

Expropriation

It appears to me that the argument is unanswerable that it is in the national interest to have one court dealing with this complicated question of expropriation by the federal government; to have that one court establish a common jurisprudence and common principles which will apply across the country and to have that one court make its expertise and experience available to citizens in every part of Canada.

In addition there are procedural complications which will arise if the jurisdiction is divided because parties affected by the same expropriation could then conceivably enter proceedings in different courts with great expense to everyone concerned. I look forward to the day when the federal courts of this country will be present in every part of the country. I think it is important from many standpoints that we should expand the physical presence of the federal courts, having regard to the important matters with which they deal such as expropriation, patents and trade marks, taxation, suits against the Crown and many other items of great importance to the public.

I look forward to the introduction of legislation such as has been commented upon by the minister which will take our federal courts more to the people and make them more important in the life of Canadians. In view of these comments, Mr. Speaker, I submit to this House that it is desirable to reject the amendment proposed by the hon. member for Calgary North.

Mr. Deputy Speaker: Is the House ready for the question? Is it the pleasure of the House to adopt the said motion?

Some hon. Members: Agreed.

Some hon. Members: No.

Mr. Deputy Speaker: All those in favour will please say yea.

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 Standing Order 75(11) the recorded division on the proposed motion stands deferred. Pursuant to

[Mr. Blair.]

agreement made earlier this day, I now propose to put motions 2 and 3. They will be debated together.

Mr. Knowles (Winnipeg North Centre) (for Mr. Brewin) moved:

(2) That Bill C-136, respecting the expropriation of land be amended by striking out of clause 8(1) all the words after "public hearing" in line 37 of the bill and substituting the following:

"to ascertain, having regard to the objection or any other objection to the intended expropriation that has been served on him, whether the interest proposed to be expropriated is reasonably required for the achievement of the objectives of the Crown".

and

(3) That Bill C-136, respecting the expropriation of land be amended by the deletion in clause 8(2), lines 42 and 43, of the words:

"with respect to an objection or objections".

He said: Mr. Speaker, when one is about to go beyond his depth, it is a good idea to admit it at the start. It so happens that my colleague, the hon. member for Greenwood (Mr. Brewin) had a prior engagement in the west today. He is, therefore, not able to be here to present this proposed amendment. My training in the law has all been obtained right in this place, Mr. Speaker, so I am getting into something with which I am not particularly familiar.

● (4:30 p.m.)

Nevertheless, Mr. Speaker, I believe I see the point of the amendment of which notice was given by my hon. friend from Greenwood and I do think it is one which should be made. I understand the amendment was moved in the standing committee and that it was supported there by a number of individuals across party lines.

To explain the proposals as clearly and succinctly as I can, perhaps I might be permitted to read clause 8 (1) as it stands and then to read it as it would appear if the amendment were adopted. Clause 8 (1) as it stands reads as follows:

Forthwith after the expiration of the period of thirty days referred to in section 7, the Minister shall, if he has been served with an objection under that section, order that a public hearing be conducted with respect to the objection and any other objection to the intended expropriation that has been or may be served on him.

The proposed amendment would alter the last few lines, so the subclause would read:

Forthwith after the expiration of the period of thirty days referred to in section 7, the Minister shall, if he has been served with an objection under that section, order a public hearing to ascertain, having regard to the objection or any