opposition to the suggestion? Why are the minister and other members of his party who seem to vote along party lines on this matter opposed to this suggestion?

I certainly cannot accept what the minister says so far as the cost is concerned. I will ask him this, and I should like to know his answer. Should not the average man be given the opportunity to litigate not in the Exchequer Court, which the minister says is great, but in a court which is more accessible to him and more familiar to him? Why should the great big state dictate to him where he is to get justice? Why is he refused? If by having a choice the litigation could be made cheaper for the average citizen and the lawyer who would advise him accordingly, why should the big state dictate the decision in that regard?

I should like to refer for a few moments to the second report of the Committee on Justice and Legal Affairs dated November 25, 1969. I am referring to page 15, where I am reported as saying:

On a point of order, with reference to your argument as I can see the Minister and I do not agree, my experience and his before the Exchequer Court are absolutely opposite.

Then, the minister interrupted and said:

Yours has not been as happy as mine has, it must have been the cases.

I continued:

I am quite satisfied with the judgments. I have had two or three and I think they were just; they were pretty good judgments. I think one should have gone to the Supreme Court of Canada—

Now, I should like to deal with that for a few moments and mention what it would cost to go to the Supreme Court of Canada in respect of this one case. We speak about the just society being just for the average Canadian. I say it is still a luxury to litigate. It is still the big corporations and the wealthy man who can afford to litigate. I admit I was dissatisfied with this particular decision. I wrote to the official court reporters of the Exchequer Court and I received a reply on July 4, 1967. My people had already had disbursements amounting to almost \$20,000. That figure does not include any legal fees.

Expropriation

If these parties wished to appeal to the Supreme Court of Canada what would it cost them? It would cost \$4,894 to have the evidence printed. I am speaking from memory, but as my hon. friend knows something like 30 copies of the appeal book must be printed, including the factum. I find nothing wrong with this because one should expect this type of sophistication when dealing with a court as high as the Supreme Court of Canada. But when we are speaking of the cost of litigation we should consider the ability of the average man to appear before the average court in his home area where he can litigate at a reasonable price. I wish again to quote from the committee report:

However, I want to come back to the Minister's argument which, I think, was completely contradicted by his last statement, with the greatest respect to him. If the Exchequer Court is all that he says it is, why did he for the first time to my knowledge say to me and to this Committee that he is going to bring in a reform bill to reform a court. If it is that good he would not need the reform.

That is what he said before the committee. He said, "I know we have problems". That is how he expressed it in his nice way—and he is nice. He said that judges will go across the land and hold hearings in chambers. They did that even before the present minister took office. This does not solve the problem of the cost. Then, as recorded in the committee report, I said:

I think in most Supreme Courts—I have not practised in the East, but I have practised in two Western provinces—the disbursements to get into a piece of litigation or to get into court on a piece of litigation would cost anywhere from \$100 to \$200, including the discovery—

On top of the \$200, one would have to add the cost of the appraiser, but the total cost of the appraiser I must admit would probably not be any more in respect of the Exchequer Court than it would in respect of the county court. I do not wish to leave the wrong impression in that regard. I said:

I challenge the Minister and I am prepared to file a bill, a taxable bill, against the Crown which was taxed because we were successful—while I do not know the exact amount, I think he will find it cost around \$15,000.

My bill was taxed at \$13,412. Some disbursements were not allowed by the registrar who exercised his usual discretion. I continued:

The rules in our Supreme Courts in western Canada have been streamlined to fit the new circumstances and the demand for expedition, but the rules of the Exchequer Court as I read them, which are in a white practice book put out by the English