

Combines Investigation Act

There is a fundamental change in principle; it is not merely a question of saying the penalty shall be \$5,000 or \$10,000. There is a great deal of addition. Imprisonment penalties have been increased, and there is much that can be said about importing criminality into what is essentially an economic bill, particularly about importing very severe, new penalties of imprisonment. I, for one, do not feel that the government is being fair with the House and these amendments should not be grouped together.

I would say that while there might not be a call for separate divisions, there certainly ought to be separate discussions, because the offences are not the same but the penalties are the same. They are barbarous in the extreme and I feel we should separate them for discussion.

Mr. Sharp: Mr. Speaker, I wish to speak on the admissibility of some of the amendments which have been proposed. Your Honour has reserved your position with respect to motions Nos. 6 and 24. On examination, other of these proposed amendments seem to us to raise doubts as to their admissibility at this stage. Motion No. 2 seeks to provide for the undertaking of class action by the federal government. There is no mention of this kind of action anywhere in the bill. In our judgment, therefore, it is very doubtful that the amendment is relevant to or within the scope of the bill.

● (1520)

Motion No. 3 seeks to give authority for the governmental control of the supply of goods, a power that is not dealt with in the bill. It seems to us, therefore, the amendment is irrelevant to and beyond the scope of the bill.

Motion No. 5 is a difficult one to reach a judgment on, as I suppose are many of them. In our submission, this one raises particularly difficult problems. It seeks to extend the definition of "affiliated" to include businesses that have a contractual relationship concerning trade marks or trade names. If one considers that it merely extends the definition, it would be relevant and in order. However, there is no mention in this part of the bill of the use of trade marks or trade names. One could argue, therefore, that the amendment is beyond the scope of the bill and is out of order. I do not press this with the same vigour as I do some of the other objections.

Motion No. 7 proposes a penalty for offences which are described in the bill. However, at this point the bill does not deal with penalties; therefore, any amendment that deals with penalties at this point is, in our judgment, irrelevant to and beyond the scope of the bill.

Motion No. 10 also raises doubts. It seeks to add a new offence concerning loss leaders to the list of offences of pricing policy. There is no other mention in the bill of loss leaders. We doubt its relevancy on that ground. It can also be argued that loss leaders are concerned more with advertising than pricing. Your Honour might wish to consider this point. I do not press it as vigorously as I do others.

Similarly, with motion No. 11. Most of the provisions of this motion, one could argue, are really elaborations of the provisions of the earlier sections of the clause, although it is a somewhat tenuous argument. The last subparagraph of the amendment, however, seems to us to settle the

[Mr. Lambert (Edmonton West).]

question. It brings in totally new material and does it in an improper manner. The last part does not concern advertising at all; it concerns standards or packaging and, therefore, seems to us to be irrelevant to the bill.

We also have some doubts about motion No. 20 because it brings in matters that do not appear in the bill; therefore, it makes the amendment irrelevant to and beyond the scope of the bill. I submit these points for your consideration, Mr. Speaker.

Mr. Speaker: I might say, for the guidance of hon. members, that perhaps it would be preferable that individual discussion of clauses which might have some question about them ought to be directed to the occupant of the Chair at that time. It would be impossible to proceed if we were to make a blanket ruling at this time on the basis of arguments that exist at the present time. In addition, it would tend to limit the possibility of argument that might come out of discussion. To attempt to make a definitive ruling of procedural acceptability at this stage would tend to eliminate the possibility, during the course of the explanation of the clause, of any questions, discussion and debate which might come to light if there is a procedural problem at that time.

My intention was to indicate in a preliminary way that, having examined the amendments, the Chair was prepared to call them and to put them, and if in individual cases there was argument as to procedural acceptability, that would be done at the beginning of the discussion on each amendment. Is that agreeable?

Mr. Knowles (Winnipeg North Centre): Mr. Speaker, what you have just now said is quite acceptable. Indeed, prior to the intervention by the President of the Privy Council (Mr. Sharp), my intention was to limit my comment to about one sentence. It was my intention to say that we have considered carefully the preliminary comments you have made from the chair. We find, for the most part, they are acceptable.

The only case where Your Honour has said something we might want to argue about is with regard to motion No. 24. Even with respect to that one, Your Honour said that the argument could be heard later. We shall abide by that. Otherwise, we felt that your rulings were wise, as they always are from the chair. We also feel that the proposition to group a number for one debate, albeit with separate votes, is well taken.

I must say, now, that I object to the objections being raised by the President of the Privy Council with regard to motions Nos. 2, 3, 5, 10, 11 and 20. In accordance with the proposal Your Honour just now made, we will be prepared to argue in support of your view that these are procedurally acceptable, if the objections from across the way persist.

Mr. Speaker: All parties having been forewarned about the considerations involved, I might say there is one exception to this process. That is with respect to the objection raised to motion No. 7. Perhaps it is best that that should promote vigorous discussion. I did give an indication that we had given some thought to the fact it attempts to amend the penalty provision rather than amending the definition of the offences themselves. That