

Oral Questions

government will not move quickly and expeditiously to the courts to bring these alleged offenders to justice?

Hon. André Ouellet (Minister of Consumer and Corporate Affairs and Postmaster General): Madam Speaker, I want to correct the impression the hon. member has given. I never said yesterday that we were not going to do anything but refer the report to the commission. In fact I indicated in answering a question that it was still possible a charge would be laid. That option was possible. If he looks at *Hansard*, he will find in my remarks yesterday that I indicated it was an open avenue which could be explored and that a decision could be made in that regard at a later date.

Mr. Baker (Nepean-Carleton): Madam Speaker, I suppose the proof of the pudding is in the eating. I assume the minister is conferring with the Minister of Justice. Has he officially conferred with or officially apprised the Minister of Justice of the contents of the report and asked for the inquiry by the Minister of Justice to which he is entitled, to see whether or not there ought to be prosecutions? Has this been done by the Minister of Consumer and Corporate Affairs?

Mr. Ouellet: Madam Speaker, I repeat what I said yesterday. The Director of Investigation and Research has the responsibility for an inquiry. He is the sole person who decides what course of action should be taken. If, on the merit of the evidence he gathered, he decides to go to the Attorney General of Canada and to ask for a prosecution, this is an avenue he could follow. If he prefers—and this is according to the law—to go to the Restrictive Trade Practices Commission, he can. It is entirely his own decision. Now that we know the contents of the report, now that the report of the director is public and has been referred to the Restrictive Trade Practices Commission, the hon. member is asking whether as a minister I will consult the Minister of Justice to find out, independent of the matter being referred to the Restrictive Trade Practice Commission, if some charge could be laid arising out of specific aspects of the report. My answer is yes, this is a possibility.

● (1420)

There is nothing that prevents the government from looking at the evidence gathered, assessing it and deciding, after due consultation, whether or not a charge could be laid. But that is not the prerogative of the Minister of Consumer and Corporate Affairs. The entire inquiry was in the hands of the Director of Investigation and Research. He did his job and he made a reference to the Restrictive Trade Practices Commission, in accordance with the law.

Mr. Baker (Nepean-Carleton): Surely the minister is not saying to the House that the director, having chosen the course of action he did, is beyond at least having a discussion with the minister, to be initiated by the minister, with respect to the advisability of the director making the referral under Section 15 of the Combines Investigation Act? Surely that is not beyond the right and power of a minister of the Crown responsible for an agency, and for which he reports to Parliament? Will the minister do that? That is question No. 1.

Second, will he in fact not say that he may discuss matters with the Minister of Justice, but that he will discuss matters with the minister with a view to seeing whether there is any substance to very strong allegations with respect to those companies? If there are, will the minister then lay the appropriate charges? Surely that is the responsibility of the Minister of Consumer and Corporate Affairs, if he is to do anything at all with respect to this matter besides sit in his seat.

Mr. Ouellet: Madam Speaker, if you will permit me, as I undertook yesterday, when answering questions by the Leader of the Opposition, I checked with the Director of Combines and Investigation and Research and asked him precisely why he did not ask the Attorney General of Canada to lay charges. His answer was that he believed there are several solid reasons to follow the course which he has decided to follow. The fact that the focus of a criminal trial will be on several narrowly defined legal issues and would largely overlook, if not entirely ignore, the major structural problems which the director's findings have revealed, is the basic reason why he did not go to the courts.

The second reason is the fact that the type of remedial measures available to a court of criminal jurisdiction would be very limited, that is, imprisonment or a fine.

Mr. Baker (Nepean-Carleton): Or deterrence.

Mr. Ouellet: The third reason, which is very important, is the fact that even the limited relief available from successful criminal prosecution will be withheld for years pending the final resolution of the judicial process. This was another reason why the director preferred to go to the Restrictive Trade Practices Commission rather than to the courts.

Finally, the director told me that the reference to the Restrictive Trade Practices Commission is his preferred choice but that it does not preclude the laying of criminal charges at another time.

These are the four reasons for the director going to the Restrictive Trade Practices Commission. I hope the hon. member and the members of his party will not wish to deny the public of knowledge, at this time, of the findings of the director.

Some hon. Members: Hear, hear!

Mr. Baker (Nepean-Carleton): We know the findings. We have had the findings.

QUERY RESPECTING REFERRAL OF REPORT TO RESTRICTIVE TRADE PRACTICES COMMISSION

Hon. Ray Hnatyshyn (Saskatoon West): Madam Speaker, of course the minister omits to mention the fact that we have the findings of the director. Everyone in Canada knows exactly what the allegations are. So the minister, in effect, unintentionally I am sure, misleads the House.

The director's report, released yesterday, states that in Section 47 the inquiry will have a significant role in placing the