

*Combines Investigation Act*

**Mr. Diefenbaker:** The hon. member for Winnipeg North Centre asked, at page 1524 of *Hansard*:

Will the minister tell the house on what authority the government relied when it made the decision to violate the provisions of section 27(5) of the act?

The reply of the minister was:

Well, Mr. Speaker, it relied upon the fact that any democratic government is answerable to the people of the country for its acts.

**Mr. Garson:** Has that anything to do with an election?

**Mr. Diefenbaker:** Pardon?

**Mr. Garson:** Go ahead.

**Mr. Diefenbaker:** I am going ahead. I trust my hon. friend is not going to offer a revised version of what he said on November 7. He went on:

I am going to answer my hon. friend's question, if he will give me a chance. It is perfectly clear that if an election were held tomorrow, as there will be an election in due course, we would have to go before the free people of this country and answer for our actions. I have no doubt my hon. friend would get up and anathematize us.

That was a good word. Later he went on:

And we would have to answer; then the people would decide. As long as that condition exists I do not think we need worry very much.

What a proposition to advance; what a statement for a minister of the crown to make as a reason for breaking the law, that under our democratic system ultimately there will be an election! That is no justification. Indeed, if anyone in this country had known during the ten months' period that the minister had broken the law, as he did, His Majesty's courts could have been applied to in order to protect His Majesty's subjects, under a writ of mandamus, which would direct the minister to live up to the law. He concealed the report, and one explanation is this: we did not agree with the terms of the report. Is there anything in section 27 of the act that gives the government discretion to say they may break the law because they do not agree with the terms of a report; that they may break the law because after consideration, even honest consideration, they feel it should be broken? If that be an excuse for breaking the law, how many people in this country would feel like breaking the income tax law, or any other laws passed by parliament? Expediency, or the desire to prevent argument between high civil servants, afford no excuse in extenuation or otherwise for what has taken place in connection with this report.

No answer was given the question of who gave Mr. Gordon authority to place any body [Mr. Garson.]

of people in this country above the law. What minister gave that authority? Certainly it could not have been Mr. Ilesley, the then minister of finance, who was in charge of Mr. Gordon's department; for Mr. Ilesley knew that these proceedings and investigations were going on under the combines act. He knew what Mr. McGregor was doing, and there is no suggestion that he told Mr. McGregor he ought not to proceed as he was proceeding. The law provides that any report of the commissioner, other than a preliminary report, shall within fifteen days after its receipt by the minister be made public, unless the commissioner states in writing to the minister that he believes the public interest would be better served if this were not done.

My hon. friend says he waited until the facts were investigated. He waited from January to October, to bring together Mr. McGregor and Mr. Gordon, the holders of divergent points of view. Why that long wait? And in nothing that has been said has there been even the suggestion of an apology to parliament for this most serious disregard of the law. There has been no apology either by the minister or by any other member of the government, including the Prime Minister (Mr. St. Laurent). How often has the right hon. gentleman, speaking to the Canadian Bar Association, referred to the rule of law with all the power of advocacy of a great counsel. How often has he referred to the rule that assures equality of all under and before the law? Where was that equality between January and November, 1949?

This is not a question of the guilt or innocence of these companies. No government had to punish anyone, or to proceed against anyone on the report of a combines commissioner. When I asked Mr. Ilesley that question in 1948 he replied in effect that the minister when he receives a report is not bound to prosecute. The minister says one reason the government did not publish the report was that they thought the facts were wrong. Well, were the facts wrong in the international cartels report? Some members of the house thought they were, but the report was published. They may say what they will, Mr. Speaker, but no one on the part of the government has yet explained what authority justified the action of the government in saying in effect that: "There is one law for those on the front benches. That is the law of expediency, a law which applies to no one else. We can break the law; we can refuse to carry out those duties we are required to carry out under a mandatory provision."

At six o'clock the house took recess.