

Combines Investigation Act

any control I would let myself again be placed in this position, or, if I were, that I would not authorize publication.

I may say that my situation in the department now is quite different from what it was last January. I had nothing to do with the authorization or initiation of the flour investigation. I had nothing to do with it at all. About anything that is done while I am Minister of Justice I will be kept informed as it goes along. When the time comes that a future report comes down, I hope to have a fairly intelligent view of what the report is concerned with and its nature. This fifteen day period, which is altogether too short a time for anyone to know what he is publishing if he has never seen the report before, can be complied with only if the minister has been in the department beforehand and has some idea of how the investigation has proceeded, what it has dealt with, and so on.

The duty of conducting the investigation and making a report is by statute entirely upon the commissioner, but there is nothing in any part of the set-up which prevents the commissioner from conferring with his minister. If a minister is to avoid difficulty of this sort he should, at the time the report comes in, have a better grasp of the situation which is being dealt with than any minister could possibly have if he is new to the office.

Mr. Diefenbaker: Publication does not mean approbation.

Mr. Garson: My hon. friend says that publication does not mean approbation. When you have a set of circumstances such as we had here, while publication may not legally mean approbation, the fact is that if the government publishes a report on the authority of the minister it cannot help but create an impression all through the country that it approves it. The man in the street does not know about section 27, subsection 5; all he knows is that the government has published a report. So far as he is concerned he says: If they do not approve it, why do they publish it?

Mr. Knowles: The man in the street knows it now.

Mr. Garson: I do not think that would be true of all men in the street.

Mr. Coldwell: Is the minister suggesting that he is going to interfere with the independence of the combines commissioner?

Mr. Garson: No, sir; not under any circumstances.

Mr. Coldwell: That interpretation might be placed on the minister's words.

Mr. Garson: I am glad my hon. friend has raised the point. If my remarks are susceptible of that interpretation, I certainly did not so intend them. I do not think any better indication of my good faith can be found than my conduct all through this present difficult matter. Where there were circumstances under which I might have been tempted to do that sort of thing, I have scrupulously avoided putting the slightest pressure upon the complete independence of judgment exercised by the commissioner. But there is no reason why the commissioner should not keep his minister informed of the progress of an investigation as he goes along. My information from Mr. McGregor is that that is the practice he has followed.

Mr. Diefenbaker: Did the minister not try to have the commissioner make an addendum?

Mr. Garson: In this particular case I could not follow that course, because the report had been filed before I appeared on the scene at all.

Mr. Coldwell: Did he keep the former minister informed of the progress that was being made?

Mr. Garson: I am informed by the commissioner that he kept the minister informed. I would not say that he kept him informed as to the language of his report, but he would keep him informed as to the progress of the investigation. I want to emphasize the fact that no authority is required from the minister to permit the commissioner to carry on an investigation; it is done entirely on his own authority. But I do not think the act could be properly administered if the commissioner started an investigation and carried it on in complete secrecy, without keeping his minister informed, and then at the end of the period produced a report, placed it on the minister's desk and asked that it be published within fifteen days, whereupon publication would take place.

Suppose we had taken a different course from the one we did take. Suppose we had published the report and then came along as soon as we were able to resolve the facts, which took many weeks, say from the spring of 1949 to the fall, and said: We cannot prosecute, because we have no case. I do not mind the criticism that has been directed against me, and I do not think I have shown any indication that I have any personal resentment in the matter. I do not think there has been anything personal in it. But take the case I am speaking of; would that result in strengthening public confidence in the combines investigation commissioner?

Mr. Coldwell: Is it not extraordinary that the document upon which so much reliance