

Combines Investigation Act

Mr. Howard: The hon. member for Burnaby-Richmond put a question and the minister gave his interpretation about why it was so and that was the end of it. There was no extensive examination of the point contrary to what the minister said. It was not on the proposed section 7 but on clause 3. Once the director gets involved in these inquiries he can talk about the past. At no time did the committee discuss a reference to the present tense of "is being" as far as section 7 is concerned.

Mr. Pickersgill: Mr. Chairman, I am just going to appeal to the Minister of Justice to shift gears and go on to the "Conservative" instead of the "progressive" side. Since these words were in the act in the past, since the previous draftsman seemed to think they were good drafting, and since there is some objection to leaving the words out, could the minister not consider accepting the amendment and putting them in?

Mr. Benidickson: Mr. Chairman, frequently during the discussion in committee the minister indicated that in his view we were not in this bill radically departing—and he did not want to radically depart—from the jurisprudence that had been developed in connection with combines law. The government is now under criticism for the deletion of these words. If their deletion is under criticism here I suggest it might be under similar criticism in subsequent discussions in our courts. The minister also said he thought this might involve subsequent changes in a number of other clauses in the bill.

The minister will not mind my saying that I gave him notice that this appealed to me as an item that probably should have amendment in committee of the whole. I cannot think that this might require amendment beyond the next clause, clause 3 of the bill. Inasmuch as every hon. member of the committee will recognize that these words "is being" are in present statutes I wonder why we are wasting so much time about retaining them if what we were told in the banking and commerce committee was the desire of the committee to not upset unduly the present situation with respect to judicial decisions having regard to our combines law over the years.

Mr. Fulton: This, of course, Mr. Chairman, does not relate to anything as I see it that comes before the courts but relates to the making of an inquiry by the director. Certainly admit I had notice from my hon. friend. We had another look at it. This is a case in which regardless of any risk I run of appearing stubborn, I think it would be unsound to accede to my hon. friend's request and therefore I must reject the amendment.

Amendment (Mr. Howard) negatived: Yeas, 17; nays, 51.

Mr. Peters: I am not interested in the discussion of the grammatical structure of this clause. Why must these six people make this type of petition? If six people were to send in a petition saying that gasoline at all filling stations in their town was selling at the same price there would probably be something wrong. It is unlikely that the price of gas would be the same at both big and little filling stations.

At page 646 of the report of the committee I read that this came to the director's attention only once within his knowledge and probably not more than three or four times altogether. This may be the safest way to handle this but it is not necessarily the best. I know a coal dealer who referred a case to the government and since then nearly lost his business and was fined besides. I raised an agricultural problem concerning rennet with the director. I am told that rennet sold for \$7 this spring and it now sells for \$27. Something is wrong in this respect. I was of the opinion that if somebody brought this to the attention of the director he would not only think about it, but do something about it.

I have read the act and I have heard the discussion. It seems to me that unless six people—whether they be members of parliament or not—collectively fill out some form giving the director all the information and building up the case for him he does not have to give any consideration to it. Because of the use or lack of use that this section has received over the years this may be one of the reasons why the Combines Investigation Act has not been more successful in relation to small combines and small mergers of people, which in the opinion of the man on the street have not been in the best interests of the Canadian public. I am wondering why this clause is not changed to one person. If one person wishes to fill out this information, why will the director not look into it? He does not necessarily have to indicate that he agrees. If he will not look into it unless six people sign the form, why not reduce it to one person who will fill out this type of application?

Mr. Fulton: My hon. friend should realize that this is a control. This is the means by which citizens can compel the director to make an inquiry. It is not the only way in which an inquiry can be initiated. By far the bulk of inquiries are initiated on the basis of knowledge or facts coming to the attention of the director in a much less formal way than this. It may be as the result of a phone call, an individual letter or a personal visit. If the director gets an inkling of facts,