

*Combines Investigation Act*

Canada" who documented that statement. Of course, as a consequence of being monopoly ridden the people of Canada have to face an ever-increasing cost of living. However, until we get a new look at the constitution of Canada—and I hope this will not be too far in the future—we should revivify the power of regulation of trade and commerce which was given by the fathers of confederation to parliament; and until we do this it seems wrong not to take advantage of a bill designed to strengthen the only law we have, in its application to the criminal law, with penalties to attack the most obviously anti-social forms of monopoly.

At the present time, as the hon. member for Winnipeg North (Mr. Orlikow) has pointed out, the penalties, which are monetary penalties in most cases, are so small as to be totally ineffective. They are like a slap on the wrist. They constitute nothing more than a licence to carry on. There is no doubt that most combines, the activities of which fall under the attention of the courts in the course of lengthy proceedings, get some advice from good lawyers after a fine has been imposed and continue to carry on the same practices—

**An hon. Member:** Good lawyers?

**Mr. Brewin:** Not morally good, but good in their skills and techniques of evading the law. As a result this law is totally ineffective. My hon. friend from Winnipeg North has presented in this bill a means of putting teeth into the act. I can imagine nothing which would cause more serious thought among many of these respectable people of great wealth who are so often involved in breaches of this branch of the law than the prospect of spending some time in jail. This would indeed cause them to consider with great care—and I have some sympathy for them, I must admit—whether they should continue to break the law for a second time. After all, the bill before us only applies to second and consequent offences. Once they have been convicted they will think twice before repeating the offence, and I suggest that if we mean business by our combines legislation the amendment proposed by the hon. member represents the minimum we should enact in order to ensure that the law is enforced.

The hon. member for York South (Mr. Gelber) indulged in some observations about the philosophy of the law, and said this bill was against it. Let me say that the purpose of punishment in any system of advanced jurisprudence is deterrence—to see that an

[Mr. Brewin.]

offence is not repeated. The present penalty provided under the law is not in any sense a deterrent. There is nothing punitive about the proposal of the hon. member for Winnipeg North. All he is trying to do is to deter, and to make sure an offence does not happen again; and he has, I think, found an admirable way of ensuring that legislation passed by the government of Canada is taken seriously. Indeed, I believe this parliament and the other law-making bodies should spend less time making general laws and more time in making sure that the laws they pass are capable of enforcement, because otherwise we place a great number of laws on the statute books which are disregarded in practice. For example, we have laws against combines in trade in Canada, yet we have more combines in trade here than in any other civilized country, relatively speaking, in the world. The hon. member for York South says: Very well, the bill is all right, but let us wait until we can take a longer look, a better look, at what is involved; let us put it off until tomorrow. This philosophy of always putting off until tomorrow a step which could be taken today is one of the reasons some people think parliament is becoming futile.

I see the parliamentary secretary to the Minister of Justice (Mr. Macdonald) armed with a vast number of books and no doubt he has some learning on this subject. I suggest to him he would be aiding the enforcement of the act for which clearly and definitely his department is responsible if he were to get up in a moment or two and say: This is an excellent bill; we are behind it; we accept the suggestion and we shall acquiesce in the passage of this measure in the remaining ten minutes we have.

**Mr. Macdonald:** On a question of privilege; the hon. member has mentioned my name. May I suggest that if I were to get up and say that, it would be an almost fatal shock to the hon. member's system.

**Mr. Brewin:** If the hon. gentleman was directing his comment to me, and I think he was, I would reply that I think this would be an excellent way of ending a parliamentary week, and if I did have to take some time recuperating, it would be well worth it.

[Translation]

**Mr. G. C. Lachance (Lafontaine):** Mr. Speaker, I agree with the hon. member for York South (Mr. Gelber) when he says that he does not think the bill greatly improves