so at the preliminary hearing because I wanted the worst to come out at that time rather than at the trial. I found that the answer he gave was different from the one he gave at the inquest. Then at the trial by judge and jury he gave me a different answer again. So I had three different answers to a question that was not contained in the statement although the police officer had stated that everything he had asked and the answers thereto were contained in that statement. This was an answer that was so important he could not forget it and yet he gave three different answers. So when you take away the art of cross-examination you take away the purity of justice. I think these things are not done to help the citizen but to speed up and expedite the work of the Crown.

Mr. John Gilbert (Broadview): Mr. Speaker, we in the New Democratic Party welcome the opening statement of the Minister of Justice (Mr. Turner), in particular this statement that it is his intention to have a general overhaul of the Canada Evidence Act in the near future. When one remembers that the recommendations in respect of Bill S-3 originated in 1960 with the criminal law section at the uniformity conference and were re-examined in 1966 one would hope that the Minister of Justice would open up this bill for a general overhaul. I would have liked the Minister of Justice to tell the house that he had set up a law reform commission to study all the laws on the Canadian statute books, and that it would be a standing commission composed of experts not only in the law but in other related fields so that Canadian law could be updated.

• (4:20 p.m.)

The best example in that regard is the existence in Ontario of a law reform commission which examined expropriation procedures in depth with the result that the province recently passed the new Expropriation Act of Ontario. But we are dragging our feet even on expropriation matters in the federal field. I hope that the Minister of Justice will not only initiate a general overhaul of the Canada Evidence Act but will also set up a law reform commission to study all federal statutes and bring forth measures to update those which need revision.

It was rather pleasant to hear the hon. member for Calgary North (Mr. Woolliams) refer to the Minister of Justice as a gentleman, which means that the minister will not be considered a hostile witness when he appears before the Standing Committee on Justice and Legal Affairs. This probably has relation to the statement by Miss LaMarsh that she considers the present Minister of Justice to be a man who fits well in the establishment. I hope he will go beyond that and become one of the avant-garde in making changes in the criminal law.

I was very disappointed that the minister did not incorporate in the omnibus bill the principle of the bill I introduced in respect of abolishing corporal punishment. I have high hopes that he will bring forth another measure after that bill has been disposed of which will incorporate some of the other new changes most Canadians have in mind.

Bill S-3 has five main divisions. The minister has dealt generally but rather succinctly and perceptively with these different divisions. The first is the repeal of subsection 2 of section 7 of the Canada Evidence Act which, as he said, will do away with the necessity of counsel bringing a motion at the commencement of a case for permission to call more than five expert witnesses. As the law will now stand, discretion will be given to the presiding judge. One wonders whether such discretion will have to be exercised at the commencement of or during the trial.

Mr. Turner (Ottawa-Carleton): At any time.

Mr. Gilbert: The minister says at any time during the trial. The question arises, why should the discretion reside with the presiding judge? Why should not counsel for both sides have the opportunity to call as many expert witnesses as they require? One can appreciate the problem when a case may be weak as it develops and counsel for one side might decide to call an expert witness. This would place the presiding judge in a rather difficult position in ruling whether he should be permitted to call another expert witness, more especially after having heard a good part of the evidence. I ask the Minister of Justice to reflect on some of these problems in respect of expert witnesses.

The second division the minister dealt with involves adverse witnesses. The key to this is that witnesses can be cross-examined in regard to statements in writing they have previously given. What is the applicability of this particular measure? In criminal cases there are statements made by the accused. One would hope that they are voluntary statements, and the testing that point is done in a trial within a trial called a voir dire. On such