system parliamentary secretaries have no responsibility. For this house to question the parliamentary secretary and hold him responsible for answers touching questions of policy is quite improper under the rules unless the roles of parliamentary secretaries are changed. Personally, I should like parliamentary secretaries to be given greater responsibilities. Their positions ought to have some tangible meaning. But that has not been done. All power is kept in tight, grubby little hands.

Mr. Brewin: Grubby or crummy.

Mr. Lambert (Edmonton West): It is only natural for members like the hon. member for Calgary North to be concerned about the implications of clause 2 of the bill, which amends section 9 of the Canada Evidence Act. If ever a clause sought to load the dice in favour of the prosecution, it is clause 2. I see the parliamentary secretary shaking his head. I hope he has had even one tenth the experience in court of the hon. member for Calgary North, to say nothing of the right hon. gentleman for Prince Albert (Mr. Diefenbaker). This clause purports to say that when a witness is to be declared hostile a statement merely has to be made to the court to the effect that there is a difference between the evidence being given at the moment and evidence that was given elsewhere. The prior evidence must be reduced to writing. The court then is invited to declare the witness hostile. I say that is wrong. There must be proof of the facts alleged. A witness ought not to be declared hostile merely on the word of one man. After all, the entire matter ought to be looked into by way of examination and cross examination.

The hon. parliamentary secretary may not have the experience that trial lawyers have had with preliminary hearings, après enquête. It is not necessary for defence counsel to call witnesses. Defence counsel has the right to examine the Crown's witnesses to see what kind of case the Crown has. There is a stage in justice where a preliminary hearing is held in order for the court to determine if there is sufficient evidence to substantiate the charge. That is, if there is a prima facie case. The accused or his counsel have the inalienable right to examine every iota of evidence put forward by the Crown to determine whether there is evidence to substantiate the laying of the charge. Of course, the Crown calls its witnesses, not necessarily all of them, to substantiate the validity of the charge, in the judgment of the Crown. That evidence is recorded. Later, if there is the slightest difference between the evidence given at the preliminary inquiry and the evidence given at trial, the Crown prosecutor does not even have to prove the preliminary hearing transcript, because the wording of clause 2(2) is:

> Where the party producing a witness alleges that the witness made at other times a statement in writing, or reduced to writing, inconsistent with his present testimony, the court may, without proof that the witness is adverse—

And so on and so forth. That is how a witness may be declared adverse and to my way of thinking this clause attempts to load the dice in favour of the Crown.

The minister ought to be here, Mr. Speaker. What were the government's reasons for bringing in such amendments? It must have had its reasons, although we do not know them not being possessed of the testimony given before the committee. We do not know what that testimony was and yet we are asked to pass this bill. The basic reason the hon. member who sought to adjourn debate on this bill this afternoon had for bringing forward his motion was that there is no transcript before the house of the evidence taken in committee. We therefore wonder why the government has advanced these amendments to this section.

I find myself very embarrassed, Mr. Speaker, at third reading to be asking such questions. After all, I am not a member of the committee that studied the bill, and that is the difficulty. Reasons for advancing these amendments may have been furnished before that committee but we do not know of those reasons because we have no transcript. The burden is on the government proposing the change to substantiate the need for this change in the law. The clause appears to me, and I am a lawyer, to be loading the dice in favour of the prosecution. That is all I will say on the point. But before I consent to passage of this bill, there must be a satisfactory explanation of the government's thinking. That explanation might be made available either through adjourning the debate so that we can obtain the transcript of evidence taken before the committee or by calling the minister—or at least having him present in the house—and allowing him to explain the government's thinking on the matter.

• (8:20 p.m.)

My second point deals with clause 3 which purports to amend section 29 of the act and the definition of a financial institution. Again I wish we had the transcript of the committee