

*Criminal Code Amendment*

Mr. JACOBS: Now it has been introduced and has been discussed.

Mr. GUTHRIE: I do not think it has been discussed yet. It can stand a lot fuller discussion.

Mr. JACOBS: We have the opinion of the Minister of Justice that he thinks it is worthless.

Mr. GUTHRIE: I have not said so. Please do not put words into my mouth. I have said they are of doubtful validity. If these clauses are examined it may be the opinion of this committee that until they are attacked in the courts they should stand in the bill. I do not say that is my opinion.

Some hon. MEMBERS: No.

Mr. GUTHRIE: But I am giving the committee an opportunity of passing an opinion on the point. I think myself that they would be very inefficient even if they were passed. I do not believe you could ever support a prosecution on them because you never could prove your case. But the commission has made very definite recommendations in regard to the matter and I felt it my duty unless—

Mr. MOTHERWELL: Does the minister consider the government bound to follow the recommendations of this commission or any other commission appointed by the government?

Mr. GUTHRIE: Not in a case which is definitely beyond our powers; I would say no.

Mr. FACTOR: Where did the commission recommend that the clauses respecting unfair trade practices be embodied in the criminal code?

Mr. GUTHRIE: Just a moment, I think I can tell my hon. friend.

Mr. MOTHERWELL: No government I ever heard of held itself responsible to carry out the recommendations of any commission.

Mr. GUTHRIE: Replying to my hon. friend, from Toronto West Centre (Mr. Factor), I refer him to page 135 of the commission's report, dealing with certain industrial relations, policies and practices, and recommending that permitting employees to work beyond the maximum hours fixed by law, the falsification of any employment record, child labour and so forth be made a criminal offence. Then on page 246 of the report the

[Mr. Guthrie.]

commission recommends an amendment to the criminal code in regard to false and misleading advertisements. There may be other references in the report but I mention those.

Mr. FACTOR: I do not think there was anything in the recommendations of the committee along the lines of section 6 of the bill or recommending that these so-called unfair trade practices be embodied in the criminal code. We did suggest the establishment of a federal trade commission which would issue orders to desist from such practices, and in default of obeying such order we recommended a penalty under the criminal code.

Mr. MACKENZIE (Vancouver): I just want to support what the hon. member for Cartier (Mr. Jacobs) has said. I must say that in my very limited experience of five years I have never seen such a miserable exhibition as we have had in this house this afternoon. Here is the hon. Minister of Justice (Mr. Guthrie) with a tremendous parliamentary experience, the legal and constitutional adviser of the administration, submitting to this parliament and to this committee legislation two or three sections of which he himself admits are of doubtful validity. Advised by his law officers to that effect, advised also by two eminent outside counsel to the same effect, yet he comes here and asks us in the free exercise of our judgment to make a mockery of that judgment and support sections which he himself tells us are of doubtful constitutional and legal validity. Mr. Chairman, I venture to suggest this, that if this same procedure had been adopted by this administration in response to our requests and our protests earlier in the session, if they had called in these two same eminent legal counsel from the outside, as we asked them to do, in regard to other legislation that has been brought down to the house, they would have received the same opinion exactly in regard to its unconstitutional features and I am certain the same proviso would have been inserted in the other bills which have passed the house during the present session. I do not want to use too strong language but in my humble opinion it is an insult to the intelligence of parliament for the legal advisers of the crown to ask this committee to pass this measure. As a result of agitation from outside or as a result of pressure within their own ranks, the government through the minister is asking us to pass a measure which the minister himself informs us is of doubtful validity.