

*Combines Investigation Act*

and thereby eliminate competition. Therefore, these clauses will probably remain too difficult to define and need to remain in the act.

Whatever the content, this act will involve many fundamental aspects of our way of life. To be workable, it will require the co-operation and good faith of all sectors of society, including any tribunal or commission which might have to be set up to carry out the provisions. Such a body can become frighteningly authoritative, even unfair, but this must not be allowed to happen. Not only must the consumer and small competitor be protected, but also the legitimate rights of the large competitor. That, too, is only fair.

If all parties were to play fair with our own system, as they should, enforcement of this act would not be necessary. However, many of us, be we businessman, labourer, consumer or whatever, are our own worst enemies. Until we all understand the true spirit of our system upon which this act is based, there will be infractions which the marketplace cannot handle. Hopefully, this legislation will be able to resolve such cases, not with the precision we would prefer but at least with some measure of justice.

In that spirit, then, Mr. Speaker, I would like to conclude by speaking against motion No. 20 to amend the bill. This motion, as already indicated in discussing motion No. 11, poses the problem as to whether the consumer can be better protected by criminal law prohibitions of very specific practices or well formulated general rules which can apply to new problems as they develop. The government is not convinced that the benefits to be gained from the specific enumeration of offences, such as those proposed in motion No. 20, outweigh the danger that any such list will be viewed as an exhaustive statement of prohibited practices. This would have the unfortunate result of exempting other forms of false market information from the purview of the act.

It should not be forgotten that the very general prohibition of misleading advertising in the Combines Investigation Act has produced very extensive jurisprudence which has applied a prohibition, stated in very concise form, to a large number of specific representations. This process has not, however, restricted the prospects for application of the provision to new problem situations as they arise. With regard to the specific offences proposed in motion No. 20, there would also seem to be some question about whether the punitive power of criminal law is necessarily the most appropriate means of controlling in all cases the kinds of abuses mentioned.

**The Acting Speaker (Mr. Turner (London East)):** Is the House ready for the question? The question is on motion No. 20 in the name of the hon. member for Nickel Belt (Mr. Rodriguez). All those in favour of the said motion will please say yea.

**Some hon. Members:** Yea.

**The Acting Speaker (Mr. Turner (London East)):** All those opposed will please say nay.

**Some hon. Members:** Nay.

**The Acting Speaker (Mr. Turner (London East)):** In my opinion the nays have it.

*And more than five members having risen:*

**The Acting Speaker (Mr. Turner (London East)):** Pursuant to section 11 of Standing Order 75, the recorded division on this motion stands deferred.

● (1640)

The House will now consider motion No. 21 standing in the name of the hon. member for Nickel Belt.

**Mr. John Rodriguez (Nickel Belt)** moved:

Motion No. 21.

That Bill C-2, an act to amend the Combines Investigation Act and the Bank Act and to repeal an act to amend an act to amend the Combines Investigation Act and the Criminal Code, be amended in clause 18 by striking out the proposed subsection 38(5), lines 12 to 14 on page 41, and renumbering the following subsections accordingly.

He said: Mr. Speaker, this amendment seeks to plug another loophole in Bill C-2. The bill on one hand outlaws a particular practice and on the other hand it creates a loophole through which an elephant could crawl. For example, the particular section we seek to amend says that a suggested retail price is outlawed, but in the next breath it creates an exception when it says that the prohibitions do not apply to a price affixed or applied to a product, its package or container; such items are exempt from the provisions governing suggested retail price.

In committee, I asked the minister his purpose for including that exception. He said, "I had a good reason for it some time ago; let me find out what it was." I suggest that his only reason was the creation of this particular loophole. Surely, the way to sidestep the provision forbidding the suggested retail price is by printing the price on the container or product at the factory. In that way manufacturers or wholesalers can sidestep the provisions governing suggested retail price. We ask for the loophole to be closed, for the exception to be eliminated.

This kind of theme runs right through Bill C-2. Most of us know that this country's anti-combines legislation has a bad reputation. When I first came here I heard talk of anti-combines legislation being introduced. Most members who heard the talk said, "We have no faith in it." Not many in this House put much faith in the sort of anti-combines legislation this House has passed ever since 1889. Even today, not many of us have much faith in this kind of law. The penalties for breaking our puffery anti-combines provisions were little more than a licence fee which companies paid to continue the practice. That is true even today, as is evident from monopolies which have grown up over the years. We must eliminate that kind of situation. I suggest that the proposed amendment will close at least one loophole. I will not labour the point. I ask the House to support the amendment so that we can plug one loophole by eliminating the exception provided in the bill. As I say, our amendment seeks to eliminate that exception.

**The Acting Speaker (Mr. Turner (London East)):** Is the House ready for the question? All those in favour of the motion will please say yea.

**Some hon. Members:** Yea.

**The Acting Speaker (Mr. Turner (London East)):** All those opposed will please say nay.

**Some hon. Members:** Nay.