

Combines Investigation Act

the minister to give the commission authority to make a finding with respect to subsections 4 and 5 also?

Mr. Fulton: Mr. Chairman, I do not know that a great deal hangs on the suggestion one way or the other, but I have a reluctance to accept it because I would point out that the amendment with respect to export arrangements, it seems to me, is quite distinguishable and proceeds on an entirely different basis from the amendment in the earlier portion of section 32 relating to arrangements in the domestic field. I suggest to my hon. friends that this present clause does not have the implications that they read into it. There was nothing intended by way of creation of the principle or the insertion of the principle of specific detriment. Its intent was to be by way of guidance to the minister as to the proper course to be followed in applying the remedies; that is all. Therefore, I do not want to enter into a great controversy about it, as though a great deal hung on it because not a great deal does hang on it.

We would have to make a fairly lengthy and complicated amendment to meet the suggestion of my hon. friend with regard to the new proposed subsections 4 and 5 of section 32, and since I think the amendment with regard to export trade is clearly distinguishable from the amendment regarding domestic situations I regret that I have to say I do not see any necessity for an amendment and would therefore have to oppose the suggestion.

Mr. Pickersgill: On this particular point I think I must say that on balance I would agree with the minister.

Clause agreed to.

The Deputy Chairman: We will now go to clause 13, section 32.

On clause 13, section 32—*Conspiracy*.

The Deputy Chairman: The Chair has an amendment moved by the hon. member for Burnaby-Richmond.

Mr. Howard: Mr. Chairman, we have had an opportunity at least to spend another half hour looking at the amendment during the supper hour, and on balance I think our position is substantially the same as was expressed in the committee. While we have the greatest concern possible for the economic position of Canada, the need that exists to participate more fully and completely in export markets and the need to be even more and more on the alert to protect ourselves against the economic assault already started by the Soviet union, we feel that our combines legislation is not the place to deal with this sort of thing.

I think I might perhaps disagree with some of the suggestions made by the hon. member for Bonavista-Twillingate and the Minister of Justice, but as was pointed out with respect to subsections 2 and 3 of section 32 it is very easy for an agreement relating to one sort of thing to spill over into something else. I might say here that the economists who appeared before the committee were divided in their opinion on this matter. Some felt it was desirable to deal with it this way and others felt it was not.

I subscribe to the point of view that it is not desirable to amend the combines law to deal with this problem because of the possibility of a slopping over of a conspiracy to fix uniform prices for the export market into the domestic market. When Mr. Hyland, who represented the fisheries council of Canada, appeared before the committee he gave some evidence in this regard. While it relates to an individual group of people in the fishing industry, nevertheless I think it has some bearing on this situation. His evidence is found on page 273 of the proceedings of the committee and starts about half way down the page. Mr. Hyland is answering a question posed to him by the hon. member for Port Arthur and while it has to do with a regulatory trade commission perhaps I should read the whole thing. The passage reads as follows:

Mr. Fisher: If you have a regulatory trade commission, with some kind of expert knowledge in the development of a background and a history, they might be in a position to make that judgment, might they not? They are doing it in other parts of the act.

Mr. Hyland: One thing of which I am always very much aware, as an individual responsible for the sale of a lot of fish, is that we are not selling anything that anybody has to have. It is well known that the per capita consumption of fishery products in Canada is in the realm of 13 or 14 pounds a year, whereas meat and poultry is more like 150 pounds. And of that 13 or 14 pounds canned salmon is about 2½ pounds. There are many people who do not eat it at all.

Therefore, we recognize that we have to have a price which will sell the product, and where there is the most public benefit involved, if we are to have a healthy industry. We are recognizing the realities of our export marketing, and we are selling the production. We cannot sell it all in Canada. If we encounter a strong market situation in the export field and we get as much as we can for our product—we have people who have no interest whatever in the Canadian market, who do not service the Canadian market, and if they can get \$40 a case for sockeye from Great Britain they are not going to sell it to anybody in Canada for \$35.

Mr. Fisher: In other words, there is a very close relationship between the world price and the domestic price?

Mr. Hyland: There cannot help but be.

Mr. Fisher: But the world price tends to be set by the export price as long as there is any kind of export market?

Mr. Hyland: Yes, as long as the export price is strong it will bring it up.