

Combines Investigation Act

Mr. R. A. Bell (Parliamentary Secretary to the Minister of Finance): I think the hope of the house is that its business may be concluded in time so that a further interim supply bill will not be necessary.

Mr. Pearson: It won't be.

NATIONAL PARKS**BRITISH COLUMBIA—REPORTED OFFER OF GARIBALDI PARK FOR OLYMPIC GAMES**

On the orders of the day:

Mr. J. R. Taylor (Vancouver-Burrard): Can the Minister of Northern Affairs and National Resources say whether the premier of British Columbia has yet made any offer to him of Garibaldi park as a national park?

Hon. Alvin Hamilton (Minister of Northern Affairs and National Resources): No, Mr. Speaker; I have received no offer from British Columbia.

**COMBINES INVESTIGATION ACT—
CRIMINAL CODE****AMENDMENTS RESPECTING MERGERS,
MONOPOLIES, ETC.**

The house resumed, from Tuesday, July 26, consideration in committee of Bill No. C-58, to amend the Combines Investigation Act and the Criminal Code—Mr. Fulton—Mr. Flynn in the chair.

On clause 13, section 33—*Mergers and monopolies.*

The Chairman: Shall the amendment to clause 13, section 33, carry?

Mr. Pickersgill: Mr. Chairman, I was in the middle, or perhaps not in the middle; I should say I was at the beginning of a statement about this matter which has been occasioned by the observations which were made by the Minister of Justice just before I began.

In order to put what I now have to say in perspective I should like to recall just what it was I did say in my introduction last night. What I said was that, as the hon. member for Ottawa West had shown in his masterly reading of the proceedings of the banking and commerce committee, the government had made a firm and unqualified decision, and announced it to the committee, not to do anything about this problem. The government had decided that because the restrictive trade practices commission was carrying on an investigation into an export problem in British Columbia, no attempt should be made to meet the requests of the fisheries council, of the forest industries and of the metal mining industry which were

[Mr. Howard.]

presented so ably, and I think so convincingly, to the committee, and whose views were put on the record at such length by three hon. members on the other side of the house last evening in speeches the urgency of which was apparent to all who listened to them.

That was the situation right up until the last meeting of the banking and commerce committee. At that point, sir, as I explained earlier yesterday, thanks to the courtesy of the committee and because of my absence on that Monday morning, the committee resumed its sittings in the afternoon and I introduced an amendment to clause 15 of the bill. I should like very briefly to draw to the committee's attention now the reason I gave then for doing so. This will be found at page 747 of the proceedings and evidence of the banking and commerce committee for July 18. Quite a way down the page the chairman is reported as follows:

Perhaps we could go on with Mr. Pickersgill first—

Then I am reported as having said:

I have an amendment I would like to move, seconded by Mr. Tardif. But before doing so, I would like to say that some of my friends and I on this committee were very much impressed by the representations that were made to the committee by a number of witnesses, expressing the hope that if the act was to be amended, as was the government's intention, some express provision could be put in the act to make it abundantly clear what everyone, I think, recognizes has always been in fact the situation, namely, that the purpose of the legislation was to prevent combinations within Canada respecting trade within Canada and was not intended, in any way, to cripple our export trade; and that if certain types of combination or arrangements were necessary for the promotion of our export trade they should not be hampered by this legislation.

Now I recognize—as I am sure every member of the committee does—how frightfully difficult it is to draft provisions which will make that position abundantly plain to the courts, without, in any way, having any ancillary effects or any serious ancillary effects which would enable it—as we thought might be the case with some of these new provisions that it is suggested should be inserted into one of the other sections, section 32—to be used as a cloak for combinations that are clearly intended to be against the law.

However, we do think that an amendment might be made to clause 15; and I must say that in proposing this, I am not absolutely wedded to this particular wording. It is the best, with such resources that were available to my friends and myself, we were able to come up with at the moment; but we would certainly appreciate any suggestions from any member of the committee that might make it more acceptable to the government.

In the present circumstances, when it is perfectly evident to everyone that we are not going to have the kind of sellers' market for our exports we have enjoyed most of the time since the second world war, we do think it is of the utmost importance, in the national interest, that we should do everything possible and everything reasonable both to promote our exports and to make sure,