

*Shipping Conferences Exemption Act*

am caught a bit by surprise despite my labours last night to get a speech prepared. May I submit that the purpose of my amending motion is to make the bill more practical, and that I am trying to be helpful to the government. I am not prepared to say anything about the procedural aspects but will rely on Your Honour and on the suggestions of others.

**Mr. Speaker:** The point made by the hon. member is a very cogent one and I appreciate that this notice has been on the Order Paper for many months. Of course, the opportunity was not present for the hon. member to be advised that there might be some reservations about the motion that he had put on the Order Paper. He will appreciate that the Chair's reservations have to do with whether this motion, if it carries, would negate the principle of the bill that is before the House. I have some serious doubts about it, but I think it might be the wish of all hon. members that we give the hon. member the benefit of the doubt and that we proceed with the debate on the motion before the House, particularly in view of the assurance by the hon. member that he has worked long and diligently on the preparation of a speech which I know will be appreciated by all hon. members.

**Mr. Benjamin:** Thank you, Mr. Speaker, and I appreciate very much your willingness to give me the benefit of the doubt. As I understand it, the intent of my motion is not to stray from the principle of the bill and in no way would negate it. I hope that, in my remarks, I can make that clear.

The purpose of the bill is to provide that certain shipping conference practices be exempted from prosecution under the provisions of the Combines Investigation Act. If I may cite the standing committee hearings, No. 26, of May 12, on page 26:15, I wish to point out that the witnesses from the Canadian Transport Commission said the purpose of this legislation is to provide for such exemption and to detail the conditions attaching thereto. If those conditions are not met, then the penalties provided under the Combines Investigation Act would still apply to these shipping conference practices.

In evidence given before the committee, witnesses from the Restrictive Trade Practices Commission and from the Canadian Transport Commission reiterated that unquestionably a shipping conference is a cartel. This is explicit in the Restrictive Trade Practices Commission report of June 15, 1968,

which found that these conferences were in breach of the Combines Investigation Act. The Commission also reported that Canada and other countries could see no alternative mechanism available, and that this had impelled all governments, in Canada and elsewhere, to tolerate the system of shipping conferences.

Under the provisions of this bill, the organization that is to be the watchdog and the enforcer of the legislation is the Restrictive Trade Practices Commission. Mr. Henry, the Director of Investigation and Research, is the man who is to have sole responsibility. The Restrictive Trade Practices Commission is to have sole jurisdiction over enforcing the provisions of this legislation when it becomes law.

The reason for the Restrictive Trade Practices Commission having sole jurisdiction—and I think quite properly—is that these conferences have already been found to be cartels and that they do in fact practice collusion. But the commission report concluded that in most aspects this arrangement, which amounts to a restriction of trade, had in no way harmed the public interest, and in certain cases had even been of benefit to it, even though the conferences were acting in collusion.

This bill provides that certain documents and information must be filed in order to establish that a shipping conference is meeting the conditions necessary to be exempt from the provisions of the Combines Investigation Act. Since the Restrictive Trade Practices Commission is the sole organization that has responsibility to see that this information and these documents are filed, and has the sole responsibility to examine such documents and files to see that the conditions are met, I hope the minister will agree it is only logical, and would certainly be more efficient, if these documents and information were filed with the Restrictive Trade Practices Commission, and that the conferences should report directly to that commission.

Another reason for the bill is to lift the veil of secrecy that thus far has surrounded the operations of international shipping conferences, particularly with regard to rates, conditions of carriage and so forth. My amendment is meant to help lift that veil of secrecy. In the committee I sensed that there was some agreement with and approval of my amendment on the part of some of the minister's colleagues, even though they chose not to support my amendment in the committee. Since sole jurisdiction and responsibility rest