

Combines Investigation Act

which the forest industry is the most important, are concerned over the fact that the freedom of action which they consider necessary to enable them to compete successfully in world markets will be threatened unless something is done in the new combines legislation to reassure businesses engaged primarily in the production of goods for export.

These two briefs were discussed in the committee. After the brief had been submitted and when the bill was being discussed section by section, certain comments were made by members of the committee. First, I should say that the amendment which is before us probably does not go as far as the industry would like it to go. However it recognizes the fact that the people in the export industry have a problem and that the government is facing that problem and giving some recognition of the difficulties which they face. They have to meet competition and they have to meet it effectively if Canada is going to stay in the export market. In committee an amendment was moved by the hon. member for Bonavista-Twillingate. I think it should be pointed out that while there was a considerable amount of discussion among other members present, the hon. member for Bonavista-Twillingate produced first an amendment which was not passed but this is the way in which it read. I should like hon. members to note the rather vague language in which it is phrased. Although the intent was good, the committee did not feel at that time that it carried out what was wanted. The hon. member would have made an amendment something like this:

In determining whether any offence under section 32 or 33 has been or is being committed, the court shall not find the accused guilty if it is of the opinion that the offence charged relates mainly to the export trade and the development of Canada's market outside Canada and that the offence charged does not otherwise contravene the provisions—of the act, as it affects domestic markets within Canada.

I am sorry, Mr. Chairman, but I am reading the wrong reference.

An hon. Member: Take it as read.

Mr. Aiken: The amendment made by the hon. member for Bonavista-Twillingate is found at page 748 and reads:

(2) In determining whether any offence under section 32 or 33 has been or is being committed, the court shall consider the best utilization of Canadian resources to meet the requirements of the export trade and the development of markets outside Canada.

We felt that the phrase "the best utilization of Canadian resources" would be one which would be virtually impossible for any court to interpret. The court itself would be obliged to try to determine exactly what was meant

[Mr. Aiken.]

and we felt—or certainly I did so—that it was the place of the legislature to set this out in detail.

Then I made a suggestion as to the amendment of the hon. member for Bonavista-Twillingate which I read in error a few minutes ago and I will not read it again. The minister at that time undertook with the committee that while he could not accept either the amendment moved by the hon. member for Bonavista-Twillingate or the proposal I made in substitution, that he would take them under consideration.

I feel that the amendment which has now been produced is one which will have the effect that the committee wanted and I think that hon. members should be entirely in agreement with the wording which the minister has now proposed.

Mr. Morton: I know that hon. members of the committee are very anxious to complete this bill—

Mr. McIlraith: Except the government.

Mr. Morton:—now that we are so near the end. In view of the fact that the hon. member for Skeena rather dismissed the argument in favour of improving our export trade as somewhat emotional, especially after the plea of the hon. member for Bonavista-Twillingate, I thought it would be better to put on the record, as quoted in the committee, the actual methods of competition which are expected from the trade in order to show that far from being an emotional problem, it is a realistic problem. I should like to quote from the minutes of proceedings and evidence of the standing committee on banking and commerce at page 267, at which Mr. J. N. Hyland, during his outline of the brief, quoted a letter which had come into his hands addressed to some of the competitors. It is a letter from a Japanese trading company dated July 2, 1959. The heading is "Cartels unofficial announcement of opening prices for 1959 pack Japanese salmon".

At a meeting held today of canned salmon exporters, Japan Canned Salmon Sales Company (The "Cartel") has made unofficial announcement of the opening prices for 1959 pack Japanese canned salmon as per a list enclosed herewith.

Please understand that the above announcement is not official and the new prices are still subject to slight alteration depending upon the opening prices to be fixed by Canadian and U.S.A. salmon industries. Nevertheless we have every reason to believe that at least the first sale to U.K. as well as to other markets such as Australia, Belgium, Holland, etc. will be made at these prices—probably from mid-July through August.

Please take note also that we are not allowed to make firm offers pending the final official decision of sales scheme by the cartel, expected within a few weeks. As soon as we are in a position to make offers, we will communicate with you