

*Defence Production Act*

**Mr. Garson:** On page 987 of *Hansard*, at the top of the left-hand column we see: "Section as amended agreed to."

**Mr. Knowles:** How is it that we have had all this discussion for the last forty minutes if section 28 was carried?

**Mr. Ferrie:** That is what we want to know.

**Mr. Knowles:** Furthermore, it is a discussion in which the ministers have participated.

**The Chairman:** As soon as a point of order is raised I have to make a decision.

**Mr. Knowles:** Did you not call section 28, sir?

**The Chairman:** I called section 29.

**Mr. Fulton:** May I point out that this discussion started on section 29 on Tuesday evening, and we are now continuing the discussion which was started then, and which has been carried on without interruption. It has to do with power to appoint an investigator, and deals with the procedures under which things are done.

**Mr. Knowles:** Mr. Chairman, but for the interruption I would have been through with my comment on this point. In the light of the situation that has developed, we feel that we simply have to know what the government is doing. In the light of the experience which the Minister of Justice had with this particular piece of legislation that we are talking about, namely, the Combines Investigation Act, starting back in November, 1949, this is the kind of thing about which the government should lean over backwards, and instead of there being any protest at the requests that are being made from this side, we should be given the Minister of Justice's assurance, not as a lawyer but as a member of the government, that we shall be kept fully informed as to any steps taken to interfere in any way with the Combines Investigation Act.

**Mr. Howe:** Question.

**The Chairman:** Shall clause 29 carry?

**Mr. Carroll:** There is another matter that I wish to bring to the attention of the Minister of Justice. I have no doubt that the persons who will be appointed as investigators will be capable, and will have some knowledge of investigations of this kind. Is it only a report that these investigators make, or do they find a person guilty or not guilty?

**Mr. Howe:** No; they simply make a report, and then the case is brought into court in the usual way.

**Mr. Carroll:** There is one other matter. I do not know whether the Inquiries Act

makes provision for warrants of search. I do not think it does. If I had taken a moment before I came into the house I could have found out. But I would suggest to the minister—it does, does it?

**Mr. Garson:** No—I was just nodding assent to your suggestion.

**Mr. Carroll:** I would suggest to the minister that the reference that is made in the section to *ex parte* applications, judges and so forth, may take away a part of that dispatch which will be necessary when investigators make inquiries under this legislation. There may be times when the investigator finds out in a hurry that certain goods, papers, merchandise, or anything of that kind, may be moving about the country here and there, and it may be difficult for him at that time to approach a judge of the supreme court or the county court and so on. I am just bringing this to the attention of the minister because it may not be good for that dispatch which I think is necessary in investigations of this kind.

**Mr. Garson:** In reply to my hon. friend's remarks I might say that this wording is taken almost completely from the Department of Reconstruction and Supply Act, where it appears on page 18 of the office consolidation of that act; and that it has been found in practice to be adequate there. Of course we are not desirous of taking any greater powers under any of these laws than are necessary to accomplish the things in view, and where it has been found that they are adequate for that purpose, we have stuck to existing procedure.

**Mr. Higgins:** Subsection 3 of section 29 reads:

An investigator may allow any person whose conduct is being investigated . . . to be represented by counsel.

Why should a person not have the right in any case to be represented by counsel? Why must he have the consent of the investigator to be represented?

**Mr. Carroll:** To make assurance doubly sure.

**Mr. Garson:** We are exposed to criticism of every kind. Even when we put in here, within the abundance of caution, language confirming that he has the right to be represented by counsel, my hon. friend objects that he would have that right anyway. Well, he will have it without any question as a result of this subsection.

**Mr. Higgins:** It will not be written into the act. It says "may" at present.

**Mr. Garson:** It is there now.