

Combines Investigation Act

public of Canada. Most of those who are in favour of the bill, if they had attended the committee sessions, would have seen that those who favoured a small part of the bill were against the main parts of the bill. Those representing the important part of our society, namely the consumers, were far from being in accord with the minister. They claim it would be unfair if we took away the prohibition against price maintenance; it would be unfair to the small businessman if we wanted to retain him in business. We know that all of the failures and bankruptcies are not in the field of the small businessman. We have had more failures and bankruptcies this year among contractors in the building industry, and this cannot be on account of the prohibition against retail price maintenance. It is owing to the fact that there was a lack of money and they could not go on with the work they were doing before.

I know that in a few minutes the minister will bring in a few amendments of secondary importance which will not give a new look to the bill we have before us. They will change nothing in so far as the export traders in Canada are concerned. They are not satisfied; they have asked for more clarity in the bill. I do not know whether some of the amendments will produce that clarity, but I do know that objections have come from all parts of the country. Almost everyone who appeared before the committee opposed the bill. They might have been satisfied with one point or another, but for the most part they were against the bill. I think this proves only one thing. The bill has been introduced too quickly; it has not been studied sufficiently to constitute a good amendment to the existing law. We are not opposing any change which will improve the law but we are opposing changes which would make the law worse than it is now.

I know that this is a very difficult field in which to work; I know it is practically impossible to satisfy the two extremes, but I do know one thing. The manufacturers, and those who control the money of the country, have more ways at their disposal to fight the law than the consumers have. I think the minister has not paid enough attention to the problem of the consumers. Unless he is prepared to bring in something much clearer, much more satisfactory and much more acceptable to the consumer, I do not think we can support this bill.

Mr. Howard: Some pretty far-reaching and important comments have been made by members from all parties in the house about the legislation before us at the moment.

[Mr. Caron.]

Before we put the question, has the minister any comments to make on what has been said?

Mr. Fulton: Mr. Chairman, I did listen carefully to everything said here today and it certainly seemed to me it did not so much call for reply as it invited controversy. Most of the things that have been said have been simply repetitious, sweeping and it considered criticisms of the bill in general or in particular. If I were to reply to them I would simply be promoting a controversy, but since I am invited to say something, perhaps I should take advantage of the opportunity to refute some of the inaccuracies which have been placed upon the record.

First of all, it has been suggested that since a number of criticisms were made in the committee by witnesses, ipso facto the legislation should be rejected. This was an extraordinary and unconsidered approach to take to legislation of this kind because legislation of this kind by its very nature is bound to give rise to much criticism. It is legislation which imposes restraints upon the freedom of businessmen to do what they like or what they would like to do. Naturally, therefore, when you come to introduce a bill amending such legislation you are going to be criticized and to be told that you have not gone as far in the amendments as they would like to see you go. I am surprised indeed that those who have suggested erroneously that the bill is a surrender to business should on the other hand call as their support by way of illustration of the unsoundness of the bill the fact that businessmen have criticized it. The reason businessmen criticize it is that it does not do a number of things that they would like to have the legislation do in relaxing restrictions upon them.

In making this point may I say that I am not annoyed with the businessmen for criticizing us. It is quite natural that when we do not do what they would like to see done they will express their disappointment and their criticism, but I am amazed at the shortsightedness of those who adopt the extraordinarily inconsistent position that, on the one hand, we are doing everything for business while, on the other hand, they say that the bill must be bad because the business interests say that it does not do the things they would like to see it do.

With regard to the allegation made that there was virtually no witness who had anything good to say about the bill, this is completely erroneous. There were several witnesses who came before the committee with balanced criticisms. Much has been said about Professor Cohen. Professor Cohen gave a long and most interesting résumé of the economic theory as well as the legal