

*Combines Investigation Act*

There was a short discussion yesterday during which the minister explained that the amendment contained in section 1, which provides that the Attorney General of Canada may institute and conduct any prosecution or other proceedings under this act, is really only a statement in statutory form of what already exists *de facto*, and that the existing provision of the combines act which leaves prosecutions under the Criminal Code exclusively to the attorneys general of the provinces has not in fact deprived the Attorney General of Canada of effective power to proceed with actions under both the code and the combines act by the process of consultation and co-operation with the attorneys general of the provinces. In effect that is a correct interpretation of the present situation.

I do suggest, however, that there is another reason why hon. members should feel they cannot pass this section. It is true that a law of this kind does not name individuals, and does not provide that a particular attorney general may do a particular thing; but the effect of this amendment will be that the present attorney general will be able to prosecute under the combines act with a degree of authority which he does not now possess. I think hon. members of this house should question whether the present attorney general, no matter what his motives may have been, has given any good reason for our believing that the act will be strengthened and not weakened if he has a wider measure of authority for prosecution than he now has. It is because of the wider powers that, in form at any rate, he would acquire under this amendment that we must examine the explanation he has given.

The Minister of Justice quite properly took adequate time to review the whole sequence of events which have brought us up to this position. In that review he had full opportunity to explain every detail of the course which has been followed from December 29 last until today. I submit, Mr. Chairman, there is not one word in that explanation which gives any reason whatever for the failure to publish this report in accordance with the act. From the point of view of the relationship of the position between the Minister of Justice and parliament, the regrettable thing is that nowhere in his explanation has the minister indicated any recognition of the gravity of the offence to parliament and to our system in this country. Moreover, I submit there has been a regrettable absence on the part of any member who ordinarily supports the government of any evidence of recognition of the effect of a proceeding of this kind upon the reliance of members of

parliament upon statements given to the house by the Minister of Justice or other members of the government.

In effect, what is the explanation? The Minister of Justice quite reasonably explains that he was in Winnipeg until the third of January, and that on coming to Ottawa he was confronted with an accumulation of problems which required his attention before the opening of parliament a short time later. He quite reasonably explains it was not possible for him to devote the time that he otherwise might have devoted to a reading of this report, and for that reason—it is a valid reason—the time set out in the act for publication passed. I do not think there is a single member of this house who would not accept the explanation of the Minister of Justice about the difficulties he encountered at that time. I do not think there is a single member of this house who would raise any serious question if there had been a delay in publication resulting from a situation of that kind. I do not believe any member would challenge the minister's explanation if he said: I was confronted with these problems. These are difficulties that every member, particularly one who has had cabinet responsibility, will understand. The minister could have said: I am simply stating that under the pressure of business I did delay publication so that I might have an opportunity of examining this report before publication, with the consequent effects that it might have, because as Minister of Justice I felt that when the report was released I should be in a position to make some statement as to the attitude of the government in regard to it. All that is so reasonable, and so much in accordance with the difficulties all of us encounter day by day in meeting our own tasks that no member would have been unreasonable in that respect.

That explanation, however, does not for one moment explain a ten months' delay. It does not for one moment explain the delay in publication until a date which made it impossible for any prosecution to be undertaken. I submit that is one of the very serious aspects of what has developed. It does not reveal why the explanation that has been given to the house on this occasion was not given to the house when parliament was meeting from January until April. No explanation that the Minister of Justice has given suggests for a moment that the same views in regard to the publication of this report were not present in the minds of the cabinet members and in his own mind at that time.

On the contrary, at the time this report first came to his attention he was aware of the effect of its contents. He discussed it