

the holder of encumbrances to enforce them, the courts they had to proceed under, how execution could be levied against aircraft, and the remedies of any person who might be prejudiced or otherwise. Suddenly it struck me that this is completely contrary to the provisions introduced into legislation, say in the province of Alberta, when I was practising law. In that province there is the Seizures Act which lays down the procedure for the seizure of all personal property if need be.

I have before me the Bills of Sale Act which lays down the procedure for the registration of bills of sale, chattel mortgages and other encumbrances against personal property. If the minister thinks that the Alberta act does not touch aircraft, he might look at the Alberta Bills of Sale Act, subsection 8 of section 2 which provides that itinerant machine means vehicles, aircraft, trailers or drilling equipment. So we have legislation in the province of Alberta, the province of Ontario, no doubt the province of Quebec under its civil law, and any other province which provides how to deal with an aircraft or the encumbrances against it both as to registration and the priority of creditors, acts of registration or non-registration, enforcement or default under the encumbrances and enforcement of any judgment under the encumbrances, seizures or disposition of the aircraft.

Then we have what I consider to be this so-called "little softy" bill which was started in the other place and tells us that notice of interest is to be recorded, that the deemed interest in the aircraft is to be established and then, with the greatest disrespect for property rights, talks about priority of claims against any aircraft. I just simply ask, who in the blazes do they think they are? Where a notice of interest is not recorded, this legislation purports to set up different priorities notwithstanding the compliance within a province with the requisite legislation dealing with aircraft, and the registration of encumbrances against them and how the interest will be set up. This bill, on its own little hook says, that where there is no notice of interest recorded in the central registry of Canada, all the rights of that person are wiped out. On whose authority? Does the Minister of Justice (Mr. Lang) contend for one moment that a bill of this kind will override the provincial law which has been in existence for years?

Mr. Lang: I contend it is valid.

Mr. Lambert (Edmonton West): Does the minister say that the provincial law is a nullity? Did I hear him correctly in that regard?

Mr. Lang: I said that this one is valid.

Mr. Lambert (Edmonton West): In other words, the other side of the coin is that the others are invalid.

Mr. Lang: Not necessarily.

Mr. Lambert (Edmonton West): Will the minister please tell the House, when in due course he speaks again, the position of an individual with a chattel mortgage on an aircraft or a bill of sale duly recorded under a provincial act? I will tell the minister the title of the act in the province of Alberta; it is the Chattel Security Registration Act. That is the one with which I was familiar. It is the

Aircraft Registry Act

central registry for all chattel encumbrances against all personal property.

Within the province of Alberta, that is the only act other than the Bank Act which sets out the priorities under property and civil rights for the determination of creditors' and owners' rights. I am astounded that now this latter day apostle of new interpretative legislation should come forward and say that this bill is particularly valid. The heading of clause 9 is "Seizure and sale of aircraft". We are told that there shall be proceedings in the superior court of a province. If my memory serves me correctly, in the province of Alberta proceedings under the Procedures Act and the Bills of Sale Act in these particular instances are through the district court. I can foresee the collision that will occur if this bill should ever have the misfortune of being passed with these provisions.

Mr. Speaker, I want to make clear that the intention of the government to put into effect, after I don't know how many years, countless years, the international convention with regard to passenger carrying scheduled aircraft of international ownership—

Mr. Lang: Twenty-five years.

Mr. Lambert (Edmonton West): The minister says it is 25 years. Fine. But when they talk about aircraft in this country I say no, because there is no way the government of Canada can set its authority against that of the provinces which have had undisputed authority for years over all mobile equipment, automobiles, aircraft, and whatever may be determined to be personal property. Yet we are told that this legislation, notwithstanding any other act, shall have priority.

● (1530)

This bill will go to committee and we will certainly hear the reasoning of the government as to why it should take steps to set up these countervailing provisions. I can see citizens of one or more provinces involved in disputing priorities over an encumbrance or the rights of interest in an aircraft. We know that private aircraft can cost now up to \$2 million or \$3 million. This gives lots of scope for quarrelling.

We have this act, and we have the acts of one or more provinces which have their own priorities, established by registration in their own registries, of encumbrances against aircraft. Where will this lead to? Why does the federal government have to step into this determination with regard to any and all aircraft? It would have been preferable if the government of Canada had said: We are setting up a registry dealing with the aircraft that are referred to in section so-and-so, regularly scheduled passenger carrying aircraft whether of a national or an international nature, and certain steps will have to be taken before the establishment of a claim so as not to detain an aircraft under some sort of pressure as we have seen in the past.

We know about the old business of having to post a bond in a banana republic. But that is not so under this bill. This bill refers to any and all aircraft and sets up provisions counter to the well known jurisdiction of the provinces regarding personal property and mobile equipment. I could go through this bill and I am sure I could find some