

Combines Investigation Act

Mr. Howard:—of the honourable and un-employed privy councillor who I understand has never had a job for very long because he keeps changing—

Some hon. Members: Withdraw.

Mr. Pickersgill: I would not think of asking the hon. member to withdraw.

Mr. Hellyer: No, that type of remark is typical of the hon. gentleman.

Mr. Howard: Since the minister has selected portions of the evidence to read—

Mr. Fulton: My friend the hon. member for Hull appears intent on putting all the evidence on the record eventually, so I did not see why I should have been merely repetitious.

Mr. Howard: That is a point to argue with him, not with me. In fact Mr. Cohen did not fully agree—

Mr. Fulton: I admitted that Professor Cohen was not uniformly favourable. I was not trying to create that impression. I merely emphasized that he had some good things to say about the bill.

Mr. Howard: That is just fine and dandy, but if the minister would be silent perhaps I could be allowed to continue my remarks.

An hon. Member: Take 40 minutes.

Mr. Pickersgill: He can only take 30.

An hon. Member: Thank heaven.

Mr. Howard: I am attempting to proceed but there are many interjections, and if I were to describe them by using the phrase that comes to my mind I would be accused of being unparliamentary.

Mr. Winkler: Most of your remarks are.

Mr. Howard: Most of them are truthful, and that is why they are not acceptable to the hon. gentleman. The truth hurts. I propose to read from the remarks of Mr. Cohen at page 557 with respect to the proposed amendments to section 32, in order to even up the balance sheet to which Professor Cohen referred and to which the minister also referred last evening:

Now, what we have to ask ourselves is this: what is the extent to which experience teaches us that this kind of encouragement will or will not lead to abuse. The real problem is not the juridical aspect so much, because one can argue with some, I think, clarity and force, Mr. Chairman, that clause 2 (a), (b), (c), (d), (e), (f) and (g) includes matters that most of us already regard as licit and as legal. What is important in subsection 2, however, is this: does it provide psychological encouragement to go further? This is the question.

The next words are not germane so I omit them. I continue:

[Mr. Winkler.]

So, I say, Mr. Chairman, again, without, by any means being dogmatic, that I think this language is a temptation. I think its importance is not so much legal: it is psychological. I think it is a danger. The point of view of all of us is that we share the same interest, the interest of preserving as much a free and workable competitive economy as we can, in the face of the pressure of a welfare state. That is the main objective we all have in common. Does this, in terms of our common goal,—you and I have here—does this lend itself to it? Will this give the businessman a kind of feeling of legality that in my opinion he already has with these activities, or will it perhaps induce some of them to go a great deal further than they ought to go? My view is that this particular formulation is a flag of temptation, not a rule of legal importance. This temptation may lead to illegalities.

So much for my views on that section.

I think this is by far perhaps the most important, with one exception, the most important single policy change in this bill. I would, therefore, sir, certainly oppose this particular change. I see no important contribution it could make at this time without much deeper thinking.

On the one hand Professor Cohen said these activities are permitted at the moment and have been imbedded in the law for some time, and on the other hand he opposed the changes because they might lead to abuse. The minister selected only the good things Mr. Cohen had to say. In fact Mr. Cohen said only that these things exist, and he expressed opposition to the changes pointing out the detrimental effects that could result. I raise this only to correct the balance sheet.

Mr. Pickersgill: Mr. Chairman, the minister has said that this is another bill of rights—

Mr. Fulton: Your words, not mine.

Mr. Pickersgill:—in which he is asking this parliament to spell out some things that are not against the law now in order to reassure people that they may do things that it is lawful to do. If I am misinterpreting the hon. gentleman I should like him to correct me at once.

Mr. Fulton: Except that I did not apply the term "bill of rights".

Mr. Pickersgill: The minister did not use the term "bill of rights", no. What this is saying, according to the minister, is that these things have always been lawful, but for greater certainty we are going to put them in because Canadian business is so timorous it is afraid to do what is lawful unless parliament spells out that it is lawful to do it. I do not think so ill of Canadian business as that, sir; I do not myself think that most Canadian businessmen are afraid to do what is lawful even though parliament does not spell out what is lawful.

It does seem to me that if we want this legislation to be as clear and precise as possible, we should content ourselves with saying what is unlawful and have the good