

CANADIAN COMPETITION POLICY RECORD

THE LEGISLATIVE DEVELOPMENT OF CANADIAN COMPETITION POLICY, 1888 - 1981

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The purpose of this paper is to provide a documentary outline of the legislative history of Canadian competition policy since its inception. It is designed for use by those interested in competition policy who want to understand "what happened when" and who want to trace the antecedents of the legislation we have today. This paper focusses on two types of phenomena: the publication of reports or studies which influenced competition legislation; and on changes in or attempts to change competition legislation over the past ninety years.

The Earl of Chesterfield (1694-1773) remarked that "history is only a confused heap of facts". Justice Oliver Wendell Holmes saw more value in knowing about the past. He said, "When I want to understand what is happening today or try to decide what will happen tomorrow, I look back". What follows, I hope, is more than a "confused heap of facts" -- although this paper provides very little discussion of the facts designed to assist in their interpretation. That is a much larger task and one which has been done (see, for example, Stanbury, 1977) or will be done elsewhere -- at least for relatively short periods of Canada's competition policy history.

1888 - Publication of the Report of the Select Committee of the House of Commons to Investigate and Report upon alleged combinations in Manufactures, Trade and Insurance in Canada (Appendix No. 3, Journal of the House of Commons of Canada, Vol. 22, 1888). The Committee was chaired by N. Clarke Wallace and reported in three months. It indicated that combines existed in 13 commodities or industries. After presentation of the Committee's report, Wallace offered a private member's Bill (No. 138) to try to curb restraints on trade. Although ostensibly supported by the Government, it did not obtain Second Reading.

1889 The Parliament of Canada enacted An Act for the Prevention and Suppression of Combinations formed in Restraint of Trade (52 Victoria, c. 41) -- one year before the Sherman Act in the United States. This Act was introduced originally as a private member's bill by a Conservative Government MP (N. Clark Wallace). Called Bill No. 11, it was the same as No. 138 in 1888. It was made a Government bill after Second Reading. The Act was thought by Government and Opposition to be a codification of the common law. This view was incorrect, see Gosse (1962, Ch. 3). The preamble of the 1889 Act stated "whereas it is expedient to declare the law relating to conspiracies and combinations formed in restraint of trade". The Senate and House Banking and Commerce Committee were responsible for weakening the original Bill (February 6, 1889) by both changing the thrust of the legislation and by inserting the key words "unlawfully", "unduly", and "unreasonably". These changes were accepted because Parliament was about to adjourn. It did so a day later.

1890 N. Clarke Wallace introduced Bill No. 77 to delete the words "unduly" and "unreasonably" and to permit employees to combine for purposes of the Trade Union Act. It passed the House but was rejected by the Senate. The history of the early attempts to amend the Act of 1889 are described in Gorecki and Stanbury (in process).

1891 N. Clarke Wallace repeated his attempt of 1890 to amend the Act of 1889, but the Bill (No. 15) did not get beyond Second Reading.

1892 - The Act of 1889 was incorporated into the first Criminal Code as sections 516, 517 and 520 (55-56 Victoria, c. 29).

1894 - Senator Read introduced a Bill in the Senate to delete the words "unduly" and "unreasonably" from S. 520 of the Criminal Code. It passed the Senate, but only got as far as First Reading in the House of Commons.

1895 Mr. T. Sproule, a Liberal MP, who had introduced Senator Read's 1894 bill, tried again and failed to get the Commons to delete "unduly" in S. 520.

1896 Mr. Sproule again attempted to amend the Act of 1889 but he failed again in his efforts to delete the word "unduly".

1897 The Customs Tariff Act was amended (S. 18) such that when the Cabinet believed that a combine had unreasonably enhanced the price of an article or unduly promoted the advantage of the manufacturer at the expense of the consumer, it might order an investigation by a judge. If the report found a combine and if the disadvantage to consumers was facilitated by the tariff, the Cabinet could reduce or remove the duty (60-61 Victoria, c. 16). Note, a similar measure was introduced, but not passed, in 1889 -- see Ball (1934, p. 13). The 1897 provision was used only once, in 1902, in respect to newsprint. The tariff was reduced from 25 percent to 15 percent (Ball, 1934, pp. 14-16).

There was only 1 prosecution prior to 1903, R. v. American Tobacco of Canada, (1897) 3 Rev. de Jur. 453 (acquitted).

1898 Mr. Sproule again attempted to delete the words "unduly" and "unreasonably". His Bill, No. 89, did not pass the House of Commons.

1899 - Another attempt by Mr. Sproule with a private member's bill (No. 40) to delete "unduly" and "unreasonably" (see House of Commons, Debates, April 25, 1910, p. 7907). Bill 40 was passed by both House and Senate as the Criminal Code Amendment Act, 1899, 62-63 Victoria, c. 46. Ball (1934, p. 12) states a Senate Bill (Q) to make a series of amendments to the Criminal Code which would have deleted "unlawfully" from S. 520 was rejected. Gosse (1962, p. 77, fn. 36) points out that this is incorrect, that it got First Reading in the Commons before the Session ended.

1900 Both "unduly" and "unreasonably" were restored in S. 520 (July 18, 1900) in Criminal Code Amendment Act, 1900, 63-64 Victoria, c. 46. Bliss (1973, pp. 183-184) claims that it was, "by accident" that the Senate deleted the word "unlawfully". In any event, the effect was to give the law some teeth, i.e., Mr. Justice Meredith in R. v. Elliott, observed that,

It is quite plain that Parliament intended by the enactment to further control the right to hamper and monopolize trade (than was the case in the common law), though, until the second amendment of the Act (in 1900), it seems to have failed strangely to effect such purpose, indeed to have produced quite futile enactments until the word "unlawful" was eliminated. (1905) 9 C.C.C. 505 at 511.

1903 The Laurier government established the Board of Railway Commissioners to oversee the rates charged by the railroads. It was Canada's first "independent" federal regulatory tribunal. (Note, in the U.S., the Interstate Commerce Commission was created in 1887 to regulate the railroads.) The Board was to be held out by some MPs in 1910 as a model for the control of combines so as to assure people that the benefits of large aggregations of capital were obtained, but their abuses prevented. The Board was set up under the Railway Commission Act. W.L. Mackenzie King (then Minister of Labour) in 1910 stated: "The work of the Railway Commission is all in the nature of investigation, and the splendid service which has been rendered by this body is one of the strongest arguments which can be advanced in favour of control through state agencies." (House of Commons, Debates, April 12, 1910, p. 6856.)

The first successful prosecution under the 1889 legislation was R. v. Elliott, April 1903. It was upheld on appeal. See (1905) 9 C.C.C. 505 which contains both the trial and appeal court judgments. The maximum fine of \$4,000 (for an individual) was imposed. Osler J.A.'s discussion of the significance of the amendments of 1900 (pp. 519-520) is particularly helpful.

A total of seven prosecutions (all contested) were conducted under the Criminal Code between 1903 and 1910. Five convictions were obtained. See Gorecki and Stanbury (1979a).

The Minister of Justice introduced S. 520a of the Criminal Code to attack exclusive dealing in response to the American Tobacco Co. of Canada monopoly. It was dropped. (House of Commons, Debates, July 18, 1904, p. 6902.

1904 - Amendments to the Inland Revenue Act (4 Edward VII, c. 17, August 10, 1904) "to prevent the American Tobacco Company from monopolizing the manufacture of cigarettes in Canada through the use of exclusive (dealing) contracts" (Bliss, 1973, p. 187). The amendments stemmed from a Royal Commission (Judge MacTavish) appointed in May 1902 to investigate the tobacco trade. (Report, 2-3 Edward VII, (1903) Sessional Paper No. 62). An earlier prosecution under S. 520 of the Criminal Code was unsuccessful, see (1897) 3 Rev. de Jur. 453 and Ball (1934, pp. 17-20). See also House of Commons, Debates, July 18, 1904, pp. 6894-6923, 6925-6928; August 4, 1904, pp. 8393-8434; August 5, 8534-8550. This section became S. 32 of c. 15 R.S.C., 1906 and slightly changed it became S. 27 of the Excise Act R.S.C. 1927, c. 60.

1906 - Sections 516, 517, 520 of the Criminal Code were renumbered as S. 496, 497, 498 (63-64 Victoria, c. 46, s. 3).

1907 - W.L. Mackenzie King's (then Deputy Minister of Labour) Industrial Disputes Investigation Act passed. The form and procedures in this Act were to strongly influence the Combines Investigation Act of 1910.

- The Customs Tariff Act was amended by repealing S. 18 and a new S. 12 inserted. It was largely the same as the 1897 provision, but it also gave the Cabinet the power to reduce or remove tariffs if a court found a combine under the Criminal Code. In 1910 a version of this provision was incorporated into the Combines Investigation Act as S. 21. It was also incorporated into the Combines Investigation Act of 1923.

1910 - Peak of the Canadian merger movement -- see the paper by Weldon in Skeoch (1966, pp. 228-279).

W.L. Mackenzie King, Sir Wilfrid Laurier's Minister of Labour, introduced the first Combines Investigation Act. Note its full title, An Act to Provide for the Investigation of Combines, Monopolies and Mergers; the key word is investigation. (It came into effect on May 4, 1910.) The Act provided a formal process for investigation, i.e., six citizen application to a Judge to appoint an ad hoc Board of Investigation. The firm(s) under investigation to appoint one person to the Board, the six citizens to appoint one person, the Chairman to be agreed upon or appointed by the judge. (This came from King's Industrial Disputes Investigation Act of 1907.) The six citizens had, in effect, to establish a prima facie case in open court, with the accused able to ascertain the identity of the complainants -- who had to have been directly and adversely affected by the alleged combine.

The three man Board was to prepare a report which was sent to the Minister of Labour. It could make "such findings and recommendations as are in accordance with the merits and requirements of the case". If the Board found an offence, the accused had to cease and desist within 10 days after publication of their "judgment" in the Canada Gazette -- or face a maximum fine of \$1,000 per day thereafter (or such period as specified by the Board).

Great emphasis was placed on publicity rather than on prosecution and criminal penalties. Like U.S. Supreme Court Justice Brandeis, Mackenzie King believed sunlight was an effective disinfectant. He is quoted in Skeoch (1966, pp. 24-26) on this point.

1910

to 1919 There was only one investigation under Act of 1910 -- of the United Shoe Machinery Corp. The process began November 10, 1910 and as a sequel to a private case decided in 1905 (U.S.M. Co. v. Brunet et al. (1905) Que. S.C. 200-217) and which went to the Privy Council (1909) A.C., 330. The Company fought the application for an investigation unsuccessfully at trial and upon appeal (see Ball, 1934, pp. 44-45). The majority of the three man Board found a combine. The Company, however, made some changes in its leasing practices --see Ball (1934, pp. 46-48).

1916 Under the War Measures Act of 1914, the Cabinet passed an Order-in-Council (P.C. 2777) S. 2 part 3 of which repealed S. 498 of the Criminal Code only insofar as necessities of life were concerned (staples and ordinary food, clothing, fuel...). Section 498 was reasserted with the important elimination of the words "unduly" and "unreasonably". Section 3 of the Order-in-Council provided that no person should accumulate necessities of life beyond the reasonable amount required for home or business (Ball, 1934, p. 51). The Minister of Labour was empowered to make full investigations. Prosecutions could

only be conducted with the consent of relevant provincial Attorney-General. Subsequent orders amended and changed the original Order (Ball, 1934, p. 52).

1919 - The Combines Investigation Act of 1910 was repealed and replaced by the Board of Commerce Act and the Combines and Fair Prices Act (effective July 7, 1919).

The Board of Commerce was to be a permanent administration and enforcement body. In other respects it was strikingly similar to the Act of 1910 (Ball, 1934, p. 55). The Board had the power to issue (civil) cease and desist orders for violations of the Combines and Fair Prices Act. Appeal to the courts from its decisions could be made only on matters of law. The Board had to authorize criminal prosecutions under S. 498 of the Criminal Code (the conspiracy provisions) or under the Combines and Fair Prices Act. The Board, therefore, combined investigation, permission for prosecution and adjudication in civil matters -- see Ball (1934, Ch. 7). Note -- it could on its own initiative start an investigation under the Combines and Fair Prices Act.

1921 The Combines and Fair Prices Act and Board of Commerce Act were ruled ultra vires of the Dominion Parliament by the Privy Council on November 11, 1921 -- see (1922) 1 A.C. 191; (1921) 60 D.L.R. 513.

1923 The second Combines Investigation Act is passed (again sponsored by W.L. Mackenzie King, now Prime Minister) and came into effect on June 13, 1923.

It provided for a permanent federal administrator, the Registrar. Investigations could be initiated in three ways: (a) six citizen applications to the Registrar for an investigation; (b) by the Registrar on his own initiative; and (c) at the direction of the Minister. King accepted an amendment in the Committee of the Whole restricting external complaints to six citizens but only British subjects qualified. (House of Commons, Debates, May 9, 1923, p. 2617).

Full-scale investigations could be conducted by the Registrar or by a Special Commissioner appointed on an ad hoc basis by the Cabinet. All reports by Special Commissioners were to be published by the Minister within 15 days. Those written by the Registrar were not required to be published; the Minister could use his discretion. The 1923 Act was silent on the issue of publication of reports of the Registrar. The 1937 amendments provided they were to be treated the same as the Special Commissioners.

The 1923 Act, like the 1910 Act and the Criminal Code sections dealing with combines, provided for criminal penalties upon conviction in the courts, i.e., fines and/or imprisonment. Prosecutions were to be undertaken by a provincial Attorney-General to whom the report of the Registrar or Special Commissioner had been referred. The federal government would proceed only if the province did not, and an individual laid an information, which was approved for prosecution by the Cabinet (who passed it on to the Minister of Justice).

With very few changes, the 1923 Act remained in force (excluding the 1935-37 hiatus) until the 1952 amendments.

1931 The constitutional validity of the Combines Investigation Act (R.S.C. 1927, c. 26) and S. 498 of the Criminal Code was upheld by the Privy Council in Proprietary Articles Trade Association v. Attorney-General of Canada, (1931) A.C. 310; 55 C.C.C. 241; 2 D.L.R. 1. The Privy Council affirmed the decision of the Supreme Court of Canada (1929) S.C.R. 409; 52 C.C.C. 223; 2 D.L.R. 802.

1935 The Dominion Trade and Industry Commission Act was passed by the Conservatives and became effective July 5, 1935. (Note, Mackenzie King did not take over from R.B. Bennett until October 23, 1935). The Act was inspired by the April 1935 Report of the Royal Commission on Price Spreads (Ottawa: Kings Printer) -- see Forster (1962).

The new Act set up the Dominion Trade and Industry Commission to administer the Combines Investigation Act and to authorize prosecutions under the Criminal Code. The Cabinet had to approve restrictive agreements which were to be exempted from combines legislation. The Act was aimed at unfair trade practices, and it was hoped it would achieve "fair merchandising" and high commodity standards.

Members of the Tariff Board were to constitute members of the Commission which, administratively, came under the Department of Trade and Industry.

The Commission retained jurisdiction over the combines legislation in the Criminal Code until the 1946 amendments. It lost administration of the Combines Investigation Act in 1937, following the decision of the Privy Council noted below.

The Combines Investigation Act was amended (effective July 5, 1935) to permit it to be placed under the Dominion Trade and Industry Commission (under the Minister of Trade and Commerce).

A more comprehensive definition of "combine" was incorporated into the DTIC Act. The change was most notable in respect to the creation of definitions for an illegal merger and for an illegal monopoly.

The Senate insisted, and the House concurred, in an amendment which exempted services --see House of Commons, Debates, July 4, 1935, p. 4278 and p. 4280 and July 5, pp. 4310-4311. See the discussion in Stanbury (1979).

Section 489A of the Criminal Code was passed effective July 5, 1935. It prohibited discriminatory discounts, rebates and allowances, regional price discrimination and predatory price cutting (now S. 34 of the Combines Investigation Act). This legislation also stemmed from the Report of the Royal Commission on Price Spreads (Ottawa: King's Printer, 1935). Its constitutionality was upheld by both the Supreme Court of Canada, (1936) S.C.R. 363, and the Privy Council (1937) A.C. 375.

1936 - The Liberal government of Mackenzie King sought to make two small amendments to the 1935 Combines Investigation Act. They were passed by the House but rejected by the Senate led by Arthur Meighen, the former Conservative Prime Minister.

1937 - Part of the Dominion Trade and Industry Commission Act (passed in 1935) was held to be ultra vires of the federal government's power, i.e., S. 14 which permitted industrial agreements to prevent "wasteful" or "demoralizing" competition as authorized by the Commission. Again, the Supreme Court, (1935) S.C.R. 379 and the Privy Council, (1937) A.C. 405; 1 D.L.R. 702, were largely in agreement. Note -- the Privy Council upheld the DTIC Act, but S. 14 was excluded from the reference. On the day of the Supreme Court's ruling, Senator Arthur Meighen exclaimed, "We struggled so much to legitimize combines that we exceeded the Constitution". (Senate, Debates, June 17, 1936, p. 525).

The Combines Investigation Act was amended again (effective April 10, 1937). Administration of the Act was placed in the hands of a permanent Commissioner (title changed from Registrar), and provision was made for the appointment of ad hoc Commissioners to investigate and report to the Minister of Labour (then responsible for the administration of the Act). The Commissioner's ability to initiate investigation on his own was deleted. This change was pushed by R.B. Bennett (House of Commons, Debates, April 1, 1937, pp. 2436-2439). The Act was changed to permit the Attorney-General of Canada to bring cases on his own under the Act or the Criminal Code.

The attempt to (i) increase fines and to include services, and (ii) to provide for separate definitions for merger and monopoly offences were deleted from the Bill by the Senate and House respectively.

1941 - The Wartime Prices and Trade Board was in operation. Commissioner McGregor, former private secretary to Mackenzie King (Registrar between 1925 and 1935 and Commissioner since 1937), was appointed as an Enforcement Administrator. The enforcement of the combines legislation was effectively suspended, but not with Parliament's consent (see House of Commons, Debates, November 23, 1949, p. 2142). Not until January 1947 was the price ceiling on a wide range of commodities suspended.

1945 - Publication of the report Canada and International Cartels (Ottawa, 72 pp.) prepared by a special committee under the Commissioner of the Combines Investigation Act (Fred A. McGregor).

The Combines Branch was placed under the Minister of Justice, October 1, 1945. (It had been under the Minister of Labour from 1910 to this point.)

1946 Amendments were made to the Combines Investigation Act (effective August 31, 1946). In part, these stemmed from the recommendations of the report, Canada and International Cartels published in 1945.

The amended Act provided for the appointment of up to three deputy-commissioners. It authorized the Commissioner to make studies of cartels or other monopolistic conditions and report to the Minister. (This provision became the basis for present S. 47 of the Act in respect to general or research inquiries.) Regulations in this respect were passed by Order-in-Council No. 1291, April 3, 1947.

The Commissioner was now permitted to investigate complaints in respect to S. 498 and 498A of the Criminal Code. This was to be removed from the jurisdiction of the Dominion Trade and Industry Commission, which from 1935 had responsibility to make inquiries into breaches of S. 498, 498A. This was done with the approval of the Commission and the Minister of Trade and Commerce. The Commissioner was permitted, on his own, to initiate preliminary inquiries, a power which had been in the 1923 Act, but was deleted in the 1937 amendments (see above).

The principal substantive change, said Mr. St. Laurent (Minister of Justice), was S. 9 which authorized the Exchequer (now the Federal) Court to issue an order revising or cancelling a patent licence or pooling agreements or trade mark agreements where such agreements have been used to the detriment of the public.

The new Act permitted the Attorney-General of Canada to prosecute without waiting three months after a provincial Attorney-General had received a report of a Commissioner recommending prosecution.

At the insistence of Mr. Diefenbaker (then a Conservative MP), the Liberals accepted an amendment permitting individuals to lay an Information, a power they had always had under the Criminal Code. (Such prosecutions would then be taken over by the Attorney-General.)

1949 - Publication of the Report of the Royal Commission on Prices (Ottawa: King's Printer, 1949) 2 Vols.

- Fred A. McGregor, Registrar since 1925 and Commissioner since 1937, resigned on October 29th when the release of the Flour Milling Report was delayed by the Minister of Justice for 10 months. (It had been received by him on December 29, 1948.) Stanley Knowles (C.C.F.) pointed out that "... on the very day that the Minister is caught cold in the admission he has broken the act he stands up in the house and moves to introduce a bill for the stated purpose of strengthening the enforcement of the act, the breaking of which he has just admitted" (House of Commons, Debates, November 23, 1949, p. 2125). Knowles notes that the Minister got the final version on February 23, 1949. The report should have been released before March 10, 1949.
- Amendments to the Combines Investigation Act were introduced on November 4, 1949 (2 days after McGregor's resignation was announced in response to a question by M.J. Coldwell, leader of the C.C.F. Party). They followed the directed verdict of acquittal in the case R. v. Ash-Temple which was upheld on appeal: (1949) O.R. 315; 8 C.R. 66; 93 C.C.C. 267. The problem concerned the evidentiary value of documents found in the possession of the accused companies. The amendments became effective December 10, 1949.

The first major amendment reaffirmed, in effect, the principle that documents found in the possession of individuals are admissible in evidence against them and extended it to apply to companies and to unincorporated businesses which act through employees. This is now S. 45 of the Act. The second major amendment provided that in the case of corporations, prosecutions for combines offences are to be tried by a judge without a jury.

The Combines Investigation Act was changed to provide that the Attorney-General of Canada may institute and conduct proceedings under S. 498 or 498A of the Criminal Code, i.e., federal officials were finally given equal status to the provincial Attorneys-General. In practice, the provincial officials had asked the federal government to conduct such prosecutions in their name -- see House of Commons, Debates, November 23, 1949, pp. 2142-43.

1950 - Appointment of the MacQuarrie Committee to study combines legislation, June 27, 1950.

T.D. MacDonald was appointed Commissioner under the Combines Investigation Act, February 23, 1950, replacing Fred McGregor who had resigned on October 29, 1949 (see above).

1951 - Interim Report on Resale Price Maintenance by the MacQuarrie Committee was released on October 1, 1951 (20 pp.). It was referred to a Joint Parliamentary Committee which studied it from November 13 to December 7, 1951. The Committee received many briefs and heard much testimony. Its final report of December 7 was presented to the House on the same day. On December 10, 1951 the Minister of Justice introduced Bill No. 136. A lengthy debate ensued, but it passed the House on December 28 and the Senate the next day. The amendments prohibited resale price maintenance and related refusals to deal. They became effective December 29, 1951 as S. 37A of the Combines Investigation Act (later S. 34 and now S. 38).

- Sections 40(2) and (3) of the Combines Investigation Act were repealed.

1952 - On March 8, 1952 the final Report of the Committee to Study Combines Legislation (Ottawa: Queen's Printer, 1952, 49 pp.) was released. Following this, a series of amendments were made to the Combines Investigation Act and to the Criminal Code

The functions of the Commissioner (1937-1952) were divided between two new entities: The Director of Investigation and Research (DIR) assumed the administration and enforcement functions of the former Commissioner. However, he could only exercise his investigatory powers (search, affidavits, testimony under oath, sworn returns of information) after authorization by a member of the newly-created Restrictive Trade Practices Commission. The functions of appraisal and public report were given to the RTPC, a new permanent body.

Provision was made for Orders of Prohibition: (a) as a sole remedy, and (b) in conjunction with fines, etc. An amendment permitted dissolution of a merger trust of monopoly, i.e., a structural remedy for the first time. (As of May 1981 it had never been used.) The ceiling on fines in both the Act and the Criminal Code was removed (except for summary convictions). This had only a modest effect --see Stanbury (1976).

All prosecutions, upon the recommendation of the DIR, were now to be conducted by the Department of Justice (including instruction of outside counsel).

Section 498A of the Criminal Code was amended to make it clear that S. 498A(1)(a) which related to unfair and discriminatory price concessions is directed against a course of action and does not prevent a supplier from meeting spot competition from another supplier offering a better price to a customer.

The Act was amended to provide for general inquiries into monopolistic situations or restraints of trade, i.e., what is now S. 47. The period between the receipt of a report from the RTPC and when the Minister must publish was increased from 15 to 30 days.

The amendments were enacted in July 1952 and made effective November 1, 1952.

1954 - Goodyear Tire and Rubber et al. challenged the constitutionality of new S. 31 re Prohibition Orders. The Appeal Court, (1954) O.R. 377; O.W.N. 436; 18 C.R. 245; 108 C.C.C. 321; 4 D.L.R. 61, dismissed the appeal as did the Supreme Court of Canada (1956) S.C.R. 303; 114 C.C.C. 380; 26 C.P.R. 1; 2 D.L.R. (2nd) 1.

- Both the Criminal Code and the Combines Investigation Act had some of their sections renumbered in the general process of revising the federal statutes. The power to assess costs against the accused, which rested on the Criminal Code S. 1044 of 1927, was dropped. Under S.C. 1953-54, c. 51 sections 496, 497, 498, 498A of the Code became sections 409, 410, 411, 412 respectively.

1955 - The RTPC Report on Loss Leader Selling was published. It recommended that no legislation be brought in in respect to loss leader selling (see also the Green Book of evidence released in 1954). These reports had some influence in shaping the amendments to the section on resale price maintenance in 1960.

1959 The Conservative government of John Diefenbaker introduced Bill C-59, a series of amendments to the Combines Investigation Act, on June 11. It was withdrawn, in part, on July 7. The rest was withdrawn later. The Bill proposed to include as a defence to S. 32 (conspiracy) the following:

"... it is a defence if the accused ... also establishes that the conspiracy, combination, agreement or arrangement has not operated and likely to operate to the specific detriment to public, whether consumers, producers or other" (House of Commons, Debates, July 25, 1960, p. 6904, and July 26, 1960, pp. 6958-59).

The Combines Investigation Act and the Criminal Code were amended to exempt the activities of B.C. fishermen. This exemption was subsequently renewed a number of times and later made a permanent provision of the Act.

1960 The government lost two important merger cases: Canadian Breweries (1960) O.R. 601; 126 C.C.C. 133 and B.C. Sugar (1960) 32 W.W.R. 129 (N.S.) 577; 129 C.C.C. 7. Neither was appealed; see Reschenthaler and Stanbury (1977).

On May 6, 1960, the Conservative government introduced a set of amendments to the Combines Investigation Act. They became effective August 10, 1960. The amendments had been introduced originally in 1959 as Bill C-51. They were deferred in response to representations by business groups, see House of Commons Debates, May 30, 1960, p. 4343. C.C.F. member Frank Howard's attempt to include services under the Act was rejected by the Conservatives -- see Stanbury (1979). Davie Fulton, the Minister of Justice, argued that purposes of the amendments was (1) to consolidate and clarify the legislation, and (2) to "advance the legitimate interests and position of the small businessmen" (House of Commons, Debates, May 30, 1960, pp. 4344, 4346, 4348).

The amendments resulted in the following changes:

The DIR was permitted to refer cases directly to the Department of Justice, as well as to RTPC. (The effect is described in Gorecki and Stanbury (1979).)

Four defences to charges of refusal to deal were inserted (re loss leader selling).

The merger and monopoly offences were defined separately.

Six limited defences to S. 32 (conspiracy) were provided.

Sections in the Criminal Code (i.e., S. 409 to 412) were incorporated into the Combines Investigation Act, i.e., S. 411 of the Code (with some modifications) was incorporated into S. 32 of the Act; S. 412 of the Code was incorporated into S. 33A of the Act. Subsection (b) of S. 411 was dropped when the Criminal Code was incorporated into S. 32 -- it was "to restrain or injure trade or commerce in relation to any article or commodity". But note that S. 32(d) was added, i.e., "to otherwise restrain or injure competition unduly".

Section 31 (now 30(2)) was clarified to make it obvious that a Prohibition Order could be obtained as the sole remedy after an offence has been committed.

The Act amended the RTPC's terms of reference.

A new provision, S. 33B (now S. 35), re discrimination in respect to advertising allowances was inserted. It came from 1958 Report on Discriminatory Practices in the Grocery Trade by the RTPC.

Section 33C (later S. 36) re misleading price advertising was inserted. This offence was viewed by Mr. Fulton, the Minister of Justice, as an unfair method of competition among merchants as well as deceptive to the public.

On September 1, 1960, D.H.W. Henry was appointed Director of Investigation and Research replacing T.D. MacDonald who had held the office since 1950.

1964 The constitutionality of S. 34 (RPM and refusal to deal) was challenged unsuccessfully in R. v. Campbell (1964) 46 D.L.R. (2d) 83; 3 C.C.C. 112. The decision was upheld by the Supreme Court of Canada (1966) 4 C.C.C. 333; 58 D.L.R.

1966 In July, the Economic Council of Canada was requested to prepare a report on "combines, mergers, monopolies and restraint of trade".

1967 The office of the Director of Investigation and Research was placed under the Minister of Consumer and Corporate Affairs (a new Department, the creation of which had been recommended by the Economic Council in 1966 in its Interim Report: Consumer Affairs and the Department of the Registrar General). The DIR's office had been transferred from the Department of Justice to the President of the Privy Council (January 1 to September 30, 1966) and thence to the Registrar General of Canada (October 1, 1966 to December 30, 1967).

1968 - In July, Mr. Ron Basford was appointed Minister of Consumer and Corporate Affairs.

1969 Publication of the Economic Council's Interim Report on Competition Policy (Ottawa: Queen's Printer). See the critique by McDonald (1970). This was to mark the beginning of a long series of efforts to reform Canadian competition policy -- see Stanbury (1977), (1978), and (in process).

Section 33D (later S. 37) was inserted into the Combines Investigation Act to deal with misleading or deceptive statements of fact or misleading statements or guarantee of performance not based on a proper test, i.e., non-price misleading advertising. It became effective July 1, 1969. It was formerly S. 306 of the Criminal Code and in one form or another can be found in the Code back to 1917 where it was originally directed against fraudulent land sales during the early real estate boom in Western Canada -- see Cohen (1971). The result of this section was an explosion of prosecutions under the section; see Gorecki and Stanbury (1979). Provincial authorities had made no use of the provision in the Criminal Code.

On June 27, 1969, the Patent Act and the Trade Marks Act were amended to permit the compulsory licensing of pharmaceuticals.

1971 - Sections 33A, 33B, 33C, 33D and 34 of the Combines Investigation Act became sections 34, 35, 36, 37, 38 respectively on July 15, 1971.

On April 1, 1971, the Shipping Conferences Exemption Act of 1970 was made effective for up to three years (or until repealed). It was later extended to March 31, 1979. See Bryan and Kotowitz (1978, p. 83).

Bill C-256 (the proposed Competition Act) was given First Reading on June 29, 1971. The history of this Bill is described in Stanbury (1977).

1972 - On January 25, Robert K. Andras, formerly Minister of State for Urban Affairs, became Minister of Consumer and Corporate Affairs. Mr. Basford moved from Consumer and Corporate Affairs to Urban Affairs.

On March 17, the Minister of Consumer and Corporate Affairs announced that a revised bill would be reintroduced incorporating substantial changes. He indicated that a series of seminars would be held for the public and businessmen and that the provinces would be consulted. Mr. Andras indicated that the new bill would not be ready until the autumn of 1972.

In the federal general election of October 30th the Liberals returned only as a minority government (109 seats to the Conservatives 107). The NDP held the balance of power with 31 seats. Social Credit won 15 seats.

Mr. Herb Gray, formerly Minister of National Revenue, was appointed Minister of Consumer and Corporate Affairs on November 27th. Mr. Andras became Minister of Manpower and Immigration.

1973 - In July the federal government announced that it would split its competition policy proposals into two stages to take the form of two sets of amendments to the Combines Investigation Act (see House of Commons, Debates, July 18, 1973, p. 5745).

On November 6th, Bill C-227, An Act to amend the Combines Investigation Act, was given First Reading in Parliament. The Department of Consumer and Corporate Affairs published Proposals for a New Competition Policy in Canada, First Stage, 1973 (Ottawa: Department of Consumer and Corporate Affairs, 1973) incorporating the amendments, a detailed discussion of the amendments and considerable historical material.

1974 On March 11th Bill C-7, identical to Bill C-227, was introduced in Parliament and was given Second Reading on March 13th.

March 27 - Senator Salter A. Hayden, Chairman of the Standing Senate Committee on Banking, Trade and Commerce, sought authorization to examine and report on the proposed Stage I amendments to the Combines Investigation Act. The Committee was given authorization a week later.

April 1 Bill C-7 was referred to the House Standing Committee on Finance, Trade and Economic Affairs.

April 29 Bill C-29, amendments to the Combines Investigation Act regarding profiteering practices, was given First Reading on May 1, 1974. It died on the Order Paper when Parliament was dissolved a week later.

May 1 The Standing Senate Committee on Banking, Trade and Commerce held its first day of hearings on the Stage I amendments. The first witnesses were from the Canadian Manufacturers' Association.

May 1 R.S. MacLellan and F.R. Roseman were appointed to the Restrictive Trade Practices Commission. Mr. A.S. Whitely had retired as a member on December 29, 1973.

May 8 J.J. Quinlan, Acting Director of Investigation and Research, was appointed chairman of the RTPC. Mr. R.J. Bertrand was appointed Director of Investigation and Research.

May 8 The minority Liberal government was defeated on a want of confidence motion. Parliament was dissolved the next day.

July 8 In the federal general election the Liberals were returned with 141 seats to the Conservatives' 95. The NDP obtained 16 seats and the Social Credit Party won 11.

August 8 - M. André Ouellet was appointed Minister of Consumer and Corporate Affairs.

Oct. 2 Bill C-2, identical to C-7 and before that C-227, was reintroduced in the House of Commons and given First Reading. It was given Second Reading on October 22 and was referred to the House Standing Committee on Finance, Trade and Economic Affairs on October 28, 1974.

Dec. 3 - The Honourable André Ouellet, Minister of Consumer and Corporate Affairs, presented over 30 amendments to Bill C-2 to the House Standing Committee on Finance, Trade and Economic Affairs.

1975 - On March 18th the Standing Senate Committee on Banking, Trade and Commerce presented its first Interim Report on the Stage I amendments to the Senate.

April 1 - The reorganization of the Bureau of Competition Policy from an "offence basis" to a sectoral basis became effective.

April 22 Prime Minister Trudeau announced the establishment of the Royal Commission on Corporate Concentration to be headed by the former Deputy Minister of Finance and Clerk of the Privy Council, R.B. Bryce. It was prompted by the unsuccessful attempt by Power Corporation to acquire Argus Corp.

June 5 Final Report on the Stage I amendments of the House Committee on Finance, Trade and Economic Affairs was presented to the House.

Oct. 16 - Bill C-2, the Stage I amendments to the Combines Investigation Act, as amended, received Third Reading in the House of Commons.

Dec. 9 - Bill C-2, as amended, passed the Senate without further amendment.

1976 - Effective January 1, the Stage I amendments to the Combines Investigation Act become law with the exception of S. 32 as applied to the service industries which became effective July 1, 1976. Among the important changes were the following:

- services were brought under the Act;
- a number of civil reviewable matters were created;
- the RTPC was given a new role as an expert tribunal dealing with civil reviewable matters; amendments were made to the conspiracy, RPM and misleading advertising sections;
- private, civil, single-damage actions were now permitted (S. 31.1);
- the maximum fine was increased in most cases, but a maximum of \$1 million was put on S. 32 where formerly there was no limit.

Useful descriptions and analyses of the Stage I amendments can be found in Bureau of Competition Policy (1976), Kaiser (1978) and (1979), McDonald (1977), Flavell (1979, Ch. 5), and McKeown (1977).

Jan. 27 - André Ouellet, Minister of Consumer and Corporate Affairs, was convicted of contempt of court for his comments on the decision of Mr. Justice K. Mackay in the Atlantic Sugar case. Two days later Mr. Ouellet announced he would appeal the decision.

March 16 - André Ouellet resigned as Minister of Consumer and Corporate Affairs. In January he had been convicted of contempt of court in regard to his remarks regarding the judgment of Mr. Justice K. Mackay on December 19, 1975 in the sugar case (R. v. Atlantic Sugar Refineries et al.). At that time, Mr. Ouellet stated: "I find this judgment completely unacceptable. I think it is a silly decision. I just cannot understand how a sane judge could give such a verdict. It is a complete shock and I find it a complete disgrace". (Mr. Ouellet's resignation was prompted by the "judges affair" (see Maclean's, March 22, 1976, pp. 18-19) in which it was revealed that C.M. Drury, Minister of Public Works, called Mr. Justice James Hugessen, who was to hear the Ouellet contempt case and asked whether it would be possible for Mr. Ouellet to make a formal apology and thereby end the case. Both Marc Lalonde, Minister of National Health and Welfare, and Bryce Mackasey, Postmaster General, were named Acting Ministers of Consumer and Corporate Affairs.

April 9 - Bryce Mackasey was named Minister of Consumer and Corporate Affairs, also retaining his post as Postmaster General.

May 31 - The background studies containing proposals for the Stage II amendments to the Combines Investigation Act were released. See Lawrence A. Skeoch with Bruce C. McDonald, in consultation with Michel Belanger, Reuben M. Bromstein and William O. Twaits, Dynamic Change and Accountability in a Canadian Market Economy (Ottawa: Minister of Supply and Services Canada, 1976); Neil J. Williams, "Damages Class Action Under the Combines Investigation Act", and Jennifer Whybrow, "The Case for Class Actions in Canadian Competition Policy: An Economist's Viewpoint", in A Proposal for Class Actions Under Competition Policy Legislation (Ottawa: Information Canada, 1976).

June 8 Additional studies prepared for Stage II amendments were released. See R.I. Cohen and J.S. Ziegel, The Political and Constitutional Basis of a New Trade Practices Act (Ottawa: Information Canada, 1976); M.J. Trebilcock et al., Proposed Policy Directions for the Reform of the Regulation of Unfair Trade Practices in Canada, 2 Volumes (Ottawa: Information Canada, 1976); Corwin D. Edwards, Studies of Foreign Competition Policy and Practice, Vol. 1, The United States (Ottawa: Minister of Supply and Services Canada, 1976); T.D. MacDonald et al., Studies of Foreign Competition Policy and Practice, Vol. II (Ottawa: Minister of Supply and Services Canada, 1976).

Sept. 16 - Anthony C. Abbott became Minister of Consumer and Corporate Affairs after Bryce Mackasey resigned both as Minister of Consumer and Corporate Affairs and as Postmaster General.

Oct. 21 - The appeal of André Ouellet against his contempt conviction was unsuccessful. The Court ruled that the Trial Court's order to pay a \$500 legal fee, incurred by the Crown, should stand as a fine, but that Mr. Ouellet did not have to make a public apology to Mr. Justice Mackay as ordered by the Trial Court (or serve a three-month probation). Shortly thereafter, Mr. Ouellet was again appointed to the Cabinet as Minister of Urban Affairs.

1977 - On March 16th the Stage II amendments to the Combines Investigation Act (to be renamed the Competition Act) were given First Reading in the House of Commons as Bill C-42. See Proposals for a New Competition Policy in Canada, Second Stage (Ottawa: Department of Consumer and Corporate Affairs, March 1977).

March 25 - Bill C-42 was referred to the House of Commons Standing Committee on Finance, Trade and Economic Affairs chaired by Norman Cafik, formerly Parliamentary Secretary to Minister of Consumer and Corporate Affairs, André Ouellet.

April 4 The Minister of Consumer and Corporate Affairs, Anthony C. Abbott, announced that Bill C-42 was being withdrawn from the House of Commons agenda. Rather, after the House Committee held its hearings in June and submitted its report, the Government would revise the bill and submit it again to Parliament in October 1977.

June House of Commons Standing Committee on Finance, Trade and Economic Affairs held hearings on Bill C-42. See Minutes of Proceedings and Evidence of the Standing Committee on Finance, Trade and Economic Affairs, June 2, 7, 8, 9, 14, 15, 16, 21, 22, 23, 27, 28, 29, and 30th (Ottawa: Minister of Supply and Services Canada, 1977). The Committee received 147 briefs -- see Stanbury (1978).

The Senate also holds hearings on Bill C-42. See Proceedings of the Standings Senate Committee on Banking, Trade and Commerce, May 31; June 15, 22, 29 (Ottawa: Minister of Supply and Services Canada, 1977). The Committee received 26 briefs, mostly duplicates of those presented to the House Committee -- see Stanbury (1978).

July 6 - The Senate Committee released its "Interim Report on Bill C-42" (Proceedings of the Standing Senate Committee on Banking, Trade and Commerce, Issue No. 48, pp. 5-51; also published in Debates of the Senate, 2nd session, 30th Parliament, Vol. 124, No. 95, July 13, 1977, Appendix pp. 1-11).

August 5 - Publication of the House of Commons Standing Committee on Finance, Trade and Economic Affairs, Fourteenth Report to the House of Commons: Proposals for Change re Bill C-42 (Ottawa: Minister of Supply and Services Canada, 1977), 127 pp. An analysis of the report can be found in MacCrimmon and Stanbury (1977).

Sept. 16 - Warren Allmand, formerly Minister of Indian Affairs and Northern Development, was made Minister of Consumer and Corporate Affairs. Anthony C. Abbott was made Minister of State for Small Business. Also, Norman Cafik, former Chairman of the House Committee which reviewed Bill C-42, was made Minister of State for Multiculturalism.

Nov. 18 - Bill C-13, the second version of the Stage II amendments to the Combines Investigation Act was given First Reading in the House of Commons. A copy of the Bill can be found in Prichard, Stanbury and Wilson (1979, pp. 611-652). Analyses of its provisions can be found in the same volume and in Rowley and Stanbury (1978). Bill C-13 was never given Second Reading so it could not be referred to a House committee.

The Stage II proposals if adopted, would have:

- embodied in the statute a set of objectives for competition policy;
- transferred the mergers and monopoly/monopolization offences from criminal to civil law and significantly altered their substantive content;
- created a number of new civil "reviewable trade practices" (including inter alia, abuse of intellectual property, joint monopolization, and price differentiation);
- established a new quasi-judicial tribunal (the Competition Board) to replace the courts in cases involving civil reviewable trade practices;
- created procedures for individuals to join class actions to obtain damages resulting from breaches of the Act or as a result of the failure to comply with an order of the Competition Board;
- created the right of the Competition Policy Advocate (who was to replace the present Director of Investigation and Research) to institute a substitute civil action if a court did not allow a class action to be maintained for certain reasons;
- established two new criminal offences (international conspiracies, and systematic delivered pricing);
- amended several existing criminal offences;
- effectively expanded the coverage of the Act with respect to "regulated conduct" and with respect to banks; and
- provided for a host of changes in the administration, enforcement and remedies provided under the Act.

1978 - Between February and April the Senate Committee held hearings on Bill C-13. See Proceedings of the Standing Senate Committee on Banking, Trade and Commerce, February 2, 8, 23; March 1, 8, 15; April 5, 12 (Ottawa: Minister of Supply and Services Canada, 1978).

May 15 - The Report of the Royal Commission on Corporate Concentration (Ottawa: Minister of Supply and Services Canada, 1978), together with the 33 studies done for the Commission, was released -- just over three years from the time it began work. The report is assessed in Gorecki and Stanbury (1979b).

June 29 The report on Bill C-13 of the Standing Senate Committee on Banking, Trade and Commerce was released -- see Debates of the Senate, 3rd Session, 30th Parliament, Vol. 125, No. 91, Appendix, pp. 1004-1020.

Oct. 10 Bill C-13 died on the Order Paper at the end of the 3rd Session of the 30th Parliament. It was not re-introduced in the 4th Session (October 11, 1978 to March 16, 1979).

1979 - On February 27th Warren Allmand, Minister of Consumer and Corporate Affairs, announced in the House of Commons that a third version of the Stage II proposals "will be introduced shortly" --see House of Commons, Debates, February 27, 1979, p. 3649. On March 6th he said that the new bill "will contain several changes from the bill that was tabled last year, Bill C-13" (Debates, p. 3848). No new bill was introduced.

March 26 - A federal general election was called for May 22nd; Parliament was dissolved.

March 31 - The Shipping Conferences Exemption Act expired -- see Bryan and Kotowitz (1978). A new five-year act was passed with provisions which permit about 50 foreign-owned ocean carrier associations to fix tariffs and share revenues.

April 20 Mr. Gerald Stoner, formerly Deputy Minister of Transport and Deputy Minister of Industry, Trade and Commerce (and a member of the Royal Commission on Financial Management and Accountability), was made Chairman of the Restrictive Trade Practices Commission, replacing L.A. Couture, Q.C., who had been Acting Chairman since September 1977 when J.J. Quinlan retired.

May 22 The Progressive Conservative Party under Joe Clark defeated the Liberals in the federal general election. They formed a minority government with 136 seats, to the Liberal's 114, the NDP's 26, and the Social Credit's six in the new 282 seat house.

June 4 The Honourable Allan Lawrence, Q.C. (P.C., Durham-Northumberland) was appointed Minister of Consumer and Corporate Affairs and Solicitor-General.

- No action to introduce new competition legislation is taken during the Conservatives nine months in office. The matter was a low priority with the new government -- see the interview with Joe Clark prior to becoming Prime Minister in Executive (May 1979, pp. 51-58).

October - Members of the opposition accuse the Ministers of Justice, Consumer and Corporate Affairs and Transport of improper behaviour regarding a meeting (at which the Director of Investigation and Research was present) concerning an investigation of price fixing by trucking firms in Western Canada. (See House of Commons, Debates, October 12, 1979, p. 124; October 16, pp. 231-232; October 17, pp. 296-297; October 18, pp. 331-332.)

Dec. 13 The Conservatives were defeated in the House of Commons on a vote of confidence concerning their budget. A general election was called for February 8, 1980.

1980

Feb. 18 - The Liberals were returned to power with 146 seats. The Conservatives obtained 103 seats and the NDP won 32.

March - André Ouellet was appointed both Postmaster-General and Minister of Consumer and Corporate Affairs. (He held the latter position between August 1974 and March 1976.)

May 28 The Montreal Gazette (p. 51) reported that "The dormant Competition Act is a 'priority' again and will probably be re-introduced by the end of the year, according to a spokesman for Consumer and Corporate Affairs Minister André Ouellet". The Minister stated on several occasions in speeches and in the House of Commons between June 1980 and March 1981 that he intended to introduce in Parliament new legislation to deal with mergers, monopolization and conspiracies.

Sept. 3 - The federal government established the Royal Commission on Newspapers with Tom Kent as Chairman. The inquiry was prompted by the closure of the Winnipeg Tribune (owned by Southam Inc.) and the Ottawa Citizen (owned by F.P. Publications) on August 27, 1980. Also, on the same day, F.P.

sold its half interest in Pacific Press Ltd. (publisher of the Vancouver Sun and The Province) plus a one-third interest in the Montreal Gazette to Southam. In January 1980, Thomson Newspapers Ltd. had acquired F.P. Publications, the second largest newspaper chain in Canada. The Kent Commission is scheduled to report on July 1, 1981.

1981

March 4 - The Director of Investigation and Research's report under S. 47 of the Act, The State of Competition in the Canadian Petroleum Industry, was released. It had been submitted to the Restrictive Trade Practices Commission on February 27th. The investigation began in February 1973, following a six-citizen complaint organized by the Consumer's Association of Canada. In August 1973 a formal inquiry under S. 8 of the Act was commenced. Searches for documents were conducted in August and September 1973 and in the summer of 1978. Witnesses were examined before a member of the RTPC in 1975; over 30 witnesses gave evidence under S. 17. In April 1979, the Director sent his statement of evidence to the Department of Justice, but it was not referred to outside counsel until mid-November.

In the first week of May, the Minister of Consumer and Corporate Affairs released his Proposals for Amending the Combines Investigation Act: A Framework for Discussion (April 1981, 21 pages, mimeo). There were ten component parts to the Proposals:

- adjudication of the existing and proposed civil law provisions is to be by the courts rather than by a specialized quasi-judicial tribunal;
- the merger provisions are to be amended, incorporating a structural standard, and are to become a civil matter rather than a criminal offence;
- a new civil monopolization section is to be introduced covering both the single firm and joint monopolization cases involving specific anti-competitive practices;
- a new civil provision concerning abuse of intellectual property is to be introduced;
- new civil provisions concerning import and export restrictions imposed by multinationals are to be introduced;
- amendments are to be made to S. 32 (conspiracies) to create certain per se criminal offences and to establish a structural (market share) standard for other types of agreements in restraint of trade;
- provision is to be made for specialization agreements as approved by the Restrictive Trade Practices Commission;
- there is to be a new criminal section prohibiting Canadian firms with more than a certain percentage of the domestic market from participating in international cartels;
- new criminal law per se prohibition of refusal to supply by reason of a delivered pricing scheme is to be introduced; and
- responsibility for competition policy in banking is to be transferred from the Bank Act to the Combines Investigation Act.

The Proposals included a list of 21 specific questions for which the Minister sought answers from the businessmen, lawyers, consumer groups and academics to whom the paper had been distributed. These included, for example, the market-share threshold beyond which a merger would be deemed to be illegal; the size of firms that should be subject to pre-notification requirements in respect to a merger; the threshold beyond which a single firm or a group of firms would be deemed to occupy a "dominant market position" in regard to the monopolization provision; and the list of restrictive practices which, if undertaken by a firm (or firms) with a dominant market position, would constitute illegal monopolization.

May 20 - The Minister of Consumer and Corporate Affairs announced that Robert J. Bertrand was moving from his position as Director of Investigation and Research and Assistant Deputy Minister, Bureau of Competition Policy, in the Department of Consumer and Corporate Affairs (House of Commons, Debates, May 20, 1981, p. 9728-29). Mr. Bertrand, an outspoken advocate of tougher competition legislation, had been DIR since February 1974. In an interview (Vancouver Sun, May 22, 1981, p. 2), Mr. Bertrand said he was given the choice of continuing as Director or moving to deputy minister rank as Chairman of the Anti-Dumping Tribunal.

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