

*Legal Fees*

—her—

—to hire a lawyer to protect her interests. This cost her over \$1600, which I feel should be paid by your Department.

I am enclosing an itemized statement of her account and I trust that your Department will deal with it in the appropriate way.

There were many hardships created which this woman had to go through and it was only through my persuasion at the very end that she, very reluctantly, continued on with it. Therefore, I want to congratulate the Hon. Member for Calgary West for his motion. I urge this House at least to allow it to go to committee so that these kinds of things can be discussed and, hopefully, something will come out of it so that individuals such as my constituent will not have to go through this kind of procedure.

**Mr. Dave Nickerson (Western Arctic):** There is within Canadians, Mr. Speaker, something we might call “an innate sense of fairness”. When we see something happening which works against an individual, which puts him at a grievous disadvantage, even though strict legality was adhered to, we feel that something has gone wrong and amends have to be made. Part of our job as Members of Parliament is to bring these things to light. Over certain years or certain months we hear countless horror stories. We have heard some this afternoon. I intend to give you other examples of where Canadian citizens have found themselves holding the short end of the stick when they have been up against the state, the Government.

I am pleased that the Hon. Member for Calgary West (Mr. Hawkes) introduced this motion this afternoon. I am pleased that the Hon. Member for Sarnia-Lambton (Mr. Cullen) went into the basic idea in some detail. It gives us an opportunity to address these issues so that perhaps in future we do not have to raise them day by day as we presently do. It seems there is a difference in what we might call the general criminal law—and I do not use the term in a technical way. Perhaps a better idea might be to call it the “traditional law”—cases of assault, break and enter, robbery and these type of criminal offences. We have in our legislation a great deal of protection for the individual, whether that individual be the victim or the accused. When it comes to victims, we have provisions for restitution. We have provisions at the provincial level by way of criminal injuries compensation. If someone is wrongfully accused, he can sue for wrongful arrest. Available to people who are accused of these types of offences is legal aid. This is something generally made available by the provinces or territories.

Over the generations there has come into being a system which respects the protection of the individual. However, when we are faced with what we might call administrative law—and much of the new law which is made is of this nature and deals with government rules and regulations—we have quite a different situation. Everything appears to be weighted in favour of the administrator, in favour of the state. When someone finds himself fighting the monolithic government, it puts him into a very difficult position and he can incur considerable expense. Justice in these cases is often much more expensive

than justice under the criminal law or, as I have called it, the traditional system. If one is accused of breaking and entering, the process is fairly simple. One can act on one's own behalf in court and one is given every opportunity. When it comes to administrative law, very often it is up to the individual to initiate proceedings. That is much more difficult than just appearing in court and arguing your case. When it comes to the issue of wrongful denial of licences, for example—and these days you need a licence or permit to do almost anything—one needs a much greater level of expertise. Legal counsel has to be better informed. Very often there is a need for expert testimony from witnesses. These legal proceedings can be quite difficult and complex and frequently are very expensive.

● (1640)

Matters relating to taxation fall into this category even if a charge is laid under the Criminal Code. Not very long ago I spoke to someone who had been accused of tax evasion in the amount of \$25,000—not a great amount of money in view of the nature of the business involved. That individual had spent approximately \$250,000 in legal and accounting fees in an effort to clear his name and so that he would not have to pay the \$25,000 that the Crown wrongfully alleges is owing. I do not know how this case will end, but in my opinion if the court finds the accused innocent, there should be some recourse against the Crown.

Another example occurred recently in my constituency concerning fisheries. We have heard about fisheries cases before—it seems the Department of Fisheries and Oceans is so determined to obey the letter of the law when it comes to rules and regulations that it is inclined to proceed first and ask questions afterwards. Approximately 1,000 fish were seized from a purchaser of fish in my constituency. I presume it was alleged they were caught illegally, but so far no charges have been laid and in all probability will not be laid. It may be that there has not been sufficient wrongdoing to make charges stick or it may be deemed that the public interest would best be served by not proceeding with the case. In the meantime, the person accused is unable to carry on his normal business. He does not know whether he will get the fish back or not. If the case is not proceeded with, what recourse does he have against the Crown?

Those are just a few examples, Mr. Speaker. I do not want to proceed at great length because we have already heard most of the arguments pro and some con this afternoon. I listened carefully to what the Hon. Member for Sarnia-Lambton said. I think he had some good ideas and perhaps some valid criticisms of the motion. Perhaps it should have been more focused and perhaps we should have started out with matters relating to taxation instead of trying to include everything in one motion. There is a question of how a scheme such as that envisaged in the motion could be implemented and what the implications of it would be in costs to the Crown and the public Treasury, for instance.