

Expropriation

experience in dealing with this type of complicated matter. The court has shown a strong inclination to adapt its rules to meet the needs of particular cases. It has modernized its rules and decentralized its hearings, both at the interlocutory and final stages of legal proceedings. It has brought the court closer to the people.

I want to introduce into the chamber for the attention of hon. members of the House a summary of some of the evidence presented by Mr. Jack Weir, former president of the Canadian Bar Association, who practises in Toronto and who was the chairman of a special committee set up by the Canadian Bar Association to look at this bill. Mr. Weir presented the committee report of the Canadian Bar Association and recommended some amendments to the bill before the committee. Some of those amendments were accepted; others rejected. In the afternoon of Mr. Weir's presentation the hon. member for Greenwood (Mr. Brewin) asked him for his views about the problem of concurrent jurisdiction. Mr. Weir showed no enthusiasm whatsoever for that and he emphasized a number of points which may be seen if one peruses the evidence given before the committee. He said that the Exchequer Court rules have been and are being radically revised, and that there no longer appears to be a problem with regard to expert evidence. He said that the court has shown an increasing willingness to move around the country and to make itself available to the people of Canada and the legal profession of this country.

He said costs were not a real problem and he went through some of the arguments I have attempted to submit to Your Honour. He observed that the main objection to the Exchequer Court stemmed from the reluctance of some members of the bar to go before that court because some lawyers are not as familiar with it perhaps as they are with some other courts. In any event, these are the arguments that were presented by the government at the committee stage. The committee accepted these arguments and rejected the amendment brought forward at the committee stage by the hon. member for Calgary North. I urge the House to do the same.

Mr. D. Gordon Blair (Grenville-Carleton): Mr. Speaker, I propose to speak only briefly on this question. The amendment moved by the hon. member for Calgary North (Mr. Woolliams) is important because it expresses not only his views but views which are held by members of the bar elsewhere in Canada

[Mr. Turner (Ottawa-Carleton).]

and, I think, especially in western Canada. The problem which faces a person who is expropriated is very definitely one of expense and of cost.

Mr. Woolliams: That is right.

Mr. Blair: I am sure that there are other hon. members of the House besides myself who have dealt with people who have been expropriated. It strikes the average citizen as most severe and most unfair for the biggest organization in the country, his government, to come to him and say, "We want your land. If you want to challenge our valuation, you must sue us." This has been the law for many, many years, and the man who wanted to challenge the expropriation, who wanted to challenge the valuation, up till now had been put to the necessity of going to great expense, which generally he could ill afford, in order to mount a case. I therefore think that when we talk about the expense of litigation we should think of that in terms of the average citizen and what he must spend. We are not really learning too much if we divert our attention from this idea because it does not matter whether he spend that money in one court or another.

To me, the most significant and important reform in this legislation is that contained in clauses 27 and 36 to which the minister referred. They really provide for the underwriting of the legal expenses of a person who wishes to challenge the basis upon which he is expropriated.

Mr. Turner (Ottawa-Carleton): That is right.

Mr. Blair: This is a tremendous advantage and one which I think will bring credit to this Parliament. If the bill passes, great credit will accrue to parliament. The citizen, under the provisions of clause 27, will now be able to mount a position against the Crown which is comparable to the position the Crown could assume against him. He may now retain a lawyer and he may retain experts sufficient to establish his point of view in negotiations with the Crown. If he is dissatisfied with the outcome of these negotiations, then he is in a position to challenge the valuation in legal proceedings and, if he wins, he will not only recover part of his legal expenses and other costs but he will be entitled to claim them all. I make these comments because I have been struck by the exaggerated emphasis placed by my hon. friend for Calgary North on the cost of proceeding in the Exchequer Court. In my