

*Supply—Justice*

The minister responsible for this branch—I believe it is the President of the Privy Council, who was formerly the Minister of Justice—has mentioned the difficulties of operating under the Criminal Code only. He has mentioned how difficult it is to prove conspiracy. He also referred to the fact that the department is exploring the possibility of non-criminal actions along the lines used by the federal trade commission in the United States.

• (8:00 p.m.)

That is all to the good. At some time, however, we should be told the results of these investigations. The minister has made statements about the need to change the law—the need to find other approaches. He did this in the course of a review of his department in the house on November 23, 1964 and in the speech he made at Montebello to the Association of Canadian General Counsel in October, 1964. At that time he said:

I wish to pause here a second and note that one often feels uneasy at the thought that in Canada legislation dealing with combines or other types of restrictive trade practices has been found valid until now exclusively as being within the field of or in relation to criminal law which is one of the subject matters over which the parliament of Canada has legislative authority under section 92 of the British North America Act.

It would seem that a new and hard look could be given at the present state of our legislation in this domain and that without repealing the present laws we may want seriously to inquire how far and to what extent additional provisions could be enacted under the federal jurisdiction to regulate trade and commerce.

That is an interesting approach. Those words were spoken some time ago, in October, 1964. I should like to hear what the studies made since that time have revealed as to the possibility of using the federal government's authority in the field of trade and commerce to regulate combines.

There is another aspect of combines which I have been raising in this house for nearly three years. I first called attention to this matter when the present government came to office in May, 1963 when Mr. Chevrier was Minister of Justice. I refer to the question of tied sales.

In 1956 an investigation was begun of what is generally known as tied sales—the practice of petroleum companies requiring service stations to buy tires, batteries and other accessories from designated suppliers. The oil companies then get kick-backs from these suppliers. An investigation was begun, I believe, in 1956. The Director of Investigations and

[Mr. Prittie.]

Research reported to the Restrictive Trade Practices Commission in November, 1960 and a report was published in April of 1962. Note, that was six years after the first complaint was filed. Since May, 1963, ministers of justice have come and gone. My hon. friend from New Westminster and I have asked repeated questions about this subject and we are always informed that the matter is under consideration. One of the replies I received was on February 16, 1965 in answer to question No. 2,634. I asked these questions and I got the following answers:

1. Has the interdepartmental committee which has been investigating the report of the Restrictive Trade Practices Commission concerning the practice of tied sales imposed by oil companies on service stations completed its studies yet?

Answer: Yes.

2. Has the committee presented recommendations to the minister of Justice?

Answer: Yes.

3. When will the minister present legislation on this subject to the house?

Answer: The Minister of Justice, in reply to questions in the house on October 29 and November 26, 1964, stated that he had placed certain recommendations before the cabinet and expected to be in a position in the near future to make known the policy of the government with respect to the recommendations contained in the report of the Restrictive Trade Practices Commission. Any decision in this respect will be made known in due course in the proper way.

I suggest to you, Mr. Chairman that “due course” has run its course. It is now ten years since this investigation began. I think we should have either a decision or an explanation why a decision has not been forthcoming.

I should like to mention in passing another continuing problem in the combines field. Every year we have passed legislation to exempt the British Columbia fishing industry from the scope of the Combines Investigation Act. Could we not have a progress report on this subject suggesting what kind of permanent arrangement could be made so that a threat is not held over the fishing industry each year?

There is one other item I should like to mention. As one who comes from the lower mainland of British Columbia I will be glad to support the bill introduced by the hon. member for Vancouver-Burrard seeking to bring professional sport within the scope of the Combines Investigation Act. I am sure this proposal will find a great deal of support in British Columbia and perhaps in other parts of Canada.

Ever since the present government took office we have been promised changes in the combines legislation. Looking over my files