

Expropriation

When I was dealing with lawsuits in connection with parks, I had a thick book of regulations. I never did know all the regulations because they were contradictory.

Let's take a look at this lease. It is up to the Minister to determine whether the lessee fails to perform and observe the agreement. What political power does this give to the Minister? The Minister decides whether there has been a breach of the National Parks Act. If he comes to a careful and thoughtful conclusion, using his wise discretion, whether it is political or motivated by some other reason, he can terminate the lease and all the property becomes the property of the state without compensation.

The trouble with this kind of document is that those people who get involved in this type of deal do not understand it until everything has been signed and they have their property worth many thousands of dollars. The Minister said he hoped this new law would serve to protect people against the strong state infringing on the right to own property. I say leases with the Department of Northern Affairs, similar to the one I have been referring to, and possibly other leases, do not allow for any compensation.

This lease might be interpreted differently. If it means something else the Minister should so state. I wish to again read Section 23:

23. On termination of this lease all structures, which have been affixed or placed on the land at the expense of the Lessee will become the property of Her Majesty.

The Minister can cancel this lease on these grounds, which in fact are rather wide. In my opinion, this bill does not remedy that situation and certainly does not give people equal opportunity before the courts. There is still a law for the rich and a law for the poor. This is why I would like to see all courts with concurrent jurisdiction.

I now wish to deal with the Exchequer Court. This is a different type of court to plead in from the high trial courts of the provinces. In order that an action may properly get before the Exchequer Court, counsel must have knowledge and experience in litigation in the Exchequer Court. Exchequer Court judges have their own rules. These rules, as I read them, do not compare to the rules that streamline our courts in the provinces of Saskatchewan and Alberta, where I practise, but are more like the English court rules. In fact, if one reads the white book, dealing with the procedure in English courts, he would almost think we had English courts

[Mr. Woolliams.]

functioning here in Canada, in the name of the Exchequer Court. This makes it very difficult. It does not facilitate litigation. Highly skilled counsel are required to understand the situation and appear before the Exchequer Court. I believe that unless we change the rules of procedure for government expropriations by giving all courts concurrent jurisdiction, we will not remedy or cure the situation.

I maintain that even though this bill is changing law which has been in force since 1886, it is still not doing much for the average man. The average man will not like it because he cannot afford to take his case to that court. What happens is the Crown makes an offer. The owner must very carefully consider this offer. If he is not satisfied, he knows it will be very costly to bring an action to the Exchequer Court. It will be very costly to him to hire an appraiser. If he loses in the Exchequer Court, it is going to be very costly to appeal to the Supreme Court of Canada.

What happens? The big squeeze by the big state is exerted on the little man and he has to accept the sum of money that is offered, even if it is inadequate. An example of this is the Fraser case which one hon. member knows something about because his father was involved in the litigation. I do not have the exact figures, but the amount awarded by the Exchequer Court was only one-fifth of the amount awarded by the Supreme Court of Canada. In one of my own cases, my clients were offered \$13,500 and ended up with over \$100,000. If they could not have afforded to litigate and did not have someone to go along with them, they would have had to accept the little handout of \$13,500.

If this bill is not changed much from the one I saw previously, and I listened to the lectures of the Canadian Bar Association, then I do not believe it will solve the situation.

I wish to pause here and call it one o'clock.

The Acting Speaker (Mr. Bécharde): It being one o'clock, I do now leave the chair until 2 p.m.

At one o'clock the House took recess.

AFTER RECESS

The House resumed at 2 p.m.

Mr. Woolliams: Mr. Speaker, just before one o'clock I was dealing with the application of this measure to leases in the national parks, particularly in western Canada. I see