

Combines Investigation Act

'of the said Act and all that portion of subsection 32(1) following paragraph (d) thereof is repealed and the fol-'

(b) by striking out line 8 on page 24 thereof and substituting the following:

'competition unduly, is guilty of an indictable offence and is liable to imprisonment for five years or a fine of one million dollars, or both

● (2140)

Mr. Lambert (Edmonton West): Madam Speaker, I wonder whether, in a spirit of consistency, the minister has considered that by specifying the amount of \$1 million in this case—and whether it is \$1 million, or \$100,000, or \$2 million makes little difference—he would follow what he and I had discussed and say that the fine should be at the discretion of the court, or both.

Mr. Alkenbrack: The cabinet would commute that to life imprisonment.

Mr. Lambert (Edmonton West): As he knows, and I think he agrees with me, I have a particular objection to a mandatory term on an indictment, which is a jail sentence at the discretion of a bureaucrat and not of the court, because it is an official of the Department of Justice who determines whether proceedings will be by way of indictment or by way of summary procedure, and if sentence is limited to a prison term the judge has no choice whatsoever.

An hon. Member: Good!

Mr. Lambert (Edmonton West): On the other hand, we get all the nice nannies and everybody wringing their hands about people in jail. I would say that there is need for less jailing in this country, and it is the court which should determine the nature of the punishment, not a bureaucrat. I was wondering, in light of the amendments that I will propose, whether he sees any clear difference. Will this be known as the Rodriguez clause with a limitation, because in an appropriate case a fine at the discretion of the court will be \$2 million, but with the hon. gentleman's amendment, a ceiling is imposed on the fine. If inflation continues, \$1 million may turn out to be one million peanuts.

Mr. Sinclair Stevens (York-Simcoe): Madam Speaker, I hesitate to speak on this motion.

Some hon. Members: Oh, oh!

Mr. Stevens: I am very interested in speaking, but let me say that the minister, instead of standing up to reply to the hon. member for Nickel Belt (Mr. Rodriguez), moved an amendment and then sat down giving us no explanation as to why he feels his amendment should be accepted. When you asked the question, I was wondering if an opportunity could not be given to the minister at least to explain why he is suggesting the amendment to Motion No. 7.

Mr. Rodriguez: Madam Speaker, I rise on a point of order. I realize that the microphones have not been operating tonight, but I have always been struck by the inability of the hon. member to hear anything that is sensible. I have said that the purpose of this amendment is to put

[Mr. Ouellet.]

some teeth into the legislation. I have also pointed out that the fine should fit the crime, and it seems to me that I have given some examples which indicated that in the past fines were not high enough to fit the crime.

Mr. Stevens: Madam Speaker, I rise on a point of order. I know there is a close liaison between the socialists on my left and the socialists in front, but my point of order was that I thought the minister should be given an opportunity to explain why he intends to accept Motion No. 7 and wishes to have it amended before we consider the motion.

The Acting Speaker (Mrs. Morin): Is the House ready for the question on the amendment to Motion No. 7?

Some hon. Members: Question.

Mr. Stevens: Madam Speaker, I rise on a point of order. I wonder if this motion could not stand, as did Motion No. 6. Surely it is unfair to ask members of the House to vote on an amended motion that we have not seen and that is not in our hands at present. I do not think there is any great urgency. Let this matter stand, and we can go on to the next motion.

The Acting Speaker (Mrs. Morin): Is it agreed that Motion No. 7 as amended stand?

Some hon. Members: No.

The Acting Speaker (Mrs. Morin): There being no agreement, is it the pleasure of the House to adopt the said amendment? All those in favour of the said amendment will please say yea.

Some hon. Members: Yea.

The Acting Speaker (Mrs. Morin): All those opposed will please say nay.

Some hon. Members: Nay.

The Acting Speaker (Mrs. Morin): In my opinion the yeas have it. I declare the amendment carried.

Amendment (Mr. Ouellet) agreed to.

The Acting Speaker (Mrs. Morin): Is the House ready for the question on motion No. 7 as amended, in the name of the hon. member for Nickel Belt?

Some hon. Members: Question.

The Acting Speaker (Mrs. Morin): All those in favour of the said motion will please say yea.

Some hon. Members: Yea.

The Acting Speaker (Mrs. Morin): All those opposed will please say nay.

Some hon. Members: Nay.

The Acting Speaker (Mrs. Morin): In my opinion the yeas have it. I declare the motion carried.

Motion No. 7 (Mr. Rodriguez), as amended, agreed to.