

against. The Government has followed that practice to some extent here. It says that before an investigation is made there shall be a preliminary inquiry. Then the evidence on this preliminary inquiry has to be submitted to the commissioner. Now, the suggestion here is that the evidence taken on that preliminary inquiry should be submitted to a judge, who should act like the Grand Jury does in a criminal trial, and decide whether the matter is to proceed further or not, whether there shall be an investigation or not.

Hon. Mr. MORAUD: This matter is provided for in the Combines Investigation Act of 1935, section 4:—

It shall be the duty of the Commission

- (a) to receive and register, and, subject to the provisions of this Act, to deal with applications for investigation of alleged combines;
- (b) to bring at once to the Minister's attention every such application;
- (c) to conduct such correspondence with the applicants and all other persons as may be necessary;
- (d) to call for such returns and to make such inquiries as it may consider to be necessary in order that it may thoroughly examine into the matter brought to its attention by any application for an investigation;
- (e) to make reports from time to time to the Minister;

The Commission there received the complaints, and decided whether there should be an investigation. We had there the judicial machinery that my right honourable friend was speaking about.

Then, section 7 says:—

- (1) If, after such preliminary inquiry as the Commission deems the circumstances warrant, the Commission is of the opinion that the application is frivolous or vexatious, or does not justify further inquiry, the Commission may decide that no further inquiry is justified and shall inform the applicant of the decision giving the grounds therefor.

So there the judicial body, the Commission, decided first whether the complaint was reasonable or not, and made a preliminary inquiry if it believed one to be warranted. Then, after that preliminary inquiry was made, the Commission decided whether there was sufficient grounds to proceed further. Is there any objection to retaining such machinery here?

Hon. Mr. DANDURAND: I think the same machinery is transferred to the Minister of Labour and the Commissioner who is to be appointed.

Hon. Mr. MORAUD: But that is a transfer to an officer of a department, whereas under the 1935 Act the decisions were made by that tribunal, the Commission. That is the difference. In the 1935 Act the public was protected by a tribunal. But in this case the investigating is done by a departmental officer, and his report can be made public.

Hon. Mr. COTÉ: Not only that, but under the old Act there was a commissioner, whereas now we are to have a series of special commissioners to be appointed by Order in Council.

Hon. Mr. ROGERS: If necessary.

Hon. Mr. COTÉ: Yes. I suppose we can contemplate the appointment of some, if we provide for them.

Hon. Mr. DANDURAND: If need be.

Hon. Mr. COTÉ: If the work is too much for one man. I suppose that is what is meant.

Hon. Mr. ROGERS: Yes.

Hon. Mr. COTÉ: So we may have not only one man, the commissioner, who is experienced in these matters, but a number of brand new commissioners. I do not know whether the special commissioners are given power to conduct a preliminary investigation or not.