

commissioner acts. Now we are adding a section which declares that when he does get that complaint he may make a preliminary investigation, and with that, as the member for Argenteuil (Sir George Perley) has said, we are wholly in accord. But we add two other things. We say that the commissioner himself, of his own motion, may act, which is putting into the hands of one man a power that is certainly not consistent with our general conception of judicial fairness.

Mr. LAPOINTE (Quebec East): But the commission could do it under the existing act.

Mr. BENNETT: Yes; but what I say is that now we are dealing with the act in the light of present day conditions and we should deal with it as of 1937. I say that it is not consistent with our general conception of judicial fairness that we should put that power into the hands of one man.

Mr. LAPOINTE (Quebec East): It is now only two years since 1935.

Mr. BENNETT: Yes, but look what has happened; you are there and I am here.

Mr. LAPOINTE (Quebec East): There is something in that.

Mr. BENNETT: And according to the Minister of Labour a great public good has accrued. Be that as it may, I do not think it is sound to place in the hands of one man, whether he be a minister or anyone else, the power of his own mere motion, because he thinks that a certain condition exists, to start the machinery of investigation. I believe that the general principle that six citizens should make complaint is a sound basis on which to put the machinery into operation. I must say that I protest strongly against this method, despite the fact that it may have been adopted a year or two ago. I did not have leisure then to examine statutes as I have now, and I daresay the minister's experience will bear that out.

Mr. STEWART: The previous section concerned a commission of more than one person, three or five, or whatever the number of members of the tariff board may be. It is altogether different to say that one person shall move in the matter. There is a great deal of difference between the action of one person and the collective action of three or five.

Mr. BENNETT: Will the minister look at the difference in language between the old section and the one now before us. The old section provided that the commission should act "whenever it has reason to believe that a combine exists"; this section merely says "has reasonable cause to believe that a com-

bine may exist." There is a distinct difference there. One was a commission of three, presided over by an ex-judge, and the other is one man without legal training, who will arrogate to himself the right to say that in his opinion there is a combine and then start the machinery of the law. He might do it for any reason in the world except the public interest; he might be annoyed about something.

Mr. CAHAN: He can act without the minister's knowledge or approval.

Mr. BENNETT: Yes, just because he had a bad night.

Mr. ROGERS: In the past these preliminary inquiries have been initiated in the manner indicated; that is to say, prior to the setting up of the Dominion Trade and Industry Commission the minister did have power to initiate a preliminary investigation. I do think there is something to be said for the retention of that power of initiation on the part of the minister. It may not be possible at all times to find six persons who are willing to make the application. It is possible that evidence may come to the minister which convinces him that a situation does exist which calls for preliminary inquiry. In that case he must take the responsibility for instituting the inquiry.

Mr. BENNETT: That is governmental responsibility, which I fully understand.

Sir GEORGE PERLEY: What about the next part:

or may whenever he has reasonable cause to believe that a combine may exist.

Mr. ROGERS: That has been a power exercised prior to 1935 by the registrar under the combines act, and not a few preliminary inquiries were carried out in that way. I might read section 12 in the act of 1923:

Whenever such application shall be made to the registrar, or whenever the registrar shall have reason to believe that a combine exists or is being formed, or whenever so directed by the minister, the registrar shall cause an inquiry to be made into all such matters, whether of fact or of law, with respect to the said alleged combine as he shall consider necessary to inquire into with the view of determining whether a combine exists or is being formed.

I think, as a matter of fact, that the use made of the machinery for preliminary inquiry has been very salutary. That is, it has in some cases avoided further inquiries which would not have disclosed that a combine actually existed. Probably the registrar, or in this case the commissioner, who is in constant touch with the act and its administration, would be better able to determine the wisdom