

expense of a duplicate organization, there would be action along parallel lines; there would be no inconsistent action as between an investigator or commissioner under this act and the tariff board. It does seem to me that there should be for this purpose some organization with the standing of the tariff board, an organization more or less set apart, rather than one directly under the control of the minister. Since the tariff board has been put on a permanent basis I am sure that it has established its usefulness, its capacity and its competence to deal with the matters that have been referred to it, and I believe it is winning the confidence and respect of the people of this dominion.

As has been said already, it seems to me that the proposed procedure is a retrograde step, that we are not putting it on a sufficiently high plane; we are not giving the commission that standing and authority which will command the respect of those who are concerned in the administration of this act.

Section agreed to, on division.

On section 6—Assistant commissioner.

Mr. BENNETT: Surely section 6 is unnecessary if we are to have a commissioner whose sole duty it will be to look after these matters. Do not let us magnify this office also.

Mr. ROGERS: The provision is that an assistant commissioner may be appointed in the manner authorized by law. It may very well happen, for example, that while the commissioner is carrying out one investigation, an application may be made for an investigation of a somewhat urgent character. This would give the requisite authority, to prevent delay under circumstances of that kind. I do not think it goes beyond anything that has been possible under the act at any time. That is to say, under the old combines act it was quite conceivable that you might have two or three commissioners working at the same time on separate investigations.

Section agreed to, on division.

On section 7—Special commissioners.

Mr. BENNETT: I do not think this section should be here. The very purpose stated by the minister, the preservation, that is, of some general system of uniformity and continuity, should preclude the necessity of appointing special commissioners to investigate these matters. We still have the general powers under the Inquiries Act to take action in regard to matters that the crown thinks should thus be dealt with; we have the tariff board, and now to say that under this act you may appoint

expensive special commissioners is in my judgment unnecessary. I only mention that to the minister; I do not think it serves any useful purpose except to invite, wherever there is trouble, an application for a special commission, at great expense to the country and without any uniformity of treatment or continuity of policy in connection with the administration of the act itself.

Mr. ROGERS: I wholly agree with the right hon. leader of the opposition that it would be undesirable to depart from the practice of having most investigations conducted by the commissioner. At the same time it is quite possible that a number of applications might come in at the same time, and that it would be desirable to proceed with them at the same time or at any rate without serious delay. There is nothing of a mandatory character in the section, of course; it simply gives us a power which has been given by the other combines acts in previous years. The intention is that investigations will be conducted whenever possible by the commissioner, and that investigations by special commissioners will be made only when the immediate investigation of an important case cannot be conducted by the commissioner owing to pressure of other work. That is to say, the power is here.

Mr. BENNETT: You have the general power under the Inquiries Act, of course.

Section agreed to, on division.

On section 8—Legal counsel.

Mr. CAHAN: I submit, of course, that if the Dominion Trade and Industry Commission Act is to be administered, provision is made there for a representative of the Department of Justice who may act as counsel in these matters. But I should like to say to the Minister of Justice that I am instructed that in connection with all commissions appointed in England, if counsel are appointed to assist the commission or commissioner, they are under instructions to elicit the facts with impartiality and are absolutely prohibited from using their position as counsel to disseminate political or economic doctrines or their personal opinions. I think the time has come when it will be necessary for the Minister of Justice to prepare a set of instructions of that kind, because at present the opinion is very prevalent throughout this country that the conduct of commission counsel is due to special instructions which they must have received in regard to these matters; otherwise it is inconceivable that they would have acted in the manner in which they have acted.