

if I understand it correctly. I refer to the first part of it which reads as follows:

(3) The governor in council may make regulations not inconsistent with this act

(a) prescribing the evidence required for any purpose under this act.

It seems to me that the evidence required in the case of a prosecution under this act should not differ in any way from the evidence that is required in a court of law in any case that comes before it. It seems to me that the evidence required in any legal proceeding under this act should be subject to the same rules of evidence as are required to be complied with in a court of justice in any legal suit or proceedings in that court. It is a well established principle of law that a person who alleges must prove; and it is also a well established principle of law that a person charged with a crime is presumed innocent until he is proved guilty according to the rules of evidence of the land. To prove a person guilty of an offence, laws of evidence have been gradually developed, through trial and error, in the interests of justice. Hearsay evidence and secondary evidence are not, in most cases, permitted. It is now proposed by this section, as I read it, to give to certain bureaucrats powers to make their own laws of evidence. I see no reason why this should be permitted. I see many reasons why it should be opposed. Why should we make it easy for these officials to set aside the well established rules or laws of evidence, make it easy for them to get along by setting aside those laws and, in consequence, obtain convictions against persons who may be innocent?

Mr. ABBOTT: There is no intention of that kind here. If that is the case, we would not put it in. There is no intention to affect the rules of evidence in prosecutions. It is merely in the administration of the act.

Mr. HAZEN: I may be altogether wrong in the way I have read this section. I trust that I am.

Mr. ABBOTT: Unless you are, we should certainly amend it. I think it relates only to administration. I should like to say a word of explanation, after my hon. friend is through, as to what the purpose of this is; because it is simply to facilitate administration. It is under the heading of "administration". Will my hon. friend allow me to give an example of what I have in mind?

Mr. HAZEN: I know what you have in mind, but does the wording of the act confine you to what you have in mind?

Mr. ABBOTT: Well, the courts would never be bound, in a criminal prosecution, by any-

thing like this. We want to be able to get the best evidence. If a man says he is the father of ten children living in Czechoslovakia, we want to be able to take a declaration to that effect.

Mr. HAZEN: Where do you find this is only for administration?

Mr. ABBOTT: It is under the heading of "administration". You have to take it in the context. It is sub-section 3 of section 75. It is the third sub-section in part 10. Part 10 is headed "administration". Under section 75, there are now two sub-sections, 1 and 2. This is added as sub-section 3. My hon. friend may be right. It is intended to be purely to supplement the administrative provisions of the act and to facilitate its ready administration. As the committee will realize, in a great many cases, evidence of dependency, evidence of the extent of medical expenses, evidence as to all other kinds of odds and ends of that kind, if you followed the strict legal rules of evidence, requiring the best evidence, it might impose an onerous burden on the taxpayer. It was intended that, under this provision, there should be considerable latitude whereby the governor in council could set up a code of rules under which statutory declarations would be accepted as evidence of certain claims made for exemptions, and that sort of thing. There is no intention that this should have any application for prosecutions for offences under the act; and if it could be interpreted in that way, certainly the section should not go in. But it was submitted to the Department of Justice, and I am told we were advised that was not the case. Frankly I had not considered that phase of it until my hon. friend raised it.

Mr. HAZEN: What struck my eye when I glanced at it previously was section 75, sub-section 2, which definitely says the minister may make any regulations deemed necessary for carrying this act into effect. It seemed to me that those words were wide enough to give him power to make any regulation he saw fit. Now you go on and add this new clause saying that the governor in council may make regulations not inconsistent with this act. It does not say "not inconsistent with the administration of this act", but "not inconsistent with this act", prescribing the evidence required for any purpose under this act, not merely for the purposes of administration.

Mr. ABBOTT: Certainly there is no intention to have it cover any such field as my hon. friend suggests. It does not seem to me it does, but if there is any doubt, perhaps we had better let the section stand. I can drop it if