

*Combines Investigation Act*

Mr. CAHAN: I wish to make one remark in connection with this discussion, and that is that the Dominion Trade and Industry Commission Act, which was chapter 59 of the statutes of 1935, has been declared by the judicial committee, with the one exception of section 14 which was not referred to it, to be *intra vires* of the parliament of Canada; and section 14, which had been held by the Supreme Court of Canada to be *ultra vires*, did not come within the reference made to the judicial committee. But there was a significant suggestion by his lordship in delivering the opinion of the committee, that if it had come before the committee the decision of the Supreme Court of Canada might not have been upheld. So that it is the intention of the government, apparently, to maintain an administration of the Dominion Trade and Industry Commission Act of 1935, because in the bill which we have before us only sections 13 and 14 of its provisions are repealed, section 13 of that act being the provision which charged the commission with the administration of the Combines Investigation Act. It is significant, therefore, that the government have undoubtedly decided, in repealing two sections of that act, to retain the act as it now stands, with these exceptions; and if the government has decided to retain the act and to administer it with the exception of these two sections, then there is no reason why one body of commissioners should not administer both acts—no reason in the world. There is nothing in conflict between the administration of the combines act and the administration of the Dominion Trade and Industry Commission Act. What the minister is doing now is to set up an extra commission assisted by numerous assistant commissioners and provided with counsel, a whole bureau which is unnecessary if the Dominion Trade and Industry Commission is to be retained.

Mr. ROGERS: But additional personnel was contemplated.

Mr. CAHAN: The government have decided that members of the tariff board should not be the personnel of the Dominion Trade and Industry Commission. But they were temporarily appointed, and in the meantime the act was submitted by reference to the court to ascertain its validity. It has been declared valid in every section except one, and by repealing that section the government impliedly admit that they will continue the administration of this new act of 1935. Why not, then, change the personnel of the commission, if that is desired, but maintain the act and include in it the administration of the combines act? That would place it outside both the Department of Labour and the

[Mr. Rogers.]

Department of Trade and Commerce. As between the two, frankly I prefer the Department of Trade and Commerce. I do not think that the Minister of Labour *ex officio* is necessarily the person to have charge of the administration of the combines act. But by changing the personnel of the Dominion Trade and Industry Commission and leaving with that commission the administration of the combines act, you do procure what is so essential to business in Canada, confidence in the stability and integrity of the administration of these acts. At the present time the government are appealing to industry to give employment to the unemployed; they are appealing to every class of industry to extend its operations in order to provide additional employment. If that is so, if the government are dependent upon industry to give employment to the unemployed, then industry must have a certain peace of mind in order to extend its operations and comply with the demands of the Minister of Labour in that respect. I believe that no better effort could be made in that direction, no more efficient effort, than by placing the administration of the combines act under a thoroughly competent and independent board such as is provided by the Dominion Trade and Industry Commission Act, so that there may be complete reliance upon its impartial, judicial and legal administration of that act.

Mr. J. S. WOODSWORTH (Winnipeg North Centre): The leader of the opposition has emphasized very strongly the benefit that would accrue if the administration of this act were under a trained legal mind. I wonder whether it has ever occurred to him that possibly it might be a great advantage to have it under a commissioner who has not a trained legal mind. The leader of the opposition speaks as if all judges were united on matters of law even if lawyers are not. But I submit that almost every judicial decision, even in the highest courts, shows that judges differ very materially even in what are strictly matters of law. If I understand the situation rightly, the president of the United States is doing his best to get away from the dominance of trained legal minds in the supreme court. The Minister of Justice shakes his head. Well, I shall have to take the attitude that some have already taken in this debate, that of course I am not referring to any individual.

Mr. LAPOINTE (Quebec East): He wants an addition of legal minds there.

Mr. WOODSWORTH: There is an old saying, "Blessed is he that bloweth his own horn, for verily it shall be blown."