

*Combines Investigation Act*

Mr. ROGERS: I suggest that it stand until we see whether there is another section of the act which will cover expenses of that character. Obviously that is the only point at issue.

Sir GEORGE PERLEY: Would the minister consider whether the rental of space in Winnipeg or elsewhere to carry on one of these investigations is not evidently a proper expense, just as much so as the commissioner's railway fare for getting there, or his meals while he is there?

Section stands.

On section 14—Application for investigation.

Mr. THORSON: I have one suggestion to make. In section 11 of the existing act the terms "attorney, solicitor or counsel" are used. In the amending bill the term used is "other person." I wonder whether it might not be better to use the terms "attorney, solicitor or counsel or other person," to ensure that notice might be sent to any attorney, solicitor, or counsel or to any other person who did not answer to any of these descriptions.

Mr. BENNETT: An attorney is a person. Perhaps you will recall, Mr. Chairman, the story that O'Connell told of a case that was not so good. The judge directed that the court should be cleared, and the crier called out "All ye blackguards that are not lawyers leave the court." Attorneys will come under the term "other person."

Mr. ROGERS: In view of what has been said, I do not think it is necessary to add other words. The words "other person" would seem to be broad enough to include an attorney. There is no desire to exclude any attorney, nor is there any reason why he should be excluded because of the present wording.

Mr. BENNETT: At the end of the old section there appeared after the word "public" the words "whether consumers, producers or others." I am curious to know why they are omitted from the present section.

Mr. ROGERS: The intention here is to relate this to the earlier definition of the type of activity which is regarded as constituting the offence; that is, the offence against the interest of the public.

Mr. BENNETT: But the minister will see, if he will look at line 31 of section 2, these very words "whether consumers, producers or others." Why was it not thought desirable to reproduce them in section 14 so as to maintain consistency? The offence must be shown to be against the interest of the whole public, and if you add the words I have quoted you

[Sir George Perley.]

will preserve that consistency as between section 2, the interpretation clause, and the section now before us.

Mr. ROGERS: That might very well be done. I would ask the Minister of Justice to move an amendment to that effect.

Mr. LAPOINTE (Quebec East): I move that after the word "public" at the end of section 14 there be added the words "whether consumers, producers or others."

Amendment agreed to.

Section as amended agreed to.

On section 15—Preliminary inquiry.

Sir GEORGE PERLEY: Does the minister consider this clause really necessary? I am not a lawyer, but this section seems to me to give power to the commissioner to make investigations into charges with respect to combines. Would he not properly make some preliminary inquiry into any allegation before proceeding with an investigation?

Mr. ROGERS: The commissioner acts under the direction of the minister, and in the past it has been found that there is much to be said for a preliminary inquiry. It will be understood that sometimes vexatious applications are made, and it appears desirable that there should be a preliminary inquiry of this sort to determine whether or not there is sufficient evidence to justify a further investigation.

Sir GEORGE PERLEY: I see that; it is quite evident. But would he not have power in any case to make some investigation before he started the inquiry?

Mr. BENNETT: Before the minister answers that question I would ask him to look carefully at the language of the section: (a) the commissioner "shall on application made under the last preceding section" or (b) "on direction by the minister." I doubt the wisdom of that; I say so with all deference. I am not speaking in any personal sense but I doubt whether it should be for the minister, without anybody making an affidavit or a declaration, to say: Go ahead and hold a preliminary investigation regarding these people. And (c) "or may whenever he has reasonable cause to believe that a combine may exist." That refers to the commissioner. Surely that is not quite the proper way to put the investigating powers of this statute into operation. What we start with is the presumption that the public interest is affected. Six citizens have directed attention to a condition and given reasons for their belief that a combine exists, and then the