

Expropriation

sufficient to enable him to do this. In the case of a tenant, the length of the term remaining under his lease, his prospect of obtaining a renewal of the lease and his investment in the property, including the nature of any business carried on by him on the premises, will all be taken into consideration in determining the compensation payable to him.

In the matter of interest, Mr. Speaker, the present law provides for interest payable at the statutory 5 per cent. Under the new law, interest will be paid at an economic rate that will fluctuate from time to time and will not be less than the average yield from government of Canada treasury bills.

An hon. member asked about costs. Lawyers in the House are well aware that under the present law a person claiming compensation has no right to claim legal and appraisal costs reasonably incurred in asserting his claim before legal proceedings are commenced. Those are costs for an appraisal and legal fees spent by him or incurred by him to evaluate his property. The new law will also provide that legal and appraisal costs reasonably incurred in asserting a claim for compensation will be paid as well as any court costs awarded if legal proceedings are commenced.

Mr. Brewin: Mr. Speaker, could I ask the minister another question?

Mr. Turner (Ottawa-Carleton): Yes.

Mr. Brewin: Could the minister state whether these costs will be paid before or after expropriation?

Mr. Turner (Ottawa-Carleton): Mr. Speaker, my understanding of the bill is that the legal and appraisal costs incurred before negotiation relate to the unconditional offer. Costs of legal proceedings will be awarded as of right or by discretion at the time judgment is given.

Under the new law a claimant will be entitled as of right to have the whole of his court costs paid by the government where the amount awarded to him exceeds the amount of compensation offered by the government, and in any other case, the awarding of court costs will be in the discretion of the court. It will, therefore, be seen that the new law will make provision for the payment of costs at three stages, namely, the pre-expropriation stage when objection can be taken to the expropriation itself, the negotiation stage following upon the confirmation of an intent to expropriate, and the litigation stage to which

resort may be had in the event that a negotiated settlement cannot be achieved. Mr. Speaker, those are the general principles of the bill.

As I stated in a speech before the Canadian Bar Association, and some members of the House were present, during the time I am permitted to hold this portfolio we will have three main objectives. The first is, within the federal sphere, to move as far as we can toward equality of access and equality of treatment before the law for rich and poor alike. The second is to move toward a more contemporary criminal law, one that is enforceable, flexible and compassionate.

The final objective is to achieve a better balance between the right of the ordinary citizen and the government.

It is to the first and third objectives that the present bill is directed. As the administrative arm of the state increases its influence over our social values, our lives and our goals, more and more people in this country demand greater protection from the abuses of the administrative process. This Parliament is making an effort to achieve this goal. I hope the report of the House committee on statutory instruments will result in parliamentary review of regulations. Within the government we shall re-examine the enabling powers given to the ministers and before the session is over we hope to introduce a new reform of administrative law, providing the courts with wider powers of Judicial review of the decision of administration.

In any event, Mr. Speaker, I believe this new expropriation bill strikes a blow for individual rights against arbitrary state power. Canadian citizens will have the right to participate in a process which in the past has been denied. The fact that government is powerful and remote must not and should not dwarf individual rights. This expropriation bill with its guarantees of the individual's right to notice, right to a hearing, right to negotiation, right to appeal and minimum compensation, will enhance the power of the individual against the state.

Mr. Speaker, as I said when this bill was first introduced, it is a citizens' bill.

Mr. Eldon M. Woolliams (Calgary North): Thank you, Mr. Speaker. First of all I should like to thank the minister for outlining the purpose of the new expropriation bill and stating the high aims of the department under his direction in the weeks and months, maybe even years ahead.