

The committee resumed at 4 o'clock p.m.

The CHAIRMAN: Gentlemen, we have a quorum. We are dealing this afternoon with sections 41 and 42. Mr. Lesage moves that an additional subsection be added to section 41, subsection (8), which reads as follows:—

41(8) No person shall be arrested for an offence under this section without a warrant.

The Department of Justice has indicated the viewpoint that there was never the intent that there should be power of arrest under this section without a warrant. The addition of this clause meets with the approval of the minister. All those in favour?

Carried.

Mr. LESAGE: Is not there another one?

The CHAIRMAN: That covers subsection (8). Then the minister has recommended that subsection (1) be amended, and that was read into the record at our meeting this morning. Shall I dispense?

Mr. HAZEN: Is not that the amendment we had this morning?

The CHAIRMAN: Shall subsection (1) be amended accordingly, it reads:

41(1) The Board or any Inspector designated by the Board for the purpose may conduct inquiries or investigations into matters relating to transactions to which this Act applies and may require any person to furnish information relevant to an inquiry or investigation and may summon before him any person and may examine him and require him to give evidence orally or in writing, on oath or, if he is entitled to affirm, on solemn affirmation or by statutory declaration, on any matter pertinent to such inquiry or investigation.

As regards subsection (6) the minister suggests a new subsection which reads as follows:—

41(6) Any person who is examined and required to give evidence in the course of an inquiry or investigation under this section shall be entitled to be represented by counsel at such examination.

Carried.

Shall section 41 carry?

Mr. FRASER: I should like to ask a question. I have not attended all the meetings, but I should like to ask how a fine is placed on a person who is caught evading the exchange.

The CHAIRMAN: You will find that in section 60.

Mr. FRASER: I asked that question because there is a man down in Nova Scotia who was fined \$1,600, and I wondered what was the total amount involved.

The CHAIRMAN: It is in section 60: "Not exceeding double the value of the property." Shall section 41 carry?

Carried.

Let us take section 42. The committee asked that subsection (3) and (4) be allowed to stand. Shall subsection (3) carry?

Mr. LESAGE: I have just talked with Mr. Tarr and Mr. Mundell about this matter. The objection we had to subsections (3) and (4) was that any inspector of customs or excise who is by virtue of section 40 an inspector of the board should not have the discretion of seizing any books that they see fit to seize, and