

Combines Investigation Act

the attorney general even wider powers than he has today. I have no right to discuss how these powers are to be used. I have no right to ask the minister, sir, whether, if he receives these powers, he is going to allow the powerful within the cabinet to prevent him from exercising them.

This is one of the most serious debates that have ever come before any parliament. Mr. Chairman, I am sure that on reconsideration the Minister of Justice will not deny full and complete discussion on this subject, because we have not the answers yet as to what took place. I believe, sir, that if ever there was a matter that should be discussed, if the purpose of these amendments is to put teeth in the law, this is it. Teeth in the law are no good if the cabinet behind closed doors denies the operation of the powers that it already has in the Combines Investigation Act.

I will put it this way, in order to keep within your ruling, sir. If the attorney general is given these extra powers, will he give assurance to the house that never again will he as attorney general deliberately, to use the words of the hon. member for Winnipeg North Centre, break the law and thereby protect those who were named as law breakers by the highest official of all under the Combines Investigation Act? I have never once suggested their guilt, sir; I would not do that.

Will the Minister of Justice assure the house, as he has not done yet—he showed little regard for the seriousness of what has happened—that in the future when reports are delivered to him, whether he regards them as incomplete or not, as long as the law is on the statute books it will be carried into effect? I was one of those, sir, who believed that it should have been modified. I raised the question in 1948. The then Attorney General of Canada pointed out that it was necessary in order to arouse public opinion. I said: "Well, possibly it might result in injustices." The answer of the then Minister of Justice was: "It is in the same position as the evidence on a preliminary inquiry, but above all it is necessary to publish in order to ensure publicity."

Will he give the assurance—and I am sure he will now after his experience of the last few days—that that section, or any other section of the law under the Combines Investigation Act, will never be circumvented by him again? It is not a difficult thing to answer. It is a very simple question. I ask him this also: Is it not correct that having held that report as long as he did, the result is that no action can be taken today against any of the milling companies? This matter, sir, all enters into the equation as to whether extra

powers should be given. For extra powers given to the attorney general, and used as they were since January last, will be window dressing on the statute books of this country. The section reads:

The Attorney General of Canada may institute and conduct any prosecution or other proceedings under this act . . . and for such purposes he may exercise all the powers and functions conferred by the Criminal Code on the attorney general of a province.

Even if that section had been on the statute books during the last year it would have been a mere scrap of paper. If all these powers he now asks for under section 1 (2) had been granted to him, will he say that anybody would have been prosecuted who has not been? Will he say that any prosecution would have taken place as against those named in the flour milling report? As far as that section is concerned it is a meaningless one, having regard to the amendments that were passed in this house in 1946, under which any person in Canada, whether the attorney general or anyone else, had the right to take proceedings.

Those are a few of the questions that I now bring to the attention of the minister. They are questions which are in the minds of the people of Canada today. You can pass laws; you can make amendments to the law; but if the unwillingness to enforce the law is as strong as that evidenced by the attorney general, directed as he apparently was by the Minister of Trade and Commerce since January last, any amendments are mere sham, mere window dressing, mere words.

One alarming fact that emerges from this debate is that the minister has given no indication that in the days ahead he intends to follow any other course than that which has been pursued in the last year. I am not saying that if these powers were secured consideration should not be given to what took place during days of war. But, sir, in that report there were offences disclosed before the war, before the wartime prices and trade board was set up, and after. I have the pages; they have been referred to on a number of occasions.

Mr. Garson: Does the hon. member mean September 15, 1947?

Mr. Diefenbaker: Yes.

Mr. Garson: Oh, well—

Mr. Diefenbaker: At the ending of the wartime prices and trade board regulations. Even if the government did not wish to prosecute for what took place during the war, they could have used the events during those days of war to keep the entire action within the period of limitations within which action