

That refers to "Canada standard," and inasmuch as it has been pointed out that the words could not apply to every commodity because of difficulties in the actual carrying out of it, the commission, it is considered, should have power to prepare a list to which it does not apply. That, I think, is satisfactory. The next amendment is in section 20, which is far more difficult. There is substituted for section 20 the following:

20. The commission shall receive complaints respecting unfair trade practices and may investigate the same and, after investigation,

(a) If of opinion that the practice complained of constitutes an offence against any dominion law prohibiting unfair trade practices may order and require all persons who are parties or privies to such offence to cease and desist from further continuance of such practices and/or

(b) If of opinion as aforesaid may communicate the complaint, and such evidence, if any, in support thereof as is in the possession of the commission, to the attorney general of Canada with a recommendation that such parties or privies to such offence be prosecuted for violation of the applicable act. The attorney general of Canada, if he concurs in such recommendation, may refer it, with the complaint and evidence, if any, either to the director of public prosecutions or to the attorney general of the province within which the offence is alleged to have been committed, for such action as may seem to be appropriate in the circumstances.

In my opinion there is grave difficulty about that, for this reason. When we were framing the section it seemed clear to us that if the unfair trade practice was a violation of the statute then of course the provisions with respect to prosecution would apply, and that as regards any other unfair trade practice that was not covered by legislation it would not be within the competence of this parliament to direct that those engaged in it should cease or desist. The Senate is of the opinion that inasmuch as it has made the limitation to refer to a statute only, this amendment would be valid, and on that understanding of it I quite agree. But it does not touch what is called an unethical trade practice; it only refers to trade practices covered by existing statutes or which may hereafter be covered by statute.

Mr. MACKENZIE KING: My right hon. friend will appreciate the fact that I have not had an opportunity to more than glance at the proceedings—

Mr. BENNETT: I have not either.

Mr. MACKENZIE KING: —and therefore I cannot speak on the effect of some of these amendments. But a casual glance at the amendments would cause it to appear that under the changes made by the Senate it will

[Mr. Bennett.]

now be possible to violate any act named in section 2 without incurring a greater penalty than an unenforceable order of the commission not to do it again. I do not know whether my right hon. friend sees that possible effect.

Mr. BENNETT: I wish to make it clear that in my opinion this is bad:

If of opinion that the practice complained of constitutes an offence against any dominion law prohibiting unfair trade practices may order and require all persons who are parties or privies to such offence to cease and desist from further continuance...

That is the very negation of the principle of enforcement of law as I see it. If there is a statute and the commission is aware that it is being violated, the duty of the commission is to point out to the director of public prosecutions and the attorney general of Canada that action should be taken, and not to tell someone, "Stop doing it and be a good boy." It is their duty to punish the offenders for what they have done, and that is the view I still hold.

Mr. LAPOINTE: The "don't do it again" provision.

Mr. BENNETT: It seems to me to be at variance with the whole theory of jurisprudence. If men have violated the law the mere fact that someone says to them, "Don't do it again," cannot possibly free them from proceedings being taken by any person who desires to make a complaint before any magistrate. I am bound to say I cannot agree with that amendment.

Mr. MACKENZIE KING: My hon. friend from Vancouver Centre (Mr. Mackenzie) suggests that the Senate should, at this stage, be asked to cease and desist.

Mr. BENNETT: I know of many hon. gentlemen opposite to-day who would not be unwilling that it should cease and desist until they find a place there.

Mr. LAPOINTE: There is something in that.

Mr. BENNETT: I do not think, however, that we should place upon the statute books of Canada the idea that you can merely say to someone who has violated a statute, "Don't be a naughty boy." If there is a violation proceedings must be taken. We shall have to indicate that we cannot agree to that amendment. The next amendment, on page 8, line 29, provides that the public prosecutor shall be an official of the Department of Justice, and we will disagree with that. That is not the theory on which he is appointed. He is an official of the commission, and though