"lessened" in line 23, and the substitution therefor of the following words: "which has operated or is likely to operate".

Mr. Fulton: Perhaps we should hear what the hon. member for Skeena has to say before I say anything.

Mr. Howard: I just want to say perhaps in general I agree with what the hon. member for Ottawa West is getting at. What I think he is getting at is the removal of what I consider to be the restrictive nature of the language in subparagraphs (i), (ii) and (iii). For that reason, perhaps the amendment could be accepted. However, I would suggest that a more correct approach to this question would be for the amendment to read, "the deletion of all the words after the word 'person'", so that we would then know what a merger is. A merger would then be:

"Merger" means the acquisition by one or more persons, whether by purchase or lease of shares or assets or otherwise, of any control over or interest in the whole or part of the business of a competitor, supplier, customer or any other person.

This would define what is a merger, and I think the part about the effect of the merger, which is what the hon. member for Ottawa West puts in, namely that which is operated or is likely to operate as a detriment or against the interest of the public, whether consumers, producers or others, should properly be contained, I think, in the proposed new clause 33, which is the liability clause or the penalty clause. Clause 33 now reads in part:

Every person who is a party or privy to or knowingly assists in, or in the formation of, a merger—

Then we could put in the reference "which has operated or is likely to operate to the detriment of the public". This would make it a better prepared amendment and more in keeping with what I think the proposed amendment should be.

In so far as the removal of the words contained in subparagraphs (i), (ii) and (iii) are concerned, it is a commendable suggestion to make because it is my opinion—and this has been verified—when you make a law which is restrictive in its nature it then excludes the possibilities which are not contained within the subparagraph (i), (ii) and (iii). I think the amendment should be supported. In fact, I think it should have gone a bit farther and removed the effect part of the amendment from here and put it in clause 33.

Mr. Fulton: Mr. Chairman, the effect of the amendment would be to take out these words in which we are seeking to direct the attention of the court to areas which it is not clear are covered in the present wording; perhaps I should say rather than that which it is not made clear parliament is concerned about. It is our desire to attract attention to this problem of vertical integration as well as horizontal integration. For that reason I would not be able to accept the amendment that deletes those words having that effect. Further, I would point out that if the amendment were accepted it would have the result of going back to the old words "which has operated or is likely to operate" and so forth, but those words are only opposite if you do what the former definition did, namely repeat the original words "which combination merger, trust or monopoly has operated", and so forth. Since these words are not repeated here the meaning is far from clear. In other words, the formula which my hon. friend is putting forward here is a formula which was applicable in an earlier definition but was applicable because there had been repetition of certain other words and without these certain other words repeated the meaning here is not clear. On both these grounds I am afraid I could not accept the amendment.

[Mr. McIlraith.]

Amendment (Mr. McIlraith) negatived: Yeas, 19; nays, 55.

Mr. Howard: Mr. Chairman, although I consider that the amendment of the hon. member for Ottawa West was a reasonable one, I appreciate the desire of the minister to have contained in the legislation a specific or implied reference that a merger which functions in the vertical field should be looked at just as much as a merger which exists or develops in the horizontal field as between industries rather than in the channels of distribution from top to bottom. To that extent this is an acceptable approach although I still think that the effect of mergers with respect to the lessening of competition in a trade or industry or among the sources of supply of a trade or industry, etc., should be provided for in section 33 as I suggested earlier. However, this is relatively inconsequential.

I am concerned though that there might be circumstances in which a merger will take place whereby competition and so on in a trade or industry, vertical or horizontal, are not directly involved. There was some doubt expressed in the committee whether this provision would apply to the so-called glomerate or conglomerate mergers. We discussed the matter in the committee and the minister did express the opinion that if a merger took place involving different industries whereby a holding company, let us say, would absorb a firm in the mining field, another in the transportation field, another in the pulp and paper field and so on and if this so-called