

The LAW CLERK: Clause 9 of the present Bill reads:—

The said Act is amended by adding thereto as section 25 the following:—

25. The proceedings before the Commissioner and any special commissioner shall be conducted in private, but the Commissioner may order that all or any portion of the proceedings shall be conducted in public.

If you wish, you can just say, "All preliminary investigations shall be conducted in private."

The CHAIRMAN: Is it the pleasure of the Committee that the Bill be so amended?

Some Hon. SENATORS: Carried.

The proposed amendment was agreed to.

The LAW CLERK: As the clause was different in the preliminary stage of the discussion, the words:—

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,

should come out.

Hon. Mr. DANDURAND: Yes.

The LAW CLERK: And as we could not give the Bill the scrutiny it deserves in the time at our disposal, we started with what the lawyers call a "non obstante" clause—notwithstanding anything in the Act.

Hon. Mr. DANDURAND: No, no. That goes contrary to the Bill.

The LAW CLERK: The motion would be that subsection 4 of section 6 be struck out.

The CHAIRMAN: The motion now is that subsection 4 of section 6 of the revised Bill be stricken out.

The motion was agreed to.

The CHAIRMAN: Now, shall this amendment which was read by Senator Dandurand, and which has been prepared by the law officials—one of the Senate and one of the Justice Department—carry?

The proposed amendment was agreed to.

The CHAIRMAN: Without going over the Bill further, clause by clause, shall we report it?

Hon. Mr. COTÉ: Not yet, Mr. Chairman.

Right Hon. Mr. MEIGHEN: There is another point which is not incorporated in this and which I intended should be. That is, that when we agree that documents can be used, that clause should be amended to provide that the documents which may be compulsorily produced, may be used against the person producing them only in respect of a trial for an offence against the Act.

Hon. Mr. COTÉ: And section 498 of the Criminal Code.

Right Hon. Mr. MEIGHEN: Yes. We are not going to pass special legislation this time to apply to something with which a man may be charged years afterwards. All that Mr. Justice Sedgewick had in mind was that a man should not be protected if afterwards he was charged with the violation of the Act or the corresponding section of the Code.

Mr. MACNEILL: All that is required is that these documents be used under the section or under 498 of the Code.

Hon. Mr. DANDURAND: Then, this amendment can be drafted by Mr. O'Connor?