

Legal Fees

what is right. We pass in this House of Commons page after page of laws day after day. We have reached a point where the laws of Canada grow in number daily. One of the powers we give to the Cabinet of Canada when we pass a law, and we do it frequently, is the power to make Orders in Council and set regulations. Last year, over 4,000 different regulations of that kind were passed. Then we turn around and we have to hire people to interpret those regulations and in some cases to enforce those laws. People are only human. From time to time some are over-zealous in the interpretation of a regulation. When that happens, quite often there is an enormous stress put on the individual, an enormous psychological cost. Accompanying that there is always financial expense. In many cases that financial expense is massive, sufficient to bankrupt an individual, causing irreparable damage to members of his or her family.

I thought long and hard about what we could do about it. Certainly we cannot eliminate this situation. If we are going to have an orderly society with laws and regulations, then we need to have some system that holds individuals accountable for obeying those laws and regulations. We need in a modern society, given the proliferation of those laws and given the fact that there are well over one-quarter of a million people serving the Government of Canada in the enforcement of those laws, a system where the individual does not suffer what really amounts to a financial fine, not because he did wrong but simply because he was accused of doing wrong.

I did not attempt in this motion to provide taxpayers' dollars to those who have done wrong. I attempted to separate the difference between those who have done wrong and those who are accused of doing wrong. I looked at the recent debates in the House of Commons. We have had a lot of concentration on the tax man. We have talked a lot about reassessments and a lot about appeals. What is happening out there—and I think every Member of Parliament knows it—is that if the tax man comes along and says, "We are reassessing you for \$200 more tax, \$800 or \$1,000 more tax," we encounter individuals who say that that is wrong. We hear people say that that is the wrong interpretation of the tax law. But the bureaucrats say, "If you believe that, appeal". The taxpayer looks at the cost of appealing. It may amount to \$5,000 or \$50,000, but it is more than the amount of reassessment. It is a pretty normal human reaction to say, "I am right. I would like to prove that I am right. I would like to prove that the tax man is wrong, but it will cost me so much money that I will be better off simply to accept the judgment of the civil servant"—the servant of the people.

I looked at environmental regulations and I looked at the election law itself. In those two areas action can be taken by civil servants against an individual. The individual can feel he or she is right, but that individual has to judge whether the cost of proving he or she is right outweighs the benefits to be gained by knuckling under. Far too often, I suggest, every Member of the House has encountered case after case after case where individuals knuckled under to a determination

made by a single individual because the cost of proving themselves right far outweighed the benefits to be gained.

I suggest, Mr. Speaker, that is not the way we should be defining Canadian society. If we are going to have big government, if we are going to have rules and regulations, surely the cost to an individual should not commence at the moment of accusation. It can commence at the moment of conviction. If the taxpayer is proved to be wrong, if a person has broken the criminal law, then perhaps that is appropriate. We should not be the victims of an assertion by a single individual in the bureaucracy who says that we have done something wrong. Those rules and regulations run right across the Department of Justice, from licensing, to transportation, to the fisheries.

One of the first things that happened to me as a Member of Parliament concerned regulations and statutory instruments. I looked at a regulation where a fisheries officer could get on a citizen's band radio and say, "As of this moment, the following tackle is illegal to use". The penalties which flow to the individual at that moment in time are immediate confiscation of the equipment and a fine. That is instant law, Mr. Speaker. That is a difficult kind of law for individuals to protect themselves against.

I have seen Customs hold up shipments of such things as crab destined for restaurants on some kind of technicality which the taxpayer ultimately proves should not have happened. It might be a customs officer who got out of the bed that morning on the wrong side. The recipient of that cargo or the shipper pays. Somebody pays. It is not the civil servant, it is not the Crown; an individual pays. I suggest those kinds of things should not be allowed to continue. I suggest we should have a system whereby, when this big thing called the Crown with all of its resources, with all its civil servants, with all its lawyers and with all its financial clout, attacks an individual and the individual is subsequently proved right, we, the taxpayers of the country, collectively have at least the responsibility to reimburse that individual for the costs incurred to defend themselves from the action of the Crown. Today the Government and the individual are like David and Goliath. In most occurrences in Canadian society, David is fined the minute a bureaucrat takes an action, even when the bureaucrat is wrong.

● (1610)

If my motion were to be adopted and we had such a system, we would be able to spot over-zealous bureaucrats if their personal records indicated they had been frequently wrong. They would be costing taxpayers money time after time by making accusations or interpreting regulations in a manner which the lawmakers did not intend or in a manner which was unfair to the individual. Society would be better off with a system of accountability for the tiny minority of bureaucrats or public servants who are over-zealous from time to time and cause difficulties to individuals.

I know other Hon. Members of the House would like to speak to today's motion. As the debate continues this afternoon, I hope they speak positively about it. With their experi-