

*Combines Investigation Act*

amine the premises, books, documents and records, and make copies of or retain any of such books, and keep the books of the man whom he suspects as being privy to the combine, or to have assisted in it.

The amendment to the section is striking at this particular time. I can fancy how, under different circumstances, if legislation of this kind had been passed there would have been cries of invasion of the rights of the people. If the judgment in the Wilkes case, which up to the present has been respected, is not to be considered; if the provision of the criminal code with respect to search warrants is to be disregarded, and if without any evidence in the world other than his belief the commissioner is to be in a position of exercising the power of a policeman with a search warrant under the criminal code, then I do submit to the minister it is going too far. That is all I can do.

Mr. ROGERS: I recall the objections made yesterday by the leader of the opposition, and I can assure him that in the interval we have given further thought to them. I would point out in the first place that any action taken under this section is taken pursuant to an investigation which has been authorized under the provisions of the act following the application of six persons or at the instance of the minister. I think that disposes of the suggestion that the commissioner may, of his own volition, carry out—

Mr. BENNETT: Surely the minister has not read the section. Section 20 covers all that, up to the word "commissioner," but now we have it that the commissioner may believe such person is party or privy to the combine. The minister has nothing to do with it, neither have the six people.

Mr. ROGERS: The commissioner does not do it of his own volition.

Mr. BENNETT: But he does. He does it of his own volition; he does it because he believes somebody may be a party to it. It says:

The commissioner shall have authority to investigate the business—

And then it goes on—

—of any person who the commissioner believes may be a party or privy to . . . a combine.

All he has to do is to say, "I have the belief"—and nothing else. The minister knows nothing of it. It is simply that the commissioner believes someone is privy to it, including the solicitor, and he may walk in and, without a warrant, take the books. Certainly for over a hundred and fifty years the Wilkes case has been the governing case in matters

[Mr. Bennett.]

of this kind. Of nothing have we been more careful than the liberty of the subject with respect to his property, and the obtaining of a search warrant to invade his property, so that it may be taken from him. Just because this man believes something, he can do these things. Surely the minister would hardly say that either the six people or the minister have anything to do with it. The commissioner believes; all he has to do is to believe it, and there is no remedy in the world against his belief.

Mr. ROGERS: Perhaps I did not make myself clear. What I had in mind was to emphasize that this was pursuant to an investigation which previously had been authorized.

Mr. BENNETT: Yes, quite.

Mr. ROGERS: On the further point as to whether or not it is wise to have this section in the act, may I emphasize that it is not an entirely new provision. There is some change from the previous provision touching the same matter, but from the beginning we have had sections of this kind in our anti-combine legislation. In other words, the warrant is here. I agree that perhaps it is in the nature of a general warrant, but let us remember that all we have in view is to secure evidence in an investigation upon which a criminal proceeding may follow in the courts. I do not think this is entirely unknown in the legislation of parliament. Under the Food and Drugs Act, and under the Precious Metals Marking Act, which was before the house the other day, there are provisions—

Mr. BENNETT: Not like these.

Mr. ROGERS: —under which officials of the government may enter the premises and take articles which are not in conformity with the provisions of the act, keep them and use them as evidence in subsequent criminal proceedings. My right hon. friend will recognize that that is true with respect to the Food and Drugs Act and also the Precious Metals Marking Act.

Mr. BENNETT: There is no similarity between them.

Mr. ROGERS: What we are seeking to find is the evidence upon which a future proceeding may follow. If the evidence is not disclosed, obviously no proceeding can follow. This is not a departure from what has been done in previous years. Rather it is a recognition that some warrant of the kind is necessary in order to secure all the facts in an investigation.