

*Combines Investigation Act*

powers for the examination of documents and so on. It is a question of policy. It is for parliament to decide whether it is better that this power should be given.

The fact that it is only one man, that the commission as provided for under the 1935 act is replaced by a commissioner, whoever he may be, does not alter the principle. I do not think it makes a very great difference whether there are three men on the commission or only one commissioner. I do not find in this bill many differences from the existing law.

Mr. CAHAN: You have only to compare these two sections.

Mr. LAPOINTE (Quebec East): To avoid all these troubles perhaps it would have been wiser merely to reenact the old legislation, simply substituting for the word "commission" the word "commissioner."

Mr. CAHAN: Hear, hear.

Mr. LAPOINTE (Quebec East): My hon. friends opposite would, I suppose, have accepted what they voted for and what is their own work.

Mr. BENNETT: No, I would not accept this principle.

Mr. LAPOINTE (Quebec East): Not even if my right hon. friend endorsed it two years ago?

Mr. BENNETT: It was a reenactment of an existing statute. I certainly have been opposed to this provision all my life.

Mr. LAPOINTE (Quebec East): As I have stated, however, it is really a question not of law but of policy. There are many provisions in the federal statutes for the enforcement of federal laws which are quite different from the sections of the criminal code. Take for instance the income tax act; the officers of the Minister of National Revenue do not require a search warrant to go and examine books and documents in the offices and stores and property of any citizen of Canada. If they could not do so the law would be futile and they could not carry on their work.

I repeat, this is merely a question of policy. There is considerable weight in the objection of my right hon. friend, and I am not very strong at any time for arbitrary measures. But I really hope that this section will not be criticized any more than the one that existed before.

Mr. KINLEY: Does the Minister of Justice (Mr. Lapointe) not think the whole aspect of this act is somewhat changed? It repeals certain sections of the Dominion Trade and

[Mr. E. Lapointe.]

Industry Commission Act of 1935. I understand that one section was found ultra vires by the privy council. That section provided:

14. (1) In any case where the commission, after full investigation under the Combines Investigation Act, is unanimously of opinion that wasteful or demoralizing competition exists in any specific industry, and that agreements between the persons engaged in the industry to modify such competition by controlling and regulating prices or production would not result in injury to or undue restraint of trade or be detrimental to or against the interest of the public, or where such agreements exist and in the unanimous opinion of the commission but for their existence wasteful or demoralizing competition would exist in any specific industry, the commission may so advise the governor in council and recommend that certain agreements be approved.

At the present time no cooperation of this kind can be approved. It leaves it in a condition of uncertainty. That is the point.

Mr. ROGERS: I think we are on section 21. Perhaps the remarks of my hon. friend would be more relevant to another section.

Mr. KINLEY: The relevancy is this, that if you are treating industry as provincial statutes deal with organized crime, and provide no way whereby people in industry can put themselves right and make themselves immune to the act, it is very drastic legislation.

Mr. THORSON: There is nothing illegal about an arrangement of the kind that my hon. friend suggests. The only arrangement that is illegal is one that either has operated or is likely to operate to the detriment or against the interest of the public.

Mr. KINLEY: That is fundamental in the act.

Mr. THORSON: The reason section 14 which my hon. friend quoted was held invalid was that it had relation to a matter which was not ancillary to the criminal law. In other words the decision of the judicial committee recognized the validity of that kind of arrangement, but stated that the dominion parliament had no authority to pass that kind of legislation.

Mr. KINLEY: I do not propose to argue corporation law or constitutional law, but I say it did decide in advance what it was right and proper to do.

Mr. BENNETT: Just a word in answer to the Minister of Justice. I have always had the strongest possible view with respect to granting the right, without affidavit or oath, to any person to go into my office and take my books. I believe it is fundamental to my British citizenship that this should not happen. If my books disclose that I have