

Adjournment Debate

I hope that tonight, sir, the minister will personally, or through his spokesman or parliamentary secretary, take the opportunity to provide answers not only to the questions I asked on January 23, but also in respect of additional information I requested in a letter addressed to the minister last Wednesday. Unfortunately I have had no response to that either.

The definitions of *ex gratia* payments, either in the government authorities manual, or the statutes setting out the basis for such payments, appear to have one major criterion, and that is that it is one for which no liability is recognized and it is made as an act of benevolence in the public interest. Implicit in this, sir, I take it to be that there will be no *ex gratia* payments where there are statutes in existence under which a payment can be made in the regular fashion, that is to say, one would not settle by an *ex gratia* payment a matter involving land, because that could be paid under an expropriation act. The authorities manual itself says:

Where there is no statute providing for payment of compensation for damages, authority of the Executive is required for settlement of claims against the Crown without resorting to litigation procedures. The Treasury Board has directed that a statute which simply authorizes a Crown agency to determine the manner in which money made available to the agency is to be spent is not to be interpreted as authorizing payment of claims.

Perhaps I might outline my concerns very briefly, Mr. Speaker, with reference to four of these payments, the ones about which I previously asked the minister. For example, let us start here in Ottawa with the item listed in this year's public accounts as compensation for guard services at L'Esplanade Laurier Building, Ottawa, charged to Vote 10, Olympia and York Developments. Why was this payment authorized and by whom were negotiations initiated? By definition, obviously there could have been no legal liability, or it would not have been an *ex gratia* payment. Which officers of this company came forward with the claim? What did the property management personnel for the department and Mrs. Tissot have to say about all of this? Incidentally, were payments of this sort made in other cases, say, for example, at Place du Portage when she was there?

• (2210)

Could I have an answer from the government representative with respect to the compensation for the expropriation of land at Mirabel which amounted to \$2,391,145? Were all proper, legal and statutory steps followed under the Expropriation Act? How could one go beyond or outside the statutes so specifically tailored for this remedy and stay within the bounds of *ex gratia* payments? Was the fine academic mind of the Minister of Transport (Mr. Lang) brought in to engineer this situation? Did he specifically authorize it? Did he have the authority to authorize it? What does the spokesman for the government say about this?

The interpretation or definition section of the Expropriation Act is very broad. Land includes "buildings and structures and other things in nature of fixtures, mines and minerals whether precious or base, above or below the surface." It goes on to say

that interest in land in relation to land in Quebec includes "the interest of a lessee therein." The government apparently really had to stretch on this one. I would like to have more information about this item.

The amounts themselves are extraordinary. Sandwiched in between the two I have just mentioned is an incident which is more conventional. It appears that Kenneth MacEwan was paid \$600 for the loss of tools. That is more like an *ex gratia* payment. But here is another. Payment was made to MacGregor Travel Company for legal, accounting, transcript and other costs incurred and arising out of an inquiry and report upon the financial administration of Air Canada which amounted to \$39,374. I recall very well the circumstances and the part played by this company. They received a \$100,000 payment from Air Canada, which was one of the major items that triggered the inquiry into Air Canada by Mr. Justice Estey.

It is very strange, *prima facie*, I would say, to have an *ex gratia* payment under these circumstances. I would think that the budget of the original commission of inquiry would have been a more appropriate vehicle, but if no legal obligation existed to pay this company and if no other way could be found, let us hear about why this company should get such a gift and, incidentally, whatever happened to the \$100,000 they were paid by Air Canada? Did our national air carrier ever get that money back?

It is interesting to compare that sort of *ex gratia* payment's concept with the case of John Danch, an RCMP officer who contested a case in the federal court of appeal successfully about an unjust dismissal. The Solicitor General (Mr. Blais) has the discretion to pay his legal costs, which are far less than \$40,000. He has not received a penny, even though the discretion is there.

I see that I am running out of time, but I would like to mention the fourth example. It involved \$500,000 which was paid out, again on an *ex gratia* basis, to Ste Marie Air Services. Again, I quote from the public accounts:

To compensate for loss of earnings due to operating restrictions resulting from the opening of Mirabel airport.

There are no other comparable payments to other air services, and that is a lot of money for a little company incorporated in 1964 and turned over to the children of the incorporating individual and into which a professional land surveyor, Mr. Verdier, in 1976 bought a substantial interest. This half a million dollars to compensate for loss of earnings is almost five times the assessed value of the land and buildings of Ste Marie Air Services. This air strip is not even in the "Tersa" of Mirabel, and there is some question as to whether it should ever have been licensed in the first place because of the elevation of its runways. What is the story behind this payment? I have information that Mirabel was not the reason at all for the suspended operations of this little air service.

I would like to hear further details about these particular *ex gratia* payments which stand out in such a dramatic way, not only because of their amounts, but because of the definition and the circumstances.