more or less an administrative tribunal and it will have authority to receive information other than evidence in a court. It should not be given express authority to receive additional information, which implies that this is received other than in the normal course of hearings.

Mr. Orlikow: I wish to raise a subject which was dealt with yesterday by several hon. members. I raise it today partly because I was unable to be here yesterday. I speak with some hesitation because, unlike the hon. member for Carleton and my hon. friend from Greenwood, I am not a member of the legal profession. It seems to me that if this board is to be considered as a court, people who appear before it must have the right to be told the reasons for the denial of their application. If for example the board only has before it a statement from the Minister of Justice or from the R.C.M.P. to the effect that the applicant cannot be permitted to stay in Canada because he is a security risk, the hearing, in my opinion is reduced to an exercise in futility. I join with my hon. friend from York South who said yesterday that we do not expect the department or the security agencies of the government to divulge their sources of information.

Mr. Lewis: You are dealing with a separate question.

Mr. Orlikow: My hon. friend says I am dealing with a separate question. It may be. But I do think that a person who appeals should have the right to know precisely the reasons for which action is taken. If he cannot answer the accusations made against him, the court is really not a court at all—it can only be called a kangaroo court. If this is not the proper clause I can only hope that in some other clause we shall give people the right to obtain the information which is supplied to the board by the government, so that a man will be in a position to make an explanation of the circumstances and defend himself against charges made against him by some government agency.

Mr. Baldwin: I understand the minister will be dealing with clause 10 later, and that it may have some reference to clause 7. May I point out to him that subclause 2(a) provides that a summons may be issued to a person requiring him to appear. He may also bring with him certain documents. The reference is obviously to a situation where the board is sitting and witnesses appear before it. Then, subclause 2(b) provides for the administration of oaths and the examination of persons upon oath or otherwise. This obviously covers the entire gamut of the situation where evidence, documentary and oral, is heard by the board.

Plainly, then, subclause 2(c) must refer to some other kind of proceeding. It must have in mind hearsay evidence, evidence obtained outside the hearings from documents or even in the course of mere discussion. The board or any of its members would be quite free to obtain information from any other person by way of documents or otherwise and that information could be taken into account in reaching a decision.

The minister may tell us that this cannot happen. But our experience is that whenever powers are given those powers will be used, even if they were not provided intentionally. I think the minister should make it perfectly plain that this "additional information" will be information which the person concerned will have the opportunity of meeting. I believe this could be done very easily by way of an amendment.

Mr. Marchand: I am not in disagreement with anything that has been said, and if there is no objection on technical grounds I will try to meet the submissions of hon. members in this regard. So I will ask that clause 7 stand.

• (3:40 p.m.)

I do not believe an amendment is necessary because this board is really, to a certain extent, administering the law. Of course the board will receive some reports and these reports will have to be communicated to the appellant or his lawyer. This is normal. If that is not the situation under this provision, then it is not what I intended and if something can be added without destroying the purpose of the law I am ready to do it.

Mr. Lewis: I should like to add a word while the minister considers the point. I am not trying to lecture him, but I notice he considers that this is a court of record. It is a tribunal set up by statute. As the minister knows, it has no more jurisdiction than that which the statute sets out. It does not have what we call the inherent jurisdiction of courts. It is limited by what this statute says it can do. This explains the anxiety of some of us that a statute set out very carefully the limitation of its powers, as well as the extent of its powers. Even though you call it a court of record, it is not. It is a statutory tribunal which cannot go outside the limits of the statute, but can go the entire direction that