

Hon. Mr. DANDURAND: My amendment would simply be the adoption of what I previously read this morning, the new clause 4 of section 6:—

If on making a preliminary inquiry the Commissioner decides that further investigation should be made, he shall proceed with such further investigation upon obtaining a fiat therefor from the Minister of Justice.

The word "fiat" could be changed, of course. I am simply desirous of having the idea underlying this clause adopted.

The CHAIRMAN: Gentlemen, the amendment to the amendment is that the reference be either to the chairman of the commission, if he be a lawyer of ten years' standing, or, failing that, to the judge of the Exchequer Court of Canada.

Hon. Mr. DANDURAND: That is the amendment to my amendment suggesting the Minister of Justice?

Hon. Mr. LYNCH-STAUNTON: But he can go to either tribunal.

The CHAIRMAN: Yes.

The amendment to the amendment was agreed to: Contents 14; Non-contents 7.

Hon. Mr. DANDURAND: I have read three amendments which will be affected by this decision of the committee. Of course, they will have to be reviewed by our expert, Mr. O'Connor, and by the representative of the Department of Justice.

I think we might adjourn until half past two.

The committee adjourned until 2.30 this afternoon.

AFTERNOON SITTING

The committee resumed at 2.30 p.m.

Hon. Mr. DANDURAND: I draw the attention of my right honourable friend to the fact that it is the will of the majority with regard to the commissioner going forward that we turn not to the Minister of Labour, who supervises the administration of this Act, or the Minister of Justice, but to the judge. We justify the judge in saying, "You may proceed." We do so in an ex parte form—and my right honourable friend used the expression—and when the judge is seized of the ex parte request of the Minister of Labour, he has whatever evidence the Minister of Labour has brought to him. Now, as I understood, the judge may grant the order to proceed on what I will call the official investigation with compulsory and other powers, or, he may withhold his signature and say, "I will require greater substantiation of the evidence," or, "more evidence." That statement will be qualified by the fact that it is an ex parte proposal or submission, and I did not see anything contrary to my understanding in Mr. Meighen's statement, which was, "Such approval to be obtained on ex parte application, the approval to be valid if ex parte, but with the judge having the power to request further evidence or any further hearing he wishes."

Now, would you read to me what you have added?

Right Hon. Mr. MEIGHEN: What has been transcribed is a faithful drafting into the Act of what was voted for, except in one particular, and I know with respect to that it was not intended to make a departure. There was a transcript made of what I said. Necessarily what I said was said without previous verbal composition.

That before investigation involving compulsory attendance of witnesses and compulsory production of documents is gone on with, the