Next, I am concerned about subclause 2 (c), which reads as follows:

(c) receive such additional information as it may consider credible or trustworthy and necessary for dealing with the subject matter before it.

When does the board receive this? Is it at the hearing, subsequent to the hearing, or at some later date? In other words, how and when is additional information to come into the possession of the board? Also is it to be genuine evidence, or hearsay evidence, or anything that, in the imagination of the board, may be considered relevant? Is this additional information to be made known to the appellant? Must it be made known to him before the hearing or at the time of the hearing? The broad way this subclause is drafted shows to me that there is here a great potential for abuse.

No time limit is set out in the clause. If the board is able to receive additional information it may consider credible or trustworthy subsequent to a hearing, I think the appellant's hands are completely tied. These are the broadest powers I have ever seen, in the rights of a board, to receive information. I have grave doubts about this. Abuses might arise as a result of this clause. I should like to hear the minister's comments.

Mr. Marchand: It is clear from reading the bill that we want to constitute a board that will be independent and will have a status comparable to that of the ordinary courts. I think this board will have to use its discretionary powers about procedure, if procedure is not established in the law. I think most of the time, the board will proceed de novo. It might decide to proceed in some other way. It is provided in the amendment, which I hope will be accepted, that a member can report to the board and the board can decide on the report of the member who shall have been authorized to hear evidence. We want the board to have this power, and to exercise its discretionary power as it sees fit. I do not think we could foresee all cases. We should consider this board as a major board, with the responsibilities of a court.

I do not believe that all procedural details governing the ordinary courts are included in the regulations concerning those courts. For example the courts need not necessarily render judgments in writing. They do that however, and those judgments usually are accepted without complaint. This is the same kind of situation and we hope the procedure will follow the same lines as in the normal courts.

• (3:30 p.m.)

Mr. Bell (Carleton): The minister has made a comparison with the courts, but clearly the courts have no such power as exists under subclause 2(c). The rules of evidence would in no circumstances permit a court to receive the type of "additional information" which is here mentioned. I would ask the minister this: Is the "additional information" to be received at the hearing or outside the hearing? Will it be made known to the appellant? Will it be introduced after the hearing is all over, when the appellant may not have an opportunity to meet it at all? This is where the possible evil of this paragraph may lie. There is no limitation whatever placed upon it. This additional information might change the whole context of the evidence which was before the board. I think the appellant should have the right to know what is the case against him, and it should be made clear that there will be no opportunity for additional information to be brought forward in any circumstances after the hearing has been closed.

Mr. Marchand: The board is a court of record and I understand that if any information is given to it the appellant must have a copy, and it must be done during the hearing and not after. This is the whole spirit of the bill. I do not think we can gather, from reading this measure, that the board will decide these matters on the basis of documents which will not be produced during the hearing, outside the knowledge of one of the parties.

Mr. Bell (Carleton): That might be the spirit of the bill but assuredly it is not the letter.

Mr. Brewin: I should like to support the hon. member for Carleton. The trouble is that although this board is called a court of record it does, in fact, exercise the power of appeal from an administrative decision. It deals with all sorts of questions which are not strictly dealt with by the courts. It is my submission that the utmost importance attaches to making it clear that this appeal board will not act merely upon additional information which may be given to it later.

It is this kind of procedure, the hearing of reports not disclosed in the records, which has vitiated the appeals heard to date by the present appeal board. I suggest this subclause 2(c) is altogether unnecessary. The board is