

*Combines Investigation Act*

Take, for example, one of the coal companies which have been investigated; if they had filed certain documents it would have effectively precluded the use of those documents at the trial. In that way it would be possible to thwart any attempt to bring such companies under the provisions of the act.

Mr. BENNETT: I do not think my right hon. friend has followed that section quite carefully. Read section 20 of the act:

All books, papers, records or things produced before the commission, whether voluntarily or in pursuance of an order, may be inspected by the commission and also by such persons as the commission directs, and copies thereof may be made by or at the instance of the commission.

That provides for copies being kept by the commission; it is not the section the hon. gentleman refers to. The next amendment is on page 6 in line 41. The words "oral evidence so given" are struck out and the words "evidence or documents so required" substituted. That is the usual provision giving effect to the Canada Evidence Act, that a man is not bound to convict himself. I think that is all right. Now we come to one which is somewhat more difficult. On page 7, section 20, line 11, it is provided:

The commission at the conclusion of every investigation which they conduct shall make a report in writing and without delay transmit it to the minister. Such report shall set out fully the conclusions reached, the action, if any, taken, and any other material which may be required by regulation under this act.

Then is added a new subsection (2):

The commission shall at the same time deliver into the custody from whence they came, if not already delivered, all books, papers, records and other documents in its possession as evidence relating to the investigation, but before doing so the commission may extract from such documents and certify as true copies such relevant parts thereof as it may deem to be necessary for any purpose of this act, whereafter such parts, so certified, shall have and be accorded in all courts the same probative force as the equivalent parts of the originals of which they are copies.

I think that is a rather desirable provision to have. It enables the commission, when returning originals, to keep copies to meet the possibility of the originals being inadvertently lost, and to enable it to produce the copies at any trial that may take place. They have the same probative force as equivalent parts of the originals of which they are copies.

Mr. MACKENZIE KING: That is all right.

Mr. BENNETT: There is no amendment on page 8 but on page 9 there are several:

27. Section forty-one of the said act is repealed and the following is substituted therefor:

[Mr. Mackenzie King.]

41. The commission shall, annually, report to the minister its proceedings under this act and he shall lay such report before parliament if it be then sitting, and, if it be not then sitting, within the first fifteen days of its then next session.

That is perhaps a very desirable change. As section 28 they have added:

No person shall be charged with, tried for or convicted of an offence against this act, by the same information, upon the same evidence or at the same time as he is charged with, tried for or convicted of an offence against section four hundred and ninety-eight of the Criminal Code.

That is, I think, a proper section to have in a statute of this kind. Section 29 is:

This act shall come into force on the first day of October, 1935.

How we allowed it to go in the form we did I do not know, because it is not the proper form. I would move that the amendments other than the first amendment on page 1 and the second amendment on page 1 be read the second time and concurred in.

Mr. RALSTON: With regard to the definition of "combine," do I understand that the whole section 2 as it appears in the act is cut out and that the four line provision is substituted?

Mr. BENNETT: No; I read only the first paragraph. The others all remain. I move, Mr. Speaker, that the amendments, apart from amendment No. 1 and amendment No. 2, both on the first page, be read the second time and concurred in.

Motion agreed to; amendments read the second time and concurred in.

Mr. BENNETT: I move that amendments No. 1 and No. 2 be not concurred in for the following reasons.

1. That a combine may exist with respect to a subject matter other than a commodity, and it is the purpose of the act to deal with such a combine.

2. That it is the intention of the act to deal with a condition where a combination, merger, trust or monopoly has operated or is likely to operate to the detriment or against the interest of the public.

3. To substitute "designed" for "likely" would involve a proof of intention which experience has indicated it is difficult to establish. And that the same be sent to their honours.

Motion agreed to.