

Supply—Consumer and Corporate Affairs

cent of our gross national product it seems strange to me that goods should fall within the ambit of the act and services should not.

Let me say also that had I jurisdiction and authority over services, and thereby over professional sport, I should be very interested in reviewing some of the contracts which are used by various clubs in the N.H.L., particularly those which tie up for life young boys around 14 years of age and of amateur status. I am inclined to think, without prejudging the situation, that had I the authority I would take more than a passing interest in that phase of the game.

Mr. McCleave: Would the minister permit a question at this stage? He said that if he had the authority to deal with hockey as a service he would do certain things. Is this authority one which parliament could grant?

Mr. Turner: I feel there is constitutional authority over services as there is over goods. There are limitations under which the director of investigation and research labours, aside from limitations in respect of staff. If parliament grants a department certain priorities, as we have been granted in respect of consumer affairs and combines, particularly if they arise out of reviews such as the Batten commission, about which I want to talk later, then the director of investigation and research must be given the necessary resources to do what parliament asks him to do. It is my opinion that at this moment he has not those necessary resources.

The statutory limitation is not only in respect of services; there is also a limitation in respect of civil jurisdiction. I have always felt that we have a constitutional remedy. We have relied on criminal law which involves a very heavy burden of proof. We have not tested the trade and commerce laws under the B.N.A. Act. Again without anticipating the study of the Economic Council of Canada, I feel there is something to be said for giving damages to an aggrieved party. Under the anti-trust legislation in the United States an aggrieved party, if successful, is entitled to triple damages.

I think we must also explore the possibility of allowing cease and desist orders. Because of the complicated nature of merger and combines cases, as well as restraint of trade cases, a complaint may be brought but by the time the director, with the resources he has, is able to bring evidence of a complicated transaction before the restrictive trade practices commission and obtain a report that

there is a prima facie case, which in turn is brought before the courts by the attorney general, the aggrieved parties may be in bankruptcy. There is no authority under the act for the director to anticipate a decision and intervene or to call for a cease and desist order. Those are other limitations. Constitutionally I think the minister and the director of investigation and research would have authority over services if parliament were to grant it.

The Batten commission was again brought to my attention by the hon. member for Vancouver-Kingsway. I do not intend to go over the circumstances of the invitation I extended to Judge Mary Batten last week when she was down here, as I think the hon. member is aware of them. In respect of the grocery situation in western Canada I did ask the director of investigation and research to examine the allegations in that report. If he finds them to be substantiated he is required to initiate an inquiry. He has begun his work and I understand that officers are on their way to western Canada to examine the research and reports on which the allegations of the commission were founded.

I have also written the three prairie premiers asking them whether, in anticipation of any reference in respect of those aspects of the report which relate to the consumer branch of the Department of Consumer and Corporate Affairs, our officers may keep in touch with the research staff of the commission. I felt bound to proceed in this way because the commission was established by the three prairie governments. I can only take informal cognizance of it except in respect of the combines aspect.

The proper procedure would eventually be for the prairie governments to accept the recommendations of the Batten commission and refer them, as Judge Batten and her co-commissioners suggested, to the Minister of Consumer and Corporate Affairs. In anticipation of any reference I have asked the three premiers to allow my officers to examine the data so we will have the information on hand.

As the hon. member for Vancouver-Kingsway knows, a lot of these recommendations relating to the consumer goods industry were also made by the joint committee of the Senate and the House of Commons, of which she was a member. There were also comments in the committee about the cost of living. In this respect the authority of this department is related to the general economic