

*Expropriation*

**Mr. Deputy Speaker:** I am not sure where it would leave us, but there is a proposal put forward by the hon. member for Calgary North (Mr. Woolliams) that for the purposes of debate the subject matter of motions 8, 9, 10 and 11 be dealt with now. I am prepared to put that proposal to the House, if there is agreement. I see that the minister agrees. Is the hon. member for Winnipeg North Centre (Mr. Knowles) rising on a point of order in this connection?

**Mr. Knowles (Winnipeg North Centre):** I certainly would be willing to have the debate range over all four amendments. In one sense I should like that, because I would rather not have to make a decision at this stage as to whether we should force a vote on this point. If we could have the discussion on all four, we could more easily reach a decision as to whether we want a recorded vote on each of them. In other words, we could suspend the debate on this amendment, take the next one and move on.

● (8:20 p.m.)

**Mr. Deputy Speaker:** In light of the discussion, I think we might allow the debate to cover the subject matter of motions Nos. 8, 9, 10 and 11. I shall put the four questions when debate has come to an end and I can see whether there is a desire to have a roll call vote on each one. Is that agreeable?

**Mr. Knowles (Winnipeg North Centre):** With one qualification, Mr. Speaker. If the debate is to range over all four amendments, I hope I can get the floor again on amendment No. 10.

**Some hon. Members:** Agreed.

**Mr. Deputy Speaker:** We will therefore discuss motion No. 9 in the name of Mr. Brewin, as follows:

That Bill C-136, An Act respecting the expropriation of land be amended by striking out the word "shall" in section 24(1), line 33, page 19 of the bill and substituting therefor the word "may" and adding thereto the words "without restricting the generality of the provisions of section 23(1) hereof".

Motion No. 10 in the name of Mr. Brewin, as follows:

That Bill C-136, An Act respecting the expropriation of land be amended by striking out of section 24, subsection 9(c), the following words at the end thereof: "or other public purpose for which the interest was expropriated".

Then motion No. 11 in the name of Mr. Woolliams, as follows:

That Bill C-136, An Act respecting the expropriation of land be amended by deleting subclause 9 of clause 24.

[Mr. Woolliams.]

**Mr. Eldon M. Woolliams (Calgary North):** Mr. Speaker, in view of the ruling, to use the minister's words I can discuss in one big sweep amendments on which I would have had to make several speeches. All motions 8, 9 and 10 do is make certain changes in clause 24(9). Basically what we are determining in this debate is how we will arrive at the value of appropriated interests and how much compensation should be paid. Although I agree with the hon. member who moved motion No. 10, I would rather we had only part of it.

I should like to make a few remarks in respect of clause 24(9) which I have asked be deleted. The other motions would merely amend certain parts. I suggest the deletion of clause 24(9) of the bill. This does not leave a vacuum, because the decision here is whether the amount of compensation is to be that determined by the common law rules, or by the complex, rigid, regulatory, statutory formula which now is subject to many interpretations and judicial and legal disagreement.

Several witnesses discussed this particular matter, including an appraiser and Mr. Weir of the Canadian Bar. Mr. Weir said, in respect of some of these parts, that they are hard to swallow. His main point is, do we want in this new appropriation bill a rigid formula, or do we want a more flexible rule under the common law which is the case law of Canada? Mr. Weir did not want to jump on either side because he could see the minister had taken a hard position and that we also had taken a hard position. Therefore, he said that it depends on whether we accept a more flexible rule in respect of compensation, which is the common law, or whether we want a rigid formula. Several lawyers who read papers before the Canadian Bar Association and witnesses who appeared before the standing committee took different views on the interpretation of subclause 9(a), (b), (c) and (d) and what it meant.

As I say the rules governing the amount of compensation to be paid a claimant, a land owner or one with interest in land, have evolved over a long period of time. I may find myself a little on the opposite side of the argument I put forward this afternoon. The Exchequer Court of Canada and the Supreme Court of Canada, through much of the case law, have set out pretty definite rules that are well understood by the legal profession engaged in this kind of specialty.

Today law is very complex, just as is medicine and dentistry. It will not be very long before lawyers will no longer be known as