

Combines Investigation Act

which was never brought to a final conclusion, should remain confidential and not be made known to the flour milling industry or the government. If that is so, surely it is exceedingly strange. If the treasury board and the government were to be protected as alleged, why on earth should such an understanding be withheld from the government of the day. Surely if this was in any measure—and I mean the suggestions made in the memorandum—an understanding with a view to protecting government expenditures, why should it be kept secret from the government of the day? I ask the minister to explain that, because if I am wrong I want to be corrected.

Mr. Garson: I did explain it. Perhaps my hon. friend was not listening, and I certainly could not blame him for that.

Mr. Coldwell: Perhaps I was out of the chamber, attending a committee meeting.

Mr. Garson: When one speaks for two and a half hours he cannot expect to hold the attention of everyone for the whole time. I explained that in these terms: that I had asked that question myself, since the question suggested itself at once to anyone reading the memorandum. The explanation given to me is set out in *Hansard*. It is that they did not want the negotiations complicated by premature disclosures to the industry on the one hand or to the government on the other. They wanted no word of this discussion to go back prematurely at that stage through the people who had participated in it, to the government and to the industry, which seems to me a very natural desire. I hope my hon. friend realizes that the Minister of Finance himself was present at that meeting, so there was nothing sinister at all about this. I might also add that in substance the arrangement subsequently formalized by orders in council, notwithstanding what my hon. friend says, was the arrangement contemplated in that memorandum. The only difference I recall at the moment was in connection with the floor prices, which is also explained at great length in my statement.

Mr. Coldwell: I know the explanation, but I do not think it is good. In my opinion the orders in council to which the minister referred did not in any way validate the actions of the millers during the wartime period. That is an opinion, of course, which the minister can attack if he wishes; but to my mind those orders in council have no bearing on the contention made in the McGregor report. As I say, if they have, I cannot understand why the point was not made during the investigation, and why under those circumstances the report would have been made, knowing the careful way in which

[Mr. Coldwell.]

the commissioner under the combines act has always proceeded in regard to these matters. Moreover, as the hon. member for Vancouver East suggests to me, Mr. McGregor was one of the enforcement officers during the war, and he would have known of this arrangement when finalized and would have understood the implications of the orders in council. Consequently I do not think the argument advanced in rebuttal of the charges is good or valid.

I am not going to thresh old straw. We have had a long debate; and when the people of the country read it, so far as they are able to do so they will have to draw their own conclusions. I am satisfied the government was wrong in withholding the report. I am satisfied that the commissioner acted in good faith; that he made a report which was warranted, and that his recommendation that prosecution should follow was entirely justified on the basis of the evidence placed before him. If the millers had any reason to give as to why they should be granted immunity, I cannot understand why that reason or that evidence was not given to the investigators.

The minister said yesterday that if somebody came and wanted to see documents and so on in an office, the natural thing would be to see that anything which might have a bearing on a subsequent lawsuit would be to some extent protected. Well, I think if any evidence could have been produced to show that they were given privilege or immunity, they would have produced it, because that would have saved a great deal of public discussion and removed any possibility of the industry being under a cloud, apart altogether from protection against attack in the courts when the report was made. Indeed, it would have obviated the necessity for making any report at all.

That is all I want to say at this stage. I shall have some suggestions to make later, because I believe the act needs expansion so that certain other services and so on may be included within its scope. So far as I am concerned, however, the evidence that has been produced and the discussion that has taken place here should enable parliament and the people of Canada to form a considered judgment and conclusion on this matter.

Mr. Drew: I have not made any comments on the explanation of the Minister of Justice in his extended review of the situation, but I think this is an appropriate point at which to make those comments, since they bear on the question in the minds of hon. members as to the effectiveness of the amendment proposed in section 1 of this bill.