

Combines Investigation Act

why he then looks into it informally and if he then finds they warrant a formal inquiry he goes ahead and makes it. He does not act only if he gets this formal complaint from six citizens; therefore this formal complaint, as I said, is in the nature of a control. If the citizen who may perhaps be dissatisfied with the attention he feels the director is giving his informal communication gets together with five other persons and they sign this document, then they can force the director to make the inquiry. That is the answer, that it is a control; it is not the only method by which an inquiry can be initiated.

Mr. Fisher: I tried twice to get six citizens together under this particular section: first, in connection with the purchase of pulpwood by the pulp and paper companies; and, second, in connection with the gasoline station complaints down in Peterborough, and I found it does not seem to open up a real field for complaints. I just wish to find out from the minister whether paragraph (c) of subclause (2) is designed to make it simpler—

Mr. Fulton: Yes.

Mr. Fisher:—or is it likely that there will be more complaints laid under this clause than formerly?

Mr. Fulton: I think, Mr. Chairman, it does make the requirements of the document a little less substantial; it is a little easier. Frankly, I do not expect that we shall get a whole host of complaints put in in this way because, as I say, this is not the only way in which citizens can bring matters to the attention of the director.

The director tells me that one piece of information he gave to the committee should be amplified. He said that he could recall only one occasion when the six citizen method was used. On checking with the annual report for 1959 he found, and asks me to inform this committee, that there have been three occasions: one in 1953-54; one in 1955-56; and one in 1957-58.

Mr. Fisher: The minister will remember that in the committee our friend from Bonavista-Twillingate gave us a short oration on the tragedy it would be if the branch or director became too militant and the agency was running around making investigations sort of on speculation. I think I am interpreting it correctly.

Mr. Pickersgill: I hope the hon. gentleman does not think that has any reference to the commission of crimes. That was in reference to a case that was not for the protection of the generalities of the citizens, as the hon. gentleman will remember, but the section was put in so that dealers could get a certain protection and it is a very different thing in

[Mr. Fulton.]

so far as rooting out combines is concerned. I do not think they can be too zealous, though, of course, no law enforcement agency in my opinion should go around prosecuting people for frivolous reasons.

Mr. Fisher: I am glad to have that correction. In other words, the hon. member for Bonavista-Twillingate, so far as this aspect of the bill is concerned, is very anxious to have the branch looking and searching for infringements. Because of my experience and my inability to get six people to complain in connection with the pulpwood case, I wonder whether the branch and the minister might not consider it would have a little to do with this particular section and whether they would be prepared to consider giving more publicity to this particular section and to the meaning of this concise statement of the evidence so that we can convince people that it is actually quite easy to lay an information and to get something going. If the director of the branch has had the example of only one action under this—

Mr. Fulton: Three; I just told you three.

Mr. Fisher: Perhaps one of the reasons it has not been used is that an informal complaint by letter is quite often sufficient. It would seem to me that perhaps we should not have this in at all; if we are going to have it in, it should be given more publicity and people should be made aware that there is not any great requirement in so far as eking out the facts is concerned.

Mr. Benidickson: In connection with the possible offence to which the hon. member made reference, may I ask him whether he himself applied to the director and indicated he felt that there was some offence, and was he not given some satisfaction as a result?

Mr. Fisher: No, Mr. Chairman. I got in touch with the minister and asked about it and he pointed out this section of the act to me and suggested I get six names. This was at the time of the pulpwood investigation in Quebec which had not led to a report and, as the hon. member for Kenora-Rainy River knows, right from the time of the strike that took place in his own area there has been considerable feeling amongst the pulpwood farmers or settlers up in northwestern Ontario that the very same kind of situation existed there as existed in Quebec. I made a suggestion to the minister, I think informally, that it should be investigated. He suggested that six names be obtained. I went to both the union that was trying to organize in the area and to a number of individual settlers but I could not get them to make a proposal under this six names section.