

*Combines Investigation Act*

council to facilitate the operation of the act. I must say that on this occasion I completely agree with the Minister of Justice that this is not the kind of thing which is capable of being spelled out in a concrete and precise manner. It could well happen, as I think was brought out in the evidence in the committee, that the use of this power, if there were a mandatory provision here, would have ancillary and lateral effects which would have nothing to do with the persons involved, effects which might have very serious economic repercussions. It does not seem to me that the kind of approach suggested by the hon. member is suitable at all.

I think the argument could be made by purists that this is the kind of discretion which should not be given to the governor in council to be used against a subject in any circumstances. It might be argued that there should be a conviction first. Personally I think there is a justification for this provision. Perhaps I think so because this legislation was recommended to parliament by my hon. friends when they were in office. It seems to me that it is a good ancillary provision in the form it now is but that it would not necessarily accomplish the purpose we have in mind here and it might have effects that would be quite incalculable.

There is one other aspect of this matter about which some care should be taken if I may say so while we are on this subject. I do not think this was ever intended or should be—

**Mr. Drysdale:** Or "is being".

**Mr. Pickersgill:**—used in any long range sort of way. I think that if questions arise it would be desirable that the governor in council should exercise his discretion in a case like this expeditiously, but I do not think that is a thing about which one can legislate. One can only criticize the government if it does not do it properly. I am sure we would be only too happy to find occasion to criticize the government if it does not do it properly. I agree as far as the objective the hon. member has in mind in his amendment is concerned.

**Mr. Howard:** If the hon. and unemployed privy councillor persists in his line of reasoning he will remain in his present unemployed capacity longer than he would like.

**Mr. Pickersgill:** I knew I was giving the hon. member an opening.

**Mr. Howard:** I will take every opportunity to keep the hon. gentleman unemployed in that capacity.

**Mr. Hellyer:** And that is the only employment you may ever have.

[Mr. Pickersgill.]

**Mr. Howard:** The hon. member does very well as a student lawyer and biographer and perhaps should keep his eye off the distant goal of getting across to the other side of the chamber.

**Mr. Hellyer:** Someone some day will write about the fall and decline of socialism.

**Mr. Howard:** I hear muttering from the back benches.

**Mr. Drysdale:** We are just filling in until the hon. member gets to the point.

**Mr. Howard:** I am just waiting until the muttering subsides.

**Mr. Drysdale:** Bill No. C-58; clause 11.

**Mr. Howard:** After all the noise my friend the hon. member for Burnaby-Coquitlam made about this question in the committee I thought he would rise and express his views but he has not decided to do that.

**Mr. Robichaud:** The hon. member is wasting time. He thinks he is speaking on a divorce bill.

**An hon. Member:** Burnaby-Richmond.

**Mr. Howard:** I should have referred to the hon. member for Burnaby-Richmond. I only know he is from a delightful part of the best province in Canada and I sometimes cannot differentiate between the two Burnabys.

**An hon. Member:** Be careful.

**Mr. Howard:** Perhaps this levity is not in keeping with the subject before us. I will repeat what the hon. member for Port Arthur said. Authority is given to the governor in council under this clause to lower or eliminate duties and tariffs under certain circumstances, if specific circumstances are found to exist, so competitive forces can import into Canada at rates to compete with related industries and the public, as the bill says, will receive the benefit of reasonable competition.

The hon. member's amendment does not make it absolutely mandatory for the governor in council to take this action and no other. There are clauses in the bill which permit the governor in council to use discretion. The clause reads:

Whenever, from or as a result of an inquiry under the provisions of this act, or from or as a result of a judgment of the supreme court or exchequer court of Canada or of any superior, district or county court in Canada, it appears to the satisfaction of the governor in council that with regard to any article there has existed any conspiracy, combination, agreement, arrangement, merger or monopoly to promote unduly the advantage of manufacturers or dealers at the expense of the public, and if it appears to the governor in council that such disadvantage to the public is