

Because I think it is necessary to delve into the question in greater detail, I think the subject matter of the motion should be referred to a committee. I should therefore like to introduce the following motion. I move, seconded by the Hon. Member for Leeds-Grenville (Mrs. Cossitt):

That the subject matter of the Private Member's motion No. 58 which stands in the name of the Hon. Member for Calgary West be referred to the Standing Committee on Regulations and Other Statutory Instruments for examination and for report back to Parliament at the earliest possible date.

Mr. Deputy Speaker: The Chair cannot accept the amendment moved by the Hon. Member for Western Arctic (Mr. Nickerson) and I will give my reasons in a moment. The situation would be similar to that when the House discusses legislation on second reading where, in some case, the subject matter could in fact be referred to a standing committee for further consideration through this means. We are not dealing with a Bill at any of its stages, however; we are dealing with a motion. There are precedents, which I will quote if it is the desire of Hon. Members, but I do not wish to take any more time than is necessary.

May I draw the attention of Hon. Members to Beauchesne's Fifth Edition, Citation 435.1, which provides "It is not an amendment to a motion to move that the question—" or subject matter in this instance"—go to a committee.

There are other precedents which I may quote, one going back to 1926, where a similar situation arose and in the course of debate an Hon. Member moved, and it was seconded, that the subject matter of the question be referred to a standing committee. The Speaker at that time moved the motion out of order for the same reason that I have invoked under Beauchesne's. That is the precedent on which Beauchesne's jurisprudence rests.

Therefore, I must rule the amendment out of order in this instance.

Mr. Paul E. McRae (Thunder Bay-Atikokan): Mr. Speaker, I commend the mover of the original motion. It seems to me there is a very strong case for what he is attempting to do. If we talk it out it is not because we do not appreciate it. On this side of the House I think we all appreciate it. I have witnessed two or three cases recently where friends of mine who are Members have had a tremendous amount of damage done to their reputations only to be proven completely innocent. The actions of the Government have cost them a tremendous amount of money, but there is very little they can do to recover. In some cases it will affect them financially and, in terms of their reputation, for the rest of their lives.

There is the case of the Sick Children's Hospital in Toronto where one nurse was charged, found not guilty and subsequently it has been shown very clearly that she had no involvement. The case did tremendous damage to her family, however, and had a good deal to do with the death of one of her parents. In every way that I can think of this woman has had a terrible two or three years. She is completely innocent, yet there is no recourse at this point to any kind of support or

Legal Fees

reimbursement for the hundreds of thousands of dollars she spent on the case.

I am not a lawyer but I gather that in some civil cases there are ways that one can recover court costs. There are other ways that the motion, if it were amended or adopted in its present form, could support people who are having difficulty. I can think of cases where subparagraph 1 of the motion would apply, where an individual is required to take action under an Act of Parliament and is subsequently found to be right. As the Hon. Member opposite indicated earlier, we have had many cases of individuals who had to get legal advice simply because they were not capable of presenting an appeal. There are many examples of people dealing with cases concerning taxes or bringing a claim for workman's compensation and very often the claim is proven and yet it has cost them a lot of money and they have had a great deal of anguish. In those cases it seems to me that we could provide some kind of advocacy system. This has worked very well in the Department of Veteran's Affairs in the matter of pensions. There are a number of ways of providing this help, as the Hon. Member suggests.

• (1650)

In criminal matters, Mr. Speaker, the Marshall case in Nova Scotia is one that has concerned me. This individual, who is not guilty of the crime he was convicted of, spent some 11 years in prison, and then we found that someone else is guilty. There are strong feelings that the Crown was remiss in this matter. I do not think there is any question that in this country we always try to be fair. We have tried to plug loopholes in our social services, we have tried to make sure that no one is actually without food or some kind of shelter even if it is temporary. But this is one area where we have done very little about the problem. The two cases I mentioned, the Nelles case and the Marshall case, have come before the public eye, and I know there are many other deserving cases we do not know about because they have not come to our attention. But it seems to me that a lot of people just seem to fall through the safety net in this area more than in any other. It is difficult to deal with because there are some people who fall through the net because they do not do anything to prevent it, they just let it happen. However, I think we should be moving ahead in this area fairly rapidly.

I welcome this particular motion, Mr. Speaker, and I think it behooves us to push the people who can come up with the answers. There are no simple answers, which is part of the difficulty. Perhaps the answer lies in having a better advocacy system. Certainly the whole question of criminal cases must be dealt with, perhaps separately from those of cases involving matters of regulations.

One of my other colleagues wants to say a few words on this subject, Mr. Speaker, so I will sit down and give him an opportunity to make a short statement.

Mr. John Evans (Parliamentary Secretary to President of the Privy Council): Mr. Speaker, with friends like that, who needs enemies? I would like to congratulate the Hon. Member