

Combines Investigation Act

could have been commenced. The chain was broken. The Prime Minister himself said the other day that where a number of offences take place over the years, if they are continuing offences, the two years runs from the last offence.

Was the Combines Investigation Act not in force during the days of war? Who gave anyone authority in those days to say that the act would not be in effect? Certainly Mr. Gordon never had that power, and the attorney general at that time did not have it. The only institution that had power to say that the Combines Investigation Act was suspended during wartime would be parliament—or the executive, under the terms of the wartime prices and trade board orders in council passed under that act.

Mr. Garson: That is right; and that in effect is what was done.

Mr. Diefenbaker: That was not done.

Mr. Garson: Oh yes, it was.

Mr. Diefenbaker: That is just what was not done. The wartime prices and trade board was set up; but in no particular was there anything suspending by order in council the operations of the act during the period of war.

Mr. Garson: Of which act?

Mr. Diefenbaker: The Combines Investigation Act.

Mr. Garson: Oh no—

Mr. Diefenbaker: No—and that is exactly the point.

Mr. Knowles: They do not need an order in council; they just do it.

Mr. Diefenbaker: The point I am making is this, that during days of war the attorney general and the government could not suspend the operations of the Combines Investigation Act without the consent of parliament, or otherwise under the prerogative rights of the king to pass legislation within the provision of the war emergency act.

Surely, sir, parliament has a right to know this: Will a statute of this country, the Combines Investigation Act, ever again be suspended by the simple word or desire of anyone in this country, without the consent of parliament? For if it was done at one time it will be done again, unless the minister—so long as he is the minister—will give that assurance. I say parliament is entitled to that assurance.

I shall say no more at this time, except this: What has been done by the attorney general in contravention of our constitution. Will such contraventions continue? Is there any way today whereby, if reports are received

[Mr. Diefenbaker.]

from the commissioner, parliament will ever know it? Parliament relies upon the government to carry out the law. When the attorney general gets these extra powers will there be greater care in prosecutions than there was in the dental combines case? So far as that case was concerned, there was no case because the prosecution did not prove the material facts.

Will this section strengthen the Combines Investigation Act?

Mr. Garson: Not this section; section 3 will do that.

Mr. Diefenbaker: I cannot discuss that yet.

Mr. Garson: That is right.

Mr. Diefenbaker: But not this section?

Mr. Garson: Not particularly, no.

Mr. Diefenbaker: Not particularly?

Mr. Garson: No. I can set my hon. friend's mind at rest. He is asking a good many questions on this section, the purpose of which is quite simple. It is to give the Attorney General of Canada the formal as well as the present *de facto* right he has to conduct these prosecutions. But it does not really add any powers to those which the attorney general now exercises.

Mr. Diefenbaker: I see.

Mr. Garson: I believe that covers the point.

Mr. Diefenbaker: Then that comes back to what I said the other day, that it is a most unimportant section; and that when we begin to analyse the changes asked for in the bill we find that they are, as I described them, unimportant. However, I shall deal with section 3 when we come to it.

Mr. Coldwell: Mr. Chairman—

Mr. Garson: I do not wish to interrupt if my hon. friend wishes to speak. However, I have been asked a good many questions, and I am afraid I shall forget some of them.

Mr. Coldwell: All right, proceed.

Mr. Garson: The hon. member for Lake Centre raised a number of points to which replies should be given.

Mr. Drew: May I interrupt the minister in respect to one answer he has given, so that in his following answers he may bear it in mind. The minister has said that the passing of section 1 does not add to the actual authority the attorney general now has to proceed. Is that what I understood?

Mr. Garson: No, I said—

Mr. Drew: The *de facto* right?

Mr. Garson: I said the real purpose of this amendment is to give to the attorney general