

*Defence Production Act*

all our talents." Now, with all the minister's talents, can he tell me the necessity for putting it in the act?

**Mr. Garson:** I did not put it there.

**Mr. Macdonnell (Greenwood):** I do not wish to delay the passage of the bill, but I must say there has been no reason given for including this provision, except that it has been there a long time. After all, neither the Minister of Justice nor I was here when it was put in, and it might be quite wrong. But, speaking seriously, it may be asked: Can anyone suggest there is any objection to it? Well, if I was being investigated by the Minister of Trade and Commerce, let us say, even before being charged I would certainly feel it was a serious matter; and I am not at all sure that I would not feel it very desirable to have counsel in. The damage might be done by the time the investigation was over; then it would be much too late for one to go back and try to clear himself.

**Mr. Howe:** Does my hon. friend think this is a good time to revise a section in the Inquiries Act that has been there since 1912?

**Mr. Macdonnell (Greenwood):** I suggest that we are giving the most extraordinary power—power which was never dreamed of when the Inquiries Act was passed.

**Mr. Howe:** It is the ordinary provision.

**Mr. Macdonnell (Greenwood):** There is no suggestion that it could do any harm. If either of the ministers can point out any harm that would come from what has been suggested, I would be slowed up. However, that has not been done. Apparently it is just because they think that, like the laws of the Medes and Persians, nothing can be altered.

**An hon. Member:** Carried.

**Mr. Higgins:** No, just a moment. I do not mind being overridden altogether, but I am not satisfied, and I just wish that to be known.

**Mr. Howe:** It is a good law of this parliament that we do not have to satisfy everybody.

**Mr. Macdonnell (Greenwood):** Very unreasonable.

**Mr. Higgins:** The section says:

No report shall be made against any person until reasonable notice has been given to him.

What does the minister understand by the expression "reasonable notice"? What is notice, and what is reasonable, and how is it to be given?

And then, in subsection 5 it states:

An investigator may in writing, with the approval of a judge—

And so on. How is that approval to be obtained? Is it to be a written approval, or what?

**Mr. Garson:** My hon. friend, who is a lawyer himself, will know that where the word "reasonable" is used in this sort of context in a statute its meaning is to be interpreted by the judicial body before whom the question arises. All those who are responsible for the carrying on of proceedings of this sort are under the necessity of seeing to it that the notices they do give are reasonable notices; because if they do not give reasonable notices a challenge can be made on a question of fact—if the matter becomes one at issue.

**Mr. Higgins:** But this report does not go before a judge; it goes to a minister.

**Mr. Garson:** But if the point is ever raised, and there is any question where it must be defined, then those who take the proceedings have to assume responsibility for giving a notice which in fact is reasonable.

This language also appears in the Department of Reconstruction and Supply Act, section 22(3)(c); and I should imagine that the reason for the use of the word "reasonable" is that the circumstances under which these inquiries will be made will vary greatly one from another. In those circumstances it would be better to use the word "reasonable" as applied to the circumstances of any particular investigation than to have some fixed period which might be all right for one investigation but all wrong for another.

My hon. friend, with his familiarity with the statutes, would agree I am sure that this term appears frequently in statutes.

**Mr. Higgins:** Except that in this instance the length of the notice is to be determined by the minister. Who determines the time before it reaches the point where it goes to court?

**Mr. Garson:** Those who are in charge of the proceedings, in the circumstances of each individual case, are under the statutory obligation to see that what they do is reasonable. What could be more reasonable than to direct people to be reasonable?

**Mr. Higgins:** That is not very reasonable.

**Mr. McLure:** I note the expression "the minister may", an expression used in the bill about one hundred and fifty times. In connection with the investigation of contracts, what information must the minister have sent to him before these contracts can be