

Mr. BENNETT: Mr. Chairman, I have been endeavouring to deal with this matter as one of public interest and public concern. The fact that something has been done does not in any sense detract from what I believe to be the force of the statement of the real position. The section is not a reproduction of the former one; there are modifications of it. I should like the Minister of Justice to look at the language of the section. The commissioner, who is Mr. McGregor, shall have authority—

Mr. ROGERS: Surely the leader of the opposition is not entitled at this time to say who will be the commissioner.

Mr. BENNETT: I am talking about the present one.

Mr. ROGERS: He is the registrar.

Mr. BENNETT: Well, "registrar."

Mr. ROGERS: And he enjoys that position, I might say, by order in council, and not by any provision of the Dominion Trade and Industry Commission Act.

Mr. BENNETT: I am familiar with that. It was provided in the statute that his superannuation should be protected, and that sort of thing.

Mr. ROGERS: Well, it would be better to assume only that there will be a commissioner.

Mr. BENNETT: If in any sense it annoys the minister, I will treat the argument purely as one which has to do with A or B or C.

Mr. ROGERS: It is not a case of annoyance at all.

Mr. BENNETT: The commissioner, Mr. A,—

—shall have authority to investigate the business or any part thereof, of any person who the commissioner believes may be a party or privy to or have assisted in the formation or operation of a combine.

That is one thing. All you have to do is to have a commissioner who says, "I believe that Mr. Bennett, the solicitor, had to do with the formation of a combine," and thereupon he may walk into my office and take my books. But it does not stop there. He may sign a paper to let somebody else do it. That is the section as it reads. In this twentieth century we are asked to agree that this commissioner, simply because he believes something, may sign a paper and send John Jones into my office to take my papers. Then the next point: He may examine the premises, books, documents and records of or in the possession or control of the person whose premises he searches. He may make copies of them, or retain any of such books or docu-

ments which he believes may contain information regarding the offence. I cannot think that the minister seriously urges that we do that. Here is the law with respect to search warrants, the criminal law of Canada. There is nothing about which we have been more careful. We have provided the machinery by which a search warrant may issue. All these provisions are to be embodied in this section, which provides that a man or a representative named by him—not on sworn testimony, not on an affidavit such as would be required in a civil action, but simply on the statement of his belief—may walk in and take the books and records. I cannot think that is sound.

Mr. ROGERS: I can only repeat that this is not essentially a new power being given to the commissioner under the Combines Investigation Act. In past years it has been found necessary to have some power of this kind in order to secure evidence upon which the existence of an illegal combine may be established. I believe similar power is given by other legislation. As the leader of the opposition has suggested, there is the celebrated Wilkes case in England with regard to general warrants. In connection with a number of matters we have had to act differently in view of the marked change which has taken place in our industrial life and also in view of the practices which have been associated with certain aspects of our industrial and commercial life. I do not think it would be wise to deprive the commissioner of the powers necessary in the course of his investigation. I would emphasize that all that is done here is done pursuant to investigation. There can be no conviction until the matter has been brought before the courts. I think one is justified in assuming that the power so held will be exercised by the commissioner with due discretion.

Mr. BENNETT: I am looking up the provisions of the criminal code with respect to search warrants. This section can go forward now and I shall speak to the matter later.

Section agreed to on division.

On section 21—Powers of commissioner as to witnesses.

Mr. CAHAN: I would say that section 21 nullifies the necessity of section 20. Section 21 provides that the commissioner may make such orders as are necessary to secure the attendance of witnesses and the production of books and documents. If the commissioner can summon before him any person to produce documents and to give oral evidence with respect thereto, that may be all that