

Adjournment Debate

of cabinet. In the official record of *Hansard*, "colleague's" has been singularized, I suppose dealing with the Minister of Justice (Mr. Chrétien).

I want to say to the House that there is a moral gap in the criminal law. There is some jurisdiction, some responsibility generally in this field for the subject as evidenced by the report of the Ontario Law Reform Commission in the study done by them in 1977. They said at that time:

—it is not difficult to conclude that the existing system is totally inadequate and should be replaced by a full costs system.

They recommended the combination of federal legislation and in part by federal-provincial arrangements to provide a Canadian criminal cost system with certain features. One of them was to be the granting of costs in cases like this.

I ask the House to consider that a charge was laid by the police after investigation. I do not know what occurred during the course of that investigation but in any event, at the end of it a Canadian citizen was discharged after 14 months. Her reputation was trotted out before the Canadian public. As a professional, she is likely ruined in terms of her profession and no one, whether here, Toronto or elsewhere, can say that it is morally right that the old system ought to apply and that a person like her ought not to be assisted somehow.

The federal government has a responsibility. If the report of the Law Reform Commission is not enough, I want to suggest to my colleagues that we ought to urge upon the government to go together with provincial governments to change that system. But in this particular case I want to urge some recompense, even if in part, for a legal bill that amounts to about \$150,000 or \$200,000. Surely, if a plaintiff who brings an action is wrong in a civil case and is therefore charged in costs when he loses, it equally ought to apply that the Crown which brought an action under the criminal law jurisdiction when it is shown to be wrong because the charge has been dismissed, ought to also be penalized in costs.

This Susan Nelles case is just the indicator of the inequity in the system. It is time that some equity was brought to the system of criminal justice and we have the chart in this report. I do hope that my friend, the parliamentary secretary, can report on some progress tonight in this matter.

● (2205)

Mr. Dave Dingwall (Parliamentary Secretary to Minister of Energy, Mines and Resources): Mr. Speaker, the question raised by the hon. member for Nepean-Carleton (Mr. Baker) is one which engages a great deal of public sympathy. At the same time, I believe it raises a number of important questions of principle. It would, of course, be entirely inappropriate for me to comment on the particular facts of this specific case. It is my understanding and belief that the matter is presently under review by police investigation. As well, it has been the subject of a provincial inquiry under the chairmanship of Mr. Justice Dubin.

The hon. member, however, has quite properly raised the wider questions of principle and policy related to the general

question of compensation for accused persons who are subsequently discharged or acquitted. As he noted in his question, "The Government of Ontario has a responsibility with respect to some compensatory arrangement in a case where an accused has been exonerated." I think that this is an extremely important point to consider, given the division of responsibilities in the field of justice under the terms of the Canadian Constitution.

As the hon. member well knows, the Parliament of Canada has the authority to enact legislation with respect to criminal law and procedure, under the terms of Section 91(27) of the BNA Act. The provinces, on the other hand, have the responsibility for enacting legislation related to the administration of justice, under the terms of Section 92(14).

The Criminal Code provides for provincial authorities to carry responsibility for the investigation and prosecution of almost all offences under the Criminal Code. Thus, police forces under the authority of the provincial attorney general or another provincial minister, and Crown prosecutors, also carried the burden of criminal investigation and prosecution in Canada. It is important to observe the division of responsibilities in the field of justice in order that appropriate accountability may be maintained, as well as in order to ensure the most effective use of resources in the important public task of discovering and prosecuting crime.

The hon. member for Nepean-Carleton went on to suggest that there may, as well, be a case for federal consideration of the general issues involved, and referred to a study paper published some nine years ago by the Law Reform Commission. The proposal set out in that study paper which, I might add, did not take the form of a formal recommendation from the commission, suggested that consideration be given to the establishment of a system to pay the costs of all acquitted and discharged accused persons based on economic need, with any such compensation system to be administered by provincial criminal injuries compensation agencies. I might add that no working paper or report has since been published by the commission recommending the adoption of that position, but the president of the Law Reform Commission of Canada has indicated that the general question will be examined again in the context of the criminal law review which has recently been initiated by the federal government in close co-operation with the provincial attorneys general.

[Translation]

ENERGY—EXPORT OF POWER BY HYDRO-QUEBEC—POSSIBLE DIFFICULTIES

Mr. Pierre Deniger (La Prairie): Mr. Speaker, may I refer the House to the question I directed to the Minister of Energy, Mines and Resources (Mr. Lalonde) last Thursday on the subject of Bill C-108, an act containing amendments to the National Energy Board Act. This bill has given rise to outrageous politicking on the part of Quebec and Newfoundland, on a subject that is purely a matter of economics. Only Lise Bissonnette, in her editorial in the newspaper *Le Devoir* of