

*Combines Investigation Act*

## COMBINES INVESTIGATION ACT

## CONCURRENCE IN SENATE AMENDMENTS

Hon. NORMAN McL. ROGERS (Minister of Labour) moved the second reading of and concurrence in amendments made by the Senate to Bill No. 41, to amend and consolidate the Combines Investigation Act and amending act.

He said: Mr. Speaker, perhaps it will meet the convenience of the house if I deal briefly with the main features of the amendments to Bill No. 41 as returned to this chamber from the other house. When Bill No. 41 was sent to the Senate and referred to the banking and commerce committee of that house certain objection was taken to the bill upon the ground that sufficient time did not remain for the proper consideration of its provisions. Without conceding that point, we recognized that it was desirable that we ought not to give any basis for objection upon that score. Therefore it was arranged that the act of 1935 should be substantially re-enacted as an amendment to Bill No. 41, with certain significant changes. These changes are in the following terms. First, that the administration of the combines act should be transferred from the trade and industry commission to a commissioner under the Minister of Labour. Second, that the provision with respect to the admissibility of documents which had been twice rejected by the Senate should be incorporated in the present bill.

Mr. BENNETT: With slight changes.

Mr. ROGERS: I may say that most of the other amendments in the bill as now returned from the senate are consequential upon the changes I have indicated. There is one further change to which I wish to direct the attention of this house. The senate has made an amendment to provide what might be described as judicial intervention before the commissioner under the combines act can exercise his compulsory powers with respect to the summoning of witnesses and the production of papers.

Mr. BENNETT: And the holding of other than a preliminary investigation.

Mr. ROGERS: And the holding of other than a preliminary inquiry under the provisions of the act. I do not think it is necessary to deal with the arguments advanced in the senate in support of that provision. I think it will suffice to say at this stage that we are prepared to accept that amendment with considerable reluctance. That reluctance is not based upon any lack of confidence in the matter in which the functions imposed

[Mr. Speaker.]

upon the chairman of the Dominion Trade and Industry Commission or the president of the Exchequer Court of Canada may be discharged. My reluctance is concerned solely with my desire that no change in the existing legislation shall serve to impair the effectiveness of the method of investigation which was contemplated originally in the anti-combines legislation, and which has been provided for in all the subsequent amendments. My fear was, and is, that to require judicial intervention may lead to a dilatory procedure, which in turn may interfere with the effective administration of the act.

It may well be that my fears in that regard are groundless. I would say that during the coming year we shall have ample opportunity to determine how far the legislation as amended by the senate will enable us to achieve the legitimate purposes of the Combines Investigation Act. If we find in practice that the amended legislation does not enable us to realize the purposes of adequate investigation of the large scale business operations of this country, then we will be prepared to introduce further amendments in this house at the next session. We have accepted the amendments, particularly in view of the fact that as we approach what is generally conceded to be a phase of rising prices, we believe it is most imperative that the government should possess a combines act which will enable it to deal effectively with any abuses which may occur through the great power enjoyed by some business corporations or combines in producing an artificial enhancement of prices which is not due to the normal working of demand and supply. Mr. Speaker, subject to what I have said, I now move concurrence in the senate amendments.

Right Hon. R. B. BENNETT (Leader of the Opposition): I have only had an opportunity of reading very rapidly through the proposed amendments to Bill 41, but I followed with extreme care the statement made by the Minister of Labour (Mr. Rogers). I cannot but think on looking over the amendments that we have done something by their acceptance at least to give greater assurance of civil liberty in this country. Whether or not the result is as indicated by the minister, I feel quite certain that there will now be greater confidence in the measure, for it does not arbitrarily subject suspected persons to penal treatment until such time as they have been found guilty. To that extent the amendments are a distinct improvement.

Also, although it had not occurred to me that the matter should be so dealt with when