

The WITNESS: It did not.

The VICE-CHAIRMAN: Mr. Stewart, did you have something to say to us about fish oil?

Mr. STEWART: I do not think it comes in there.

The VICE-CHAIRMAN: Shall section 13 carry.

Carried.

Section 15, the appointment of controller.

Mr. FLEMING: Mr. Chairman, under subsection 1, I draw attention to the fact there is very wide power given to the secretary of state where it appears to him that "the business is carried on within Canada by any person wholly or mainly for the benefit of or under the control of an enemy. The secretary of state may make an order either:— (a) prohibiting such person from carrying on business except for the purposes and subject to the conditions if any specified in the order, or (b) requiring the business to be wound up." Now again that provision may have been required in time of war to meet the urgency of conditions then existing. I wonder whether the power should be continued in peace time. It is a very drastic power to confer on an official, the right to just step and prohibit somebody from doing business and require that the business be wound up. Now I am not suggesting for one minute this power would be used arbitrarily or improperly but it is a thing we have to consider in legislating. I raise the question now as to whether or not that power should not be transferred to the court on application by the secretary of state or the custodian. It seems to me in time of peace it is a power much broader on the face of it, than can be justified.

The WITNESS: Well that might still apply but I do not think it is likely to be invoked. Its purpose was for speedy action. If we got some information from Germany and made application to the court, quite likely some assets would disappear while the proceedings were going on. I think the department is willing to place themselves in the hands of the committee.

The VICE-CHAIRMAN: It is a protective measure as far as the assets are concerned.

Mr. FLEMING: What Doctor Coleman has said might be justification for power to suspend, the carrying on of business by an individual but I do not think it should be sufficient to put him out of business and require the business to be wound up without reference to anybody. It is putting that power in the hands of the custodian.

The WITNESS: As I have said, if the committee will let this stand I will see what we can do with it over the weekend. I do not want to make a snap judgment that it might not be needed but we would be disposed to the suggestion of the committee to delete some items which might not be suitable to the committee.

The VICE-CHAIRMAN: That will stand.

Mr. RINFRET: Another thought has arisen in my mind. This definition of "enemy" seems to include only those presently our enemies due to the war but this Act may want to continue after we are not officially at war with the countries we are assuming are enemies. It just occurred to me that point might be considered in order to include those countries who were enemies during the war after a state of war has ceased to exist.

The WITNESS: You would have to make new regulations in accordance with the treaties of peace or whatever statute is made then.

Mr. FLEMING: As I understand it, the intention is, and it is so indicated by section 3 of the bill, to provide separate regulations to deal with property after peace has been ratified.