

It goes on to say that part of the complaint of Canadian manufacturers is that some of these Canadian producers who are securing these foreign loans are also under the benefit of the Canadian Government's Regional Economic Expansion scheme, so that they are getting grants from the Canadian Government as well, and the Canadian manufacturer was complaining that in those circumstances he is threatened with injury so far as his production is concerned.

I gather that this was one of the reasons which prompted the government to introduce this additional authority of reference, where there is no question of dumping but of what shall the policy be, because of injury or threat of injury to Canadian production in these circumstances. That is a fair statement, is it not, Mr. Joyce?

Mr. Joyce: Yes, sir, I would not disagree with it at all, except to say that the intention is perhaps a little broader. The case you cite is obviously one of the more important cases, but there may be other instances which do not involve concessional financing where it may be judged by the government that there is injury or threat of injury to Canadian producers as a result of imports. There may be no dumping involved whatsoever. The government would propose in these cases to take action against imports, possibly through surtax action, which it would be justified in doing under the international rules of the General Agreement on Tariffs and Trade.

At the moment the determination as to whether or not there had been an injury would be made by the Governor in Council, possibly with a departmental inquiry.

What is being suggested now is that since we have a tribunal set up, admittedly to deal with cases of dumping, but whose job is to address itself to the question as to whether or not there has been injury or threat of injury—a tribunal which presumably has acquired, over the course of the last 22 months, a certain expertise in looking into this question—it would make sense, in other instances where the government might wish to take action against imports which were threatening injury, to ask this tribunal to make the determination.

The Chairman: That is exactly the point I am making. The illustration I gave about foreign countries financing is only one type, and I was not attacking it on that basis. I was saying that the avowed purpose—and you have confirmed that—is to make use of the expertise which the Anti-dumping Tribunal has obtained. This is what the memorandum which came to me said. It said:

To date determinations of injury required as a basis for action under these sections of the Tariff . . .

...which I read to the senators when I was explaining the bill, where it only requires action by the Governor in Council . . .

...have been made administratively with the approval of the Governor in Council. However, with the increasing experience of the Anti-dumping Tribunal in determining injury under the terms of the Anti-dumping Act, we feel that its expertise could be usefully employed in making injury deter-

minations in these other situations as well, and thereby contribute to the more effective operation of these particular provisions of the Customs Tariff.

Under the present legislation the tribunal is not authorized to make such determinations.

All I am saying is that if this is the purpose, then why do we not say, it, instead of creating an authority in the Anti-dumping Tribunal where you could either use it or the Tariff Board for the same purpose?

Senator Beaubien: Once the matter has been referred to the tribunal, who takes action? Does the tribunal just recommend or does it take action?

The Chairman: The Anti-dumping Tribunal?

Senator Beaubien: Yes.

The Chairman: On this extended authority they are being given . . .

Senator Beaubien: They just recommend to the government?

The Chairman: It is to inquire and report. That is all they do. The decision whether the surtax or countervailing duties will be applied is a decision that the Governor in Council has to take afterwards. He may or may not take it, as he sees fit.

Senator Beaubien: In other words, this bill does not change anything as far as government action is concerned?

The Chairman: No.

Senator Beaubien: It is just to be referred to this tribunal, and they are to report back?

The Chairman: Under this new section 3 you can get a determination of injury through the reference to the Anti-dumping Tribunal. What I am saying is, if that is the intention, then that is what the section should say. It should not be so broad that you could refer any matter of trade and commerce, whether it relates to an import or not, to the Anti-dumping Tribunal.

Senator Molson: Why is not the word "injury" included in the clause?

The Chairman: I do not know.

Senator Molson: Reading from your memo you said "injury determination".

The Chairman: Yes.

Senator Molson: This is, as you say, so broad it does not have to be in relation to any of these things we are discussing.

The Chairman: It does not have to be in relation to imports; it does not have to be in relation to injury.

Senator Connolly (Ottawa West): Would the earlier parts of the section answer Senator Molson's question? In