

burden on the expropriating party to prove that he has the right, that this decision, whether it be a matter of policy or of choice, this question of fact, is sound. At least let us give him the chance to reconsider the decision. I think that is what the witness is suggesting.

The Acting Chairman: To cover your point, Senator Flynn, there is nothing to indicate in the present statute that the minister must make out a case of fairness, soundness or reasonableness.

Senator Flynn: I am not defending the wording of the bill.

The Acting Chairman: You are going further than Senator Hayden in saying that the objection should include even the objects.

Senator Flynn: Yes.

The Acting Chairman: Any further questions?

Senator Hayden: May I just add, because I do not think you were here when I mentioned this, that if you have a question of policy considered, whether it is only going to be the subject matter of a report, the report reflects the views of the reporting officer. To have an administrative official reporting in a report on the merits of the policy is foreign to any concept that I have.

Mr. Munro: If I may make one or two points; the proposed amendment would give the hearing officer the duty to report on whether the taking of the land or any part of it is fair, sound and reasonably necessary. In short, the hearing officer has to form an opinion.

The Acting Chairman: I do not think so, Mr. Munro, with profound respect. He has to report on what the interested party stated on fairness, soundness and reasonableness. The reporting officer is not a judicial officer concluding; he is merely reporting on what took place, as I read the bill. And certainly, as I understand Senator Hayden, the purpose is that the objecting party must state why he does not regard it as being fair, sound and reasonable, and having listened to the evidence, he reports what has been said either by transcription of the evidence or by summary, but the hearing officer does not act judicially in concluding.

Mr. Munro: Probably I am mistaken, but that is not the way I read the amendment. But that is what is intended.

The Acting Chairman: That is all the more reason for getting together here, and having at least a meeting of minds before redrafting is important.

Mr. Munro: The object of the amendment is merely to restrict the nature of the objection that may be made and nothing more.

Senator Hayden: That is it.

The Acting Chairman: So, you see, it is limitative in part as against the broadness of the bill but it is a guide in part as well as to what the objecting party has the right to say and to do.

Senator Flynn: But would you suggest, Mr. Chairman, that the political objections which I submitted could not be raised before the hearing officer? Supposing it could be without the competence of the Government to expropriate for that very purpose.

Senator Hayden: I do not think the hearing officer in this bill has any authority to make any decision of that kind.

Senator Flynn: I think you mentioned that he has no decision to make but that he only has a report to make and he could report on my objection, but I am just asking whether I would have to go to Court if I have an objection in law like the one I have just suggested.

Senator Hayden: But your only objection in law would be jurisdiction.

Senator Flynn: Yes, it is the most obvious. I do not want to be limited in this.

The Acting Chairman: I think your point is covered, senator, by the proposed amendment of Senator Hayden when he says "at the time and place so fixed provide an opportunity to each person appearing who served an objection upon the Minister, and such of those persons as he deems necessary in order to report to the Minister on the nature and grounds of the objections"—that is general—"and on whether the taking of the land or any part thereof is fair, sound and reasonable."

Senator Flynn: On the nature and ground?

The Acting Chairman: Yes.

Senator Flynn: What does Mr. Hopkins think?

The Law Clerk: It is a matter of policy and I am a simple draftsman.

Senator Flynn: I am not asking about the interpretation and I am not asking you to agree with my viewpoint.

The Law Clerk: I would say the amendment is pretty clear and speaks for itself.