

*Expropriation*

beyond one's depth. If I did not drown that time, hon. members can be hopeful that I might this time or next time.

In the absence of the hon. member for Greenwood (Mr. Brewin), I am privileged to put forward this amendment which Your Honour has read to the House. I believe it was understood that motions Nos. 8 and 9 would be considered together. At any rate, as far as I am concerned No. 9 is consequential upon No. 8, and therefore on this occasion I shall make only the one speech.

As I understand it, the change sought by this amendment submitted by the hon. member for Greenwood was discussed at some length in the Standing Committee on Justice and Legal Affairs. I gather that under the old system, the amount to be paid in cases of expropriation was determined by the court on its own initiative in light of its own judgment. On the other hand, the aim of the bill now before us is to change this practice and to provide statutory rules which will determine the amount of compensation.

I take it, having read the record of the committee proceedings, that there is general approval for this change. In fact, that is one of the main reasons for the introduction of this legislation. I think I am being fair to my colleague from Greenwood when I say that although he preferred not to make the change at all, he was prepared to accept statutory rules for the fixing of compensation, provided there was a bit of leeway afforded the court; that there was a provision that would make it possible for the court to exercise its own judgment in cases that did not seem to be covered in full by the rules set out in the statute.

The intent of my hon. friend's amendment is pretty well stated in the words that he would like added to subsection 1 of section 23, namely, "so that each owner shall receive full and fair compensation for the expropriation". In other words, the proposal that my hon. friend makes is along these lines: Let there be rules in the statute, and let the court follow those rules. But if there are cases where it is clear to the court that full and fair compensation has not been provided, then the court should have the authority and the jurisdiction to see that fair compensation is provided.

Perhaps I might take a moment to read a few words from the committee record. At pages 62 and 63 of issue No. 5 of the Minutes of Proceedings and Evidence of the Standing Committee on Justice and Legal Affairs, the hon. member for Greenwood said this:

[Mr. Knowles (Winnipeg North Centre).]

● (8:10 p.m.)

I am fearful that the infinite complexity of property owning and types of property and so on will mean that the endeavour under clause 24 to spell out in detail the exact rules to be applied in every case may mean that you have a rigidity that will prevent people from receiving a full and fair compensation. This would still leave these rules to be applied *prima facie* as to how the expropriation would be carried out. But if some case arose in which the rules clearly did not give full and fair compensation because of some type of property that did not fit into this same concept of market value or because of some reasons the market was not adequate or these other rules did not apply, in that case the court would be unable to do justice. In other words it would leave the thing at large rather than making this a rigid set of rules.

There is quite a bit more that I could read. In fact, I could read from both sides of the argument. However, I think those few sentences from the remarks of the hon. member for Greenwood contain the main argument for this amendment to clause 23, which motion I am happy to support.

If I may recapitulate, we accept the proposition that there should be written into the expropriation law statutory provisions and rules to be followed. It does seem that in modern times, with all their complexities, there are cases where there should be latitude for the court. My friend the hon. member for Greenwood says this latitude should be granted so that the court can ensure there will be full and fair compensation in every case.

I hope I have not done any injustice to the point the hon. member for Greenwood sought to make. It seems to me it has merit. It accepts what the government proposes in this bill but it provides a bit of latitude to ensure justice in every case. Therefore, on behalf of the hon. member for Greenwood I not only present but support this amendment.

**Hon. John N. Turner (Minister of Justice):** Mr. Speaker, I think the hon. member for Winnipeg North Centre (Mr. Knowles) has again been fair in presenting the amendment of his colleague, the hon. member for Greenwood (Mr. Brewin). One of the main purposes of this bill is to clarify the present vague rules of compensation paid to owners of expropriated property or those with an interest in the expropriated property, as contained in judicial decisions. Frankly, these decisions are sometimes hard to research and apply. It was our intent to convert these vague rules, as currently applied by the courts, into rules of statutory precision. These rules are set