

Combines Investigation Act

Mr. Diefenbaker: Why did you not put it before a court?

Mr. Garson: I know it is the law for the reason that it is stated in ruling after ruling which we have turned up on these files, and I have read some of them into the record. If my hon. friend is not informed in the matter he can become informed by no more complicated device than just reading *Hansard*. If he has any doubt after reading *Hansard* he can go back to the records of the wartime prices and trade board and be further convinced.

Mr. Diefenbaker: I did not find *Hansard* so informing.

Mr. Garson: The question has been asked who gave anyone authority to say that the Combines Investigation Act was not in effect? The answer is nobody; nobody made any such statement. All that they have said was that if the companies and the citizens affected by wartime prices and trade board orders complied with what those orders said, and if they did any act which furthered the substance of those orders, then by the law of this parliament, the wartime prices and trade board act and the orders in council passed thereunder, what they did was not an offence under the Combines Investigation Act.

Mr. Diefenbaker: There was no wartime prices and trade board act passed by parliament.

Mr. Garson: My hon. friend is quite right. The wartime prices and trade board regulations were passed under another statute. It was the War Measures Act, a statute of this parliament.

The next point is that the hon. member said that the action of the government had taken away the right of citizens to launch proceedings under the Combines Investigation Act. I say that whatever effects may have flowed from any action we took in the matter—

Mr. Diefenbaker: Or did not take.

Mr. Garson: Any action that we took or any omission—

Mr. Knowles: By deliberate decision.

Mr. Garson: If you mean the decision not to prosecute, that was deliberate.

Mr. Knowles: I mean the decision not to publish the report.

Mr. Garson: No, I do not admit that at all. I think that is a most ungenerous interpretation of the facts.

Mr. Knowles: Was it not a deliberate decision not to publish the report until November 7? Was it an accidental decision?

Mr. Garson: I submit I am really breaking my own principle here because I have raised the point of order that these discussions are out of order on the sections of the bill. I do not want to evade forthright questions like that, and I will answer these two upon the understanding I will not answer any more that are out of order. So far as the report is concerned our position is this. The manuscript copy which was delivered to my office in my absence on December 29, 1948, is not the report which was tabled in this house. In any event, on the facts it was a physical impossibility for anyone to comply with the section of the act. I would be prepared to go into any court, and on the facts stated there stand trial on the question whether there was an offence under the act, and be quite confident there would be an acquittal. The manuscript copy was not the report tabled in this house. The final report was tabled after five separate amendments had been made in the manuscript report, and there were further negotiations which could just as easily as not have led to other amendments because the facts I laid before the house indicated that Mr. Taylor had gone to Mr. McGregor and Mr. McGregor considered the matter further, not for a few hours but for two or three days, I believe. I have forgotten exactly—

Mr. Diefenbaker: How many hours of consideration were given to it in seven months?

Mr. Garson: Just a minute.

Mr. Diefenbaker: All right.

Mr. Garson: I am glad to answer questions but not in the middle of a sentence.

Mr. Diefenbaker: No, that is right.

Mr. Garson: So far as the report is concerned which was finally tabled in the house, I did not receive it from Mr. McGregor as a final report concerning which I was sure that no more amendments would be offered until well within fifteen days prior to the time it was tabled.

Mr. Diefenbaker: That is a most specious argument.

Mr. Garson: What my hon. friends are talking about is a technical offence under section 27(5) of the act.

Mr. Knowles: A most important section.

Mr. Garson: That is the technical offence with which they are trying to charge me, and I say there is no offence so far as we are concerned. Our offence is with regard to a matter of propriety, with regard to the length of time that it took during the interval to try to arrive at some unity of opinion amongst these—