

*Combines Investigation Act*

Mr. ROGERS: We must also guard against going too far in the other direction and frustrating the purposes of the act; and I am a little fearful that if we should take the action suggested, we might bring about that effect. A commissioner would be acting in a quasi judicial capacity. In connection with many inquiries of this kind we have had to confer very wide powers upon those who conducted the investigation. We must not underestimate the organized ingenuity of those who set up combines, monopolies, and mergers for the purposes indicated. I think we must recognize that unless wide powers of this kind are made available, it may lie within the power of those who have got control against the public interest in the manner contemplated by this bill, to escape entirely the consequences. I do not wish to take an unreasonable view of this. Other sections have been allowed to stand for further consideration, but I should like to guard against weakening the bill.

Mr. KINLEY: The purpose of this bill is to protect the public interest, but sometimes it is hard to designate just what is the public interest. Many times the public interest is a divided interest as between different elements in the community. What I might think was eminently in the public interest, some one else might think was not. The whole thing is left in a fog of uncertainty. The minister said this morning that when you saw a red light, you stopped. But a red light is a definite thing; you know what it is. Who is going to determine beforehand what is the public interest? I realize that this is only an investigating act; but we must not forget that what might be considered at one time to be in the public interest might not be so considered at another time. It might be regarded as hard sometimes for a business concern to decide just what is not in the public interest.

Mr. ROGERS: In the last resort it would be for the commissioners who undertake the investigations, and more definitely for the courts which will give judgments when informations have been laid, to decide what is in the public interest. A series of decisions have been created which indicate the kind of business practices which are against public interest. I do not say that that body of law is rigid and unyielding, I agree with my hon. friend when he says that it may be subject to change under certain conditions. There may be a change in our own sense of public obligation as it affects business. Perhaps it would not be too far-fetched an analogy to suggest that under a bill such as this there might be developed a body of business equity which would be considered as rules in the governing of business, particularly with regard

[Mr. Rogers.]

to those organizations which, because of the tremendous power they have acquired, are affected to a great degree by their obligations to the public. I do not think it would be possible to indicate in advance precisely what would be against the public interest, except possibly in the extreme cases of price control, wage exploitation or other matters of that kind.

Mr. KINLEY: To cite a specific case, suppose the fish companies on the Atlantic coast decided that a higher price should be paid to the fishermen for the fish they delivered. Some one in Canada might say that that was not in the public interest. Coming from the district I do, I would say that anything that would raise the price of this commodity would be in the public interest of my constituents. We have only to listen to the discussions in this house to see where the public interest lies. "Where a man's treasure is, there will his heart be also." Anyone who can define public interest with certainty is doing something which business men find it very difficult to do. There is an added difficulty in the fact that if ultimately an act is found not to be in the public interest, very drastic penalties are incurred; so it is well to know beforehand.

Mr. BENNETT: I am sure the minister has not followed me with respect to section 20. The section is divided into two parts. The first part authorizes the commissioner to carry on the investigation of a business, and the second part enables the commissioner or his duly authorized representative to enter and examine the premises, books, documents and records. I once saw an effort made to take books from a solicitor's office.

Section stands.

Progress reported.

#### BUSINESS OF THE HOUSE

Right Hon. W. L. MACKENZIE KING (Prime Minister): May I be given the permission of the house to make this motion, which relates to business near the close of the session:

That, for the remainder of the session, all private bills from the Senate, when received from that house, be read a first and second time, and referred forthwith, and that standing order 105 respecting the posting of bills be suspended in reference thereto.

Mr. BENNETT: The effect of that is to send them to the committee at once?

Mr. MACKENZIE KING: Yes.

Motion agreed to.