

Combines Investigation Act

of the six people seem to me to be a matter of importance, and I think the hon. gentleman should move such a motion as I have suggested. In fact, I wrote an amendment down here just in case the Minister of Justice wanted me to draft one for him.

It reads as follows:

That the words "is being" be inserted in line 8 of clause 2 between the words "been" and "or".

This would make it read:

And six persons, Canadian citizens, resident in Canada, of the full age of 21 years, who are of the opinion that an offence under Part V has been, or is being, or is about to be committed may apply to the director for an inquiry into such matter.

I think this would solve the question and it would probably have the effect of avoiding a long delay or a difficult discussion, or extended debate as to which one of the three tenses was correct. In fact, I will move the motion I have just read and put it formerly before the house.

Mr. McIlraith: I wonder if before the motion is put I could ask the minister to look at line 23 to see if he thinks the words "is being" should be added there, also.

Mr. Fulton: For exactly the same reasons that I have been trying to make clear to the committee, I do not consider they should be inserted there. This matter was discussed in considerable detail in the committee as will be seen from the transcript at page 646. It was explained to the satisfaction of the committee. No amendment was moved there. We did consider it there. I am sorry if I have not been able to make the reasons clear. They are clear to me, and it must just be some inability to communicate my ideas to the committee or some refusal on the part of the committee, or of certain members of the committee, to accept the logic in the ideas.

The words "is being" are not necessary. If we insert them here we shall have to make a number of changes; not major changes, it is true, but a number of changes throughout the bill. It is not sound, it is not good drafting and it is not necessary and therefore I think it will be objectionable to accept this change. Anyone who is really concerned about any limitation upon the rights of those six citizens need only consider what has been said and then read the wording of subclause 2 of clause 7 which shows that an application must be accompanied by a statement in the form of a solemn or statutory declaration showing:

(a) the names and addresses of the applicants, and at their election the name and address of any one of their number, or of any attorney, solicitor or counsel, whom they may, for the purpose of receiving any communication to be made pursuant to this act, have authorized to represent them;

(b) the nature of the alleged offence and the names of the persons believed to be concerned therein and privy thereto; and

[Mr. Howard.]

(c) a concise statement of the evidence supporting their opinion that the offence has been or is about to be committed.

If anyone reading that and realizing what these six persons have to do in order to bring a complaint formally to the attention of the director thinks that can be done without time having passed so that an offence which was being committed was not, by then, a past offence by the time they had informed the director, I should be surprised. Although the opinion may be one that an offence is being committed, by the time they communicate with the director and do what they are required to do time will have moved on so that it will be an opinion that an offence has been committed—

Mr. Benidickson: Not necessarily.

Mr. Fulton:—and if the offence is not complete it will be covered by the form of words "or is about to be committed". Nothing could be plainer and nothing could be more comprehensive than the present form of wording.

Mr. Caron: Mr. Chairman, I have listened to the discussion that has taken place between the lawyers who do not seem to be able to determine whether this is clear or not clear. If the lawyers cannot agree perhaps a humble layman could be permitted to suggest that for the purposes of clarification the plain words "is being done" should be added and then we would be done with it and could proceed with the rest of the bill.

Mr. Howard: The minister said this was clearly dealt with on page 645 of the evidence.

Mr. Fulton: Yes, quite clearly.

Mr. Howard: I just want to point out that the minister is wrong. At page 645 we discussed clause 2. There appears some comments of mine about what the minister said when in opposition and he agreed that the Liberal government of the day had some influence on his education and that he changed his mind and reversed his position. We went on to discuss how many times this had been used and the director said just once to his knowledge. Clause 2 was agreed to and we went on to clause 3. As the evidence shows this was the part about the director having reason to agree that certain things existed. Then the hon. member for Burnaby-Richmond whom I sometimes confuse with another hon. gentleman—the parliamentary secretary to the Postmaster General is waving his hand in circles and I wonder if he is indicating his state of mind or—

The Deputy Chairman: Order.