

The WITNESS: I wonder whether that last statement is not made under a misapprehension as far as subsection 6.

*By Mr. Lesage:*

Q. "May allow".—A. "And shall allow any person against whom any charge is made".

Q. But it is "may allow a person whose conduct is the subject of an inquiry". At a coroner's investigation any person whose conduct is the subject of inquiry has the right to counsel, and an inspector of customs will be the man who will decide if such an individual has the right to counsel. Oh, no. After all we are not in Germany.

Mr. JACKMAN: Yes, we are.

Mr. TARR: Subsection 6 is identical with a similar section in the Inquiries Act.

Mr. LESAGE: I understand, but because an Act is wrong we should not have to follow it.

Mr. JACKMAN: I could embrace you all.

Mr. MARQUIS: I cannot go so far, but in the Inquiries Act you have commissioners specially appointed to investigate a matter. Here you have an inspector who has general powers. He will make inquiries and he will decide objections, and so on. Therefore, I think the wording should be changed in order that these inspectors should be appointed as sworn commissioners, and that people who may be brought before them will have the right to be represented by counsel.

Mr. TARR: I think there would be no objection to making that change in subsection 6.

Mr. LESAGE: What about the first change? What about giving the powers only to the members of the board?

Mr. MARQUIS: Is it possible?

The WITNESS: The members of the board are the office holders enumerated in one of the earlier sections, and I really do not think they are necessarily the most qualified persons to conduct an inquiry. I should like to suggest, if I may, that this particular section be laid over until the officers of the Department of Justice can consider the suggestions that have been made. As I understand it there are two suggestions which have been made. One of the suggestions was that this power of inquiry be given not to inspectors generally but to sworn commissioners appointed for the purpose. The other suggestion is that under subsection 6 the first time the word "may" occurs it should be changed to "shall".

Mr. LESAGE: I do not think we should have to go to the Department of Justice for the second one. I understand that it would be better to go to the Department of Justice on the first one.

The WITNESS: From the point of view of the administration of foreign exchange control I can see no reason why the word "may" should not be changed to the word "shall".

The CHAIRMAN: Shall section 41 stand?

Mr. JACKMAN: Let us change subsection 6 right away.

Mr. LESAGE: We do not need Justice for that.

Mr. MARQUIS: We need justice.

Mr. LESAGE: We do not need the advice of the Department of Justice for that.

Mr. TARR: I think if that change is made the whole subsection can be shortened down considerably.