

(3) In all applications to the Commission under this Part for an order, any person against whom the order is sought is entitled to cross-examine witnesses called by the Director and to call and examine witnesses and produce documents on his own behalf.

31.9 Where, on application by the Director, or a person against whom an order has been made under this Part and after affording the Director and that person a reasonable opportunity to be heard, the Commission finds that at the time of the application the circumstances that led to the making of the order have changed and in the circumstances that exist at that time the order would not have been made or is ineffective to achieve its intended purpose, the Commission may rescind or vary the order accordingly.”

#### Clause 14

Strike out lines 34 and 35, on page 24, and substitute the following therefor:

“(f) the restriction of advertising or promotion, other than a discriminatory restriction directed against a member of the mass media,”

Add immediately after line 41, on page 25, the following:

“(7) Section 32 of the said Act is further amended by adding thereto the following subsections:

“(6) In a prosecution under subsection (1), the court shall not convict the accused if it finds that the conspiracy, combination, agreement or arrangement relates only to a service and to standards of competence and integrity that are reasonably necessary for the protection of the public

(a) in the practice of a trade or profession relating to such service; or

(b) in the collection and dissemination of information relating to such service.

(7) Subsection 1 does not apply in respect of a conspiracy, combination, agreement or arrangement that is entered into only by companies each of which is, in respect of every one of the others, an affiliate as that relationship is defined in subsections 38(7) and (7.1).”

#### Clause 15

Strike out line 10, on page 27, and substitute the following therefor:

“a fine in the discretion of the court and to imprisonment not exceeding five years.”

Strike out lines 35 to 42, on page 26, and lines 1 to 10, on page 27, and substitute the following therefor:

“32.2 (1) In this section, “bid-rigging” means

(a) an agreement or arrangement between or among two or more persons whereby one or more of such persons agrees or undertakes not to submit a bid in response to a call or request for bids or tenders, and

(b) the submission, in response to a call or request for bids or tenders, of bids or tenders that are arrived at by agreement or arrangement between or among two or more bidders or tenderers,

where the agreement or arrangement is not made known to the person calling for or requesting the bids or tenders at or before the time when any bid or tender is made by any person who is a party to the agreement or arrangement.

(2) Every one who is a party to bid-rigging is guilty of an indictable offence and is liable to a fine in the discretion of the court and to imprisonment not exceeding five years or both.

(3) This section does not apply in respect of an agreement or arrangement that is entered into or a submission that is arrived at only by companies each of which is, in respect of every one of the others, an affiliate as that relationship is defined in subsections 38(7) and (7.1).”

Strike out line 17, on page 27, and substitute the following therefor:

“in professional sport or to”

Strike out line 25, on page 27, and substitute the following therefor:

“choice in a professional”

Strike out lines 28 and 29, on page 27, and substitute the following therefor:

“liable on conviction to a fine in the discretion of the court and to imprisonment not exceeding five years, or to both.”

Strike out line 10, on page 28, and substitute the following therefor:

“fessional sport as members”

#### Clause 16

Strike out lines 23 to 40, on page 28, and substitute the following therefor:

“16. (1) Paragraphs 34(1)(b) and (c) of the said Act are repealed and the following substituted therefor:

“(b) engages in a policy of selling”

Strike out lines 7 to 32, on page 29, and substitute the following therefor:

“(2) Subsection 34(3) of the said Act is repealed and the following substituted therefor:

“(3) Paragraph (1)(a) shall not be construed to prohibit a cooperative association, credit union, caisse populaire or cooperative credit society from returning to its members, suppliers or customers, the whole or any part of the net surplus made in its operations in proportion to the acquisition or supply of articles from or to such members, suppliers or customers.”