

*Division*

decision of the department, or the minister, if you like. Whatever is decided, there is at present no appeal against that decision. We are now providing for an appeal to an assessor. It seems to me that both hon. gentlemen missed the point completely in that they did not refer to clause 11 of the bill, which provides:

The Governor in Council may, from among the judges of the Exchequer Court of Canada and the superior courts of the provinces, appoint an assessor and such number of deputy assessors as he considers necessary to hear and determine appeals from compensation awards made under this act or under any other act to which this part is made applicable, and, subject to the provisions of this act, may prescribe their jurisdiction.

I think I should draw that clause to the attention of the house. Therefore, the assessors will be members of the Exchequer Court of Canada or the superior courts of the provinces. Surely, the hon. gentlemen missed the point completely when they said an appeal will not be heard by people who are competent in the courts, because this is the place from which the assessors will come. This is provided for in clause 11. As a matter of policy, we feel that inasmuch as appeals are to be heard by superior court judges—

**Mr. Gleave:** Mr. Speaker, I would like to—

**The Acting Speaker (Mr. Béchard):** Order, please. The hon. member for Saskatoon-Biggar (Mr. Gleave) has risen to ask a question.

**Mr. Gleave:** Mr. Speaker, I merely wish to point out, if I may, that in my speech I did say an appeal would be heard by a judge.

**The Acting Speaker (Mr. Béchard):** Order.

**Mr. Olson:** As I was saying, Mr. Speaker, as a matter of policy we feel that inasmuch as appeals are to be heard by a superior court judge appointed as an assessor to hear matters within very clearly defined and limited terms of reference, his decision should be final and conclusive to prevent the prolonging of proceedings.

What we are talking about here in so far as appeals are concerned is the rate of compensation. The maximum and the minimum will be set by order in council, not by the department. The appeal would be to an assessor who would be a judge of the Exchequer Court of Canada or of the superior courts of the provinces. These judges will hear appeals with regard to the amount of the assessment within the minimum and maximum set by

order in council. I think it would be superfluous to have further appeals from decisions of these judges because, as I have said, they will be taken from the superior courts.

**The Acting Speaker (Mr. Béchard):** Is the house ready for the question?

**Some hon. Members:** Question.

**The Acting Speaker (Mr. Béchard):** All those in favour of the amendment will please say yea.

**Some hon. Members:** Yea.

**The Acting Speaker (Mr. Béchard):** Those opposed will please say nay.

**Some hon. Members:** Nay.

**The Acting Speaker (Mr. Béchard):** In my opinion the nays have it.

*And more than five members having risen:*

**The Acting Speaker (Mr. Béchard):** Call in the members.

The house divided on the amendment (Mr. Gleave), which was negatived on the following division:

## YEAS

## Messrs:

|                                    |  |
|------------------------------------|--|
| Aiken                              | Latulippe                                |
| Alkenbrack                         | MacDonald (Egmont)                       |
| Asselin                            | MacEwan                                  |
| Baldwin                            | MacInnis (Cape Breton-<br>East Richmond) |
| Beaudoin                           | MacInnis (Mrs.)<br>(Vancouver-Kingsway)  |
| Bell                               | MacLean                                  |
| Benjamin                           | Macquarrie                               |
| Brewin                             | MacRae                                   |
| Burton                             | McCutcheon                               |
| Cadiou (Meadow-Lake)               | McGrath                                  |
| Carter                             | McIntosh                                 |
| Coates                             | McQuaid                                  |
| Code                               | Monteith                                 |
| Crouse                             | Moore (Wetaskiwin)                       |
| Danforth                           | Muir (Cape Breton-<br>The Sydneys)       |
| Diefenbaker                        | Muir (Lisgar)                            |
| Dionne                             | Noble                                    |
| Downey                             | Peddle                                   |
| Fairweather                        | Peters                                   |
| Fortin                             | Ricard                                   |
| Gilbert                            | Ritchie                                  |
| Gleave                             | Rodrigue                                 |
| Godin                              | Rondeau                                  |
| Grills                             | Schreyer                                 |
| Hales                              | Scott                                    |
| Harding                            | Skoberg                                  |
| Harkness                           | Southam                                  |
| Horner                             | Stewart (Marquette)                      |
| Howard (Skeena)                    | Thomas (Moncton)                         |
| Howe                               | Thompson (Red Deer)                      |
| Knowles (Norfolk-<br>Haldimand)    | Thomson (Battleford-<br>Kindersley)      |
| Knowles (Winnipeg<br>North Centre) | Winch                                    |
| Korchinski                         | Woolliams—68.                            |
| Lambert (Bellechasse)              |  |
| Laprise                            |  |