

Senator Hays: I am thinking of something that has not been brought before the tribunal, Danish bacon. In Denmark they have a two-price system, and we have a great surplus of bacon today, the price being half what it was a year ago. The last time I was in the market you could buy Danish bacon much cheaper than they are selling it to the Danish people because they do have a two-price system. They make as much money on it as they do in servicing the other, but the consumer is buying at a cheaper price and the producer is injured by this importation. I think it is dumping, but I do not know who would bring it forward. Would the consumer be injured or would the producer be injured?

The Chairman: The only test under existing legislation—and that is not being changed here—is injury to the producer.

Senator Hays: I would think that the tribunal would not be interested in the other part. It would be interested just in the dumping part.

Mr. Joyce: Let us assume that there is a dumping situation here. What you are saying is that the producers may or may not choose to initiate a request.

Senator Hays: They may be so fragmented.

Mr. Joyce: However, an investigation can be initiated by the Deputy Minister of National Revenue on his own responsibility. The fact that Canadian producers, because they are fragmented, do not choose to initiate an investigation, an investigation might still be initiated.

If I may, I should like to go back to the consumer question. Senator Hayden said it was far out, and I do not think he was far wrong. You were pressing me, in a sense, and I was trying to envisage what one might consider at the extreme, but it is quite clear that the intention at the moment is to deal with those cases where there are importations which do not necessarily involve dumping but where the Government might wish to take action on the ground that there has been injury. The real purpose of broadening the powers of the tribunal is to provide that the Governor in Council can ask an independent tribunal, namely, the Anti-dumping Tribunal, to make an injury determination and to make a finding as to whether or not there has been injury.

The Chairman: That raises again the question that I put to you originally. In those circumstances, if this is the area of operation, why should we expand section 3 to a depth that covers anything in relation to the trade or commerce of Canada, whether it is imports or not?

Mr. Joyce: I have two answers to that. One is that to the extent that you word it tightly there is always a danger that one might find that inadvertently one has limited the terms of reference or the powers of the tribunal to deal with the case that one wishes it to deal with.

The Chairman: Mr. Joyce, on that point, if you are going to draft legislation that goes into all those points, you will never get anything finalized. This would appear to me to be the main purpose for which this extension of

authority is being sought. If it does not go far enough then you can come back. How you could anticipate situations arising where you would need this broad authority in reference to the Anti-dumping Tribunal is beyond me. I just cannot comprehend why a tribunal as specialized as this tribunal would be the one selected to deal with matters that do not involve its specialty.

Senator Connolly (Ottawa West): Mr. Chairman, what about the example I gave of where even if there was a possible element of dumping, the net result—to use Senator Isnor's word—or overall result is beneficial to Canada because of the increase in the foreign exchange that is generated by Canadian sales to the country where the equipment is purchased? Would not this broader wording allow the tribunal to consider both factors—not only the injury to the manufacturer, but the ultimate benefit in the form of increased trade to the country?

The Chairman: But, senator, there is nothing in the legislation that deals with the overall result. It deals with injury to the producer.

Senator Connolly (Ottawa West): But if you say "in relation to the trade or commerce of Canada" your wording is pretty broad.

The Chairman: What I was saying was that the function or specialty of the Anti-dumping Tribunal is dumping and injury.

Senator Hays: That is right.

The Chairman: They now want the additional authority to deal with injury where there is no dumping. Is that all right? They can have it, but they come in and want to have jurisdiction in relation to any other matter or in relation to the trade or commerce of Canada, and that is a large order because the Anti-dumping Tribunal has a specialty.

Senator Molson: It is not even external, which is perhaps a weakness.

Senator Hays: The terms of reference are pretty wide. They are away out in so far as dumping is concerned.

The Chairman: Can we resolve this? What is the view of the committee? If we were seeking to have this proposed section deal with the situation that the Government wishes to cover—that is, no dumping, but a determination of injury to the producer in Canada by reason of imports where there is no dumping—then I suggest we could put in three or four words so that that phrase would read "in relation to imports that might be injurious to the trade or commerce of Canada". That would give them all that jurisdiction.

Senator Molson: Do you need anything other than "in relation to imports"? Why should this tribunal not consider any matters relating to imports?

The Chairman: It is a question of injury.

Senator Molson: But this is a broad investigation. I really cannot see what would be harmful as long as it