

Combines Investigation Act

director or the commission may apply to the minister to appoint and instruct counsel to assist in an inquiry under this act.

Mr. Benidickson: That is much closer to the present law.

Mr. Fulton: There is one defect in this amendment. It has the effect of deleting the authority to appoint.

Mr. McIlraith: I am sorry; that was not intended.

Mr. Fulton: Now if both the director and the commission come to the opinion that it is desirable—that is the first change; the second change is that the director or the commission may apply to the minister to appoint and instruct counsel; but then you have taken out the authority which was formerly given to the minister.

Mr. McIlraith: I did not intend to take out the authority.

Mr. Fulton: Perhaps I might suggest this clause stand. I have no objection in principle to what is done in the amendment; it is really the same form as the present with the commission put into a parallel position with the director, but the power to appoint is omitted. I will work out an amendment and see if I can bring one back which will meet everybody's opinion tomorrow morning.

Mr. McIlraith: I thank the minister.

The Chairman: Shall clause 5 stand?

Some hon. Members: Agreed.

Clause stands.

Clauses 6 to 8 inclusive agreed to.

On clause 9—*Findings to be included in report.*

Mr. Pickersgill: Mr. Chairman, on this clause I am going to ask the minister if he would be good enough to agree to let this clause stand for a technical reason, namely that it is the intention of one of my hon. friends, when we get on to clause 13, to move an amendment which, if the committee should accept it, will have a consequential effect here. It would mean that we would have to come back to this clause and change it. If the minister would simply allow it to stand now and proceed, then if our amendment is not accepted on clause 13 we would agree to come right back.

Mr. Fulton: That is agreeable to me if it is to the committee.

Mr. Howard: If I might just make a suggestion, perhaps the better course would be to go ahead and delete clause 9 altogether and that would solve the problem entirely.

[Mr. McIlraith.]

Mr. Pickersgill: I think the minister has already agreed to let the clause stand.

The Chairman: Shall clause 9 stand?

Some hon. Members: Agreed.

Clause stands.

Clause 10 agreed to.

On clause 11—*Reduction or removal of customs duties.*

Mr. Fisher: Mr. Chairman, as the minister knows a number of people who appeared before the committee made recommendations with regard to this particular clause. The minister will remember that he gave a fairly extended statement as the result of questions by myself, the hon. member for Burnaby-Richmond and the hon. member for Saskatoon.

I should like to draw to the minister's attention a paragraph which appears on page 494 of the minutes of proceedings and evidence which puts the case for the amendment I wish to move to this particular clause. This is an extract from the evidence of Professor English:

Third, there are the remedial economic measures. Section 29 of the law, in which the governor in council is given permission to alter customs duties where a restrictive practice might thereby be controlled should in my opinion be altered so that tariff action is mandatory where relevant. No factor in Canadian economic life contributes more to the potential or actual restriction of competition than our commercial policy. Action to ensure competition through tariff reduction is potentially a very important deterrent of and remedy to restrictive practice. So long as it is permissive it is unlikely to be used because the power to determine tariff levels is not the responsibility of the government body charged with control of restrictive practices. Experience demonstrates that where conflicting administrative interests are involved, a mandatory provision is the only way of ensuring appropriate remedial action.

This strikes me as being a very good argument, and I am sorry we did not force from the minister—I do not mean in a physical way—an explanation with regard to the matter raised here by Professor English of the tariffs being under a different part of the government. It is very easy to make the action by the minister or by the governor in council mandatory, and I would think the minister's own evidence tends to support the idea that it should be mandatory. He will remember that I brought up the case of the fine papers people who were, according to a report—of course the minister insisted he had to deny this—the minister sent instructions or a letter to them, the story I got was, that they should show cause as to why this tariff protection should not be removed.

According to the information we have received, the power in this particular section