Mr. McLARTY: Yes; the regular appeal would obtain. This is merely in connection with new facts being presented. For instance, a worthy claim for benefit may have been wiped out in mistake. That claimant could come along and show new facts, and the claim could be reopened.

Section agreed to.

Sections 65 and 66 agreed to.

On section 67—Penalty for misrepresentation.

Mr. HANSON (York-Sunbury): Why is this section under the general heading "legal proceedings"? Why not just call it a penalty, as it is? I think that heading is misleading.

Mr. McLARTY: I cannot take any exception to what the hon. gentleman says, but the heading is there.

Mr. HANSON (York-Sunbury): That is the answer we always get when we offer a good suggestion.

Mr. McLARTY: Not at all. It may be that the word "penalty" would make it a little clearer. There is no objection as far as I am concerned, except that some sections following may be affected.

Mr. HANSON (York-Sunbury): Then take them out from under that heading.

Mr. McLARTY: This heading would be proper for section 70, for example, but there are certain civil debts dealt with as well.

Mr. HANSON (York-Sunbury): It does not make any difference to me; "a rose by any other name."

Mr. MACKENZIE (Vancouver Centre): The heading affects about ten sections.

Section agreed to.

Sections 68 to 71 agreed to.

On section 72—Civil proceedings by employee against employer for neglect to comply with the act.

Mr. MacNICOL: Who will institute the proceedings on behalf of the employee? The average worker would not know just what to do or to whom to go.

Mr. McLARTY: I think the best answer I could give is that it will have to be a matter of regulation as to who shall proceed against the employer. I should think the commission would have to lay down some regulation about that.

Mr. MacNICOL: The government could not expect an employee to pay the cost of going to a solicitor.

Mr. McLARTY: I think that is quite right. Perhaps I have not answered the question satisfactorily. As far as I can see, it would be pretty much a matter to be determined by regulation. That is what is done under the British act.

Mr. GILLIS: I think the hon. member for Davenport has raised an important question. The answer that it is done in this way in the British act does not make it applicable to Canada.

Mr. McLARTY: That was only the last part of my answer.

Mr. GILLIS: In Great Britain the people who come under the act are largely members of trades unions, and when a dispute arises with respect to the unemployment insurance act they have their unions to take up the cudgels for them and fight the case. That is not so in Canada.

Mr. McLARTY: I do not want to interrupt my hon. friend, but has he read the section? It states:

> . . . the commission may pay to such person the benefit so lost and shall be entitled to recover from the employer as a civil debt a sum equal to the amount of the insurance benefit so lost and on recovery shall, unless payment already has been made, pay the same to such person.

Mr. HANSON (York-Sunbury): This is taken from the British act, is it not?

Mr. McLARTY: Yes.

Mr. HANSON (York-Sunbury): In Britain I think the union would fight the battle of the employee in almost every instance. I am just wondering if something should not be done to help the employee who may not be organized, who may be in an isolated position. It is difficult for one working man to take action. If the minister says this could be done by regulation and that such regulation will be framed, I am content.

Mr. McLARTY: Of course, as I read subsection 1 of section 72, it is the duty and obligation of the commission to do so.

Mr. HANSON (York-Sunbury): No, not exactly; it is, I submit, in the discretion of the commission. The word "may" in line 28 is not mandatory.

Mr. McLARTY: I believe we have debated that before. However, the fact that it is there, as I think the leader of the opposition will agree, would mean that that word "may" would in this instance be interpreted as "shall". It would be difficult to imagine conditions in which the commission empowered to act would refuse to act.