

other words, reading this in isolation, perhaps we are a little restricted in our consideration.

The Chairman: Under the present bill—well, we will turn up section 16.

Senator Hays: While you are looking that up, could I ask a question?

The Chairman: Certainly, Senator Hays.

Senator Hays: You said in your opening remarks "in light of experience," Mr. Joyce. What specific experience did you have that made you want to amend the act?

Mr. Joyce: I think perhaps the Vice-Chairman of the Anti-dumping Tribunal might be better equipped to speak to that.

Mr. J. P. C. Gauthier, Vice-Chairman, Anti-dumping Tribunal, Department of Finance: Mr. Chairman and honourable senators, the experience that the tribunal has had is over a very varied number of sectors of the industry, over the past 22 months. Although we cannot say that it has been terribly brisk sometimes, business has certainly picked up over the last eight or 10 months. We have had types of cases such as those at this moment. We have just completed the transformer case, and we are going to consider glycol and the imports of chlorine next week. So we can jump from imports of glace cherries from France to work boots from eastern countries, to transformers from the United Kingdom, Germany, Sweden, France, Italy and Japan, and imports of chemicals from the U.S. So the expertise acquired is over varied sectors and also over a wide variety of imports.

Senator Hays: Let us get back to the cherries. You said we could use this provision. How could we have used it previously? Do you mean there is an over-production in the United States, and this sort of thing?

Mr. Gauthier: No. This case was against France, and the producers of glace cherries in Canada complained that they had been dumping from France, which is the main exporter in the world, not only to Canada but also to the U.S. and European markets.

Senator Hays: These are the cherries that go into martinis?

Mr. Gauthier: Those they call maraschinos.

Senator Connolly (Ottawa-West): These go into old fashioned.

The Chairman: Senator, how can you think of that so early in the morning?

Mr. Gauthier: The glace cherries go to the bakery trade. So, in studying a case of dumping which might affect Canadian production, we have access to all of the information—the marketing information, the financial information, the distribution information—that forms the structure of an industry in Canada. Incidentally, when cases of dumping come to the attention of the tribunal it considers only those that affect a wide sector of an industry. For instance, if one producer, whose production

would represent only 5 or 6 per cent of the total Canadian production, complained of dumping then we would be precluded by the provisions of the act from considering injury, so when we do consider injury it is on account of dumping affecting whole sections of industry, or the majority of producers.

Expertise is gained by a study in depth of that sector of the industry and the international ramifications governing the distribution of its product to different countries, and we also gain an insight into the organization of a foreign industry.

An example of this is the case of transformers in regard to which a decision was rendered last Friday. Seven countries and all of the Canadian industry were involved in this case. The hearings lasted 32 days. We wanted to see how the other producers in Sweden, France, the United Kingdom and Belgium were organized, and what type of management they had, what their business philosophy was, and what their research and development resources were, which we did over a very short period of time because we were still limited by the 90 days in which we have to give our decision.

We gained an insight on this occasion into a rather important sector of heavy manufacturing in Europe. I think it is through this exposure, through different business philosophies, different approaches, and different resources that we acquire this expertise.

Senator Hays: Do you not have the power under the present act?

Mr. Gauthier: Only as regards dumping.

The Chairman: These cases, Mr. Gauthier, about which you are talking, and in respect of which decisions have been made, have been considered under the existing act which was passed in 1968-69, and they were considered because there was an element of dumping. "Dumping" is defined as occurring when the price at which the imported article is offered for sale, or is sold, in Canada is lower than the market price for like goods in the country of origin. This is the dumping feature. But, what we are talking about this morning is a situation in which there is no dumping. We then look at the circumstances under which these imports come into Canada, and the allegations that their entry is threatening or causing injury to Canadian production. This is a new authority.

Senator Hays: Yes, it broadens the whole act.

The Chairman: Yes, but not as to making a decision, but as to making a study and report as to whether there is injury or a threatened injury by reason of these conditions in relation to imports.

Senator Hays: Even before the matter is brought before the tribunal. Are you not prejudging what might happen?

The Chairman: No, because all that the tribunal, with the added authority that is being given to it, does in a case of this kind, where there is no dumping alleged, is to hear all the evidence and make a report as to whether it finds that these imports in these circumstances are