

Combines Investigation Act

This is an extension of the ministerial authority to prosecute or not to prosecute, or to ask for a restraining order.

To avoid being inconsistent the Liberal party should ask for the removal of all the discretionary powers that the minister, the director and the commission have to cease to investigate cases whenever they think it is desirable. The discretionary power of the commission to recommend that the report be not made public should be removed. The discretionary power of the minister to decide whether he shall make the report of the commission public should be removed. All this discretion which the minister has should be removed, and it should be mandatory that once they start the investigation, the proceedings should be carried all the way through to prosecution, regardless of the merits.

Mr. Pickersgill: The hon. member can talk all day, but he is not going to get away from the fact that last night he and his colleagues voted to treat one criminal in one way in one set of circumstances and another criminal another way in the same set of circumstances. I think he is embarrassed a bit by what he did last night.

Mr. Fulton: Would my hon. friend say that the provision in the Criminal Code to treat criminals in one of two ways in one set of circumstances and another way in another should be removed? Yet the prosecuting authorities decide now whether to proceed by way of summary conviction or by way of indictment.

An hon. Member: We hope it is a jury.

Mr. Howard: I point out that the hon. member for Bonavista-Twillingate has made a slanderous accusation against members of our society. He in effect has designated people who might come under the surveillance of this law as criminals.

Mr. McIlraith: No.

Mr. Howard: He did. He called those people criminals before. I think this is a slanderous accusation.

Mr. Crestohl: As the minister no doubt knows, the provisional execution is at all times a remedy which should be exercised with great caution. Here the matter is already before the courts; action has already been commenced. This is different from when a provisional execution is resorted to, when a report is merely submitted to the minister or to his department to commence an investigation. Here we are already before the courts, and we are anticipating too much when we ask that provisional execution should be made while the case is still sub judice.

[Mr. Howard.]

Mr. Fulton: I do not know that I follow fully the import of the hon. member's question, but as I said in the discussion last night no order could be made under the new procedure unless the facts as contained in the allegation on which the application was based had been proven. So there is no question of issuing an order and leaving the other issues before the court. The issuing of an order would only be done after determination of the question of whether the facts as alleged had been proven.

Clause agreed to: Yeas, 43; nays, 10.

On clause 13—*Court may require returns.*

Mr. Fulton: Mr. Chairman, on clause 13 may I make a suggestion, which I hope will meet with the approval of the committee, as to how we should deal with this clause. It will be appreciated that it is a lengthy clause covering a number of sections of the act, and incorporating two new sections into the act. It also carries into effect the new division of the act into parts and contains provision for part V.

If it meets with the wishes of the committee may I suggest, therefore, that we deal with this clause by calling the proposed sections of the act such as 31A, then part V, proposed sections 32, 33, 33A and so on. In that way I think we will have a discussion in the most orderly manner. I should like to give an additional reason for doing so, namely that with respect to proposed section 32 I will be asking one of my colleagues to move an amendment dealing with the question of industry engaged in export trade by way of adding two subclauses to subsection 2, and it will be difficult to do that unless we call the proposed sections one at a time instead of the whole clause.

Mr. Pickersgill: I think that would be perfectly satisfactory. It would really be quite impossible to discuss this clause as a whole clause.

The Chairman: Is the committee agreeable to the suggestion of the minister?

Some hon. Members: Agreed.

Mr. Pickersgill: I wonder whether the minister would also consider giving to representatives of the opposition a copy of the amendment he proposes to move so we can be looking at it meanwhile.

Mr. Fulton: It is an important amendment. It is one that was referred to in the committee and an amendment dealing with the subject was moved. I promised to give the matter further consideration to see if we could come up with something. Therefore I am glad to comply with that request.