

Expropriation

which may result from such public knowledge; nor do we want to encourage speculation. Actually, paragraphs (b) and (c) are designed to prevent speculation in land in anticipation of an expropriation or after registration of the notice to expropriate has been filed. We do not want people to profit from the public use of land; we want them to receive fair value for it; we want them to recover any legitimate economic loss; but speculation in land is not something this bill is designed to encourage.

The final paragraph (d) reads:

(d) any increase in the value of the interest resulting from its having been put to a use that was contrary to law.

Surely my hon. friend from Calgary North will not argue too strenuously that if a property is being used as gaming-house or a house of ill repute the Crown should consider any so-called additional value as attaching to that property, and that that additional value ought to be compensable.

Mr. Woolliams: Where is the authority for the minister's statement?

Mr. Turner (Ottawa-Carleton): Let us consider the hon. member's argument, Mr. Speaker. What he is saying to the House is that here we have good, old, traditional common law rules set by the judges over the years and based on case law in Great Britain and Canada, and we do not want that case law substituted by these statutory rules, so he says.

• (9:00 p.m.)

I say to the hon. member for Calgary North that we are trying to substitute the uncertainty of the current judicial case law and the difficulty of researching that case law—the difficulty of putting forth in explicable language to the average citizen in Canada what that law is—by the certainty of codified rules for compensation. I agree with the hon. member for Calgary North that neither he nor I can predict how the courts will interpret these statutory rules. He can put his interpretation on them and I can do the same. Under our British parliamentary system the courts will be left to read the statute as they find it.

I suggest to the hon. member there will be more certainty in the uncertain determination of certain statutory rules than in the uncertain determination of uncertain judicial rules. If we are comparing certainties, I hope I have the better of the argument. The hon. mem-

[Mr. Turner (Ottawa-Carleton).]

ber says the lawyers will have a field day under my system. I suggest they would have a bonanza under the system he recommends.

Mr. Baldwin: Mr. Speaker, could I ask the minister a question? As the minister is aware, his distinguished colleague, the Minister of Finance (Mr. Benson) has a certain project before a committee at the present time which is known as the white paper on taxation. One of the provisions has to do with a five-year revaluation for the capital gains tax. Has the minister borne in mind the fact that when the minister has his wicked way and that provision becomes the law of the land, unless my friends in the committee are able to frustrate him, it will have the effect of removing from the normal market the ability of a great percentage of the people of Canada to place pressure on the capacity to purchase land? There will no longer be a fair market value for the land, and consequently all the rules which the minister is suggesting will be negated. Has the minister taken that into account?

Mr. Speaker: Order, please. I suggest to the hon. member that his argument is somewhat extraneous in substance to the motion now before the House. The Chair will assume that the discussion on motion No. 10 is completed.

Mr. Knowles (Winnipeg North Centre): I rise on a question of privilege, Mr. Speaker. I shall be very brief. It is not unfriendly nor contentious. The minister said something in response to my remarks which I think deserves comment, if I could have the floor for a minute.

The minister said that the intent of amendment No. 10, which we are now dealing with, was not moved in the committee. That is technically correct, Mr. Speaker. There was not an amendment which merely sought to strike out those few words. But may I point out, as recorded at page 81 of Minutes No. 5 of the committee, that the member for Greenwood (Mr. Brewin) zeroed in, if I may use that popular parliamentary phrase, on the phrase "expectation of the public purpose for which the interest is expropriated". He said it was a very vague phrase. Most of his speech was against that part of the clause. Later the hon. member for Greenwood moved that the whole of paragraph (c) be struck out. This came to a vote which is recorded at page 94 of Minutes No. 5. The vote was 9 yeas, 9 nays, and the chairman said he was on the side of justice.