

Legal Fees

ence as elected representatives, I hope they understand the wisdom of it and the need for it in modern society. I sincerely hope that the debate concludes prior to five o'clock so that we can move a motion to have the subject matter referred to committee. We are not prejudging what the committee will decide, but if the subject matter were referred, an investigation could begin as to its principles, the costs in relation to it, and the need for it. Hopefully the committee would report back to Parliament in the not too distant future.

I commend the motion to the House. I sincerely hope it is referred to committee by five o'clock this afternoon so that we can get on with trying to correct something which really needs correcting in modern Canada.

Hon. Bud Cullen (Sarnia-Lambton): Mr. Speaker, I am happy to participate in this debate this afternoon. It is almost a case of *déjà vu*. However, I commend the Hon. Member for Calgary West (Mr. Hawkes) for bringing this particular subject matter to the attention of the House and those people who will follow it on television, read about it in the newspapers or listen to it on the radio. It is an area of concern to more and more Canadians. Certainly it is of concern to more and more of us serving as elected representatives.

In a previous motion not unlike that of the Hon. Member, it was suggested that costs should be charged as an expense against a Department in cases where the particular Department, be it the Department of the Environment, the Department of Fisheries and Oceans, the Department of National Revenue or whatever, moved into an area or went against a Canadian for a particular breach or action which it saw as inappropriate and in which the Canadian was proven to be correct in the final analysis. As the Hon. Member wound up his comments, it reminded me of the earlier debate concerning people who take an initiative but in effect do not suffer any consequence if they are wrong; in effect they have nothing to lose. Obviously I do not think that it should come out of their own pockets. They have a role to play, but I wonder whether they would give the situation a sober second thought when initiating an action, be it the seizure of goods at Customs such as fishery equipment about which the Hon. Member talked a suggesting that there has been a violation of an environmental regulation or law, if they knew that, in the event they were wrong in their interpretation or the action they took, it would be the responsibility of the particular Department for which they worked. In that way we might have a little more consideration for the ordinary Canadian in terms of this particular subject.

I am sorry the Hon. Member has not given his particular motion more focus. Frankly, it is too broad, it covers the entire waterfront. Seemingly he is trying to solve the situation by having the subject matter referred to a committee, but we must remember that a whole series of subject matters are covered by the Hon. Member. Whether it is that people prosecuted under the Criminal Code should have some basis for compensation if they are ultimately found innocent, whether it is a tax situation or a fisheries move, he should have focused his motion upon one particular area. Then we could

have come to grips with how much it would cost, what would be the impact of sanctions on a particular Department or how many people would be involved.

When we embark upon a new idea such as this, obviously we meet a lot of obstruction from governments, whether they be federal, provincial or municipal. We have to start small with a pilot project to show that it is a good move, that it is in the best interests of the Canadian public or at least the people who find themselves subjected to such action.

The Hon. Member suggested that someone might discover that to fight a reassessment of \$200 or \$400 more in taxes would cost him quite a bit more. That is not unusual. At the provincial level I know of people who did not make an improper left-hand turn or were innocent of careless driving but were advised that if the matter were taken to court the legal fees, or the costs and fines if they lost, would be such that the old phrase used in grade B movies, "pay the \$2" applied. The ordinary person would say that he was satisfied he was right but that it was not worth \$200 to try to save \$50, so he abandoned the initiative. Frankly that is too bad. With the legal aid system in most provinces now, there are probably more actions being taken by individuals, particularly those at the low end of the economic scale, who have counsel and are able to go to court at no great expense to themselves.

I do not think most Canadians who have been on the receiving end of an action by government or a government agency need to be convinced that some form of assistance should be available to individuals wrongly charged. It is not so much charged; this is where I lose my hon. friend in criminal proceedings. It would have to be the more heinous type of crime where in the prosecution of it the Crown attorney or whoever deals with the matter might have been a little more careful, but I am uncertain whether I could go along with the Hon. Member on the prosecution aspect. I am thinking more along the lines of civil matters where a better case could have been made. Often we are called upon as Canadians to accept interpretations because we do not have the wherewithal to proceed. I think that is the point of the Hon. Member's motion today. As I said, it should have been a bit more focused.

The Hon. Member talked about costs to the individual. I wonder what his motion would represent in the form of costs to taxpayers, in terms of clogging up the court system or administrative tribunals. Has he thought beyond the fact that in the final analysis the cost to the individual may be difficult to bear? Has he thought about what would be the cost to taxpayers? Would a clogging up of the courts system or administrative tribunals flow from the things suggested in the Hon. Member's motion? Frankly, I cannot see this motion or its subject matter going to a committee. I could see a motion with more focus in one particular area so that we could examine what it would cost and what would be its impact on tax tribunals or the courts of the land. In that way we could make a better case for the type of thing the Hon. Member is trying to bring about.

On the face of it I find it difficult to determine what the motion is endeavouring to include. It would appear that it