

the opposition and the hon. member for Queens-Lunenburg. I do think, however, that if it would be a breach of constitutional responsibility to allow this in the case of one commissioner, it would be equally so if the commission consisted of three members. I really cannot see the material distinction there. You might have three members of the trade and industry commission just as much under a temptation as a single commissioner to carry out inquiries which ought not to be instituted. I take it the leader of the opposition would also accept that view of it.

Mr. BENNETT: I do not say for a moment that the fact that any such provision is there made it right in the one case any more than it is now; but here we are dealing with a single commissioner. I simply say that it is a negation of ministerial responsibility to create a situation such as this, which I think the minister would be the first to condemn. From what I know of the two hon. gentlemen who sit to his immediate left there is no doubt about what they have always thought.

Mr. KINLEY: If six people in Canada want an inquiry, the commissioner goes ahead and holds one; the inquiry must go on. But if it is to be a matter of departmental or governmental policy, surely the man to take the sole responsibility for that is the minister, who is responsible to the people. He should say whether or not that inquiry should proceed.

Mr. ROGERS: I will ask my colleague the Minister of Justice to move the amendment suggested.

Mr. LAPOINTE (Quebec East): I move that all the words in line 38 of section 15, and the words "a combine may exist" in line 39 be struck out.

Amendment agreed to.

Section as amended agreed to.

Section 16 agreed to.

On section 17—Investigations.

Mr. BENNETT: There is a very real difficulty in connection with this section. Under section 16 the minister may review the decision of the commissioner before anything is done. Under section 17 it will be seen that if it is decided that further investigation is justified the commissioner, not the minister shall cause an investigation to be made. First the commissioner must hold the preliminary inquiry, and this again leaves it to him without any control by anybody. I suggest that the words "with the approval

of the minister" should be inserted, which would cause this section to read:

If after a preliminary inquiry the commissioner decides that further investigation is justified, with the approval of the minister he shall cause an investigation to be made—

I think that is the basis of this whole act, judging from what has been said from time to time. I should like the minister to consider it from that angle.

Mr. KINLEY: The point is that the commissioner must get the consent of the minister to stop, but he can go ahead on his own responsibility.

Mr. BENNETT: Quite so. Before the minister deals with that, may I point out to him what I consider to be one of the most difficult features of this bill. This section provides that the commissioner shall make inquiries concerning all such matters, whether of fact or of law, and so on. There have been real difficulties in this connection. What capacity has the commissioner to deal with questions of law? I think what the Prime Minister said this morning is the essence of it; an investigation is an inquiry into the facts, and when we say that the commissioner is going to investigate all such matters, whether of fact or of law, at least we should have someone who is qualified to do so. From what was said this morning by the Prime Minister I gathered that in his judgment this was essentially an investigation of facts, and that was my judgment always. When you talk about a commissioner untrained in law investigating questions of law, I wonder if you are not going just a bit far. It is bad enough, as the Minister of Transport would say, to have these high-powered lawyers investigating these matters, but when we have someone without any legal experience charged with the responsibility of investigating matters whether of fact or of law, where do we land?

Mr. KINLEY: Does not the minister take responsibility under subsection (2) of section 16 in any case? That subsection reads:

On written request of the applicants or on his own motion, the minister may review the decision of the commissioner under this section, and the decision of the minister shall be final and conclusive and shall not be subject to appeal or review.

Mr. BENNETT: The power to stop is in the hands of the minister, but the power to start is solely in the hands of the commissioner, after a preliminary inquiry. Perhaps it would be well if the minister would look into that section also.

Mr. ROGERS: Quite so. Perhaps this section might stand.

Section stands.