

Combines Investigation Act

same comfortable doctrine. It strikes at the very root of our system of responsible government.

I think it is time for us to recognize, Mr. Chairman, as has unfortunately been recognized too late in some other countries, that the first line of defence of our free society is not the Oder or the Rhine, but is right here in parliament. The first place for us to defend our free society and our system is the place where that freedom can find its guarantee, if the full responsibility of parliament is exercised as it was intended to be exercised.

If the present explanation is accepted, there is no assurance that this intolerable situation is any nearer an end than it was when this default was exposed so reluctantly. Who will forget the incident when the Minister of Justice was prepared to table the correspondence and the Minister of Trade and Commerce (Mr. Howe) said, "No, no."

Mr. Diefenbaker: The veto power of the government.

Mr. Drew: It is the veto power carried right into the government.

Mr. Fournier (Hull): Mr. Chairman, may I interrupt on a point of order? I shall not follow the trend the leader of the opposition has followed for the last two days. We have been dealing for quite some time with section 1 of the bill. There is a rule with which speakers are obliged to comply, and that is standing order 58. It reads:

Speeches in committee of the whole must be strictly relevant to the item or clause under consideration.

When the chairman took the chair, he read to the committee the item under discussion, which is an amendment to the Combines Investigation Act by which the Attorney General of Canada may institute and conduct prosecutions, a right which he has not at the present time. I know this is an interesting debate. I myself have followed it with great interest. I have listened to the arguments pro and con. There have been lengthy arguments, not only from the opposition but from my colleague. So much time having been taken in the discussion, if we are not now convinced that the opposition is right or that the government is right, I doubt if we ever shall be. I suggest to hon. members that from now on we confine the discussion to the matter before us, in compliance with standing order 58, and try to limit the arguments to the amendment which is before the committee. I will ask for a ruling by the chairman, if not before one o'clock, then later.

[Mr. Drew.]

I do not often intervene in these debates, because I get more enjoyment out of listening to other people speak than out of speaking myself. But I have listened to a great deal of discussion, and I see that our minds will never meet. The leader of the opposition has his own views, others have their views, and we have ours. But the various views have been repeated and repeated by those who have spoken, and few new arguments have come out of the debate this morning. I therefore ask, Mr. Chairman, that we comply with standing order 58.

The Chairman: We are not discussing the principle of the Combines Investigation Act. We are discussing the principle of an act to amend the Combines Investigation Act, which is not the same thing. On the first clause I think it would be permissible to discuss, not the general principle of the Combines Investigation Act, but the general principle of an act to amend the Combines Investigation Act. There are three sections in this bill. The matter dealt with in section 1 is: Attorney General of Canada may institute and conduct prosecutions—we have discussed that; section 2: corporations to be tried without a jury; section 3: evidence. That is all that is dealt with in this bill. I think we have had a general and orderly discussion on the principle of an act to amend the Combines Investigation Act; and I would ask hon. members to confine their remarks to section 1 only.

Mr. Drew: I am glad to have that ruling, Mr. Chairman. I had almost concluded my remarks, all of which, I submit, have been directed to the reasons why this committee should be greatly concerned about extending any further powers to the present attorney general, and particularly with regard to extending to the attorney general the power to institute and conduct any prosecution or other proceedings under the act or the Criminal Code.

The Chairman: Not in regard to publication; in regard to prosecution. That is not the same thing.

Mr. Drew: That is right. The present Minister of Justice has broken the law, and I submit that he has no right to prosecute any Canadian for breach of this or any other law. He has put himself in contempt of the law of parliament, and of the house in which he sits today.

Mr. MacInnis: As to section 1, the section under discussion, ordinarily I do not believe there would be any disagreement in the committee. My understanding of the Combines Investigation Act as it stands is that