

Combines Investigation Act

interests at heart. We believe every man is worthy of his hire, and that includes not only the manufacturer but the retailer as well. However, if you are going to impose price maintenance you have to precede that with some measure whereby the interests of the consumer are adequately heard and represented.

We realize that with regard to the bill now before us the Progressive Conservative party is in a difficult predicament. I cannot, obviously, be both progressive and conservative at the same time. It is not possible to represent at the same time the primary interests of the manufacturer, the distributor, the retailer and the consumer. A position has to be taken somewhere along the line. Exactly as the government is attempting to ride several horses at once, in its name, Progressive Conservative, it is here attempting to introduce a major amendment to a bill of first rate consequence to the Canadian consumer. On the one hand they are pretending to help the small retailer. In actual effect we feel the bill before us will only hurt the small retailer and hasten the day of his complete disappearance. It serves primarily the needs of Canadian manufacturers and the distribution agencies of the dominion.

I believe that in 1958 we had a vote in the amount of \$30,000 in the estimates of the Minister of Trade and Commerce to establish a branch to aid small business. That sum is less than enough to build one filling station or to mail one mimeographed letter to all the small retailers of British Columbia advising them how to make more money by requiring their wives to work longer hours behind the counter. No money was voted for that branch in 1959 and in this year's blue book again no money is voted. We have just to look at the blue books for the last three years to recognize the lack of sincerity of the Conservative government in pretending to express any interest in the welfare of the small retailer.

I regret that the government has been able to persuade so many well-meaning boards of trade, chambers of commerce and retail merchants associations that their interests are being served. Most of these organizations on the national level have completely submitted the interests of their mass membership to the interests of the manufacturers of Canada. We again note that the Conservative government as it did from 1930 to 1935 is acting in the interests of large monopolistic business and the money lenders of Canada.

Mr. Howard: Mr. Chairman, the definition "clause" defines certain words. The definition of "article" is clear and merely says what an article is, making no reference as to how the

article might be used. The definition of "business" for the purpose of the act defines what business is but does not attempt to relate the activities of the business or indicate whether or not they are contrary to the law. The definition of "minister" is clear and does not set out his duties or functions which are dealt with in another clause of the bill. The definition of "trade or industry" does not go into what may occur within a trade or industry. The definition of "commission" is clear; it states that it is the restrictive trade practices commission appointed under the act and its functions and duties are dealt with later on. "Corporation" includes a company and although "director" is referred to his functions and duties are set out in another clause of the bill.

The definition of "merger or monopoly" contains references which I do not think should be there. I discussed this when speaking to the amendment proposed by the hon. member for Ottawa West. For the sake of uniformity and clarity there should be a simple definition of "merger or monopoly" and the effects of mergers or monopolies should be more properly set out in clause 33, the offence clause. The relevant portions of the bill would then read:

(e) "merger" means the acquisition by one or more persons, whether by purchase or lease of shares or assets or otherwise, of any control over or interest in the whole or part of the business of a competitor, supplier, customer or any other person.

And then:

(f) "monopoly" means a situation where one or more persons either substantially or completely control throughout Canada or any area thereof the class or species of business in which they are engaged.

The operative sections of both definitions should be placed in clause 33.

At six o'clock the committee took recess.

AFTER RECESS

The committee resumed at 8 p.m.

Mr. Howard: Mr. Chairman, at six o'clock I was leading up to the suggestion that in the definition section of this legislation we should concern ourselves only with definitions, and that in this section there should be no reference to what effect could arise out of some of the circumstances or arrangements defined. The effects themselves should be placed in another section, preferably No. 33. I know it perhaps does not make too much difference one way or the other whether they are in the penalty section or in the definitions section, so long as they are contained in the legislation. For the sake of