

*The Canadian Economy*

the Economic Council, published in July, 1969, on the subject of competition.

I take a very serious view of the motion of the hon. member for Winnipeg North (Mr. Orlikow). I am inclined to share the views expressed by my colleague the hon. member for Algoma (Mr. Foster). It would seem to me to be very dangerous for this House to adopt the procedure suggested with reference to submissions or other material acquired by the Economic Council which would have the effect in the future of impeding inquiries by that body.

● (5:50 p.m.)

As we know, in this country inquiries are now carried on by public agencies, broadly speaking, in one of two forms. The form best known by tradition is that of a royal commission appointed under the Inquiries Act. Such a body holds public hearings and receives well-publicized submissions. To a considerable extent its affairs are conducted in public. In recent years, however, it has been found in Canada necessary to supplement this type of inquiry by inquiries of another kind. These are studies conducted by specially appointed agencies, some of which, as is the case with the Economic Council of Canada, are creations of statutes of Parliament. These bodies are experts in their own right and produce studies of great importance.

We have only to look at the annual reports of the Economic Council of Canada, the Science Council of Canada and other agencies of this type to recognize the importance of their studies. In addition, they produce special studies. Some of these studies are undertaken at their own volition, but sometimes they are requested by the government of Canada. The report now under discussion falls into the second category. I believe that in 1966 the government of Canada requested the Economic Council to study the subject of competition policy and to make recommendations. I have looked carefully at the terms of reference of the Economic Council, and nowhere in them was it suggested, even by implication, that this was to be a public type of inquiry to be conducted as if the council were a royal commission appointed under the Inquiries Act. It was very simply and plainly a reference by the government to this expert body requesting it to bring its knowledge and ability to bear on this important problem.

In the course of its inquiry the Economic Council solicited views from the public. I believe it is within the knowledge of hon. members that advertisements were placed in newspapers. Members of the public who were interested in the subject were invited to make submissions, and some did. The 40 submissions referred to in the hon. member's motion are stated, in the Economic Council's report, to have resulted from their advertisement for submissions. But these submissions were made not for public consumption but for the assistance of the council. Some of these submissions undoubtedly contain a great deal of confidential information.

I think the efficacy of the Economic Council's operations could be destroyed if it were compelled, on the basis of a study like this, to disclose submissions made to it by the public when those submissions were not made under the condition that they might be made public at a

[Mr. Blair.]

later stage. Therefore, on the ground of broad principle I believe it would be a great mistake for us to adopt the motion of the hon. member. I believe in the long run it would lead to a lessening of the ability and influence of the Economic Council in conducting studies which are of importance to Canada.

The other subject which flows from this motion, particularly from the remarks of the hon. member for Winnipeg North, the hon. member for Rocky Mountain (Mr. Sulatycky) and the hon. member for York East (Mr. Otto), is that of the report itself. This, perhaps, is one of the few times the House has made any reference to this report. I have no doubt it will be extensively referred to later in this session when it is expected that amendments to the Combines Investigation Act will be presented. The hon. member for Winnipeg North Centre (Mr. Knowles) has repeated the cynical view often expressed—

**Mr. Knowles (Winnipeg North Centre):** I did not say a word.

**Mr. Blair:** I offer my apology to the hon. member for Winnipeg North Centre. My hon. friend from Winnipeg North has expressed the oft repeated cynical view that combines legislation in this country has been ineffective.

**Mr. Knowles (Winnipeg North Centre):** I agree with that.

**Mr. Blair:** The hon. member takes as justification for that statement the fact that the combines laws are still being broken and there are combinations in restraint of trade, and so on. If this argument had any validity, one might equally say that the Criminal Code is ineffective.

**Mr. Orlikow:** Hear, hear!

**Mr. Blair:** One might also say that many other laws are ineffective—

**Mr. Orlikow:** Hear, hear!

**Mr. Blair:** —because they have not completely stamped out crime or any other type of unlawful act. I suggest the combines law has mitigated unsatisfactory business practices in this country. It is said that in the United States the anti-trust laws are always sitting at every board of directors' table. I believe the same is true in this country. There is no question that these laws can be made more effective.

One of the most important features of the report under discussion is the specific, positive suggestions which are made in order to give greater effect to Canadian combines policy. Among these is the suggestion that our combines laws should not be narrowly based, as they are now, on criminal law but should be expanded and civil jurisdiction and civil law should apply to the administration of combines legislation. If there were a greater variety of remedies and more flexibility available to the administrators of our combines laws, I believe it would be possible to achieve greater control and efficacy in combines policy.

At six o'clock the House took recess.