

*Income Tax Act*

stands the situation, I am sure. For instance, if someone from Halifax which the hon. member knows very well is, let us say, separated from his wife and if the wife is living in Vancouver, or if a merchant sells his business in Halifax and takes up residence in Vancouver, I imagine that it will be necessary to determine if and where proceedings will take place. Obviously if the minister decides that this must be done at a certain place, this to the detriment of the two parties, the Court will be called upon to rule which is the best place. Someone simply has to decide where the proceedings will be held.

If this has happened previously, it could perhaps enlighten us more.

[English]

**Mr. McCleave:** Mr. Chairman, I do not know why the parliamentary should bring in divorce matters, but I can think of cases where that might arise. But let us take the case of salesmen who are provided with company cars and who in Vancouver, Calgary, Toronto or Halifax might be faced with a situation as to the amount to be considered as income under sections which we passed earlier. Is the minister to say to these salesmen that they will be marched into a federal court in Inuvik, Quebec City, or anywhere else in Canada? Are they to be marching there with their lawyers? Lawyers cannot easily straddle provincial boundaries. A lawyer is supposed to know something of the law in his own province but unless he pays other Bar fees he is not supposed to know very much of the law in other provinces. Is everybody supposed to march into Quebec City, for example, to appear in a case? Surely it would be a simple thing to have an option for the taxpayer who is picked out by the minister to determine a court case, if the minister says that he does not want to try it on a particular day.

[Translation]

**Mr. Béchard:** Mr. Chairman, it must be pointed out to the hon. member and to the members of the committee that the amendment reads as follows:

[English]

Where the minister is of the opinion that a question of law, fact or mixed law and fact arising out of one and the same transaction or occurrence or series of transactions or occurrences is common to assessments in respect of two or more taxpayers—

[Translation]

This is a specific case. In my opinion, the hon. member should not lose sight of the facts mentioned in the amendment, because it is thereby provided that it deals with the same transaction common to two individuals.

If I mentioned earlier a matter perhaps of great concern to the hon. member for Halifax-East Hants, it was quite by accident. I did not talk about divorce, but about separation, which is not the same thing altogether.

[English]

**Mr. McCleave:** Mr. Chairman, the hon. member for Parry Sound-Muskoka, to whose learning, as well as that of the hon. member who has just spoken, I pay a great deal of attention thinks that my point has been answered, the point being—

—that a question of law, fact or mixed law and fact arising out of one and the same transaction or occurrence or series of transactions or occurrences is common to assessments—

[Mr. Béchard.]

Our difficulty is that no matter what kind of assurance we are given from across the aisle—those assurances have been given in the past and will be given in the future—no court in the land is bound by the opinion expressed by a minister or parliamentary secretary in this place. Perhaps the most famous example occurred a number of years ago when Mr. St. Laurent made a statement here and the Supreme Court of Canada reversed it. I am sure the right hon. gentleman fully believed what he told the House of Commons.

Since the government has tried to make the point that we made earlier this evening, I will accept the assurance given by my colleague, the hon. member for Parry Sound-Muskoka, and my friend the parliamentary secretary that the amendment covers exactly the point that I hoped to prove. In a couple of years from now I hope nobody will say that the member for Halifax-East Hants rose and said, "I told you so".

**Mr. Aiken:** Mr. Chairman, I do not think I would go so far as to say that this amendment has answered completely the objections that I and my hon. friend from Halifax-East Hants raised. I think there are still some marginal problems, particularly the one he mentioned of people living a long distance from each other and having to be drawn into one court.

I feel, however, that the central point of the objection has been met by linking all the cases to one series of occurrences or one set of facts. What concerned me this afternoon was the question of people who had no connection with each other except for the accident of fact that they were in the same situation. I expressed my concern about the taxpayer who might find himself involved in an appeal related to some other appeal which had a whiff of scandal about it with which he did not wish to be associated. That point has been covered to some degree by the amendment, and while I am not entirely satisfied with it I appreciate that the effort has been made and I would be prepared to support it.

**Mr. Gray:** Mr. Chairman, I should like to thank the hon. member for his willingness to consider the amendment which my colleague the Parliamentary Secretary to the President of the Treasury Board has read as a way of dealing with the very important point that he raised. I am therefore very pleased to formally move at this time that section 174 as set forth in clause 1 of the said bill be amended by striking out lines 40 to 46 on page 446 and substituting the following. Mr. Chairman, perhaps we can take it as read in the wording used by the Parliamentary Secretary to the President of the Treasury Board.

**The Deputy Chairman:** Order. I should bring to the attention of the minister that the amendment he proposes to move has already been moved by the Minister of Agriculture.

**Mr. Gray:** I am sorry, Mr. Chairman. I was not able to be in the House at the beginning of this evening's session and I was advised by my colleagues that it had not been formally moved.

**The Deputy Chairman:** Shall the amendment carry?  
Amendment (Mr. Olson) agreed to.