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OTTAWA, ONT.

51

THE COMPETITION TRIBUNAL

IN THE MATTER OF the *Competition Act*, R.S.C. 1985, c. C-34;

AND IN THE MATTER OF certain conduct of Google Canada Corporation and Google LLC relating to the supply of online advertising technology services in Canada;

AND IN THE MATTER OF an Application by the Commissioner of Competition for one or more Orders pursuant to section 79 of the *Competition Act*.

BETWEEN:

COMMISSIONER OF COMPETITION

Applicant

-and-

GOOGLE CANADA CORPORATION AND GOOGLE LLC

Respondents

**MOTION RECORD
VOLUME 7 OF 29**

PUBLIC

May 6, 2025

**DAVIES WARD PHILLIPS & VINEBERG
LLP**

155 Wellington Street West
Toronto, ON M5V 3J7

Kent E. Thomson (LSO# 24264J)

Tel: 416.863.5566

Email: kentthomson@dwpv.com

Elisa K. Kearney (LSO# 49342T)

Tel: 416.367.7450

Email: ekearney@dwpv.com

Chantelle T.M. Cseh (LSO# 60620Q)

Tel: 416.367.7552

Email: ccseh@dwpv.com

Chanakya A. Sethi (LSO# 63492T)

Tel: 416.863.5516

Email: csethi@dwpv.com

Chenyang Li (LSO# 73249C)

Tel: 416.367.7623

Email: cli@dwpv.com

Tel: 416.863.0900

Lawyers for the Respondents,
Google Canada Corporation and Google LLC

TO:

ATTORNEY GENERAL OF CANADA

Department of Justice Canada
Competition Bureau Legal Services (CBLS)
Place du Portage, Phase 1
50 Victoria Street, 22nd Floor
Gatineau, QC K1A 0C9

Alexander M. Gay

Donald Houston

John Syme

Ian Clarke

Katherine Rydel

Adam Rossiter

Tel: 613.296.4470

Fax: 819.953.9267

Lawyers for the Applicant,
Commissioner of Competition

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142)	Exhibit 142 – Canadian Chamber of Commerce, "Written Submission for the Study of Bill C-56, the <i>Affordable Housing and Groceries Act</i> " dated November 2023	8569
143)	Exhibit 143 – Excerpt of <i>House of Commons Debates</i> , 44-1, Vol. 151, No. 247 from November 6, 2023	8577
144)	Exhibit 144 – Thirteenth Report of the House of Commons Standing Committee on Finance dated November 29, 2023	8589
145)	Exhibit 145 – <i>House of Commons Debates</i> , 44-1, Vol. 151, No. 254 from November 23, 2023	8593
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149)	Exhibit 149 – Fifteenth Report of the Standing Senate Committee on National Finance dated December 13, 2023	8772
150)	Exhibit 150 – Excerpt of <i>Debates of the Senate</i> , 44-1, Vol. 153, No. 171 from December 13, 2023	8775
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153)	Exhibit 153 – Bill C-56, <i>An Act to amend the Excise Tax Act and the Competition Act</i> , 1st Sess., 44th Parl., 2022-2023 (assented to December 15, 2023), S.C. 2023, c. 31	8802
154)	Exhibit 154 – <i>Competition Act</i> , R.S.C., 1985, c. C-34, following the passing of Bill C-56	8815

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156)	Exhibit 156 – Excerpt of <i>House of Commons Debates</i> , 44-1, Vol. 151, No. 274 from February 2, 2024	8968
157)	Exhibit 157 – News release issued by the Competition Bureau, Competition Bureau expands its investigation into Google’s advertising practices” dated February 29, 2024	8980
158)	Exhibit 158 – Screen capture from X of a post from the Competition Bureau dated February 29, 2024	8985
159)	Exhibit 159 – Written submissions of Matthew Boswell, Commissioner of Competition, to the Chair and Members of the House of Commons Standing Committee on Finance dated March 1, 2024	8987
160)	Exhibit 160 – Transcript of the Proceedings of the House of Commons Standing Committee on Finance from April 18, 2024	9000
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162)	Continued Exhibit 162 – Bill C-59, An Act to implement certain provisions of the fall economic statement tabled in Parliament on November 21, 2023 and certain provisions of the budget tabled in Parliament on March 28, 2023, 1st Sess., 44th Parl., 2021-2022 (assented to June 20, 2024), S.C. 2024, c. 15	9354
163)	Exhibit 163 – Transcript of the Proceedings of the House of Commons Standing Committee on Industry and Technology from June 3, 2024	9610
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168)	Exhibit 168 – News release issued by the Competition Bureau, “Competition Bureau wins deceptive marketing case against Cineplex” dated September 23, 2024	9717
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170)	Exhibit 170 – Screen capture from LinkedIn of a post from the Competition Bureau dated September 23, 2024	9811
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172)	Exhibit 172 – Screen capture from LinkedIn of a post from the Competition Bureau dated November 28, 2024	9815
173)	Exhibit 173 – News release issued by the Competition Bureau, “Backgrounder: Competition Bureau sues Google for anti-competitive conduct in online advertising in Canada” dated November 28, 2024	9817
174)	Exhibit 174 – Screen capture from X of a post from the Competition Bureau dated November 28, 2024	9825
175)	Exhibit 175 – News release issued by the Competition Bureau, “Competition Bureau sues Google for anti-competitive conduct in online advertising in Canada” dated November 28, 2024	9828
176)	Exhibit 176 – <i>Competition Act</i> , R.S.C., 1985, c. C-34, as it existed as of May 5, 2025	9834

CT-2024-010

THE COMPETITION TRIBUNAL

IN THE MATTER OF the *Competition Act*, R.S.C. 1985, c. C-34;

AND IN THE MATTER OF certain conduct of Google Canada Corporation and Google LLC relating to the supply of online advertising technology services in Canada;

AND IN THE MATTER OF an Application by the Commissioner of Competition for one or more Orders pursuant to section 79 of the *Competition Act*.

BETWEEN:

COMMISSIONER OF COMPETITION

Applicant

-and-

GOOGLE CANADA CORPORATION AND GOOGLE LLC

Respondents

**AFFIDAVIT OF MARY DECAIRE
SWORN MAY 5, 2025**

I, **MARY DECAIRE**, of the City of Toronto, in the Province of Ontario, **MAKE OATH AND SAY AS FOLLOWS:**

1. I am a law clerk at Davies Ward Phillips & Vineberg LLP ("**Davies**"), counsel for the respondents, Google Canada Corporation and Google LLC (collectively, "**Google**"), in the above-noted proceeding. I have personal knowledge of the facts and matters deposed to in this Affidavit. Where I have relied upon information from others, I have identified the source of that information and believe it to be true.

2. For purposes of this Affidavit, I have reviewed and collected certain materials, including copies of Acts of Parliament, transcripts of Parliamentary debates,

Parliamentary Committee reports, materials published by various Government of Canada ministries and agencies, and news reports. These materials, including their source, are set forth below.

3. Attached hereto as **Exhibit “1”** is a copy of *An Act for the Prevention and Suppression of Combinations formed in restraint of Trade*, S.C. 1889, c. 41, as printed by the Printer to the Queen’s Most Excellent Majesty, obtained from a scanned copy on the website Canadiana (a website which states that it is managed by the Canadian Research Knowledge Network and that it maintains digitized Canadian heritage content).¹

4. Attached hereto as **Exhibit “2”** is an excerpt of a copy of *The Criminal Code, 1892*, 55-56 Victoria, c. 29, as printed by the Law Printer to the Queen’s Most Excellent Majesty, obtained from the website of the Library of Parliament.²

5. Attached hereto as **Exhibit “3”** is a copy of the *Combines Investigation Act*, S.C. 1910, c. 9, as printed by the Law Printer (for Canada) to the King’s Most Excellent Majesty, obtained from a scanned copy on the website Internet Archive (which states that it maintains a library of Internet sites and other cultural artifacts in digital form).³

¹ https://www.canadiana.ca/view/oocihm.9_02004/532

² https://parl-gc.primo.exlibrisgroup.com/discovery/delivery/01CALP_INST:01CALP/121594577_50002616?lang=en

³ <https://archive.org/download/actsofparl1910v01cana/actsofparl1910v01cana.pdf>

6. Attached hereto as **Exhibit “4”** is a copy of the *Board of Commerce Act*, S.C. 1919, c. 37, as printed by the Law Printer (for Canada) to the King’s Most Excellent Majesty, obtained from a scanned copy on the website Internet Archive.⁴

7. Attached hereto as **Exhibit “5”** is a copy of *The Combines and Fair Prices Act*, S.C. 1919, c. 45, as printed by the Law Printer (for Canada) to the King’s Most Excellent Majesty, obtained from a scanned copy on the website Internet Archive.⁵

8. Attached hereto as **Exhibit “6”** is a copy of a decision of the Judicial Committee of the Privy Council *In the Matter of the Board of Commerce Act and the Combines and Fair Prices Act*, 1921 CanLII 399 (UK JCPC), [1922] 1 A.C. 191 (PC), obtained from CanLII.⁶

9. Attached hereto as **Exhibit “7”** is a copy of the *Combines Investigation Act*, S.C. 1923, c. 9, obtained from Internet Archive, as printed by the Law Printer (for Canada) to the King’s Most Excellent Majesty, obtained from a scanned copy on the website Internet Archive.⁷

10. Attached hereto as **Exhibit “8”** is a copy of the *Combines Investigation Act*, S.C. 1960, c. 45, as printed by the Queen’s Printer and Controller of Stationery, obtained from a scanned copy on the website Internet Archive.⁸

⁴ <https://archive.org/download/actsofparl1919v01cana/actsofparl1919v01cana.pdf>

⁵ <https://archive.org/download/actsofparl1919v01cana/actsofparl1919v01cana.pdf>

⁶ <https://www.canlii.org/en/ca/ukjcpc/doc/1921/1921canlii399/1921canlii399.html>

⁷ <https://dn790003.ca.archive.org/0/items/actsofparl1923v01cana/actsofparl1923v01cana.pdf>

⁸ <https://dn790002.ca.archive.org/0/items/actsofparl1960v01cana/actsofparl1960v01cana.pdf>

11. Attached hereto as **Exhibit “9”** is a copy of the Economic Council of Canada’s Interim Report on Competition Policy dated July 1969, obtained from the website of the Government of Canada.⁹

12. Attached hereto as **Exhibit “10”** is a copy of report by Lawrence A. Skeoch and Bruce C. McDonald titled “Dynamic Change and Accountability in a Canadian Market Economy: Proposals for the Further Revision of Competition Policy by an Independent Committee Appointed by the Minister of Consumer and Corporate Affairs” and dated March 31, 1976, obtained from the website of the Government of Canada.¹⁰

13. Attached hereto as **Exhibit “11”** is a copy of a document published by the Law Reform Commission of Canada titled “The Jury in Criminal Trials (Working Paper 27)” dated 1980, obtained from the website of the Government of Canada.¹¹

14. Attached hereto as **Exhibit “12”** is an excerpt of a copy of the Royal Commission of Newspapers dated July 1, 1981, obtained from the website of the Government of Canada.¹²

15. Attached hereto as **Exhibit “13”** is a copy of a document published by the Minister of Consumer and Corporate Affairs titled “Competition Law Amendments: A Guide” and dated December 1985, obtained from the law library at Davies.

⁹ <https://publications.gc.ca/site/eng/9.862585/publication.html>

¹⁰ <https://publications.gc.ca/site/eng/9.883678/publication.html>

¹¹ <https://publications.gc.ca/site/eng/9.911459/publication.html>

¹² <https://publications.gc.ca/site/eng/472245/publication.html>

16. Attached hereto as **Exhibit “14”** is a copy of Bill C-91, *An Act to establish the Competition Tribunal and to amend the Combines Investigation Act and the Bank Act and other Acts in consequence thereof*, S.C. 1986, c. 26 (“**Bill C-91**”), as printed by the Queen’s Printer for Canada, obtained from a scanned copy on the website Internet Archive.¹³

17. Attached hereto as **Exhibit “15”** are excerpts of a copy the *House of Commons Debates*, 33-1, Vol. 8 from April 7-10, 1986, obtained from the website of the Library of Parliament.¹⁴

18. Attached hereto as **Exhibit “16”** are excerpts of a copy of the *Debates of the Senate*, 33-1, Vol. 3 from April 17, 1986, June 10-11, 1986, and June 17, 1986, obtained from the website of the Parliament of Canada.¹⁵

19. Attached hereto as **Exhibit “17”** are excerpts of a copy of the *House of Commons Debates*, 33-1, Vol. 9 from April 25, 1986 and May 27, 1986, obtained from the website of the Library of Parliament.¹⁶

20. Attached hereto and marked as **Exhibit “18”** are excerpts of a copy of the *Proceedings of the Standing Senate Committee on Banking, Trade and Commerce*, 33-1, No. 44 from April 30, 1986, obtained from the website of the Library of Parliament.¹⁷

¹³ <https://ia801603.us.archive.org/3/items/actsofparl1986v01cana/actsofparl1986v01cana.pdf>

¹⁴ https://parl.canadiana.ca/view/oop.debates_HOC3301_08/1

¹⁵ https://parl.canadiana.ca/view/oop.debates_SOC3301_03/1

¹⁶ https://parl.canadiana.ca/view/oop.debates_HOC3301_09/1

¹⁷ https://parl.canadiana.ca/view/oop.com_SOC_3301_3_2/755

21. Attached hereto and marked as **Exhibit “19”** is a copy of *Proceedings of the Standing Senate Committee on Banking, Trade and Commerce*, 33-1, No. 46 from May 7, 1986, obtained from the website of the Library of Parliament.¹⁸

22. Attached hereto and marked as **Exhibit “20”** is a copy of *Proceedings of the Standing Senate Committee on Banking, Trade and Commerce*, 33-1, No. 47 from May 14, 1986, obtained from the website of the Library of Parliament.¹⁹

23. Attached hereto and marked as **Exhibit “21”** is a copy of *Proceedings of the Standing Senate Committee on Banking, Trade and Commerce*, 33-1, No. 48 from May 28, 1986, obtained from the website of the Library of Parliament.²⁰

24. Attached hereto as **Exhibit “22”** are excerpts of a copy of the *House of Commons Debates*, 33-1, Vol. 10 from June 2, 1986 and June 5, 1986, obtained from the website of the Library of Parliament.²¹

25. Attached hereto and marked as **Exhibit “23”** is a copy of the *Proceedings of the Standing Senate Committee on Banking, Trade and Commerce*, 33-1, No. 50 from June 11, 1986, obtained from the website of the Library of Parliament.²²

¹⁸ https://parl.canadiana.ca/view/oop.com_SOC_3301_3_2/755

¹⁹ https://parl.canadiana.ca/view/oop.com_SOC_3301_3_2/981

²⁰ https://parl.canadiana.ca/view/oop.com_SOC_3301_3_2/1025

²¹ https://parl.canadiana.ca/view/oop.debates_HOC3301_10/1

²² https://parl.canadiana.ca/view/oop.com_SOC_3301_3_2/1095

26. Attached hereto and marked as **Exhibit “24”** is a copy of the *Proceedings of the Standing Senate Committee on Banking, Trade and Commerce*, 33-1, No. 51 from June 17, 1986, obtained from the website of the Library of Parliament.²³

27. Attached hereto as **Exhibit “25”** is a copy of the *Minutes of Proceedings and Evidence of the Legislative Committee on Bill C-91*, 34-3, No. 1, obtained from the website of the Library of Parliament.²⁴

28. Attached hereto as **Exhibit “26”** is a copy of a report by Bureau of Competition Policy at Consumer and Corporate Affairs Canada titled “Competition Policy in Canada: The First Hundred Years” (CCAC No. 189 10262 E 89-10) and dated 1989, obtained from the website of the Government of Canada.²⁵

29. Attached hereto as **Exhibit “27”** is a copy of a paper by Margaret Smith, Law and Government Division, Parliamentary Research Branch, Library of Parliament titled “Mergers and Abuse of Dominant Position: Legal Aspects”, which states that it was first published in January 1991 and revised September 10, 1998, obtained from the website of the Government of Canada.²⁶

30. Attached hereto as **Exhibit “28”** is a copy of Bill C-23, *An Act to amend the Competition Act and the Competition Tribunal Act*, 1st Sess. 37th Parl., 2001-2002

²³ https://parl.canadiana.ca/view/oop.com_SOC_3301_3_2/1113

²⁴ https://parl.canadiana.ca/view/oop.com_HOC_3301_14_1/1

²⁵ <https://publications.gc.ca/site/eng/9.889721/publication.html>

²⁶ <https://publications.gc.ca/Collection-R/LoPBdP/CIR/913-e.htm>.

(assented to June 4, 2002), S.C. 2002, c. 16, obtained from the website of the Parliament of Canada.²⁷

31. Attached hereto as **Exhibit “29”** is a copy of a document published by the Competition Bureau titled “Enforcement Guidelines on the Abuse of Dominance Provisions (Sections 78 and 79 of the *Competition Act*)” and dated July 2001, obtained from the website of the Government of Canada.²⁸

32. Attached hereto as **Exhibit “30”** is a copy of the *Competition Act*, R.S.C., 1985, c. C-34, as it existed in 2002 following the passing of Bill C-23, obtained from the Government of Canada’s Justice Laws website.²⁹

33. Attached hereto as **Exhibit “31”** are excerpts of a copy of the *House of Commons Debates*, 37-1, Vol. 137, No. 54 from May 3, 2001, obtained from the website of the Parliament of Canada.³⁰

34. Attached hereto as **Exhibit “32”** is a copy of the transcript of the proceedings of the House of Commons Standing Committee on Industry, Science and Technology from October 4, 2001, obtained from the website of the Parliament of Canada.³¹

²⁷ <https://www.parl.ca/DocumentViewer/en/37-1/bill/C-23/royal-assent>

²⁸ <https://publications.gc.ca/site/eng/103459/publication.html>

²⁹ <https://laws-lois.justice.gc.ca/eng/acts/c-34/20021231/P1TT3xt3.html>

³⁰ <https://www.ourcommons.ca/DocumentViewer/en/37-1/house/sitting-54/hansard>

³¹ <https://www.ourcommons.ca/documentviewer/en/37-1/INST/meeting-37/evidence>

35. Attached hereto as **Exhibit “33”** is a copy of the transcript of the proceedings of House of Commons Standing Committee on Industry, Science and Technology from October 16, 2001, obtained from the website of the Parliament of Canada.³²

36. Attached hereto as **Exhibit “34”** is a copy of the transcript of the proceedings of House of Commons Standing Committee on Industry, Science and Technology from October 17, 2001, obtained from the website of the Parliament of Canada.³³

37. Attached hereto as **Exhibit “35”** is a copy of the transcript of the proceedings of House of Commons Standing Committee on Industry, Science and Technology from October 23, 2001, obtained from the website of the Parliament of Canada.³⁴

38. Attached hereto as **Exhibit “36”** is a copy of the transcript of the proceedings of House of Commons Standing Committee on Industry, Science and Technology from October 24, 2001, obtained from the website of the Parliament of Canada.³⁵

39. Attached hereto as **Exhibit “37”** is a copy of the transcript of the proceedings of House of Commons Standing Committee on Industry, Science and

³² <https://www.ourcommons.ca/documentviewer/en/37-1/INST/meeting-38/evidence>

³³ <https://www.ourcommons.ca/documentviewer/en/37-1/INST/meeting-40/evidence>

³⁴ <https://www.ourcommons.ca/documentviewer/en/37-1/INST/meeting-41/evidence>

³⁵ <https://www.ourcommons.ca/documentviewer/en/37-1/INST/meeting-42/evidence>

Technology from November 6, 2001, obtained from the website of the Parliament of Canada.³⁶

40. Attached hereto as **Exhibit “38”** is a copy of the transcript of the proceedings of House of Commons Standing Committee on Industry, Science and Technology from November 7, 2001, obtained from the website of the Parliament of Canada.³⁷

41. Attached hereto as **Exhibit “39”** is a copy of the transcript of the proceedings of House of Commons Standing Committee on Industry, Science and Technology from November 27, 2001, obtained from the website of the Parliament of Canada.³⁸

42. Attached hereto as **Exhibit “40”** is a copy of the transcript of the proceedings of House of Commons Standing Committee on Industry, Science and Technology from December 4, 2001, obtained from the website of the Parliament of Canada.³⁹

43. Attached hereto as **Exhibit “41”** are excerpts of a copy of the *House of Commons Debates*, 37-1, Vol. 137, No. 125 from December 5, 2001, obtained from the website of the Parliament of Canada.⁴⁰

³⁶ <https://www.ourcommons.ca/documentviewer/en/37-1/INST/meeting-48/evidence>

³⁷ <https://www.ourcommons.ca/documentviewer/en/37-1/INST/meeting-50/evidence>

³⁸ <https://www.ourcommons.ca/documentviewer/en/37-1/INST/meeting-56/evidence>

³⁹ <https://www.ourcommons.ca/documentviewer/en/37-1/INST/meeting-60/evidence>

⁴⁰ <https://www.ourcommons.ca/DocumentViewer/en/37-1/house/sitting-125/hansard>

44. Attached hereto as **Exhibit “42”** are excerpts of a copy of the *House of Commons Debates*, 37-1, Vol. 137, No. 127 from December 7, 2001, obtained from the website of the Parliament of Canada.⁴¹

45. Attached hereto as **Exhibit “43”** is a copy of the *House of Commons Debates*, 37-1, Vol. 137, No. 128 from December 10, 2001, obtained from the website of the Parliament of Canada.⁴²

46. Attached hereto as **Exhibit “44”** is an excerpt of a copy of the *Debates of the Senate*, 37-1, Vol. 139, No. 86 from February 5, 2002, obtained from the website of the Parliament of Canada.⁴³

47. Attached hereto as **Exhibit “45”** is a copy of a report by the House of Commons Standing Committee on Industry, Science and Technology titled “A Plan to Modernize Canada’s Competition Regime” and dated April 2002, obtained from the website of the Parliament of Canada.⁴⁴

48. Attached hereto as **Exhibit “46”** is a copy of an article by James Travers titled “Hope for airline competition”, published in the *Toronto Star* on April 23, 2002, obtained from LexisNexis.

⁴¹ <https://www.ourcommons.ca/DocumentViewer/en/37-1/house/sitting-127/hansard>

⁴² <https://www.ourcommons.ca/DocumentViewer/en/37-1/house/sitting-128/hansard>.

⁴³ https://sencanada.ca/en/content/sen/chamber/371/debates/086db_2002-02-05-e?language=e

⁴⁴ <https://www.ourcommons.ca/Content/Committee/371/INST/Reports/RP1032077/indurp08/indurp08-e.pdf>

49. Attached hereto as **Exhibit “47”** is a copy of the Sixteenth Report of the Standing Senate Committee on Banking, Trade and Commerce dated May 2, 2002, obtained from the website of the Parliament of Canada.⁴⁵

50. Attached hereto as **Exhibit “48”** is an excerpt of a copy of the *Debates of the Senate*, 37-1, Vol. 139, No. 114 from May 8, 2002, obtained from the website of the Parliament of Canada.⁴⁶

51. Attached hereto as **Exhibit “49”** is a copy of Bill C-19, *An Act to amend the Competition Act and to make consequential amendments to other Acts*, 1st Sess., 38th Parl., 2004 (first reading November 2, 2004) (“**Bill C-19 (2004)**”), obtained from the website of the Parliament of Canada.⁴⁷

52. Attached hereto as **Exhibit “50”** is a screen capture showing the status Bill C-19 (2004) taken on May 2, 2025 from the website of the Parliament of Canada.⁴⁸

53. Attached hereto as **Exhibit “51”** is a copy of a news release issued by the Government of Canada titled “Minister of Industry Tables Amendments to Strengthen the Competition Act” and dated November 2, 2004, obtained from the website of the Government of Canada.⁴⁹

⁴⁵ <https://sencanada.ca/en/content/SEN/Committee/371/bank/rep/rep16may02-e>

⁴⁶ https://sencanada.ca/en/content/sen/chamber/371/debates/114db_2002-05-08-e?language=e

⁴⁷ https://www.parl.ca/Content/Bills/381/Government/C-19/C-19_1/C-19_1.PDF

⁴⁸ <https://www.parl.ca/LegisInfo/en/bill/38-1/C-19>

⁴⁹ <https://www.canada.ca/en/news/archive/2004/11/minister-industry-tables-amendments-strengthen-competition-act.html>

54. Attached hereto as **Exhibit “52”** is an excerpt of a copy of the *House of Commons Debates*, 38-1, Vol. 140, No. 25 from November 16, 2004, obtained from the website of the Parliament of Canada.⁵⁰

55. Attached hereto as **Exhibit “53”** is a copy of the transcript of the proceedings of House of Commons Standing Committee on Industry, Natural Resources, Science and Technology from November 18, 2004, obtained from the website of the Parliament of Canada.⁵¹

56. Attached hereto as **Exhibit “54”** is a copy of the transcript of the proceedings of House of Commons Standing Committee on Industry, Natural Resources, Science and Technology from December 2, 2004, obtained from the website of the Parliament of Canada.⁵²

57. Attached hereto as **Exhibit “55”** is a copy of an article by Susan Heinrich titled “Sears case wake-up call for industry. Things will only get tougher if Bill C-19 passes as written”, published in the *Financial Post* on January 25, 2005, obtained from LexisNexis.

58. Attached hereto as **Exhibit “56”** is a copy of a legal opinion titled “Bill C-19’s proposals respecting Administrative Monetary Penalties”, provided by Peter W. Hogg, Q.C. to Diane J. Brisebois, President and Chief Executive Officer of the Retail Council of Canada, dated March 8, 2005, obtained from the library of the Competition

⁵⁰ <https://www.ourcommons.ca/DocumentViewer/en/38-1/house/sitting-25/hansard>

⁵¹ <https://www.ourcommons.ca/documentviewer/en/38-1/INDU/meeting-8/evidence>

⁵² <https://www.ourcommons.ca/documentviewer/en/38-1/INDU/meeting-11/evidence>

Law Group at Davies. I am informed by Corinne Lester, Senior Competition Law Clerk at Davies, that the Davies' Competition, Antitrust & Foreign Investment Group regularly updates and maintains an inventory of materials relevant to the practice of competition law in Canada, including, but not limited to, records of Competition Tribunal proceedings, Competition Bureau publications, draft bills relating to the practice of competition law and discussions and speeches relating to such bills.

59. Attached hereto as **Exhibit “57”** is a copy of the transcript of the proceedings of House of Commons Standing Committee on Industry, Natural Resources, Science and Technology from March 9, 2005, obtained from the website of the Parliament of Canada.⁵³

60. Attached hereto as **Exhibit “58”** is a copy of the transcript of the proceedings of House of Commons Standing Committee on Industry, Natural Resources, Science and Technology from March 23, 2005, obtained from the website of the Parliament of Canada.⁵⁴

61. Attached hereto as **Exhibit “59”** is a copy of the transcript of the proceedings of House of Commons Standing Committee on Industry, Natural Resources, Science and Technology from April 6, 2005, obtained from the website of the Parliament of Canada.⁵⁵

⁵³ <https://www.ourcommons.ca/documentviewer/en/38-1/INDU/meeting-24/evidence>

⁵⁴ <https://www.ourcommons.ca/documentviewer/en/38-1/INDU/meeting-26/evidence>

⁵⁵ <https://www.ourcommons.ca/documentviewer/en/38-1/INDU/meeting-28/evidence>

62. Attached hereto as **Exhibit “60”** is a copy of the transcript of the proceedings of House of Commons Standing Committee on Industry, Natural Resources, Science and Technology from October 6, 2005 (Meeting 54), obtained from the website of the Parliament of Canada.⁵⁶

63. Attached hereto as **Exhibit “61”** is a copy of the transcript of the proceedings of House of Commons Standing Committee on Industry, Natural Resources, Science and Technology from October 6, 2005 (Meeting 55), obtained from the website of the Parliament of Canada.⁵⁷

64. Attached hereto as **Exhibit “62”** is a copy of the transcript of the proceedings of House of Commons Standing Committee on Industry, Natural Resources, Science and Technology from October 25, 2005, obtained from the website of the Parliament of Canada.⁵⁸

65. Attached hereto as **Exhibit “63”** is a copy of the transcript of the proceedings of House of Commons Standing Committee on Industry, Natural Resources, Science and Technology from October 27, 2005, obtained from the website of the Parliament of Canada.⁵⁹

66. Attached hereto as **Exhibit “64”** is a copy of the transcript of the proceedings of House of Commons Standing Committee on Industry, Natural Resources,

⁵⁶ <https://www.ourcommons.ca/documentviewer/en/38-1/INDU/meeting-54/evidence>

⁵⁷ <https://www.ourcommons.ca/documentviewer/en/38-1/INDU/meeting-55/evidence>

⁵⁸ <https://www.ourcommons.ca/documentviewer/en/38-1/INDU/meeting-58/evidence>

⁵⁹ <https://www.ourcommons.ca/documentviewer/en/38-1/INDU/meeting-59/evidence>

Science and Technology from November 2, 2005, obtained from the website of the Parliament of Canada.⁶⁰

67. Attached hereto as **Exhibit “65”** is a copy of Bill C-73, *An Act to amend the Telecommunications Act (No. 2)*, 1st Sess., 38th Parl., 2004-2005 (first reading November 14, 2005), obtained from the website of the Parliament of Canada.⁶¹

68. Attached hereto as **Exhibit “66”** is copy of an article by Rita Trichur titled “Competition Act changes will erode Charter rights, retailers warn; Say it will hurt rivalry in marketplace”, published in *The Globe and Mail* on November 14, 2005, obtained from LexisNexis.

69. Attached hereto as **Exhibit “67”** is a copy of the transcript of the proceedings of House of Commons Standing Committee on Industry, Natural Resources, Science and Technology from November 22, 2005, obtained from the website of the Parliament of Canada.⁶²

70. Attached hereto as **Exhibit “68”** is a copy of the transcript of the proceedings of House of Commons Standing Committee on Industry, Natural Resources, Science and Technology from November 24, 2005, obtained from the website of the Parliament of Canada.⁶³

60 <https://www.ourcommons.ca/documentviewer/en/38-1/INDU/meeting-61/evidence>

61 <https://www.parl.ca/documentviewer/en/38-1/bill/C-73/first-reading>

62 <https://www.ourcommons.ca/documentviewer/en/38-1/INDU/meeting-65/evidence>

63 <https://www.ourcommons.ca/documentviewer/en/38-1/INDU/meeting-66/evidence>

71. Attached hereto as **Exhibit “69”** is a copy of a legal opinion titled “Constitutional Opinion on Administrative Monetary Penalties Proposed for the Telecommunications Act”, prepared by Peter W. Hogg, Q.C. and Kenneth E. Jull and dated April 6, 2006, obtained from the library of the Competition Law Group at Davies.

72. Attached hereto as **Exhibit “70”** is a copy of a report published by the Government of Canada Competition Policy Renewal Panel titled “Compete to Win: Final Report – June 2008” and dated June 26, 2008, obtained from the website of the Government of Canada.⁶⁴

73. Attached hereto as **Exhibit “71”** is a copy of Bill C-10, *An Act to implement certain provisions of the budget tabled in Parliament on January 27, 2009 and related fiscal measures*, 2nd Sess., 40th Parl., 2009 (assented to March 12, 2009), S.C. 2009, c. 2 (**“Bill C-10 (2009)”**), obtained from the website of the Parliament of Canada.⁶⁵

74. Attached hereto as **Exhibit “72”** is an excerpt of a copy of the *House of Commons Debates*, 40-2, Vol. 144, No. 11 from February 9, 2009, obtained from the website of the Parliament of Canada.⁶⁶

⁶⁴ <https://competition-bureau.canada.ca/en/how-we-foster-competition/education-and-outreach/publications/compete-win-final-report-june-2008>

⁶⁵ www.parl.ca/Content/Bills/402/Government/C-10/C-10_4/C-10_4.PDF.

⁶⁶ <https://www.ourcommons.ca/DocumentViewer/en/40-2/house/sitting-11/hansard>

75. Attached hereto as **Exhibit “73”** is an excerpt of a copy of the *House of Commons Debates*, 40-2, Vol. 144, No. 12 from February 10, 2009, obtained from the website of the Parliament of Canada.⁶⁷

76. Attached hereto as **Exhibit “74”** is an excerpt of a copy of the *House of Commons Debates*, 40-2, Vol. 144, No. 14 from February 12, 2009, obtained from the website of the website of the Parliament of Canada.⁶⁸

77. Attached hereto as **Exhibit “75”** is an excerpt of a copy of the transcript of the proceedings of House of Commons Standing Committee on Finance (Meeting 6) from February 23, 2009, obtained from the website of the Parliament of Canada.⁶⁹

78. Attached hereto as **Exhibit “76”** is an excerpt of a copy of the transcript of the proceedings of House of Commons Standing Committee on Finance (Meeting 9) from February 23, 2009, obtained from the website of the Parliament of Canada.⁷⁰

79. Attached hereto as **Exhibit “77”** is a copy of the First Report of the House of Commons Standing Committee on Finance dated February 24, 2009, obtained from the website of the Parliament of Canada.⁷¹

⁶⁷ <https://www.ourcommons.ca/DocumentViewer/en/40-2/house/sitting-12/hansard>

⁶⁸ <https://www.ourcommons.ca/DocumentViewer/en/40-2/house/sitting-14/hansard>

⁶⁹ <https://www.ourcommons.ca/documentviewer/en/40-2/FINA/meeting-6/evidence>

⁷⁰ <https://www.ourcommons.ca/documentviewer/en/40-2/FINA/meeting-9/evidence>

⁷¹ <https://www.ourcommons.ca/DocumentViewer/en/40-2/FINA/report-1>

80. Attached hereto as **Exhibit “78”** are excerpts of a copy of the *House of Commons Debates*, 40-2, Vol. 144, No. 20 from February 27, 2009, obtained from the website of the Parliament of Canada.⁷²

81. Attached hereto as **Exhibit “79”** are excerpts of a copy of the *House of Commons Debates*, 40-2, Vol. 144, No. 21 from March 2, 2009, obtained from the website of the Parliament of Canada.⁷³

82. Attached hereto as **Exhibit “80”** is an excerpt of a copy of the *House of Commons Debates*, 40-2, Vol. 144, No. 23 from March 4, 2009, obtained from the website of the Parliament of Canada.⁷⁴

83. Attached hereto as **Exhibit “81”** is an excerpt of a copy of the *Debates of the Senate*, 40-2, Vol. 146, No. 16 from March 5, 2009, obtained from the website of the Parliament of Canada.⁷⁵

84. Attached hereto as **Exhibit “82”** is a copy of the Fifth Report of the Standing Senate Committee on National Finance on Bill C-10 (2009) dated March 12, 2009, obtained from the website of the Parliament of Canada.⁷⁶

⁷² <https://www.ourcommons.ca/DocumentViewer/en/40-2/house/sitting-20/hansard>

⁷³ <https://www.ourcommons.ca/DocumentViewer/en/40-2/house/sitting-21/hansard>

⁷⁴ <https://www.ourcommons.ca/DocumentViewer/en/40-2/house/sitting-23/hansard>

⁷⁵ https://sencanada.ca/en/content/sen/chamber/402/debates/016db_2009-03-05-e?language=e

⁷⁶ <https://sencanada.ca/en/content/SEN/Committee/402/fina/rep/rep05mar09-e>

85. Attached hereto as **Exhibit “83”** is an excerpt of a copy of the *Debates of the Senate*, 40-2, Vol. 146, No. 19 dated March 12, 2009, obtained from the website of the Parliament of Canada.⁷⁷

86. Attached as **Exhibit “84”** is a copy of the *Competition Act*, R.S.C., 1985, c. C-34, following the passing of Bill C-10, obtained from the Government of Canada’s Justice Laws website.⁷⁸

87. Attached hereto as **Exhibit “85”** is a copy of a report by the Competition Bureau titled “Annual Report of the Commissioner of Competition for the year ending March 31, 2009”, obtained from the website of the Government of Canada.⁷⁹

88. Attached hereto as **Exhibit “86”** is a copy of a document titled “Speaking Notes for Melanie L. Aitken, Interim Commissioner of Competition” and dated May 13, 2009, obtained from the library of the Competition Law Group at Davies.

89. Attached hereto as **Exhibit “87”** is a copy of a report by the Competition Bureau titled “Annual Report of the Commissioner of Competition for the year ending March 31, 2010”, obtained from the website of the Government of Canada.⁸⁰

⁷⁷ https://sencanada.ca/en/content/sen/chamber/402/debates/019db_2009-03-12-e?language=e

⁷⁸ <https://laws-lois.justice.gc.ca/eng/acts/c-34/20090312/P1TT3xt3.html>

⁷⁹ https://publications.gc.ca/collections/collection_2011/ic/lu50-2009-eng.pdf

⁸⁰ https://publications.gc.ca/collections/collection_2012/ic/lu50-2010-eng.pdf

90. Attached hereto as **Exhibit “88”** is a copy of a report by the Competition Bureau titled “Annual Report of the Commissioner of Competition for the year ending March 31, 2012”, obtained from the website of the Government of Canada.⁸¹

91. Attached hereto as **Exhibit “89”** is a copy of a report by the Competition Bureau titled “Lower Prices More Choice – Annual Report of the Commissioner of Competition for the year ending March 31, 2013”, obtained from the website of the Government of Canada.⁸²

92. Attached hereto as **Exhibit “90”** is a copy of a report by the Competition Bureau titled “The 4 Cs of Competition – Compliance, Communication, Collaboration, Canadians – Annual Report of the Commissioner of Competition for the year ending March 31, 2014”, obtained from the website of the Government of Canada.⁸³

93. Attached hereto as **Exhibit “91”** is a copy of a report by the Competition Bureau titled “For a Competitive Playing Field – Promoting compliance for the benefit of Canadian Consumers – Annual Report of the Commissioner of Competition for the year ending March 31, 2015”, obtained from the website of the Government of Canada.⁸⁴

⁸¹ https://publications.gc.ca/collections/collection_2013/ic/lu50-2012-eng.pdf

⁸² https://publications.gc.ca/collections/collection_2015/ic/lu50-2013-eng.pdf

⁸³ https://publications.gc.ca/collections/collection_2016/isde-ised/lu50-2014-eng.pdf

⁸⁴ https://publications.gc.ca/collections/collection_2017/isde-ised/lu50-2015-eng.pdf

94. Attached hereto as **Exhibit “92”** is a copy of a bulletin issued by the Competition Bureau titled “Corporate Compliance Programs” and dated June 3, 2015, obtained from the website of the Government of Canada.⁸⁵

95. Attached hereto as **Exhibit “93”** is a copy of a report by the Competition Bureau titled “Staying Competitive in a Changing World Protecting and Promoting Competition for the Benefit of All Canadians – Annual Report of the Commissioner of Competition for the year ending March 31, 2016”, obtained from the website of the Government of Canada.⁸⁶

96. Attached hereto as **Exhibit “94”** is a copy of a news release issued by the Government of Canada titled “Competition Bureau completes extensive investigation of Google” and dated April 19, 2016, obtained from the website of the Government of Canada.⁸⁷

97. Attached hereto as **Exhibit “95”** is a copy of a position statement issued by the Competition Bureau titled “Investigation into alleged anti-competitive conduct by Google” and dated April 19, 2016, obtained from the website of the Government of Canada.⁸⁸

⁸⁵ <https://publications.gc.ca/site/eng/9.801073/publication.html>

⁸⁶ https://publications.gc.ca/collections/collection_2018/isde-ised/lu50-2016-eng.pdf

⁸⁷ <https://www.canada.ca/en/competition-bureau/news/2016/04/competition-bureau-completes-extensive-investigation-of-google.html>

⁸⁸ <https://competition-bureau.canada.ca/en/how-we-foster-competition/education-and-outreach/position-statements/investigation-alleged-anti-competitive-conduct-google>

98. Attached hereto as **Exhibit “96”** is a copy of a screen capture from the social media platform X taken on May 1, 2025 of a post from the Competition Bureau dated April 19, 2016.⁸⁹

99. Attached hereto as **Exhibit “97”** is a copy of a report by the Competition Bureau titled “Building a More Competitive and Innovative Canada – Annual Report of the Commissioner of Competition for the year ending March 31, 2017”, obtained from the website of the Government of Canada.⁹⁰

100. Attached hereto as **Exhibit “98”** is a copy of a report by the Competition Bureau titled “From Bread to Banking: Driving Competition and Innovation in Canada – 2017-18 Annual Report”, obtained from the website of the Government of Canada.⁹¹

101. Attached hereto as **Exhibit “99”** is a copy of a report by the Competition Bureau titled “Driving Competition for Canadians – 2018-19 Annual Report”, obtained from the website of the Government of Canada.⁹²

102. Attached hereto as **Exhibit “100”** is a copy of a report by the Competition Bureau titled “Our Year in Action Safeguarding Competition in a Digital World – 2019-2020 Annual Report”, obtained from the website of the Government of Canada.⁹³

⁸⁹ <https://x.com/CompBureau/status/722455419482939394>

⁹⁰ https://publications.gc.ca/collections/collection_2018/isde-ised/lu50-2017-eng.pdf

⁹¹ https://publications.gc.ca/collections/collection_2019/isde-ised/lu50-2018-eng.pdf

⁹² https://publications.gc.ca/collections/collection_2020/isde-ised/lu50-2019-eng.pdf

⁹³ https://publications.gc.ca/collections/collection_2020/isde-ised/lu50-2020-eng.pdf

103. Attached hereto as **Exhibit “101”** is a copy of a news release issued by the Government of Canada titled “Competition Bureau obtains court order to advance an investigation of Google” and dated October 22, 2021, obtained from the website of the Government of Canada.⁹⁴

104. Attached hereto as **Exhibit “102”** is a copy of a screen capture from the social media platform X taken on May 1, 2025 of a post from the Competition Bureau dated October 22, 2021.⁹⁵

105. Attached hereto as **Exhibit “103”** is a copy of a report by the Competition Bureau titled “Championing competition in uncertain times – 2020-21 Annual Report”, obtained from the website of the Government of Canada.⁹⁶

106. Attached hereto as **Exhibit “104”** is a copy of Bill C-19, *An Act to implement certain provisions of the budget tabled in Parliament on April 7, 2022 and other measures*, 1st Sess., 44th Parl., 2021-2022 (assented to June 23, 2022), as it existed upon Royal Assent (“**Bill C-19**”), obtained from the website of the Parliament of Canada.⁹⁷

107. Attached hereto as **Exhibit “105”** is a copy of the a guide published by the Competition Bureau titled “Guide to the 2022 amendments to the *Competition Act*” and dated June 24, 2022, obtained from the website of the Competition Bureau.⁹⁸

⁹⁴ <https://www.canada.ca/en/competition-bureau/news/2021/10/competition-bureau-obtains-court-order-to-advance-an-investigation-of-google.html>

⁹⁵ <https://x.com/CompBureau/status/1451618992716668934>

⁹⁶ https://publications.gc.ca/collections/collection_2021/isde-ised/lu50-2021-eng.pdf

⁹⁷ <https://www.parl.ca/DocumentViewer/en/44-1/bill/C-19/royal-assent>

⁹⁸ <https://competition-bureau.canada.ca/en/guide-2022-amendments-competition-act>

108. Attached hereto as **Exhibit “106”** is an excerpt of a copy of the *House of Commons Debates*, 44-1, Vol. 151, No. 65 from May 5, 2022 obtained from the website of the Parliament of Canada.⁹⁹

109. Attached hereto as **Exhibit “107”** is a copy of the transcript of the proceedings of House of Commons Standing Committee on Finance from May 26, 2022, obtained from the website of the Parliament of Canada.¹⁰⁰

110. Attached hereto as **Exhibit “108”** is a copy of the Fourth Report of the House of Commons Standing Committee on Finance on Bill C-19 dated May 31, 2022, obtained from the website of the Parliament of Canada.¹⁰¹

111. Attached hereto as **Exhibit “109”** is a copy of the Fourth Report of the Standing Senate Committee on Foreign Affairs and International Trade on Bill C-19 dated June 2, 2022, obtained from the website of the Parliament of Canada.¹⁰²

112. Attached hereto as **Exhibit “110”** is an excerpt of a copy of the *House of Commons Debates*, 44-1, Vol. 151, No. 81 from June 3, 2022, obtained from the website of the Parliament of Canada.¹⁰³

⁹⁹ <https://www.ourcommons.ca/DocumentViewer/en/44-1/house/sitting-65/hansard>

¹⁰⁰ <https://www.ourcommons.ca/documentviewer/en/44-1/FINA/meeting-51/evidence>

¹⁰¹ <https://www.ourcommons.ca/DocumentViewer/en/44-1/FINA/report-4>

¹⁰² <https://sencanada.ca/en/committees/AEFA/Report/103302/44-1>

¹⁰³ <https://www.ourcommons.ca/DocumentViewer/en/44-1/house/sitting-81/hansard>

113. Attached hereto as **Exhibit “111”** is an excerpt of a copy of the *House of Commons Debates*, 44-1, Vol. 151, No. 82 from June 6, 2022, obtained from the website of the Parliament of Canada.¹⁰⁴

114. Attached hereto as **Exhibit “112”** is a copy of the Second Report of the Standing Senate Committee on Banking, Trade and Commerce on Bill C-19 dated June 6, 2022, obtained from the website of the Parliament of Canada.¹⁰⁵

115. Attached hereto as **Exhibit “113”** is an excerpt of a copy of the *House of Commons Debates*, 44-1, Vol. 151, No. 83 from June 7, 2022, obtained from the website of the Parliament of Canada.¹⁰⁶

116. Attached hereto as **Exhibit “114”** is a copy of the First Report of the Standing Senate Committee on National Security and Defence on Bill C-19 dated June 7, 2022, obtained from the website of the Parliament of Canada.¹⁰⁷

117. Attached hereto as **Exhibit “115”** is an excerpt of a copy of the *House of Commons Debates*, 44-1, Vol. 151, No. 84 from June 8, 2022, obtained from the website of the Parliament of Canada.¹⁰⁸

¹⁰⁴ <https://www.ourcommons.ca/DocumentViewer/en/44-1/house/sitting-82/hansard>

¹⁰⁵ <https://sencanada.ca/en/committees/BANC/Report/103311/44-1>

¹⁰⁶ <https://www.ourcommons.ca/DocumentViewer/en/44-1/house/sitting-83/hansard>

¹⁰⁷ <https://sencanada.ca/en/committees/SECD/Report/103136/44-1>

¹⁰⁸ <https://www.ourcommons.ca/DocumentViewer/en/44-1/house/sitting-84/hansard>

118. Attached hereto as **Exhibit “116”** is a copy of the transcript of the proceedings of the Standing Senate Committee on National Finance on Bill C-19 from June 8, 2022, obtained from the website of the Parliament of Canada.¹⁰⁹

119. Attached hereto as **Exhibit “117”** is a copy of the Eighth Report of the Standing Senate Committee on Social Affairs, Science and Technology on Bill C-19 dated June 9, 2022, obtained from the website of the Parliament of Canada.¹¹⁰

120. Attached hereto as **Exhibit “118”** is a copy of the Fourth Report of the Standing Senate Committee on Indigenous Peoples on Bill C-19 dated June 10, 2022, obtained from the website of the Parliament of Canada.¹¹¹

121. Attached hereto as **Exhibit “119”** is an excerpt of a copy of the *Debates of the Senate*, 44-1, Vol. 153, No. 53 from June 14, 2022, obtained from the website of the Parliament of Canada.¹¹²

122. Attached hereto as **Exhibit “120”** is an excerpt of a copy of the *Debates of the Senate*, 44-1, Vol. 153, No. 58 from June 22, 2022, obtained from the website of the Parliament of Canada.¹¹³

123. Attached hereto as **Exhibit “121”** is a copy of a document titled “Charter Statement – Bill C-19: An Act to implement certain provisions of the budget tabled in

¹⁰⁹ <https://sencanada.ca/content/sen/committee/441/nffn/20ev-55593.pdf>.

¹¹⁰ <https://sencanada.ca/en/committees/SOCI/Report/103527/44-1>

¹¹¹ <https://sencanada.ca/en/committees/APPA/Report/103540/44-1>

¹¹² https://sencanada.ca/en/content/sen/chamber/441/debates/053db_2022-06-14-e?language=e

¹¹³ https://sencanada.ca/en/content/sen/chamber/441/debates/058db_2022-06-22-e

Parliament on April 7, 2022 and other measures”, which states that it was tabled in the House of Commons on June 3, 2022, obtained from the website of the Government of Canada.¹¹⁴

124. Attached hereto as **Exhibit “122”** is a copy of the transcript of the proceedings of the House of Commons Standing Committee on Finance from May 19, 2022, obtained from the website of the Parliament of Canada.¹¹⁵

125. Attached hereto as **Exhibit “123”** is a copy of the transcript of the proceedings of House of Commons Standing Committee on Finance from May 24, 2022, obtained from the website of the Parliament of Canada.¹¹⁶

126. Attached hereto as **Exhibit “124”** is a copy of the Fifth Report of the Standing Senate Committee on Legal and Constitutional Affairs on Bill C-19 dated June 9, 2022, obtained from the website of the Parliament of Canada.¹¹⁷

127. Attached hereto as **Exhibit “125”** is a copy of the Sixth Report of the Standing Senate Committee on National Finance on Bill C-19 dated June 21, 2022, obtained from the website of the Parliament of Canada.¹¹⁸

128. Attached hereto as **Exhibit “126”** is a copy of a news release issued by the Government of Canada titled “Important amendments to the *Competition Act* come into

¹¹⁴ https://www.justice.gc.ca/eng/csj-sjc/pl/charter-charte/c19_2.html

¹¹⁵ <https://www.ourcommons.ca/documentviewer/en/44-1/FINA/meeting-49/evidence>

¹¹⁶ <https://www.ourcommons.ca/documentviewer/en/44-1/FINA/meeting-50/evidence>

¹¹⁷ <https://sencanada.ca/en/committees/LCJC/Report/103579/44-1>

¹¹⁸ <https://sencanada.ca/en/committees/NFFN/Report/103932/44-1>

effect” and dated June 24, 2022, obtained from the website of the Government of Canada.¹¹⁹

129. Attached as **Exhibit “127”** is a copy of the *Competition Act*, R.S.C., 1985, c. C-34, following the passing of Bill C-19, obtained from the Government of Canada’s Justice Laws website.¹²⁰

130. Attached hereto as **Exhibit “128”** is a copy of a report by the Competition Bureau titled “Building a more competitive Canada – 2021-22 Annual Report”, obtained from the website of the Government of Canada.¹²¹

131. Attached hereto as **Exhibit “129”** is a copy of a report by the Competition Bureau titled “A new era for competition – Driving affordability and economic growth 2022-23 Annual Report”, obtained from the website of the Government of Canada.¹²²

132. Attached hereto as **Exhibit “130”** is copy of a submission by the Competition Bureau titled “Examining the Canadian *Competition Act* in the Digital Era” and dated February 8, 2022, obtained from the website of the Government of Canada.¹²³

¹¹⁹ <https://www.canada.ca/en/competition-bureau/news/2022/06/important-amendments-to-the-competition-act-come-into-effect.html>

¹²⁰ <https://laws.justice.gc.ca/eng/acts/C-34/20220623/P1TT3xt3.html>

¹²¹ https://publications.gc.ca/collections/collection_2023/isde-ised/Iu50-2022-eng.pdf

¹²² https://publications.gc.ca/collections/collection_2023/isde-ised/Iu50-2023-eng.pdf

¹²³ <https://competition-bureau.canada.ca/en/how-we-foster-competition/promotion-and-advocacy/regulatory-advice/interventions-competition-bureau/examining-canadian-competition-act-digital-era>

133. Attached hereto as **Exhibit “131”** is copy of a submission by the Competition Bureau titled “The Future of Competition Policy in Canada” and dated March 15, 2023, obtained from the website of the Government of Canada.¹²⁴

134. Attached hereto as **Exhibit “132”** is an excerpt of a copy of the *House of Commons Debates*, 44-1, Vol. 151, No. 219 from September 18, 2023, obtained from the website of the Parliament of Canada.¹²⁵

135. Attached hereto as **Exhibit “133”** is copy of Bill C-352, *An Act to amend the Competition Act and the Competition Tribunal Act*, 1st Sess., 44th Parl. (first reading, September 18, 2023), obtained from the website of the Parliament of Canada.¹²⁶

136. Attached hereto as **Exhibit “134”** is a copy of Bill C-56, *An Act to amend the Excise Tax Act and the Competition Act*, 1st Sess., 44th Parl., 2022-2023 (first reading September 21, 2023), obtained from the website of the Parliament of Canada.¹²⁷

137. Attached hereto as **Exhibit “135”** is an excerpt of a copy of the *House of Commons Debates*, 44-1, Vol. 151, No. 222 from September 21, 2023, obtained from the website of the Parliament of Canada.¹²⁸

¹²⁴ <https://competition-bureau.canada.ca/en/how-we-foster-competition/promotion-and-advocacy/regulatory-advice/interventions-competition-bureau/future-competition-policy-canada>

¹²⁵ <https://www.ourcommons.ca/documentviewer/en/44-1/house/sitting-219/hansard>

¹²⁶ <https://www.parl.ca/DocumentViewer/en/44-1/bill/C-352/first-reading>

¹²⁷ <https://www.parl.ca/documentviewer/en/44-1/bill/C-56/first-reading>

¹²⁸ <https://www.ourcommons.ca/DocumentViewer/en/44-1/house/sitting-222/hansard>

138. Attached hereto as **Exhibit “136”** is an excerpt of a copy of the *House of Commons Debates*, 44-1, Vol. 151, No. 223 from September 25, 2023, obtained from the website of the Parliament of Canada.¹²⁹

139. Attached hereto as **Exhibit “137”** is an excerpt of a copy of the *House of Commons Debates*, 44-1, Vol. 151, No. 225 from September 27, 2023, obtained from the website of the Parliament of Canada.¹³⁰

140. Attached hereto as **Exhibit “138”** is an excerpt of a copy of the *House of Commons Debates*, 44-1, Vol. 151, No. 228 from October 3, 2023, obtained from the website of the Parliament of Canada.¹³¹

141. Attached hereto as **Exhibit “139”** is an excerpt of a copy of the *House of Commons Debates*, 44-1, Vol. 151, No. 230 from October 5, 2023, obtained from the website of the Parliament of Canada.¹³²

142. Attached hereto as **Exhibit “140”** is a copy of a document titled “Charter Statement – Bill C-56: An Act to amend the Excise Tax Act and the Competition Act”, which states that it was tabled in the House of Commons on October 16, 2023, obtained from the website of the Parliament of Canada.¹³³

¹²⁹ <https://www.ourcommons.ca/DocumentViewer/en/44-1/house/sitting-223/hansard>

¹³⁰ <https://www.ourcommons.ca/DocumentViewer/en/44-1/house/sitting-225/hansard>

¹³¹ <https://www.ourcommons.ca/DocumentViewer/en/44-1/house/sitting-228/hansard>

¹³² <https://www.ourcommons.ca/DocumentViewer/en/44-1/house/sitting-230/hansard>

¹³³ https://www.justice.gc.ca/eng/csj-sjc/pl/charte-charte/c56_1.html

143. Attached hereto as **Exhibit “141”** is a copy of a bulletin issued by the Competition Bureau titled “Bulletin on Amendments to the Abuse of Dominance Provisions” and dated October 25, 2023, obtained from the website of the Competition Bureau.¹³⁴

144. Attached hereto as **Exhibit “142”** is a copy of the written submissions of the Canadian Chamber of Commerce titled “Written Submission for the Study of Bill C-56, the *Affordable Housing and Groceries Act*” and dated November 2023, obtained from the website of the Canadian Chamber of Commerce.¹³⁵

145. Attached hereto as **Exhibit “143”** is an excerpt of a copy of the *House of Commons Debates*, 44-1, Vol. 151, No. 247 from November 6, 2023, obtained from the website of the Parliament of Canada.¹³⁶

146. Attached hereto as **Exhibit “144”** is a copy of the Thirteenth Report of the House of Commons Standing Committee on Finance on Bill C-56 dated November 29, 2023, obtained from the website of Parliament of Canada.¹³⁷

¹³⁴ <https://competition-bureau.canada.ca/en/how-we-foster-competition/consultations/bulletin-amendments-abuse-dominance-provisions>

¹³⁵ <https://chamber.ca/wp-content/uploads/2023/11/Canadian-Chamber-of-Commerce-C-56-Letter-to-FINA.pdf>

¹³⁶ <https://www.ourcommons.ca/documentviewer/en/44-1/house/sitting-247/hansard>

¹³⁷ <https://www.ourcommons.ca/DocumentViewer/en/44-1/FINA/report-13>

147. Attached hereto as **Exhibit “145”** is a copy of the *House of Commons Debates*, 44-1, Vol. 151, No. 254 from November 23, 2023, obtained from the website of the Parliament of Canada.¹³⁸

148. Attached hereto as **Exhibit “146”** is a copy of the *House of Commons Debates*, 44-1, Vol. 151, No. 259 from November 30, 2023, obtained from the website of the Parliament of Canada.¹³⁹

149. Attached hereto as **Exhibit “147”** is an excerpt of a copy of the *House of Commons Debates*, 44-1, Vol. 151, No. 262 from December 5, 2023, obtained from the website of the Parliament of Canada.¹⁴⁰

150. Attached hereto as **Exhibit “148”** is an excerpt of a copy of the *House of Commons Debates*, 44-1, Vol. 151, No. 265 from December 11, 2023, obtained from the website of the Parliament of Canada.¹⁴¹

151. Attached hereto as **Exhibit “149”** is a copy of the Fifteenth Report of the Standing Senate Committee on National Finance on Bill C-56 dated December 13, 2023, obtained from the website of the Parliament of Canada.¹⁴²

¹³⁸ <https://www.ourcommons.ca/DocumentViewer/en/44-1/house/sitting-254/hansard>

¹³⁹ <https://www.ourcommons.ca/documentviewer/en/44-1/house/sitting-259/hansard>

¹⁴⁰ <https://www.ourcommons.ca/DocumentViewer/en/44-1/house/sitting-262/hansard>

¹⁴¹ <https://www.ourcommons.ca/DocumentViewer/en/44-1/house/sitting-265/hansard>

¹⁴² <https://sencanada.ca/en/committees/NFFN/Report/124257/44-1>

152. Attached hereto as **Exhibit “150”** is an excerpt of a copy of the *Debates of the Senate*, 44-1, Vol. 153, No. 171 from December 13, 2023, obtained from the website of the Parliament of Canada.¹⁴³

153. Attached hereto as **Exhibit “151”** is an excerpt of a copy of the *Debates of the Senate*, 44-1, Vol. 153, No. 172 from December 14, 2023, obtained from the website of the Parliament of Canada.¹⁴⁴

154. Attached hereto as **Exhibit “152”** is a copy of an article by Rachel Aiello titled “NDP agree to help pass Liberal ‘affordable housing and groceries’ bill in exchange for amendments” published by *CTV News* on November 17, 2023, obtained from the website of *CTV News*.¹⁴⁵

155. Attached hereto as **Exhibit “153”** is a copy of Bill C-56, *An Act to amend the Excise Tax Act and the Competition Act*, 1st Sess., 44th Parl., 2022-2023 (assented to December 15, 2023), S.C. 2023, c. 31, as it existed upon Royal Assent, obtained from the website of the Parliament of Canada.¹⁴⁶

156. Attached hereto as **Exhibit “154”** is a copy of the *Competition Act*, R.S.C., 1985, c. C-34, as it existed following the passing of Bill C-56, obtained from the Government of Canada’s Justice Laws website.¹⁴⁷

¹⁴³ https://sencanada.ca/en/content/sen/chamber/441/debates/171db_2023-12-13-e?language=e

¹⁴⁴ https://sencanada.ca/en/content/sen/chamber/441/debates/172db_2023-12-14-e?language=e

¹⁴⁵ <https://www.ctvnews.ca/politics/article/ndp-agree-to-help-pass-liberal-affordable-housing-and-groceries-bill-in-exchange-for-amendments/>

¹⁴⁶ <https://www.parl.ca/DocumentViewer/en/44-1/bill/C-56/royal-assent>

¹⁴⁷ <https://laws.justice.gc.ca/eng/acts/C-34/20231215/P1TT3xt3.html>

157. Attached hereto as **Exhibit “155”** is a copy of a guide published by the Competition Bureau on December 18, 2023 titled “Guide to the December 2023 amendments to the *Competition Act*”, obtained from the website of the Competition Bureau.¹⁴⁸

158. Attached hereto as **Exhibit “156”** is an excerpt of a copy of the *House of Commons Debates*, 44-1, Vol. 151, No. 274 from February 2, 2024, obtained from the website of the Parliament of Canada.¹⁴⁹

159. Attached hereto as **Exhibit “157”** is a copy of a news release issued by the Government of Canada titled “Competition Bureau expands its investigation into Google’s advertising practices” and dated February 29, 2024, obtained from the website of the Government of Canada.¹⁵⁰

160. Attached hereto as **Exhibit “158”** is a copy of a screen capture from the social media platform X taken on May 1, 2025 of a post from the Competition Bureau dated February 29, 2024.¹⁵¹

161. Attached hereto as **Exhibit “159”** is a copy of the written submissions of Matthew Boswell, Commissioner of Competition, to the Chair and Members of the House

¹⁴⁸ <https://competition-bureau.canada.ca/en/how-we-foster-competition/education-and-outreach/guide-december-2023-amendments-competition-act>

¹⁴⁹ <https://www.ourcommons.ca/documentviewer/en/44-1/house/sitting-274/hansard>

¹⁵⁰ <https://www.canada.ca/en/competition-bureau/news/2024/02/competition-bureau-expands-its-investigation-into-googles-advertising-practices.html>

¹⁵¹ <https://x.com/CompBureau/status/1763227608005648870?s=42>

of Commons Standing Committee on Finance dated March 1, 2024, obtained from the website of the Senate of Canada.¹⁵²

162. Attached hereto as **Exhibit “160”** is a copy of the transcript of the proceedings of the House of Commons Standing Committee on Finance from April 18, 2024, obtained from the website of the Parliament of Canada.¹⁵³

163. Attached hereto as **Exhibit “161”** is a copy of notes for an address by Matthew Boswell, Commissioner of Competition titled “The new era of competition enforcement in Canada” for delivery to the Canadian Bar Association Competition Fall Law Conference, dated September 26, 2024, obtained from the website of the Government of Canada.¹⁵⁴

164. Attached hereto as **Exhibit “162”** is a copy of Bill C-59, *An Act to implement certain provisions of the fall economic statement tabled in Parliament on November 21, 2023 and certain provisions of the budget tabled in Parliament on March 28, 2023*, 1st Sess., 44th Parl., 2021-2022 (assented to June 20, 2024), S.C. 2024, c. 15, obtained from the website of the Parliament of Canada.¹⁵⁵

¹⁵² https://sencanada.ca/Content/Sen/Committee/441/NFFN/briefs/SM-C-59_CompetitionBureauofCND_e.pdf

¹⁵³ <https://www.ourcommons.ca/documentviewer/en/44-1/FINA/meeting-138/evidence>

¹⁵⁴ <https://www.canada.ca/en/competition-bureau/news/2024/09/the-new-era-of-competition-enforcement-in-canada.html>

¹⁵⁵ <https://www.parl.ca/DocumentViewer/en/44-1/bill/C-59/royal-assent>

165. Attached hereto as **Exhibit “163”** is a copy of the transcript of the proceedings of the House of Commons Standing Committee on Industry and Technology from June 3, 2024, obtained from the website of the Parliament of Canada.¹⁵⁶

166. Attached hereto as **Exhibit “164”** is a copy of the transcript of the proceedings of the House of Commons Standing Committee on Industry and Technology from June 10, 2024, obtained from the website of the Parliament of Canada.¹⁵⁷

167. Attached hereto as **Exhibit “165”** is a copy of the transcript of the proceedings of the House of Commons Standing Committee on Industry and Technology from June 12, 2024, obtained from the website of the Parliament of Canada.¹⁵⁸

168. Attached hereto as **Exhibit “166”** is a copy of the transcript of the proceedings of the House of Commons Standing Committee on Industry and Technology from June 17, 2024, obtained from the website of the Parliament of Canada.¹⁵⁹

169. Attached hereto as **Exhibit “167”** is a copy of the Nineteenth Report of the House of Commons Standing Committee on Industry and Technology on Bill C-325 dated June 17, 2024, obtained from the website of the Parliament of Canada.¹⁶⁰

170. Attached hereto as **Exhibit “168”** is a copy of a news release issued by the Competition Bureau titled “Competition Bureau wins deceptive marketing case against

¹⁵⁶ <https://www.ourcommons.ca/documentviewer/en/44-1/INDU/meeting-127/evidence>

¹⁵⁷ <https://www.ourcommons.ca/documentviewer/en/44-1/INDU/meeting-129/evidence>

¹⁵⁸ <https://www.ourcommons.ca/documentviewer/en/44-1/INDU/meeting-130/evidence>

¹⁵⁹ https://publications.gc.ca/collections/collection_2024/parl/x80-1/XC80-1-2-441-131-eng.pdf

¹⁶⁰ <https://www.ourcommons.ca/documentviewer/en/44-1/INDU/meeting-131/evidence>

Cineplex” and dated September 23, 2024, obtained from the website of the Government of Canada.¹⁶¹

171. Attached hereto as **Exhibit “169”** is a copy of the webpage of the Competition Bureau titled “Specific areas of enforcement by the Bureau” and stating that it was last modified October 24, 2024, obtained from the website of the Competition Bureau.¹⁶²

172. Attached hereto as **Exhibit “170”** is a copy of a screen capture from the social media platform LinkedIn taken on May 1, 2025 of a post from the Competition Bureau dated September 23, 2024.¹⁶³

173. Attached hereto as **Exhibit “171”** is a copy of a screen capture from the social media platform X taken on May 1, 2025 of a post from the Competition Bureau dated September 23, 2024.¹⁶⁴

174. Attached hereto as **Exhibit “172”** is a copy of a screen capture from the social media platform LinkedIn taken on May 1, 2025 of a post from the Competition Bureau of Canada dated November 24, 2024 obtained from LinkedIn.¹⁶⁵

¹⁶¹ <https://www.canada.ca/en/competition-bureau/news/2024/09/competition-bureau-wins-deceptive-marketing-case-against-cineplex.html>

¹⁶² <https://competition-bureau.canada.ca/en/how-we-foster-competition/compliance-and-enforcement/specific-areas-enforcement-bureau>

¹⁶³ https://www.linkedin.com/posts/canadian-competition-bureau_today-the-competition-tribunal-ruled-in-activity-7244148326751698944-bq23

¹⁶⁴ <https://x.com/CompBureau/status/1838393030237102180>

¹⁶⁵ https://www.linkedin.com/posts/canadian-competition-bureau_we-are-suing-google-for-anti-competitive-activity-7267996664802467840-4M0H

175. Attached hereto as **Exhibit “173”** is a copy of a news release issued by the Government of Canada titled “Backgrounder: Competition Bureau sues Google for anti-competitive conduct in online advertising in Canada” and dated November 28, 2024, obtained from the website of the Government of Canada.¹⁶⁶

176. Attached hereto as **Exhibit “174”** is a copy of a screen capture from the social media platform X taken on May 1, 2025 of a post from the Competition Bureau of Canada dated November 28, 2024 obtained from X.¹⁶⁷

177. Attached hereto as **Exhibit “175”** is a copy of a news release issued by the Competition Bureau titled “Competition Bureau sues Google for anti-competitive conduct in online advertising in Canada” and dated November 28, 2024, obtained from the website of the Government of Canada.¹⁶⁸

178. Attached hereto as **Exhibit “176”** is a copy of the current version of the *Competition Act*, R.S.C., 1985, c. C-34 as it existed as of the date of this Affidavit, obtained from the Government of Canada’s Justice Laws website.¹⁶⁹

¹⁶⁶ <https://www.canada.ca/en/competition-bureau/news/2024/11/backgrounder-competition-bureau-sues-google-for-anti-competitive-conduct-in-online-advertising-in-canada.html>

¹⁶⁷ <https://x.com/CompBureau/status/1862230313759359316>

¹⁶⁸ <https://www.canada.ca/en/competition-bureau/news/2024/11/competition-bureau-sues-google-for-anti-competitive-conduct-in-online-advertising-in-canada.html>

¹⁶⁹ <https://laws.justice.gc.ca/eng/acts/C-34/index.html>

SWORN remotely by Mary DeCaire in the City of Toronto, in the Province of Ontario, before me in the City of Toronto, in the Province of Ontario on the 5th day of May, 2025 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely. }



Commissioner for Taking Affidavits
(or as may be)



MARY DECAIRE

This is Exhibit "1" referred to in the Affidavit of Mary DeCaire sworn by Mary DeCaire at the City of Toronto, in the Province of Ontario, before me on May 5, 2025 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.



Commissioner for Taking Affidavits (or as may be)

JAKOB KELLY

PUBLIC

2236
JOSEPH POPE

ACTS

OF THE

PARLIAMENT OF THE DOMINION OF CANADA

RELATING TO

CRIMINAL LAW,

TO

PROCEDURE IN CRIMINAL CASES

AND TO

EVIDENCE.

Compiled from the Revised Statutes of Canada, which were issued under authority of the Act 49 Vict., Chap 4, and brought into force on 1st MARCH, 1887, under proclamation dated 24th January, 1887; with marginal references to corresponding Imperial Acts; also Acts passed since the Consolidation relating to above subjects.



OTTAWA:

PRINTED BY BROWN CHAMBERLIN, PRINTER TO THE QUEEN'S MOST
EXCELLENT MAJESTY.

1891.



CHAPTER 41.

An Act for the Prevention and Suppression of Combinations formed in restraint of Trade.

[Assented to 2nd May, 1889.]

WHEREAS it is expedient to declare the law relating to conspiracies and combinations formed in restraint of trade and to provide penalties for the violation of the same : Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, declares and enacts as follows :—

1. Every person who conspires, combines, agrees or arranges with any other person, or with any railway, steamship, steamboat or transportation company, unlawfully,—

Combining for the purpose of unlawfully—

(a.) To unduly limit the facilities for transporting, producing, manufacturing, supplying, storing or dealing in any article or commodity which may be a subject of trade or commerce ; or—

Limiting facilities for transportation, &c.

(b.) To restrain or injure trade or commerce in relation to any such article or commodity ; or—

Restraining commerce.

(c.) To unduly prevent, limit, or lessen the manufacture or production of any such article or commodity, or to unreasonably enhance the price thereof ; or—

Limiting production, &c.

(d.) To unduly prevent or lessen competition in the production, manufacture, purchase, barter, sale, transportation or supply of any such article or commodity, or in the price of insurance upon person or property,—

Hindering competition.

Is guilty of a misdemeanour and liable, on conviction, to a penalty not exceeding four thousand dollars and not less than two hundred dollars, or to imprisonment for any term not exceeding two years ; and if a corporation, is liable on conviction to a penalty not exceeding ten thousand dollars and not less than one thousand dollars.

Punishment.

2. In any prosecution under this Act the person accused shall be a competent witness on his own behalf.

Evidence.

3. Section one hundred and forty of "*The Criminal Procedure Act*," is hereby amended by adding to the list of offences therein mentioned the offences provided against in this Act.

S. 140 of R.S. C., c. 174 amended.

Option as to
mode of trial.

4. Where an indictment is found against any person for offences provided against in this Act, the defendant or person accused shall have the option to be tried before the judge presiding at the court at which such indictment is found, or the judge presiding at any subsequent sitting of such court, or at any court where the indictment comes on for trial, without the intervention of a jury ; and in the event of such option being exercised the proceedings subsequent thereto shall be regulated in so far as may be applicable by "*The Speedy Trials Act.*"

Appeal if case
is tried with-
out a jury.

5. An appeal shall lie from any conviction under this Act by the judge without the intervention of a jury to the highest court of appeal in criminal matters in the province where such conviction shall have been made, upon all issues of law and fact ; and the evidence taken in the trial shall form part of the record in appeal, and for that purpose the court before which the case is tried shall take note of the evidence and of all legal objections thereto.

How Act
shall be con-
strued.
R.S.C., c. 131.

6. The foregoing provisions of this Act shall be construed as if section twenty-two of "*The Trade Unions Act*" had not been enacted.

This is Exhibit "2" referred to in the Affidavit of Mary DeCaire sworn by Mary DeCaire at the City of Toronto, in the Province of Ontario, before me on May 5, 2025 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.



Commissioner for Taking Affidavits (or as may be)

JAKOB KELLY

772

THE
CRIMINAL CODE, 1892

55-56 VICTORIA, CHAP. 29

TOGETHER WITH

AN ACT TO AMEND THE CANADA TEMPERANCE AMENDMENT ACT, 1888
BEING CHAPTER 26 OF THE SAME SESSION



OTTAWA
PRINTED BY SAMUEL EDWARD DAWSON
LAW PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY
ANNO DOMINI 1892

Price 50 Cents.

The conveyance of cattle.

514. No railway company within Canada whose railway forms any part of a line of road over which cattle are conveyed from one province to another province, or from the United States to or through any province, or from any part of a province to another part of the same, and no owner or master of any vessel carrying or transporting cattle from one province to another province, or within any province, or from the United States through or to any province, shall confine the same in any car, or vessel of any description, for a longer period than twenty-eight hours without unloading the same for rest, water and feeding for a period of at least five consecutive hours, unless prevented from so unloading and furnishing water and food by storm or other unavoidable cause, or by necessary delay or detention in the crossing of trains.

2. In reckoning the period of confinement, the time during which the cattle have been confined without such rest, and without the furnishing of food and water, on any connecting railways or vessels from which they are received, whether in the United States or in Canada, shall be included.

3. The foregoing provisions as to cattle being unladen shall not apply when cattle are carried in any car or vessel in which they have proper space and opportunity for rest, and proper food and water.

4. Cattle so unloaded shall be properly fed and watered during such rest by the owner or person having the custody thereof or, in case of his default in so doing, by the railway company, or owner or master of the vessel transporting the same, at the expense of the owner or person in custody thereof; and such company, owner or master shall in such case have a lien upon such cattle for food, care and custody furnished and shall not be liable for any detention of such cattle.

5. Where cattle are unladen from cars for the purpose of receiving food, water and rest the railway company then having charge of the cars in which they have been transported shall, except during a period of frost, clear the floors of such cars, and litter the same properly with clean sawdust or sand before reloading them with live stock.

6. Every railway company, or owner or master of a vessel, having cattle in transit, or the owner or person having the custody of such cattle, as aforesaid, who knowingly and wilfully fails to comply with the foregoing provisions of this section, is liable for every such failure on summary conviction to a penalty not exceeding one hundred dollars. R.S.C., c. 172, ss. 8, 9, 10 and 11.

Search of premises; penalty for refusing admission to peace officer.

515. Any peace officer or constable may, at all times, enter any premises where he has reasonable grounds for supposing that any car, truck or vehicle, in respect whereof any company or person has failed to comply with the provisions of the next preceding section, is to be found, or enter

enter on board any vessel in respect whereof he has reasonable grounds for supposing that any company or person has, on any occasion, so failed.

2. Every one who refuses admission to such peace officer or constable is guilty of an offence and liable, on summary conviction, to a penalty not exceeding twenty dollars and not less than five dollars, and costs, and in default of payment, to thirty days' imprisonment. R.S.C., c. 171, s. 12.

PART XXXIX.

OFFENCES CONNECTED WITH TRADE AND BREACHES OF CONTRACT.

516. A conspiracy in restraint of trade is an agreement between two or more persons to do or procure to be done any unlawful act in restraint of trade. Conspiracies in restraint of trade.

517. The purposes of a trade union are not, by reason merely that they are in restraint of trade, unlawful within the meaning of the next preceding section. R.S.C., c. 131, s. 22. What acts done in restraint of trade are not unlawful.

518. No prosecution shall be maintainable against any person for conspiracy in refusing to work with or for any employer or workman, or for doing any act or causing any act to be done for the purpose of a trade combination, unless such act is an offence punishable by statute. 53 V., c. 37, s. 19. Prosecution for conspiracy.

519. The expression "trade combination" means any combination between masters or workmen or other persons for regulating or altering the relations between any persons being masters or workmen, or the conduct of any master or workman in or in respect of his business or employment, or contract of employment or service; and the expression "act" includes a default, breach or omission. R.S.C., c. 173, s. 13. Interpretation. Compare R.S.C. c. 131, s. 2.

News 520
Substituted
1900 c. 46
s. 3.
520. Every one is guilty of an indictable offence and liable to a penalty not exceeding four thousand dollars and not less than two hundred dollars, or to two years' imprisonment, and if a corporation is liable to a penalty not exceeding ten thousand dollars and not less than one thousand dollars, who conspires, combines, agrees or arranges with any other person, or with any railway, steamship, steamboat or transportation company, unlawfully—
(a.) to ~~and~~ limit the facilities for transporting, producing, manufacturing, supplying, storing or dealing in any article or commodity which may be a subject of trade or commerce; or

Combinations in restraint of trade.

As to mode of trial & appeal vide 52 V. c. 41, ss. 4 & 5 which are repealed by this Act. vide p. 383 post v. s. 981 & Schedule Two.

Vide 1897 c. 16, s. 18 (b.) "The Customs Tariff 1897 as to powers of Governor in Council to order an inquiry, and to put the article on the free list or to reduce the duty."

(b.) to restrain or injure trade or commerce in relation to any such article or commodity; or

x 1899, c. 46, s. 1.

(c.) to ~~unduly~~ prevent, limit, or lessen the manufacture or production of any such article or commodity, or to ~~un-~~reasonably enhance the price thereof; or

(d.) to ~~unduly~~ prevent or lessen competition in the production, manufacture, purchase, barter, sale, transportation or supply of any such article or commodity, or in the price of insurance upon person or property. 52 V., c. 41, s. 1.

Criminal
breaches of
contract.

521. Every one is guilty of an indictable offence and liable on indictment or on summary conviction before two justices of the peace, to a penalty not exceeding one hundred dollars or to three months' imprisonment, with or without hard labour, who—

(a.) wilfully breaks any contract made by him knowing, or having reasonable cause to believe, that the probable consequences of his so doing, either alone or in combination with others, will be to endanger human life, or to cause serious bodily injury, or to expose valuable property, whether real or personal, to destruction or serious injury; or

(b.) being, under any contract made by him with any municipal corporation or authority, or with any company, bound, agreeing or assuming to supply any city or any other place, or any part thereof, with electric light or power, gas or water, wilfully breaks such contract knowing, or having reasonable cause to believe, that the probable consequences of his so doing, either alone or in combination with others, will be to deprive the inhabitants of that city or place, or part thereof, wholly or to a great extent, of their supply of power, light, gas or water; or

(c.) being under any contract made by him with a railway company, bound, agreeing or assuming to carry Her Majesty's mails, or to carry passengers or freight, or with Her Majesty, or any one on behalf of Her Majesty, in connection with a Government railway on which Her Majesty's mails, or passengers or freight are carried, wilfully breaks such contract knowing, or having reason to believe that the probable consequences of his so doing, either alone or in combination with others, will be to delay or prevent the running of any locomotive engine, or tender, or freight or passenger train or car, on the railway.

2. Every municipal corporation or authority or company which, being bound, agreeing or assuming to supply any city, or any other place, or any part thereof, with electric light or power, gas or water, wilfully breaks any contract made by such municipal corporation, authority, or company, knowing or having reason to believe that the probable consequences of its so doing will be to deprive the inhabitants of that city or place or part thereof wholly, or to a great extent, of their supply of electric light or power, gas or water, is liable to a penalty not exceeding one thousand dollars.

3.

3. Every railway company which, being bound, agreeing or assuming to carry Her Majesty's mails, or to carry passengers or freight, wilfully breaks any contract made by such railway company, knowing or having reason to believe that the probable consequences of its so doing will be to delay or prevent the running of any locomotive engine or tender, or freight or passenger train or car on the railway is liable to a penalty not exceeding one hundred dollars

4. It is not material whether any offence defined in this section is committed from malice conceived against the person, corporation, authority or company with which the contract is made or otherwise. R.S.C., c. 173, ss. 15 and 17.

522. Every such municipal corporation, authority, or company, shall cause to be posted up at the electrical works, gas works, or water-works, or railway stations, as the case may be, belonging to such corporation, authority or company, a printed copy of this and the preceding section in some conspicuous place, where the same may be conveniently read by the public; and as often as such copy becomes defaced, obliterated or destroyed shall cause it to be renewed with all reasonable despatch.

Posting up
copies of pro-
visions re-
specting cri-
minal bre-
aches of con-
tract; defac-
ing same.

2. Every such municipal corporation, authority or company which makes default in complying with such duty is liable to a penalty not exceeding twenty dollars for every day during which such default continues.

3. Every person unlawfully injuring, defacing or covering up any such copy so posted up is liable, on summary conviction, to a penalty not exceeding ten dollars. R.S.C., c. 173, s. 19.

523. Every one is guilty of an indictable offence and liable, on indictment or on summary conviction ^{before two} justices of the peace, to a fine not exceeding one hundred dollars or to three months' imprisonment with or without hard labour who, wrongfully and without lawful authority, with a view to compel any other person to abstain from doing anything which he has a lawful right to do, or to do anything from which he has a lawful right to abstain—

(a.) uses violence to such other person, or his wife or children, or injures his property; or

(b.) intimidates such other person, or his wife or children, by threats of using violence to him, her or any of them, or of injuring his property; or

(c.) persistently follows such other person about from place to place; or

(d.) hides any tools, clothes or other property owned or used by such other person, or deprives him of, or hinders him in, the use thereof; or

(e.) with one or more other persons, follows such other person, in a disorderly manner, in or through any street or road; or

(f.)

* "at the option of the
accused"
1905, c. 9, s. 2.

Intimidation.
* Certain persons not
to act as magistrates
Vide R.S.C. c. 173.
s. 12, subs. 5 which
is repealed by
Crim. Code s. 981
and Schedule Two.

(f.) besets or watches the house or other place where such other person resides or works, or carries on business or happens to be. R.S.C., c. 173, s. 12.

Intimidation of any person to prevent him from working at any trade.

524. Every one is guilty of an indictable offence and liable to two years' imprisonment who, in pursuance of any unlawful combination or conspiracy to raise the rate of wages, or of any unlawful combination or conspiracy respecting any trade, business or manufacture, or respecting any person concerned or employed therein, unlawfully assaults any person, or, in pursuance of any such combination or conspiracy, uses any violence or threat of violence to any person, with a view to hinder him from working or being employed at such trade, business or manufacture. R.S.C., c. 173, s. 9.

Intimidation of any person to prevent him dealing in wheat, &c.; unlawfully preventing seamen from working.

525. Every one is guilty of an indictable offence and liable, on indictment or on summary conviction before two justices of the peace, to a fine not exceeding one hundred dollars, or to three months' imprisonment with or without hard labour, who—

(a.) beats or uses any violence or threat of violence to any person with intent to deter or hinder him from buying, selling or otherwise disposing of any wheat or other grain, flour, meal, malt or potatoes or other produce or goods, in any market or other place; or

(b.) beats or uses any such violence or threat to any person having the charge or care of any wheat or other grain, flour, meal, malt or potatoes, while on the way to or from any city, market, town or other place with intent to stop the conveyance of the same; or

(c.) by force or threats of violence, or by any form of intimidation whatsoever, hinders or prevents or attempts to hinder or prevent any seaman, stevedore, ship carpenter, ship labourer or other person employed to work at or on board any ship or vessel, or to do any work connected with the loading or unloading thereof, from working at or exercising any lawful trade, business, calling or occupation in or for which he is so employed; or with intent so to hinder or prevent, besets or watches such ship, vessel or employee; or

(d.) beats or uses any violence to, or makes any threat of violence against, any such person with intent to hinder or prevent him from working at or exercising the same, or on account of his having worked at or exercised the same. R.S.C., c. 173, s. 10; 50-51 V., c. 49.

Intimidation of any person to prevent him bidding for public lands.

526. Every person is guilty of an indictable offence and liable to a fine not exceeding four hundred dollars, or to two years' imprisonment, or to both, who, before or at the time of the public sale of any Indian lands, or public lands of Canada, or of any province of Canada, by intimidation, or illegal combination, hinders or prevents, or attempts to hinder or prevent, any person from bidding upon or purchasing any lands so offered for sale. R.S.C., c. 173, s. 14.

PART

Being of { 526-A. }
Trading { 526-B. }
Stamps. } Added by 1905, c. 9, s. 1.

PART XL.

Vide ss. 61-64.

ATTEMPTS—CONSPIRACIES—ACCESSORIES.

527. Every one is guilty of an indictable offence and liable to seven years' imprisonment who, in any case not hereinbefore provided for, conspires with any person to commit any indictable offence. *Conspiring to commit an indictable offence.*

528. Every one is guilty of an indictable offence and liable to seven years' imprisonment who attempts, in any case not hereinbefore provided for, to commit any indictable offence for which the punishment is imprisonment for life, or for fourteen years, or for any term longer than fourteen years. *Attempting to commit certain indictable offences. Vide s. 64 for definition of "attempt".*

529. Every one who attempts to commit any indictable offence for committing which the longest term to which the offender can be sentenced is less than fourteen years, and no express provision is made by law for the punishment of such attempt, is guilty of an indictable offence and liable to imprisonment for a term equal to one-half of the longest term to which a person committing the indictable offence attempted to be committed may be sentenced. *Attempting to commit other indictable offences. X X X*

530. Every one is guilty of an indictable offence and liable to one year's imprisonment who attempts to commit any offence under any statute for the time being in force and not inconsistent with this Act, or incites or attempts to incite any person to commit any such offence, and for the punishment of which no express provision is made by such statute. *Attempting to commit statutory offences.*

531. Every one is guilty of an indictable offence and liable to seven years' imprisonment who, in any case where no express provision is made by this Act for the punishment of an accessory, is accessory after the fact to any indictable offence for which the punishment is, on a first conviction, imprisonment for life, or for fourteen years, or for any term longer than fourteen years. *Accessories after the fact to certain indictable offences. Vide s. 63.*

532. Every one who is accessory after the fact to any indictable offence for committing which the longest term to which the offender can be sentenced is less than fourteen years, and no express provision is made for the punishment of such accessory, is guilty of an indictable offence and liable to imprisonment for a term equal to one-half of the longest term to which a person committing the indictable offence to which he is accessory may be sentenced. *Accessories after the fact to other indictable offences.*

TITLE

This is Exhibit "3" referred to in the Affidavit of Mary DeCaire sworn by Mary DeCaire at the City of Toronto, in the Province of Ontario, before me on May 5, 2025 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.



Commissioner for Taking Affidavits (or as may be)

JAKOB KELLY



9-10 EDWARD VII.

CHAP. 9.

An Act to provide for the investigation of Combines, Monopolies, Trusts and Mergers.

[Assented to 4th May, 1910.]

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. This Act may be cited as *The Combines Investigation Act*. Short title.

INTERPRETATION.

2. In this Act, unless the context otherwise requires,— Definitions.

(a) "application" means an application to a judge for an order directing an investigation under the provisions of this Act; "Application."

(b) "Board" means a Board of Investigation established under the provisions of this Act; "Board."

(c) "combine" means any contract, agreement, arrangement or combination which has, or is designed to have, the effect of increasing or fixing the price or rental of any article of trade or commerce or the cost of the storage or transportation thereof, or of the restricting competition in or of controlling the production, manufacture, transportation, storage, sale or supply thereof, to the detriment of consumers or producers of such article of trade or commerce, and includes the acquisition, leasing or otherwise taking over, or obtaining by any person to the end aforesaid, of any control over or interest in the business, or any portion of the business, of any other person, and also includes what is known as a trust, monopoly or merger; "Combine."

(d) "Department" means the Department of Labour;

(e) "judge" means, in the province of Ontario, any judge of the High Court of Justice; in the province of Quebec, any judge of the Superior Court; in the provinces of Nova Scotia, New Brunswick, British Columbia, Prince Edward Island, Saskatchewan, "Department."
"Judge."

katchewan and Alberta, any judge of the Supreme Court; in the province of Manitoba, any judge of the Court of King's Bench, and in the Yukon territory, any judge of the Territorial Court;

"Minister." (f) "Minister" means the Minister of Labour;

"Order." (g) "order" means an order of a judge under the provisions of this Act;

"Prescribed." (h) "prescribed" means prescribed by this Act, or by any rule or regulation made thereunder;

"Registrar." (i) "Registrar" means the Registrar of Boards of Investigation appointed under this Act.

ADMINISTRATION.

Administration. **3.** The Minister shall have the general administration of this Act.

Registrar of Boards. **4.** The Governor in Council shall appoint a Registrar of Boards of Investigation, who shall have the powers and perform the duties prescribed.

Appointment and tenure of office. **2.** The office of Registrar may be held either separately or in conjunction with any other office in the public service, and in the latter case the Registrar may, if the Governor in Council thinks fit, be appointed by reference to such other office, whereupon the person who for the time being holds such office or performs its duties shall, by virtue thereof and without thereby being entitled to any additional remuneration, be the Registrar.

ORDER FOR INVESTIGATION.

Order for investigation **5.** Where six or more persons, British subjects resident in Canada and of full age, are of opinion that a combine exists, and that prices have been enhanced or competition restricted by reason of such combine, to the detriment of consumers or producers, such persons may make an application to a judge for an order directing an investigation into such alleged combine.

Application for order. **2.** Such application shall be in writing addressed to the judge, and shall ask for an order directing an investigation into the alleged combine, and shall also ask the judge to fix a time and place for the hearing of the applicants or their representative.

Form of application. **3.** The application shall be accompanied by a statement setting forth,—

(a) the nature of the alleged combine and the persons believed to be concerned therein;

(b) the manner in which the alleged combine affects prices or restricts competition, and the extent to which the alleged combine is believed to operate to the detriment of consumers or producers;

(c) the names and addresses of the parties making the application and the name and address of one of their number or of some other person whom they authorize to act as their representative for the purposes of this Act and to receive communications and conduct negotiations on their behalf.

4. The application shall also be accompanied by a statutory declaration from each applicant declaring that the alleged combine operates to the detriment of the declarant as a consumer or producer, and that to the best of his knowledge and belief the combine alleged in the statement exists and that such combine is injurious to trade or has operated to the detriment of consumers or producers in the manner and to the extent described, and that it is in the public interest that an investigation should be had into such combine. Declaration of applicants.

6. Within thirty days after the judge receives the application he shall fix a time and place for hearing the applicants and shall send due notice, by registered letter, to the representative authorized by the statement to receive communications on behalf of the applicants. At such hearing the applicants may appear in person or by their representative or by counsel. Hearing of application.

7. If upon such hearing the judge is satisfied that there is reasonable ground for believing that a combine exists which is injurious to trade or which has operated to the detriment of consumers or producers, and that it is in the public interest that an investigation should be held, the judge shall direct an investigation under the provisions of this Act; or if not so satisfied, and the judge is of opinion that in the circumstances an adjournment should be ordered, the judge may adjourn such hearing until further evidence in support of the application is given, or he may refuse to make an order for an investigation. Order for investigation by judge.

2. The judge shall have all the powers vested in the court of which he is a judge to summon before him and enforce the attendance of witnesses, to administer oaths, and to require witnesses to give evidence on oath or on solemn affirmation (if they are persons entitled to affirm in civil matters), and to produce such books, papers or other documents or things as the judge deems requisite. Adjournment for further evidence.

8. The order of the judge directing an investigation shall be transmitted by him to the Registrar by registered letter, and shall be accompanied by the application, the statement, a certified copy of any evidence taken before the judge, and the statutory declarations. The order shall state the matters to be investigated, the names of the persons alleged to be concerned in the combine, and the names and addresses of one or more of their number with whom, in the opinion of the judge, the Minister should communicate in order to obtain the recommendation for the appointment of a person as a member of the Board as hereinafter provided. Powers of judge.

Transmission of order and evidence to Registrar.

APPOINTMENT OF BOARDS.

Appointment of Board. **9.** Upon receipt by the Registrar of the order directing an investigation the Minister shall forthwith proceed to appoint a Board.

Constitution of Board. **10.** Every Board shall consist of three members, who shall be appointed by the Minister under his hand and seal of office.

Members of Board. **11.** Of the three members of the Board one shall be appointed on the recommendation of the persons upon whose application the order has been granted, one on the recommendation of the persons named in the order as being concerned in the alleged combine, and the third on the recommendation of the two members so chosen.

Recommendation of members. **12.** The persons upon whose application the order has been granted and the persons named in the order as being concerned in the alleged combine, within seven days after being requested so to do by the Registrar, may each respectively recommend the name of a person who is willing and ready to act as a member of the Board, and the Minister shall appoint such persons members of the Board.

Communications with representatives of parties. 2. For the purpose of obtaining the recommendations referred to in subsection 1 of this section it shall be sufficient, as respects the applicants, for the Registrar to communicate with the representative mentioned in the statement as authorized to receive communications on their behalf, and as respects the persons concerned in the alleged combine it shall be sufficient for the Registrar to communicate with the persons named in the order, as the persons with whom the Minister should communicate for this purpose.

When Minister may select members. 3. If the parties, or either of them, fail or neglect to make any recommendation within the said period, or such extension thereof as the Minister, on cause shown, grants, the Minister shall, as soon thereafter as possible, select and appoint a fit person or persons to be a member or members of the Board.

Recommendation and appointment of a judge as third member. 4. The two members so appointed may, within seven days after their appointment, recommend the name of a judge of any court of record in Canada who is willing and ready to act as a third member of the Board, and the Minister shall appoint such judge as a member of the Board, and if they fail or neglect to make a recommendation within the said period, or such extension thereof as the Minister on cause shown grants, the Minister shall, as soon thereafter as possible, select and appoint a judge of any court of record in Canada to be the third member of the Board.

Chairman. 5. The third member of the Board shall be its chairman.

Vacancies. 6. A vacancy in the membership of a Board shall be filled in the same manner as an original appointment is made.

13. No person shall act as a member of the Board who is one of the applicants for the Board or who has any direct pecuniary interest in the alleged combine that is the subject of investigation by such Board, or who is not a British subject. Persons disqualified as members.

14. As soon as possible after all the members of the Board have been appointed by the Minister, the Registrar shall notify the parties of the names of the chairman and other members of the Board. Notice of personnel of Board.

15. Before entering upon the exercise of the functions of their office the members of the Board shall take the following oath:— Oath of office.

I,, do solemnly swear,—

That I will truly, faithfully and impartially perform my duties as a member of the Board appointed to investigate.

That I am a British subject.

That I have no direct pecuniary interest in the alleged combine that is to be the subject of investigation.

That I have not received nor will I accept either directly or indirectly any perquisite, gift, fee or gratuity from any person in any way interested in any matter or thing to be investigated by the Board.

That I am not immediately connected in business with any of the parties applying for this investigation, and am not acting in collusion with any person herein.

16. The Department may provide the Board with a stenographer and such clerical and other assistance as to the Minister appears necessary for the efficient carrying out of the provisions of this Act. The Department shall also repay any reasonable and proper disbursements made or authorized and certified by the judge who grants the order directing the investigation. Clerical assistance to Board. Disbursements.

17. Upon the appointment of the Board the Registrar shall forward to the chairman copies of the application, statement, evidence, if any, taken before the judge, and order for investigation, and the Board shall forthwith proceed to deal with the matters referred to therein. Commencement of investigation

INQUIRY AND REPORT.

18. The Board shall expeditiously, fully and carefully inquire into the matters referred to it and all matters affecting the merits thereof, including the question of whether or not the price or rental of any article concerned has been unreasonably enhanced, or competition in the supply thereof unduly restricted, in consequence of a combine, and shall make a full and detailed report thereon to the Minister, which report shall set forth the various proceedings and steps taken by the Board for the purpose of fully and carefully ascertaining all the facts and circumstances. Inquiry. Report to Minister.

circumstances connected with the alleged combine, including such findings and recommendations as, in the opinion of the Board, are in accordance with the merits and requirements of the case.

Scope of investigation.

2. In deciding any question that may affect the scope or extent of the investigation, the Board shall consider what is required to make the investigation as thorough and complete as the public interest demands.

Report of Board.

19. The Board's report shall be in writing, and shall be signed by at least two of the members of the Board. The report shall be transmitted by the chairman to the Registrar, together with the evidence taken at such investigation certified by the chairman, and any documents and papers remaining in the custody of the Board. A minority report may be made and transmitted to the Registrar by any dissenting member of the Board.

Minority report.

Publication of reports.

20. Upon receipt of the Board's report and of the minority report, if any, a copy thereof shall be sent free of charge to the parties and to the representative of any newspaper in Canada who applies therefor, and the report and minority report, if any, shall also be published without delay in *The Canada Gazette*. The Minister may distribute copies of the report, and of any minority report, in such manner as to him seems most desirable, as a means of securing a compliance with the Board's recommendations. The Registrar shall, upon payment of such fees as may be prescribed, supply a certified copy of any report or minority report to any person applying for it.

Distribution of copies.

Fee for certified copies.

Reduction of Customs duties to secure reasonable competition

21. Whenever, from or as a result of an investigation under the provisions of this Act, or from or as a result of a judgment of the Supreme Court or Exchequer Court of Canada or of any superior court, or circuit, district or county court in Canada, it appears to the satisfaction of the Governor in Council that with regard to any article there exists any combine to promote unduly the advantage of the manufacturers or dealers at the expense of the consumers, and if it appears to the Governor in Council that such disadvantage to the consumer is facilitated by the duties of customs imposed on the article, or on any like article, the Governor in Council may direct either that such article be admitted into Canada free of duty or that the duty thereon be reduced to such amount or rate as will, in the opinion of the Governor in Council, give the public the benefit of reasonable competition.

Revocation of patent in certain cases.

22. In case the owner or holder of any patent issued under *The Patent Act* has made use of the exclusive rights and privileges which, as such owner or holder he controls, so as unduly to limit the facilities for transporting, producing, manufacturing, supplying, storing or dealing in any article which may be a subject of

trade

trade or commerce, or so as to restrain or injure trade or commerce in relation to any such article, or unduly to prevent, limit or lessen the manufacture or production of any article or unreasonably to enhance the price thereof, or unduly to prevent or lessen competition in the production, manufacture, purchase, barter, sale, transportation, storage or supply of any article, such patent shall be liable to be revoked. And, if a Board reports that a patent has been so made use of, the Minister of Justice may exhibit an information in the Exchequer Court of Canada praying for a judgment revoking such patent, and the court shall thereupon have jurisdiction to hear and decide the matter and to give judgment revoking the patent or otherwise as the evidence before the court may require.

Jurisdiction
of Exchequer
Court.

23. Any person reported by a Board to have been guilty of unduly limiting the facilities for transporting, producing, manufacturing, supplying, storing or dealing in any article which may be a subject of trade or commerce; or of restraining or injuring trade or commerce in relation to any such article; or of unduly preventing, limiting or lessening the manufacture or production of any such article; or of unreasonably enhancing the price thereof; or of unduly preventing or lessening competition in the production, manufacture, purchase, barter, sale, transportation, storage or supply of any such article, and who thereafter continues so to offend, is guilty of an indictable offence and shall be liable to a penalty not exceeding one thousand dollars and costs for each day after the expiration of ten days, or such further extension of time as in the opinion of the Board may be necessary, from the date of the publication of the report of the Board in *The Canada Gazette* during which such person so continues to offend.

Combines
restricting
manufacture,
trade or
competition.

Penalty.

SITTINGS OF BOARD.

24. The sittings of the Board shall be held at such times and places as are fixed by the chairman, after consultation with the other members of the Board, and the parties shall be notified by the chairman as to the times and places at which sittings are to be held: Provided that, so far as practicable, the Board shall sit in the locality within which the subject-matter of the proceedings before it arose.

Sittings of
Board.

25. The proceedings of the Board shall be conducted in public, but the Board may order that any portion of the proceedings shall be conducted in private.

Proceedings.

26. The decision of any two of the members present at a sitting of the Board shall be the decision of the Board.

Decisions

27. The presence of the chairman and at least one other member of the Board shall be necessary to constitute a sitting of the Board.

Quorum.

Absence of member.

28. In case of the absence of any one member from a meeting of the Board the other two members shall not proceed, unless it is shown that the absent member has been notified of the meeting in ample time to admit of his attendance.

Appearance of parties.

29. Any party to an investigation may appear before the Board in person or may be represented by any other person or persons, or, with the consent of the Board, may be represented by counsel.

When counsel appointed by Minister.

30. Whenever in the opinion of the Minister the public interest so requires, the Minister may apply to the Minister of Justice to instruct counsel to conduct the investigation before a Board, and upon such application the Minister of Justice may instruct counsel accordingly. The fees and expenses allowed to such counsel by the Minister of Justice shall be paid out of such appropriations as are made by Parliament to provide for the cost of administering this Act.

Fees.

Contempt of Board.

31. If, in any proceedings before the Board, any person wilfully insults any member of the Board, or wilfully interrupts the proceedings, or without good cause refuses to give evidence, or is guilty in any other manner of any wilful contempt in the face of the Board, any officer of the Board or any constable may take the person offending into custody and remove him from the precincts of the Board, to be detained in custody until the conclusion of that day's sitting of the Board, and the person so offending shall be liable, upon summary conviction, to a penalty not exceeding one hundred dollars.

Penalty.

WITNESSES AND EVIDENCE.

Witnesses and evidence.

32. For the purposes of an investigation the Board shall have all powers which are vested in any court of record in civil cases for the following purposes, namely: the summoning of witnesses before it, and enforcing their attendance from any part of Canada, of administering oaths, and of requiring witnesses to give evidence on oath or on solemn affirmation (if they are persons entitled to affirm in civil matters) and to produce such books, papers or other documents or things as the Board deems requisite to the full investigation of the matters into which it is inquiring.

Oath.

2. Any member of the Board may administer an oath.

Signature of chairman.

3. Summonses to witnesses and all other orders, process and proceedings shall be signed by the chairman.

Inspection of documents.

33. All books, papers and other documents or things produced before the Board, whether voluntarily or in pursuance of summons, may be inspected by the Board, and also by such parties as the Board allows.

34. Any party to the proceedings shall be competent and may be compelled to give evidence as a witness. Parties as witnesses.

35. Every person who is summoned and duly attends as a witness shall be entitled to an allowance for attendance and travelling expenses according to the scale in force with respect to witnesses in civil suits in the superior courts of the province in which the inquiry is being conducted. Expenses of witnesses.

36. If any person who has been duly served with a summons and to whom at the time of service payment or tender has been made of his reasonable travelling expenses according to the aforesaid scale, fails to attend or to produce any book, paper or other document or thing as required by his summons, he shall, unless he shows that there was good and sufficient cause for such failure, be guilty of an offence and liable upon summary conviction to a penalty not exceeding one hundred dollars. Failure of witness to attend or to produce documents. Penalty.

37. The Board may, with the consent of the Minister, employ competent experts to examine books or official reports, and to advise it upon any technical or other matter material to the investigation, but the information obtained therefrom shall not, except in so far as the Board deems it expedient, be made public, and such parts of the books, papers or other documents as in the opinion of the Board are not material to the investigation may be sealed up. Experts.

REMUNERATION AND EXPENSES OF BOARD.

38. The members of a Board shall be remunerated for their services as follows:— Remuneration of Board.

(a) To the two members first appointed an allowance of five dollars each per day for a time not exceeding three days during which they may be actually engaged in selecting the third member of the Board.

(b) To each member an allowance at the rate of twenty dollars for each day's sitting of the Board.

39. Each member of the Board shall be entitled to his actual and necessary travelling expenses and an allowance of ten dollars per day for each day that he is engaged in travelling from or to his place of residence for the purpose of attending or after having attended a meeting of the Board. Travelling expenses.

40. No member of the Board shall accept in addition to his travelling expenses and allowances as a member of the Board any perquisite, gift, fee or gratuity of any kind from any person in any way interested in any matter or thing that is being investigated by the Board. The acceptance of any such perquisite, gift, Acceptance of gratuity prohibited.

Penalty. gift, fee or gratuity by any member of the Board shall be an offence, and shall render such member liable upon summary conviction to a fine not exceeding one thousand dollars, and he shall thereafter be disqualified to act as a member of any Board.

Vouchers for expenses. **41.** All expenses of the Board, including expenses for transportation incurred by the members thereof or by persons under its order in making investigations under this Act, salaries of employees and agents, and fees and travelling expenses of witnesses, shall be allowed and paid upon the presentation of itemized vouchers therefor, approved and certified by the chairman of the Board, which vouchers shall be forwarded by the chairman to the Registrar. The chairman shall also forward to the Registrar a certified and detailed statement of the sittings of the Board, and of the members present at each of such sittings.

Detailed statement of sittings.

MISCELLANEOUS.

Technical irregularities. **42.** No proceedings under this Act shall be deemed invalid by reason of any defect of form or any technical irregularity.

Evidence of report. **43.** Evidence of a report of a Board may be given in any court by the production of a copy of *The Canada Gazette* purporting to contain a copy of such report, or by the production of a copy of the report purporting to be certified by the Registrar to be a true copy.

Allowances determined by Minister. **44.** The Minister shall determine the allowance or amounts to be paid to all persons, other than the members of a Board, employed by the Government or any Board, including the secretaries, clerks, experts, stenographers or other persons performing any services under the provisions of this Act.

Regulations by Governor in Council. **45.** The Governor in Council may make such regulations, not inconsistent with this Act, as to him seem necessary for carrying out the provisions of this Act and for the efficient administration thereof.

Publication. **2.** Such regulations shall be published in *The Canada Gazette*, and upon being so published they shall have the same force as if they formed part of this Act.

To be laid before Parliament. **3.** The regulations shall be laid before both Houses of Parliament within fifteen days after such publication in Parliament is then sitting, and if Parliament is not then sitting then within fifteen days after the opening of the next session thereof.

Annual report to Parliament. **46.** The Minister shall lay before Parliament, within the first fifteen days of the then next session, an annual report of the proceedings under this Act.

1907, c. 11 amended **47.** Subsection 1 of section 12 of *The Customs Tariff, 1907*, is repealed.

48. This Act shall not be construed to repeal, amend or in any way affect *The Trade Unions Act*, chapter 125 of the Revised Statutes, 1906. R.S., c. 125.

SCHEDULE.

FORM 1.

APPLICATION FOR ORDER DIRECTING AN INVESTIGATION.

"The Combines Investigation Act."

(Section 5.)

Dated at this
..... day of, 19..

IN THE MATTER of an alleged combine [*here state shortly the nature of the combine*].

To the Honourable [*here insert the name of the judge*], a Judge [*or, Chief Justice as the case may be*] of the [*here insert the title of the court*].

The undersigned are of opinion that a combine exists [*here state shortly the nature of the alleged combine*] and that prices have been enhanced [*or, competition has been restricted by such combine, as the case may be*] to the detriment of consumers [*or, producers, as the case may be*].

The undersigned therefore apply for an order under "The Combines Investigation Act" directing an investigation into such alleged combine.

[*Here state—*

(a) *the nature of the alleged combine and the persons believed to be concerned therein; and,*

(b) *the manner in which the alleged combine affects prices or restricts competition, and the extent to which the alleged combine is believed to operate to the detriment of consumers or producers, as the case may be.*]

STATEMENT ACCOMPANYING APPLICATION FOR ORDER.

Dated at this
..... day of, 19..

The undersigned hereby authorize..... of [*give name and place of residence*] to act as our representative for the purposes of "The Combines Investigation Act," and to receive communications and conduct negotiations on our behalf.

The names and addresses of the persons applying for the aforesaid order are as follows.—

Names.	Addresses.

STATUTORY DECLARATION ACCOMPANYING APPLICATION FOR ORDER.*

CANADA:
Province of, }
To Wit.

I,, of the of
in the of
do solemnly declare:—

1. That the alleged combine operates to my detriment as a consumer [*or, producer, as the case may be*].

2. That to the best of my knowledge and belief the combine alleged in the foregoing statement exists and that such combine is injurious to trade [*or, has operated to the detriment of consumers, or, producers, as the case may be*] in the manner and to the extent described.

3. That it is in the public interest that an investigation should be had into such combine.

And I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath, and by virtue of The Canada Evidence Act.

Declared before me at in the county of
..... this day of 19..

FORM 2.

ORDER DIRECTING INVESTIGATION.

“The Combines Investigation Act.”

(Section 7.)

IN THE MATTER of the application of [*here insert the names of applicants*], dated the day of 19..

*A declaration as above must be made by each applicant.

for an order directing an investigation under "The Combines Investigation Act" into an alleged combine [*here state shortly the nature of the combine*].

I, the Honourable,
a Judge [*or, Chief Justice, as the case may be*] of [*here insert the name of court*] after having read the application of [*names of applicants*], dated the.....day of..... 19.., the statement and statutory declarations accompanying the same and the evidence produced by the said applicants, am satisfied that there is reasonable ground for believing that a combine exists [*here describe nature of combine*] which is injurious to trade [*or, which has operated to the detriment of consumers, or, producers, as the case may be*], and that it is in the public interest that an investigation should be held, and I do therefore direct that an investigation be held, under the provisions of the said Act into the following matters, that is to say: [*here set out the matters to be investigated.*]

The names of the persons alleged to be concerned in the alleged combine are [*here insert names and addresses*] and I am of opinion that the Minister of Labour should communicate with [*here insert the name or names with, in each case, the address*] in order to obtain the recommendation for the appointment of a person as a member of the Board of Investigation on behalf of those concerned in the said alleged combine.

Dated at.....this.....day of..... 19..

OTTAWA : Printed by CHARLES HENRY PARMELEE, Law Printer to
the King's most Excellent Majesty.

This is Exhibit "4" referred to in the Affidavit of Mary DeCaire sworn by Mary DeCaire at the City of Toronto, in the Province of Ontario, before me on May 5, 2025 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.



Commissioner for Taking Affidavits (or as may be)

JAKOB KELLY



9-10 GEORGE V.

CHAP. 37.

An Act to constitute a Board of Commerce for Canada.

[Assented to 7th July, 1919.]

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

SHORT TITLE.

- 1.** This Act may be cited as *The Board of Commerce Act*. Short title.

INTERPRETATION.

- 2.** In this Act, unless the context otherwise requires,— Definitions.
- (1) "Board" means the Board of Commerce of Canada, as by this Act constituted;
 - (2) "Costs" includes fees, counsel fees and expenses;
 - (3) "Exchequer Court" means the Exchequer Court of Canada;
 - (4) "Minister" means the Prime Minister or such other minister as may be designated by the Governor in Council for the purpose;
 - (5) "Secretary" means the Secretary of the Board; and
 - (6) "Special Act" means the *Combines and Fair Prices Act*, 1919.

CONSTITUTION.

- 3.** (1) There shall be a Board, known as the Board of Commerce of Canada, consisting of three commissioners appointed by the Governor in Council. Commissioners.

(2) Such Board shall be a court of record, and have an official seal which shall be judicially noticed. Powers and seal.

(3) Each commissioner shall hold office during good behaviour for a period of ten years from the date of his appointment, but may be removed at any time by the Governor in Council for cause provided that,— Tenure of office.

- (a) a commissioner shall cease to hold office upon reaching the age of seventy-five years; and

(b) if a judge of any superior court in Canada is appointed Chief Commissioner of the Board, he shall not be removed at any time by the Governor in Council, except upon address of the Senate and House of Commons.

(4) A commissioner on the expiration of his term of office shall, if not disqualified by age, be eligible for reappointment.

Chief Commissioner.

4. (1) One of such commissioners shall be appointed by the Governor in Council Chief Commissioner.

Qualification.

(2) Any person may be appointed Chief Commissioner who is or has been a judge of a superior court of Canada or of any province of Canada, or who is a barrister or advocate of at least ten years' standing at the bar of any such province.

Commissioner to act in his absence.

(3) A Commissioner shall have all the powers of the Chief Commissioner; but such powers shall not be exercised by him except in the absence of the Chief Commissioner, and whenever he has acted it shall be conclusively presumed that he has so acted in the absence or disability of the Chief Commissioner within the meaning of this section.

Chief Commissioner may authorize a Commissioner to exercise certain of his powers.

5. Where the Chief Commissioner deems it necessary for the more speedy and convenient despatch of business he may by writing authorize any commissioner to sign regulations, orders and other documents in his stead, and when done pursuant to such authority the same shall have the like force and effect as if signed by the Chief Commissioner.

Quorum.

6. (1) Two commissioners shall form a quorum, and not less than two commissioners shall attend at the hearing of every case: Provided that,—

When one Commissioner may act.

(a) In any case where there is no opposing party and no notice to be given to any interested party any one commissioner may act alone for the Board; and,

One Commissioner may be authorized to report to Board.

(b) the Board, or the Chief Commissioner, may authorize any one of the commissioners to report to the Board upon any question or matter arising in connection with the business of the Board, and when so authorized such commissioner shall have all the powers of two commissioners sitting together for the purpose of taking evidence or acquiring the necessary information for the purpose of such report, and upon such report being made to the Board, it may be adopted as the order of the Board or otherwise dealt with as to the Board seems proper;

Decision where opinion equal.

(c) in case of an equal division of opinion as between two commissioners the other commissioner shall be called upon for his opinion.

(2) The Chief Commissioner, when present, shall preside, and a commissioner, in the absence of the Chief Commissioner, shall preside, and the opinion of either of them upon any question arising when he is presiding, which in the opinion of the commissioners is a question of law, shall prevail.

Presiding
Commission-
er.

(3) No vacancy in the Board shall impair the right of the remaining commissioners to act.

Vacancy.

7. Whenever any commissioner is interested in any matter before the Board, or of kin or affinity to any person interested in any such matter, the Governor in Council may, either upon the application of such commissioner or otherwise, appoint some disinterested person to act as commissioner *pro hac vice*; and the Governor in Council may also, in the case of the illness, absence or inability to act of any commissioner, appoint a commissioner *pro hac vice*; Provided that no commissioner shall be disqualified to act by reason of interest or of kindred or affinity to any person interested in any matter before the Board.

Where
interested in
matter, etc.,
Governor in
Council may
appoint
another
person to act.

8. The commissioners shall, during their term of office, reside in the city of Ottawa, or within five miles thereof, or within such distance thereof as the Governor in Council at any time determines.

Residence.

9. The commissioners shall devote the whole of their time to the performance of their duties under this Act, and shall not accept or hold any office or employment inconsistent with this section.

Whole time
to be devoted
to duties.

OFFICES.

10. (1) The Governor in Council shall, upon the recommendation of the Minister, provide, within the city of Ottawa, a suitable place in which the sessions of the Board may be held, and also suitable offices for the commissioners, and for the secretary, and the officers and employees of the Board, and all necessary furnishings, stationery and equipment for the conduct, maintenance and performance of the duties of the Board.

Offices and
furniture, etc.,
in Ottawa.

(2) The Governor in Council, upon the recommendation of the Minister, may establish at any place or places in Canada such office or offices as are required for the Board, and may provide therefor the necessary accommodation, furnishings, stationery and equipment.

At other
places.

SITTINGS AND DISPOSAL OF BUSINESS.

11. The Board whenever circumstances render it expedient to hold a sitting elsewhere than in Ottawa, may hold such sitting in any part of Canada.

Sittings.

Times for
sitting.

12. (1) The commissioners shall sit at such times and conduct their proceedings in such manner as may seem to them most convenient for the speedy despatch of business.

May sit in
open court
or in camera.

(2) They may, subject to the provisions of this Act, sit either in private or in open court: Provided that any complaint made to them shall, on the application of any party to the complaint, be heard and determined in open court.

Rules.

13. Subject to the provisions of this Act, the Board may make rules and provisions respecting,—

- (a) the sittings of the Board;
- (b) the manner of dealing with the matters and business before the Board;
- (c) the apportionment of the work of the Board among its members, and the assignment of members to sit at hearings and to preside thereat; and,
- (d) generally, the carrying on of the work of the Board, the management of its internal affairs, and the duties of its officers and employees; and in the absence of other rule or provision as to any such matter, it shall be in the charge and control of the Chief Commissioner or such other member or members of the Board as the Board directs.

EXPERTS.

Experts to be
appointed.

14. The Governor in Council may, from time to time, or as the occasion requires, appoint one or more experts, or persons having technical or special knowledge of the matters in question, to assist in an advisory capacity in respect of any matter before the Board. He may also establish an advisory council to the Board, consisting of persons skilled and experienced in matters affecting industry, trade and commerce, and selected from among the labouring, manufacturing and commercial classes.

SECRETARY.

Secretary.

15. There shall be a Secretary of the Board who shall be appointed by the Governor in Council, hold office during pleasure, and reside in the City of Ottawa.

Duties.

- 16.** (1) It shall be the duty of the Secretary,—
- (a) to attend all sessions of the Board;
 - (b) to keep a record of all proceedings conducted before the Board or commissioner under this Act;
 - (c) to have the custody and care of all records and documents belonging or appertaining to the Board or filed in his office;
 - (d) to obey all rules and directions which may be made or given by the Board, or the Chief Commissioner, touching his duties or office;

(e) to have every regulation and order of the Board drawn pursuant to the direction of the Board, signed by the Chief Commissioner, sealed with the official seal of the Board, and filed in the office of the Secretary.

(2) The Secretary shall keep in his office suitable books of record, in which he shall enter a true copy of every such regulation and order, and every other document which the Board may require to be entered therein, and such entry shall constitute and be the original record of any such regulation or order. Records.

(3) Upon application of any person, and on payment of such fees as the Board may prescribe, the Secretary shall deliver to such applicant a certified copy of any such regulation or order. Certified copies to be given.

17. In the absence of the Secretary from illness or any other cause, the Board may appoint from its staff an acting secretary who shall thereupon act in the place of the Secretary, and exercise his powers. Board may appoint acting secretary in certain cases.

STAFF.

18. (1) There shall be attached to the Board such officers, clerks, stenographers and messengers as may be required. Appointment of staff.

SALARIES AND PAYMENTS.

19. (1) The Chief Commissioner shall be paid such annual salary, and each of the other commissioners such annual salary, as may be determined by the Governor in Council. Salary of commissioner.

(2) The Secretary shall be paid an annual salary to be determined by the Governor in Council. Salary of secretary.

(3) Such salaries shall be paid monthly out of such moneys as Parliament may appropriate for the purpose. How paid.

20. The officers, clerks, stenographers and messengers attached to the Board shall receive such salaries or remunerations as may be approved by the Governor in Council upon the recommendation of the Board. Salaries of staff how fixed.

21. Whenever the Board, by virtue of any power vested in it by this Act, appoints or directs any person, other than a member of the staff of the Board, to perform any service required by this Act, such person shall be paid therefor such sum for service and expenses as the Governor in Council may, upon the recommendation of the Board determine. Payment of persons appointed to do special service.

Salaries to be
voted by
Parliament.

22. The salaries or remuneration of all such officers, clerks, stenographers and messengers and all the expenses of the Board incidental to the carrying out of this Act, including all actual and reasonable travelling expenses of the commissioners and the Secretary, and of such members of the staff of the Board as may be required by the Board to travel, necessarily incurred in attending to the duties of their office, shall be paid monthly out of moneys to be provided by Parliament.

FRANKING PRIVILEGE.

Franking.

23. All letters or mailable matter addressed to the Board or the Secretary at Ottawa, or sent by the Board or the Secretary from Ottawa, shall be free of Canada postage under such regulations as are from time to time made in that regard by the Governor in Council.

ANNUAL REPORT.

Report.

24. The Board shall, within two months after the thirty-first day of March in each year, make to the Governor in Council through the Minister an annual report for the year next preceding the thirty-first day of March, showing briefly,—

- (a) applications of the Board and summaries of the findings thereon under this Act;
- (b) summaries of the findings of the Board in regard to any matter or thing respecting which the Board has acted of its own motion, or upon the request of the Minister;
- (c) such other matters as appear to the Board to be of public interest in connection with the persons, companies and matters subject to this Act; and,
- (d) such matters as the Governor in Council directs.

Laid before
Parliament.

(2) The said report shall be forthwith laid before both Houses of Parliament, if then in session, and if not in session then during the first fifteen days of the next ensuing session of Parliament.

GENERAL JURISDICTION AND POWERS.

Administra-
tion of Com-
bines and
Fair Prices
Act.
Jurisdiction.

25. The Board shall be charged with the general administration of *The Combines and Fair Prices Act, 1919*, which Act is hereinafter referred as to "The Special Act."

(2) The Board and its members shall have jurisdiction, as to matters of law and of fact, to investigate, inquire, hear, determine, order, appoint, direct, permit, sanction, approve or prohibit as it or they, by this Act or by the Special Act, or by the special direction from time to time of the Governor in Council may be authorized and empowered.

(3) The Board may order and require the doing forth- Powers.
with or within any specified time, and in any manner
prescribed by the Board, so far as is not inconsistent with
this Act, of any act, matter or thing required or authorized
under this Act, or the Special Act, and may forbid the doing
or continuing of any act, matter or thing which in its
opinion is contrary to this Act or to the Special Act.

- 26.** The Board may make orders and regulations,— Orders and regulations.
(a) with respect to any matter, act or thing which by
this Act or the Special Act is sanctioned, required
to be done, or prohibited;
(b) generally for carrying this Act into effect; and, with-
out limiting the general powers by this section con-
ferred;
(c) as in this Act specifically provided.

27. The Board may, of its own motion, or shall upon May inquire
the request of the Minister, inquire into, hear and deter- into any
mine any matters or things which under this Act, or under matter re-
the Special Act, it may inquire into, hear or determine ferred to it,
upon application or complaint, and with respect thereto etc.
shall have the same powers as upon any application or
complaint, are vested in it by this Act.

28. Any power or authority vested in the Board under Powers to be
this Act or the Special Act may, though not so therein exercised
expressed, be exercised from time to time, or at any time, from time
as the occasion may require. to time.

29. The Governor in Council may at any time refer Governor in
to the Board for a report, or other action, any question, Council may
matter or thing, whether or not arising or required to be ask for
done under this Act or the Special Act, which affects or reports.
concerns trade, commerce, or industry, and the Board
shall without delay comply with the requirements of such
reference.

30. When any act, matter or thing is, by any regulation, Time for
order or decision of the Board, required to be done, per- making order
formed or completed within a specified time, the Board may be
may, if the circumstances of the case, in its opinion, so extended.
require, upon notice and hearing, or in its discretion upon
experts application, extend the time so specified.

31. The Board may, in any application, proceeding or Counsel may
matter of special importance pending before it, if in the be instructed
opinion of the Board the public interest so requires, apply by Minister
to the Minister of Justice to instruct counsel to conduct of Justice.
or argue the case or any particular question arising in the
application, proceeding or matter as to any public interest
which

which is or may be affected thereby or by any order or decision which may be made therein; and, upon such application to him by the Board, or of his own motion, the Minister of Justice may instruct counsel accordingly.

Stating a case for the Supreme Court of Canada.

32. (1) The Board may, of its own motion, or upon the application of any party, and upon such security being given as it directs, or at the request of the Governor in Council, state a case, in writing, for the opinion of the Supreme Court of Canada upon any question which, in the opinion of the Board, is a question of law or of jurisdiction.

Decision remitted to Board.

(2) The Supreme Court of Canada shall hear and determine such question or questions of law arising thereon, and remit the matter to the Board with the opinion of the Court thereon.

Not to be bound by decision of any other court.

33. (1) In determining any question of fact, the Board shall not be concluded by the finding or judgment of any other court, in any suit, prosecution or proceeding involving the determination of such fact, but such finding or judgment shall, in proceedings before the Board, be *prima facie* evidence only.

Nor affected by pendency of any suit.

(2) The pendency of any suit, prosecution or proceeding in any other court, involving questions of fact, shall not deprive the Board of jurisdiction to hear and determine the same questions of fact.

Finding conclusive.

(3) The finding or determination of the Board upon any question of fact within its jurisdiction shall be binding and conclusive.

ORDERS AND DECISIONS.

Orders, when may be made to come into force.

34. The Board may direct in any order that such order or any portion or provision thereof, shall come into force at a future time or upon the happening of any contingency, event or condition in such order specified, or upon the performance to the satisfaction of the Board, or a person named by it, of any terms which the Board may impose upon any party interested, and the Board may direct that the whole, or any portion of such order, shall have force for a limited time, or until the happening of a specified event.

Interim order may be granted.

(2) The Board may, instead of making an order final in the first instance, make an interim order, and reserve further directions either for an adjourned hearing of the matter, or for further application.

Order may be given granting whole or part of application or other relief.

35. Upon any application made to the Board under this Act, the Board may make an order granting the whole or part only of such application, or may grant such further or other relief, in addition to or in substitution for that

applied for, as to the Board may seem just and proper, as fully in all respects as if such application had been for such partial, other or further relief.

36. The Board may, if the special circumstances of any case so require, make an interim *ex parte* order authorizing, requiring or forbidding anything to be done which the Board would be empowered, on application, notice and hearing, to authorize, require or forbid; but no such interim order shall be made for any longer time than the Board may deem necessary to enable the matter to be heard and determined, provided that no such interim order shall have effect for a longer period than forty days.

Interim
ex parte
orders may
be granted.

37. No order of the Board need show upon its face that any proceeding or notice was had or given, or any circumstances necessary to give it jurisdiction to make such order.

No order
need disclose
reason for
jurisdiction.

38. (1) Any decision or order made by the Board under this Act may be made a rule, order or decree of the Exchequer Court, or of any superior court of any province of Canada, and shall be enforced in like manner as any rule, order or decree of such court.

Decision may
be made rule
or decree of
Exchequer or
Superior
Court.

(2) To make such decision or order a rule, order or decree of any such court, the usual practice and procedure of the court in such matters may be followed; or, in lieu thereof, the secretary may make a certified copy of such decision or order, upon which shall be made the following endorsement signed by the Chief Commissioner and sealed with the official seal of the Board:—

Procedure.

“To move to make the within a rule (order or decree, as the case may be) of the Exchequer Court of Canada (or as the case may be).

“Dated this day of A.D. 19
“A. B.

“Chief Commissioner of the Board of Commerce
“of Canada.”

(Seal)

(3) The secretary may forward such certified copy, so endorsed, to the registrar, or other proper officer of such court, who shall, on receipt thereof, enter the same as of record, and the same shall thereupon become and be such rule, order or decree of such court.

Certified
copy such to
registrar.

(4) When a decision or order of the Board under this Act, has been made a rule, order or decree of any court, any order or decision of the Board rescinding or changing the same shall be deemed to cancel the rule, order or decree

Rescinding
order.

of such court, and may, in like manner, be made a rule, order or decree of such court.

Option of Board to enforce order.

(5) It shall be optional with the Board, either before or after its decision or order is made a rule, order or decree of any court, to enforce such decision or order by its own action.

Rules, regulations, etc., effect of publication in Canada Gazette.

39. Any rule, regulation, order or decision of the Board shall, when published by the Board, or by the leave of the Board, for three weeks in the *Canada Gazette*, and while the same remains in force, have the like effect as if enacted in this Act, and all courts shall take judicial notice thereof.

REVIEW AND APPEAL.

Review and rehearing, etc.

40. The Board may review, rescind, change, alter, or vary any order or decision made by it, or may rehear any application before deciding it.

Governor in Council may vary or rescind any order, regulation or decision of Board.

41. (1) The Governor in Council may, in His discretion, either upon petition of any person interested, lodged within one month after the making of the order, decision, rule or regulation, or within such further time as the Board under special circumstances may allow, or of His own motion, at any time, and without any petition or application, vary or rescind any order, decision, rule or regulation of the Board, whether such order or decision is made *inter partes* or otherwise, and whether such regulation is general or limited in its scope and application; and any order which the Governor in Council may make with respect thereto shall be binding upon the Board and upon all parties.

Appeal to Supreme Court of Canada upon a question of jurisdiction.

(2) An appeal shall lie from the Board to the Supreme Court of Canada upon a question of jurisdiction, but such appeal shall not lie unless a judge of said court upon application within one month after the making of the order, decision, rule or regulation sought to be appealed from, or within such further time as the judge under special circumstances shall allow, and upon notice to the parties and the Board, and upon hearing such of them as appear and desire to be heard, allows the same; and the costs of such application shall be in the discretion of the judge.

Appeal on question of law or jurisdiction, or both.

(3) An appeal shall also lie from the Board to such court upon any question which, in the opinion of the Board, is a question of law or a question of jurisdiction, or both, upon leave therefor having been first obtained from the Board within one month after the making of the order or decision sought to be appealed from, or within such further time as the Board under special circumstances shall allow and after notice to the opposite party stating the grounds of appeal; and the granting of such leave shall be in the discretion of the Board.

(4) No appeal after leave therefor has been obtained under subsection two or three of this section, shall lie unless it is entered in the said court thirty days from the making of the order granting leave to appeal. Limit of time for entering appeal.

(5) Upon such leave being obtained the party so appealing shall deposit with the Registrar of the Supreme Court of Canada the sum of two hundred and fifty dollars, by way of security for costs, and thereupon the Registrar shall set the appeal down for hearing at the nearest convenient time; and the party appealing shall, within ten days after the appeal has been so set down, give to the parties affected by the appeal, or the respective solicitors by whom such parties were represented before the Board, and to the secretary notice in writing that the case has been so set down to be heard in appeal as aforesaid; and the said appeal shall be heard by such Court as speedily as practicable. Security and setting down case.

(6) On the hearing of any appeal the Court may draw all such inferences as are not inconsistent with the facts expressly found by the Board, and are necessary for determining the question of jurisdiction, or law, as the case may be, and shall certify its opinion to the Board, and the Board shall make an order in accordance with such opinion. Inferences may be drawn.

(7) The Board shall be entitled to be heard by counsel or otherwise, upon the argument of any such appeal. Commissioner may have counsel.

(8) The Court shall have power to fix the costs and fees to be taxed, allowed and paid upon such appeals, and to make rules of practice respecting appeals under this section; and until such rules are made, the rules and practice applicable to appeals from the Exchequer Court shall be applicable to appeals under this Act. Costs and rules of practice.

(9) Save as provided in this section,—

(a) every decision or order of the Board shall be final; and Decisions of commissioner when final.

(b) no order, decision or proceeding of the Board shall be questioned or reviewed, restrained or removed by prohibition, injunction, certiorari, or any other process or proceeding in any court.

PRACTICE AND PROCEDURE.

42. The Board may make general rules regulating, so far as not inconsistent with the express provisions of this Act, its practice and procedure. Rules of procedure.

NOTICE AND SERVICE.

43. Any notice required or authorized by this Act or by the Special Act to be given in writing,— Notices how given.

(a) by the Board, may be signed by the Chief Commissioner, or the Secretary;

(b) by any person, company, corporation or association may be signed by such person, company, corporation or association, or a duly authorized agent, officer, representative, solicitor or counsel.

Services of
process.

44. Service of any notice, summons, regulation, order direction, decision, report or other document, or copy of any thereof, unless in any case otherwise provided, may be effected,—

(a) upon an incorporated company, by delivery to the president, managing director or secretary thereof in person, or by mailing by registered letters, postage prepaid, addressed to the president, managing director and secretary at the head office or chief place of business of said company;

(b) upon a firm, co-partnership or individual, by delivery to any member of such firm or co-partnership or to such individual, or at the last place of abode of any such member or of such individual to any adult member of his household, or at the office or place of business of the firm or individual to a clerk in such firm's or individual's employ.

Provided that if in any case within the jurisdiction of the Board it shall be made to appear to the satisfaction of the Board that service cannot conveniently be made in the manner above provided, the Board may order and allow service to be made by publication of the document of notice thereof for any period not less than three weeks in the *Canada Gazette*, and also, if required, in any other newspaper; and such publication shall be deemed to be equivalent to service in the manner above provided.

Notice
required of
applications
to Board.

45. Unless otherwise provided, fifteen days' notice of any application to the Board, or of any hearing by the Board, shall be sufficient: Provided that the Board may in any case direct longer notice or allow shorter notice.

AMENDING PROCEEDINGS.

Amendments.

46. The Board may, upon terms or otherwise, make or allow any amendments in any proceedings before it.

COSTS.

Costs.

47. (1) The costs of and incidental to any proceeding before the Board, except as herein otherwise provided, shall be in the discretion of the Board, and may be fixed in any case at a certain sum, or may be taxed.

(2) The Board may order by whom and to whom any costs are to be paid, and by whom the same are to be taxed and allowed.

(3) The Board may prescribe a scale under which such costs shall be taxed.

WITNESSES AND EVIDENCE.

48. The Board may order that any witness resident or present in Canada may be examined upon oath before, or make production of books, papers, documents or articles, to, any one member of the Board, or before or to any officer of the Board, or before or to any other person named for the purpose by the order of the Board, and may make such orders as seem to it proper for securing the attendance of such witness and his examination, and the production by him of books, papers, documents or articles, and the use of the evidence so obtained, and otherwise exercise, for the enforcement of such orders or punishment for disobedience thereof, all powers that are exercised by any superior court in Canada for the enforcement of subpoenas to witnesses or punishment of disobedience thereof: Provided that no person shall be compellable, against his will, to attend for such examination or production at any place outside the province in which he is served with the order of the Board for the purpose.

Witnesses
and evidence.

(2) The Board may issue commissions to take evidence in a foreign country, and may make all proper orders for the purpose, and for the return and use of the evidence so obtained.

Commissions.

49. The Board may accept or require evidence upon affidavit or written affirmation, in cases in which it seems to it proper to do so.

Evidence
upon
affidavits.

(2) All persons authorized to administer oaths to be used in any of the superior courts of any province may administer oaths in such province to be used in applications, matters or proceedings before the Board.

Administra-
tion of oaths.

(3) All persons authorized by the Governor in Council to administer oaths within or out of Canada, in or concerning any proceeding had or to be had in the Supreme Court of Canada or in the Exchequer Court of Canada, may administer oaths in or concerning any application, matter or proceeding before the Board.

Persons auth-
orized for
Supreme or
Exchequer
Courts may
act.

(4) Any oath administered out of Canada, before any commissioner authorized to take affidavits to be used in His Majesty's High Court of Justice in England, or before any notary public, certified under his hand and official seal, or before the mayor or chief magistrate of any city, borough or town corporate in Great Britain or Ireland, or in any colony or possession of His Majesty out of Canada, or in any foreign country, and certified under the common seal of such city, borough, or town corporate, or before a judge of any court of supreme jurisdiction in any colony or posses-

Outside of
Canada.

sion of His Majesty, or dependency of the Crown out of Canada, or before any consul, vice-consul, acting-consul, pro-consul or consular agent of His Majesty, exercising his functions in any foreign place, certified under his official seal, concerning any application, matter or proceeding had or to be had by or before the Board, shall be as valid and of like effect, to all intents, as if it had been administered before a person authorized by the Governor in Council as in this section provided.

Seal and
signature,
evidence of.

(5) Every document purporting to have affixed, imprinted or subscribed thereon or thereto, the signature of any such person or commissioner so authorized as aforesaid, or the signature or official seal of any such notary public, or the signature of any such mayor or chief magistrate and the common seal of the corporation, or the signature and official seal of any such consul, vice-consul, acting-consul, pro-consul or consular agent, in testimony of any oath having been administered by or before him, shall be admitted in evidence before the Board without proof of any such signature or seal being the signature or seal of the person or corporation whose signature or seal it purports to be, or of the official character of such person.

Informalities.

(6) No informality in the heading or other formal requisites of any oath made before any person under any provision of this section shall be an objection to its reception in evidence before the Board, if the Board thinks proper to receive it; and if it is actually sworn to by the person making it before any person duly authorized thereto, and is received in evidence, no such informality shall be set up to defeat an indictment for perjury.

Witness fees.

50. Every person summoned to attend before the Board, or person appointed under this Act to make inquiry and report, shall, in the discretion of the Board, receive the like fees and allowances for so doing as if summoned to attend before the Exchequer Court.

No person
excused from
attending or
bringing
documents
on ground
that evidence
may
incriminate
him.

51. No person shall be excused from attending and producing books, papers, contracts, agreements and documents, in obedience to the subpoena or order of the Board, or of any person authorized to hold any investigation or inquiry under this Act, on the ground that the documentary evidence required of him may tend to criminate him or subject him to any proceeding or penalty; but no such book, paper, contract, agreement, or document so produced shall be used or receivable against such person in any criminal proceedings thereafter instituted against him, other than a prosecution for perjury in giving evidence upon such investigation or inquiry, cause or proceeding.

52. (1) A copy of any regulation, order, or other document in the custody of the Secretary or of record with the Board, certified by the Secretary to be a true copy and sealed with the seal of the Board, shall be *prima facie* evidence of such regulation, order or document, without proof of signature of the Secretary.

Certified
copies of
orders, etc.
of Board
prima facie
evidence.

(2) A certificate by the Secretary sealed with the seal of the Board stating that no order or regulation respecting any specified matter or thing has been made by the Board, shall be *prima facie* evidence of the fact stated therein without proof of the signature of the Secretary.

And that
no proceeding
had before
the Board.

OTTAWA: Printed by JOSEPH DE LABROQUERIE TACHÉ, Law Printer
to the King's most Excellent Majesty.

This is Exhibit "5" referred to in the Affidavit of Mary DeCaire sworn by Mary DeCaire at the City of Toronto, in the Province of Ontario, before me on May 5, 2025 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.



Commissioner for Taking Affidavits (or as may be)

JAKOB KELLY



9-10 GEORGE V.

CHAP. 45.

An Act concerning the Investigation and Restraint of Combines, Monopolies, Trusts, and Mergers and the withholding and enhancement of the price of commodities.

[Assented to 7th July, 1919.]

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

GENERAL.

This Act may be cited as *The Combines and Fair Prices Act, 1919.* Short title.

2. The expression “combine” is used in this Act with intended relation to articles of commerce, and it shall be deemed to have reference only to such combines, immediately hereinafter defined, as, with relation as aforesaid, have, in the opinion of The Board of Commerce of Canada (or of a single member thereof acting under authority of and for the purposes of section eight of this Act) operated, or are likely to operate, to the detriment of or against the interest of the public, consumers, producers or others, and, limited as aforesaid, the said expression as used in this Act shall be deemed to include,—

- | | |
|---|---|
| <p>(a) mergers, trusts and monopolies, so called, and,</p> <p>(b) the relation resulting from the purchase, lease or other acquisition by any person of any control over or interest in the whole or part of the business of any other person, and,</p> <p>(c) any actual or tacit contract, agreement, arrangement or combination which has or is designed to have the effect of (1) limiting facilities for transporting, producing, manufacturing, supplying, storing or dealing; or (2) preventing, limiting or lessening manufacture or production; or (3) fixing a common price, or a resale price, or a common rental, or a common cost of storage</p> | <p>Definitions.
“Combine.”</p> <p>Expression to include,</p> <p>Mergers, trusts, etc.</p> <p>Control over business of others.</p> <p>Contracts, agreements, arrangements or combinations.</p> |
|---|---|

or transportation, or enhancing the price, rental or cost of article, rental, storage or transportation; or (4) preventing or lessening competition in, or substantially controlling, within any particular district, or generally, production, manufacture, purchase, barter, sale, transportation, insurance or supply; or (5) otherwise restraining or injuring commerce.

"Combine"
not to apply
to workmen
or employees.
"Minister"

(2) The expression "combine" does not include combinations of workmen or employees for their own reasonable protection as such workmen or employees;

"Minister"

(3) The expression "Minister" as used in this Act means the Prime Minister or such other minister as the Governor in Council may designate for the purpose, and the expression "Board" means the Board of Commerce of Canada.

"Board."

Board
of Com-
merce of
Canada.

3. The Board of Commerce of Canada, hereinafter referred to as "the Board," shall have the general administration of this Act which shall be read and construed as one with *The Board of Commerce Act*.

PART 1.

COMBINES.

Powers
Board.

4. The Board is empowered and directed to restrain and prohibit the formation and the operations of combines.

Board of its
own motion
may issue
complaint
and hold
investigation.

5. (1) Whenever the Board shall have reason to believe that a proceeding by it to restrain or prohibit the formation or operation of a combine would be in the public interest, it may, of its own motion, issue and serve upon any person concerned whom it may have information so justifying, a complaint stating its charges as against such person and containing a notice of a hearing upon a day and at a place therein fixed.

Attendance
of parties.

(2) The person so complained of shall appear at the place and time fixed, and show cause why an order should not be made by the Board requiring such person to cease or desist from the acts or practices in and by such notice charged against him.

Intervening
parties.

(3) Any other person, upon application and upon good cause shown, may be allowed by the Board to intervene and appear in said proceeding in person or by counsel.

Application
to member
of Board
for order
directing an
investigation.

6. (1) Any British subject, resident in Canada and of full age, who is of opinion that a combine exists or is being formed may apply in writing to any member of the Board except the Chief Commissioner for an order directing an investigation into such alleged combine and fixing a time and place for the hearing of the applicant or his counsel.

(2) The application shall be accompanied by a statutory declaration setting forth,— Statutory declaration.

- (a) the name and address of the applicant, and at his election, the name and address of any counsel whom he may, for the purpose of receiving any communication to be made pursuant to this Act, have authorized to represent him; Particulars.
- (b) the nature of the alleged combine and the names of the persons believed to be concerned therein; and,
- (c) the manner in which and, where possible, the extent to which the alleged combine is believed to operate to the detriment of, or against the interest of, consumers, producers or others of the public.

7. If the Commissioner is satisfied from a perusal of the application and declaration that there is reasonable ground for believing that a combine exists, or is being formed, that it is in the public interest that an investigation be held and that further preliminary inquiry is unnecessary, he may forthwith direct an investigation under the provisions of this Act. Otherwise he shall, within a reasonable time after receipt of such application, fix a time and place for a hearing before him in support of the application and shall send or cause to be sent due notice thereof by registered letter to the applicant or to any counsel whom in or by his application or declaration the applicant may have authorized to receive communications on his behalf. Commissioner may forthwith direct an investigation, or give notice of preliminary inquiry.

8. (1) The applicant may appear on such hearing in person or by his counsel. If, upon the evidence adduced, the Commissioner is satisfied that there is reasonable ground for believing that a combine exists or is being formed and that it is in the public interest that an investigation should be held, he shall direct an investigation under the provisions of this Act, or, if not so satisfied, he may refuse to make any order. In any case he may adjourn such hearing pending the supply of further evidence in support of the application. Preliminary hearing and findings by commissioner.

(2) For the purposes of the hearing the Commissioner shall have all the powers vested in the Board of which he is a member to summon before him and enforce the attendance of witnesses, to hear evidence on oath or on solemn affirmation and compel the production of such books, papers, other documents and things as he deems requisite. Powers of commissioner, as to witnesses, evidence on oath and production of papers.

9. (1) Whenever a Commissioner makes an order for an investigation he shall sign the same and transmit it to the Secretary of the Board, and, whether or not he shall have made such an order, the Commissioner shall transmit to the Secretary the application, the statutory declaration and any evidence taken before him. Order of Commissioner transmitted to secretary, and also all documents.

Notice to
Chief
Commis-
sioner and
parties.

(2) The Secretary shall forthwith in writing notify the Chief Commissioner of the Board, and, as well, the applicant or his authorized counsel, of the result of any application. In the case of an investigation ordered, the Chief Commissioner shall fix the time and place for such investigation, of which the Secretary shall notify in writing the applicant or his authorized counsel.

Chief Com-
missioner
may, of his
own
motion,
order
investiga-
tion, in any
case.
Notice.

(3) The Chief Commissioner, notwithstanding the refusal of the Commissioner to order an investigation, may of his own motion, if upon the materials transmitted by the Commissioner he, said Chief Commissioner, shall be of opinion that an order ought to have been made, make such order and fix a time and place for such investigation, whereupon the Secretary shall notify in writing the applicant or his authorized counsel accordingly.

Procedure
when inves-
tigation
ordered.

10. When an investigation shall have been ordered the Board shall issue and serve upon the person complained of a complaint in manner provided in section five of this Act. Likewise the person complained of shall appear and show cause, and other persons may be allowed to intervene and in a proper case an order may be issued and served, as in and by said section five is provided.

Full and
expeditious
inquiry
by Board.

Investigation
to be
thorough and
complete as
public interest
demands.

11. (1) The Board shall fully, carefully and expeditiously inquire into and pronounce respecting all matters, whether of fact or of law, which shall come properly before it pursuant to the provisions of this Part of this Act. In deciding any question that may affect the scope or extent of any investigation it shall consider what is required to make the investigation as thorough and complete as the public interest demands, and, whether or not it makes or could lawfully make or issue with respect to any particular subject matter any consequential order of a binding character, it may make findings and declarations concerning such matter if, in the course of any investigation, such matter comes properly before it and is relevant generally to the inquiry being made.

Power to
make such
findings
as are
relevant.

Order of
Board
upon inves-
tigation, to
direct person
complained
of to cease
practices
proved
against him.

(2) If, upon the hearing of any investigation, the Board shall be of opinion that a combine exists or is being formed and that the person complained of is a party thereto, it may issue and cause to be served on such person an order requiring him to cease or desist from the acts or practices actually proved against him, whether or not these are the same as those alleged in the complaint, and which in whole or in part constitute the operations of a combine or the processes of the formation of such, and to cease and desist as well from any other act or practice in pursuance of the operations of such combine or the formation thereof, to the extent to which the Board shall deem it reasonable or necessary to prohibit.

(3) Any person whom the Board shall have so ordered to cease or desist from any act or practice in pursuance of the operations of a combine or the formation thereof, and who thereafter shall omit or refuse to desist from such act or practice, shall be guilty of an indictable offence and liable to a penalty not exceeding one thousand dollars and costs for each day after the expiration of ten days or such further extension of time as in the opinion of the Board may be reasonable or necessary, from the date of the service upon such person of the Board's order, or to imprisonment for a term not exceeding two years; and any director or officer of a company or corporation who shall assent to or acquiesce in such omission or refusal by his company or corporation shall be guilty of such offence personally, and cumulatively with his company or corporation and with his co-directors or associate officers.

Penalty for omitting or refusing to cease from practices, according to order of Board.

Personal and cumulative liability of director or officer of company.

(4) Whenever, in the opinion of the Board, upon or after an investigation held in pursuance of the powers conferred by this Part of this Act, an offence has been committed against this section, the Board may remit to the Attorney General of any province within which such offence shall have been committed, for such action as such Attorney General may be pleased to institute because of the conditions appearing, certified copies of the record of the case, as before the Board, including all evidence taken, with a statement of the facts and a recommendation that prosecution be instituted.

Prosecution by Attorney General of province.

Papers transmitted.

(5) No prosecution for an offence against this section or against section four hundred and ninety-eight of the *Criminal Code* shall be commenced except upon the written authority of the Board.

No prosecution unless authorized in writing by Board.

(6) For the purposes of the trial of any indictment for any offence against this section, section five hundred and eighty-one of the *Criminal Code*, authorizing speedy trials without juries, shall apply.

Speedy trials.

12. Whenever, from or as a result of an investigation under the provisions of this Act, or from or as a result of a judgment of the Supreme Court or Exchequer Court of Canada or of any superior court, or circuit, district or county court of Canada, it appears to the satisfaction of the Governor in Council that, with regard to any article of commerce, there exists any combine to promote unduly the advantage of manufacturers or dealers at the expense of consumers, and if it appears to the Governor in Council that such disadvantage to the consumer is facilitated by the duties of custom imposed on the article, or on any like article, the Governor in Council may direct that either such article be admitted into Canada free of duty or that the duty thereon be reduced to such amount or rate as will, in the opinion of the Governor in Council, give the public the benefit of reasonable competition.

Governor in Council may admit article free of duty or reduce duty if satisfied, as a result of investigation under this Act, that combine exists at expense of consumers.

If owner or holder of patent makes use of exclusive rights to unduly limit production or restrain or injure trade, application may be made to Exchequer Court to revoke patent.

13. In case the owner or holder of any patent issued under the *Patent Act* has made use of the exclusive rights and privileges which, as such owner or holder he controls, so as unduly to limit the facilities for transporting, producing, manufacturing, supplying, storing or dealing in any article which may be a subject of trade or commerce, or so as to restrain or injure trade or commerce in relation to any such article or unduly to prevent, limit or lessen the manufacture or production of any article or unreasonably to enhance the price thereof, or unduly to prevent or lessen competition in the production, manufacture, purchase, barter, sale, transportation, storage or supply of any article such patent shall be liable to be revoked. And, if the Board reports that a patent has been so made use of, the Minister of Justice may exhibit an information in the Exchequer Court of Canada praying for a judgment revoking such patent, and the court shall thereupon have jurisdiction to hear and decide the matter and to give judgment revoking the patent or otherwise as the evidence before the court may require.

Trade Unions Act not affected.

14. This Act shall not be construed to repeal, amend or in any way affect the *Trade Unions Act*, chapter one hundred and twenty-five of the Revised Statutes, 1906.

Combines Investigation Act repealed.

15. *The Combines Investigation Act*, chapter nine of the Acts of nineteen hundred and ten, is wholly repealed.

PART II.

FAIR PRICES.

Definition.
"Necessary of life."

16. For the purposes of this Part of this Act, the expression "Necessary of life" means a staple and ordinary article of food (whether fresh, preserved, canned, or otherwise treated) clothing and fuel, including the products, materials and ingredients from or of which any thereof are in whole or in part manufactured, composed, derived or made, and such other articles of any description as the Board may from time to time by special regulation prescribe.

Unreasonable accumulation or withholding forbidden.

17. (1) No person shall accumulate or shall withhold from sale any necessary of life beyond an amount thereof reasonably required for the use or consumption of his household or for the ordinary purposes of his business.

Excess of necessities of life and stock-in-trade to be offered for sale at reasonable and just prices.

(2) Every person who shall at any time hold any necessary of life beyond an amount thereof reasonably required as aforesaid, and every person who shall hold for purpose of sale, whether as manufacturer, wholesaler, jobber, retailer or otherwise, any stock-in-trade of any necessary of life,

shall offer for sale the said excess amount, or the said stock-in-trade as the case may be, at prices not higher than are reasonable and just: Provided, however, that this section shall not apply to or extend to any accumulating or withholding by any farmer, gardener, or other person, of the products of any farm, garden or other land cultivated by him, nor shall any manufacturer, wholesaler or jobber, because of anything herein contained, be under obligation to sell to other than such classes of persons as are accustomed to purchase from manufacturers, wholesalers or jobbers, respectively, nor shall any person be under obligation to sell otherwise than in accordance with the ordinary course of business.

Proviso as to farmers and gardeners, and as to manufacturers selling to classes of persons accustomed to purchase from them.

18. (1) The Board is empowered and directed to inquire into and to restrain and prohibit,—

Powers of Board to restrain and prohibit violation of Act, unfair profits, and practices to unfairly enhance prices.

- (a) any breach or non-observance of any provision of this Act;
- (b) the making or taking of unfair profits for or upon the holding or disposition of necessities of life;
- (c) all such practices with respect to the holding or disposition of necessities of life, as, in the opinion of the Board, are designed or calculated to unfairly enhance the cost or price of such necessities of life.

(2) For the purposes of this Part of this Act, an unfair profit shall be deemed to have been made when, pursuant to and after the exercise of its powers by this Act conferred, the Board shall declare an unfair profit to have been made, and an unfair enhancement of cost or price shall be such enhancement as has resulted from the making of an unfair profit.

Unfair profit defined for purposes of this Act.

(3) The Board and each Commissioner thereof, shall deposit with its secretary all orders and declarations made by it or him under this Part of this Act, and the same shall be open at all reasonable times to the inspection of any person.

Orders of Board open to inspection.

19. (1) In addition to its general powers, otherwise provided, the Board may, by notice in writing under the hand of its Secretary, require any person who operates, controls, or manages any cold storage plant, packing house, cannery, factory, mine, warehouse, or other premises in which or in any part of which any necessary of life is prepared, manufactured, produced or held by such person for himself or for another, or who in any manner deals in any necessary of life, to make and render unto such Board, and or the Dominion Statistician, within a time set in such notice, or from time to time, and such person shall make and render unto such Board or Statistician, precisely as required, a written return under oath or affirmation showing in detail,—

Powers of Board to order operator of cold storage plant, packing house, cannery, factory, mine, or other premises to make prescribed returns.

Particulars.

- (a) the species and amount of any necessary of life held by such person at any indicated time or times, including any time preceding the passing of this Act, where and for whom said necessary is held, and if held for another upon what terms held;
- (b) the time when any or all of such necessary of life was prepared, manufactured, produced, acquired, or taken into possession;
- (c) the cost of such necessary of life, including all charges and expenses of an overhead or other nature, affecting such cost;
- (d) the price at which such necessary of life, if already sold, has been sold, or, if unsold, is held for sale;
- (e) such other information, deemed by the Board to concern any necessary of life, as the Board may require, including a full disclosure of all existing contracts or agreements which such person or his principal or agent may have at any time entered into with any other person touching or concerning the sale or resale prices of any necessary of life, or the period of time during which any necessary of life should be held, as bailee or otherwise, before sale or resale, or limiting the quantity of any necessary of life which should be sold to any one buyer or combination of buyers or within any limited district.

Board may investigate business and examine premises and appoint examiners.

(2) If, after the receipt by the Board of any such return made in purported compliance with this Part of this Act, the Board shall consider that any circumstances so justify, or if, after a return under these regulations has been required, none is made or none is made within the time set in the notice requiring such return or within such further time as the Board may upon special application to it allow, the Board shall have power to investigate the business and to enter and examine the premises, books, papers, and records of the person making or failing to make such return, as the case may be, and, for those purposes the Board may appoint an examiner or examiners and may authorize in writing any examiner so appointed to investigate such business and to enter and examine the premises, books, papers and records of such person, and to take the evidence under oath or affirmation of any person whom such examiner may believe has knowledge relating to such matters as ought to have been included within a proper return, according to the circumstances.

Access to premises and records.

(3) Every person who is in possession or control of any such premises, books, records or papers shall give and afford to such examiner admission and access thereto whenever and as often as demanded.

No one to impede examination.

(4) No person shall in any manner impede or prevent or attempt to impede or prevent any such investigation or examination.

(5) Every person in any manner required by such examiner to give evidence under oath or affirmation touching or concerning the matters committed to such examiner for investigation shall attend before said examiner and give evidence whenever so required.

Attendance of parties as required.

20. Whenever, in the opinion of the Board, an offence has been committed against this Part of this Act, the Board may remit to the Attorney General of any province within which such offence shall have been committed, for such action as such Attorney General may be pleased to institute because of the conditions appearing, certified copies of (a) any return or returns which may have been made or rendered pursuant to this Act and are in the possession of the Board and relevant to such offence; and of (b) the evidence taken on any such investigation or examination and the report of the examiner.

Board may transmit papers to Attorney General of Province upon offence being committed.

(2) The Board may, in lieu of, or before, remitting any such case to the Attorney General, except in cases where it has reached its conclusion solely by means of proceedings under section nineteen of this Act, declare or find as to the guilt of the person concerned, and it may order or prohibit the doing or omission of any act or practice relevant to or connected with the offence, and in case of disobedience by such person of any term of such order he shall be guilty of an indictable offence and liable to a penalty not exceeding one thousand dollars and costs for every day after the expiration of four days or such further extension of time as in the opinion of the Board may be reasonable or necessary, from the date of the service upon such person of the Board's order during which such person continues to disobey or to omit to perform such order, or to imprisonment for a term not exceeding two years; and any director or officer of a company or corporation who shall assent to or acquiesce in such disobedience by his company or corporation, shall be guilty of such offence personally, and cumulatively with his said company or corporation and with his co-directors or associate officers.

Board may declare or find as to guilt of party concerned, and order or prohibit any act or practice.

Penalty for disobeying order.

Personal and cumulative liability of officers of company.

(3) The Board may, when the circumstances seem to it to so require, recommend to any Attorney General a prosecution under this Part of this Act, and furnish such Attorney General with a certified copy of the record of any case which has been before it, including any evidence taken, and with any other relevant proofs or information.

Board may recommend prosecution by Attorney General.

21. (1) No prosecution for a contravention or non-observance of any provision of this Part of this Act shall be commenced, otherwise than at the instance of the Attorney General of a province, without the written leave of the Board expressing whether such prosecution shall be

No prosecution other than by Attorney General except on written leave of Board.

by way of indictment or under Part XV of the *Criminal Code*.

Place of
prosecution.

(2) Such prosecution shall be commenced only in the judicial district, county or municipality in which some or all of the necessary of life with respect to which the alleged offence was committed was situated at the time of the commission of the offence, or in the judicial district, county or municipality in which the person charged resides or carries on business.

Penalty for
contravening
or failing to
observe
provisions
of this Part,
except section
20.

22. (1) Any person who contravenes or fails to observe any of the provisions of this Part of this Act other than section twenty shall be guilty of an indictable offence and liable upon indictment or upon summary conviction under Part XV of the *Criminal Code* to a penalty not exceeding five thousand dollars, or to imprisonment for any term not exceeding two years or to both fine and imprisonment as specified, and any director or officer of any company or corporation who assents to or acquiesces in the contravention or non-observance by such company or corporation of any of the said provisions shall be guilty of such offence personally and cumulatively with his company or corporation and with his co-directors or associate officers.

Speedy trials.

(2) For the purposes of the trial of any indictment for any offence against this Part of this Act, section five hundred and eighty-one of the *Criminal Code*, authorizing speedy trials without juries, shall apply.

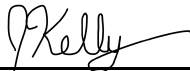
Order in
Council
continued.

23. All proceedings instituted or had under Order in Council P.C. 3069 of the eleventh day of December, 1918, but not fully concluded, shall continue and may proceed under this Part of this Act, with the Board substituted for the Minister of Labour, as fully and effectually as if said Order in Council continued in force, notwithstanding the rescission thereof.

Governor in
Council may
admit
necessary of
life free of
duty, or
reduce duty,
to secure
reasonable
competition.

24. Whenever, from or as a result of an investigation under the provisions of this Act, it appears to the satisfaction of the Governor in Council with regard to any necessary of life, that the making or taking of unfair profits thereon is facilitated by the duties of custom imposed on such necessary of life, the Governor in Council may direct either that such necessary of life be admitted into Canada free of duty or that the duty thereon be reduced to such amount or rate as will, in the opinion of the Governor in Council, give the public the benefit of reasonable competition.

This is Exhibit "6" referred to in the Affidavit of Mary DeCaire sworn by Mary DeCaire at the City of Toronto, in the Province of Ontario, before me on May 5, 2025 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.



Commissioner for Taking Affidavits (or as may be)

JAKOB KELLY

ATTORNEY-GENERAL OF CANADA v. ATTORNEY-GENERAL OF ALBERTA.

Judicial Committee of the Privy Council, Viscount Haldane,
 Lord Buckmaster, Viscount Cave, Lord Phillimore and
 Lord Carson. November 11, 1921.

Imp.

P.C.

ATT'Y-GEN'L
 OF
 CANADA
 v.
 ATT'Y-GEN'L
 OF
 ALBERTA.

1921 CanLII 399 (UK JCPC)

The judgment of the Board was delivered by

Viscount Haldane:—This is an appeal from the Supreme Court of Canada (1920), 54 D.L.R. 354, 60 Can. S.C.R. 456, before which were brought, under statute, questions relating to the constitutional validity of the Acts above mentioned. As the six Judges who sat in the Supreme Court were equally divided in opinion, no judgment was rendered. Davies, C.J., and Anglin and Mignault, JJ., considered that the questions raised should be answered in the affirmative, while Idington, Duff and Brodeur, JJ., thought that the first question should be answered in the negative and that therefore the second question did not arise. These questions were raised for the opinion of the Supreme Court by a case stated under sec. 32 of the Board of Commerce Act, 1919, (Can), ch. 37, and were: (1) Whether the Board had lawful authority to make a certain order; and (2) Whether the Board had lawful authority to require the Registrar, or other proper authority of the Supreme Court of Ontario, to cause the order, when issued, to be made a rule of that Court.

The order in question was to the effect that certain retail dealers in clothing in the city of Ottawa were pro-

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OF
ALBERTA.

hibited from charging as profits on sales more than a certain percentage on cost which was prescribed as being fair profit. The validity of this order depended on whether the Parliament of Canada had legislative capacity, under the B.N.A. Act of 1867, to establish the Board and give it authority to make the order.

The statutes in question were enacted by the Parliament of Canada in 1919, and were to be read and construed as one Act. By the first of these statutes, the Board of Commerce Act, a Board was set up, consisting of three commissioners appointed by the Governor-General, which was to be a Court of Record. The duty of the Board was to be to administer the second of the two statutes in question, the Combines and Fair Prices Act, 1919, (Can.), ch. 45, called the Special Act. It was to have power to state a case for the opinion of the Supreme Court of Canada upon any question which, in its own opinion, was one of law or jurisdiction. It was given the right to inquire into and determine the matters of law and fact entrusted to it, and to order the doing of any act, matter, or thing required or authorised under either Act, and to forbid the doing or continuing of any act, matter or thing which, in its opinion, was contrary to either Act. The Board was also given authority to make orders and regulations with regard to these, and generally for carrying the Board of Commerce Act into effect. Its finding on any question of fact within its jurisdiction was to be binding and conclusive. Any of its decisions or orders might be made a rule or order or decree of the Exchequer Court, or of any Superior Court of any Province of Canada.

The second statute, the Combines and Fair Prices Act, was directed to the investigation and restriction of combines, monopolies, trusts and mergers, and to the withholding and enhancement of the prices of commodities. By Part I the Board of Commerce was empowered to prohibit the formation or operation of combines as defined, and, after investigation, was to be able to issue orders to that effect. A person so ordered to cease any act or practice in pursuance of the operations of a combine, was, in the event of failure to obey the order, to be guilty of an indictable offence, and the Board might remit to the Attorney-General of a Province the duty of instituting the appropriate proceedings. By Part II the necessities of life were to include staple and ordinary

articles of food, whether fresh, preserved, or otherwise treated, and clothing and fuel, including the materials from which these were manufactured or made, and such other articles as the Board might prescribe. No person was to accumulate or withhold from sale any necessary of life, beyond an amount reasonably required for the use or consumption of his household, or for the ordinary purpose of his business.

Every person who held more, and every person who held a stock-in-trade of any such necessary of life, was to offer the excess amount for sale at reasonable and just prices. This, however, was not to apply to accumulating or withholding by farmers and certain other specified persons. The Board was empowered and directed to inquire into any breach or non-observance of any provision of the Act, and the making of such unfair profits as above referred to, and all such practices with respect to the holding or disposition of necessities of life as in the opinion of the Board, were calculated to enhance their cost or price. An unfair profit was to be deemed to have been made when the Board, after proper inquiry, so declared. It might call for returns and enter premises and inspect. It might remit what it considered to be offences against this part of the Act to the Attorney-General of the Province, or might declare the guilt of a person concerned, and issue to him orders or prohibitions, for breach of which he should be liable to punishment as for an indictable offence.

The above summary sufficiently sets out the substance of the two statutes in question for the present purpose.

In the first instance the Board stated for the opinion of the Supreme Court of Canada, a case in which a number of general constitutional questions were submitted. That Court, however, took the view that the case was defective, inasmuch as it did not contain a statement of concrete facts, out of which such questions arose. Finally, a fresh case was stated containing a statement of the facts in certain matters pending before the Board, and formulating questions that had actually arisen. These related to the action of certain retail clothing dealers in the city of Ottawa. An order was framed by the Board which, after stating the facts found, gave directions as to the limits of profit, and a new case was stated which raised the questions already referred to.

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OF
ALBERTA.

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OF
CANADA
V.
ATT'Y-GEN'L
OF
ALBERTA.

Under these circumstances the only substantial question which their Lordships have to determine is whether it was within the legislative capacity of the Parliament of Canada to enact the statutes in question.

The second of these statutes, the Combines and Fair Prices Act, enables the Board established by the first statute to restrain and prohibit the formation and operation of such trade combinations for production and distribution in the Provinces of Canada, as the Board may consider to be detrimental to the public interest. The Board may also restrict, in the cases of food, clothing and fuel, accumulation of these necessities of life beyond the amount reasonably required, in the case of a private person, for his household, not less than in the case of a trader for his business. The surplus is in such instances to be offered for sale at fair prices. Certain persons only, such as farmers and gardeners, are excepted. Into the prohibited cases the Board has power to inquire searchingly, and to attach what may be criminal consequences to any breach it determines to be improper. An addition of a consequential character is thus made to the Criminal Law of Canada.

The first question to be answered is whether the Dominion Parliament could validly enact such a law. Their Lordships observe that the law is not one enacted to meet special conditions in war time. It was passed in 1919, after peace had been declared, and it is not confined to any temporary purpose, but is to continue without limit in time, and to apply throughout Canada. No doubt the initial words of sec. 91 of the B.N.A. Act, confer on the Parliament of Canada power to deal with subjects which concern the Dominion generally, provided that they are not withheld from the powers of that Parliament to legislate, by any of the express heads in sec. 92, untrammelled by the enumeration of special heads in sec. 91. It may well be that the subjects of undue combination and hoarding are matters in which the Dominion has a great practical interest. In special circumstances, such as those of a great war, such an interest might conceivably become of such paramount and overriding importance as to amount to what lies outside the heads in sec. 92, and is not covered by them. The decision in *Russell v. The Queen* (1882), 7 App. Cas. 829, appears to recognise this as constitutionally possible, even in time of peace; but it is quite another matter to say that under normal

circumstances general Canadian policy can justify interference, on such a scale as the statutes in controversy involve, with the property and civil rights of the inhabitants of the Provinces. It is to the Legislatures of the Provinces that the regulation and restriction of their civil rights have in general been exclusively confided, and as to these the provincial Legislatures possess quasi-sovereign authority. It can, therefore, be only under necessity in highly exceptional circumstances, such as cannot be assumed to exist in the present case, that the liberty of the inhabitants of the Provinces may be restricted by the Parliament of Canada, and that the Dominion can intervene in the interests of Canada as a whole in questions such as the present one. For, normally, the subject matter to be dealt with in the case would be one falling within sec. 92. Nor do the words in sec. 91, the Regulation of Trade and Commerce, if taken by themselves, assist the present Dominion contention. It may well be, if the Parliament of Canada had, by reason of an altogether exceptional situation, capacity to interfere, that these words would apply so as to enable that Parliament to oust the exclusive character of the provincial powers under sec. 92. In the case of Dominion companies their Lordships in deciding the case of *John Deere Plow Company v. Wharton* (annotated), 18 D.L.R. 353 at 359, [1915] A.C. 330, expressed the opinion that the language of sec. 91 (2) could have the effect of aiding Dominion powers conferred by the general language of sec. 91. But that was because the regulation of the trading of Dominion companies was sought to be invoked only in furtherance of a general power which the Dominion Parliament possessed independently of it. Where there was no such power in that Parliament, as in the case of the Dominion Insurance Act, it was held otherwise, and that the authority of the Dominion Parliament to legislate for the regulation of trade and commerce did not, by itself, enable interference with particular trades in which Canadians would, apart from any right of interference conferred by these words above, be free to engage in the Provinces. This result was the outcome of a series of well-known decisions of earlier dates which are now so familiar that they need not be cited.

For analogous reasons the words of head 27 of sec. 91 do not assist the argument for the Dominion. It is one thing to construe the words "the Criminal Law, except

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the Constitution of Courts of Criminal Jurisdiction, but including the Procedure in criminal matters," as enabling the Dominion Parliament to exercise exclusive legislative power where the subject matter is one by which its very nature belongs to the domain of criminal jurisprudence. A general law, to take an example, making incest a crime, belongs to this class. It is quite another thing, first to attempt to interfere with a class of subject committed exclusively to the Provincial Legislature, and then to justify this by enacting ancillary provisions, designated as new phases of Dominion Criminal law which require a title to so interfere as basis of their application. For analogous reasons their Lordships think that sec. 101 of the B.N.A. Act, which enables the Parliament of Canada, notwithstanding anything in the Act, to provide for the establishment of any additional Courts for the better administration of the laws of Canada, cannot be read as enabling that Parliament to trench on provincial rights, such as the powers over property and civil rights in the Provinces exclusively conferred on their Legislatures. Full significance can be attached to the words in question without reading them as implying such capacity on the part of the Dominion Parliament. It is essential in such cases that the new judicial establishment should be a means to some end competent to the latter.

As their Lordships have already indicated, the jurisdiction attempted to be conferred on the new Board of Commerce appears to them to be ultra vires for the reasons now discussed. It implies a claim of title, in the cases of non-traders as well as of traders, to make orders prohibiting the accumulation of certain articles required for everyday life, and the withholding of such articles from sale at prices to be defined by the Board, whenever they exceed the amount of the material which appears to the Board to be required for domestic purposes or for the ordinary purposes of business. The Board is also given jurisdiction to regulate profits and dealings which may give rise to profit. The power sought to be given to the Board applies to articles produced for his own use by the householder himself, as well as to articles accumulated, not for the market but for the purposes of their own processes of manufacture by manufacturers. The Board is empowered to inquire into individual cases and to deal with them individually,

and not merely as the result of applying principles to be laid down as of general application. This would cover such instances as those of coal mines and of local provincial undertakings for meeting provincial requirements of social life.

Legislation setting up a Board of Commerce with such powers appears to their Lordships to be beyond the powers conferred by sec. 91. They find confirmation of this view in sec. 41 of the Board of Commerce Act, which enables the Dominion Executive to review and alter the decisions of the Board. It has already been observed that circumstances are conceivable, such as those of war or famine, when the peace, order and good government of the Dominion might be imperilled under conditions so exceptional that they require legislation of a character in reality beyond anything provided for by the enumerated heads in either sec. 92 or sec. 91 itself. Such a case, if it were to arise would have to be considered closely before the conclusion could properly be reached that it was one which could not be treated as falling under any of the heads enumerated. Still, it is a conceivable case, and although great caution is required in referring to it, even in general terms, it ought not, in the view their Lordships take of the B.N.A. Act, read as a whole, to be excluded from what is possible. For throughout the provisions of that Act there is apparent the recognition that subjects which would normally belong exclusively to a specifically assigned class of subject may, under different circumstances and in another aspect, assume a further significance. Such an aspect may conceivably become of paramount importance, and of dimensions that give rise to other aspects. This is a principle which, although recognised in earlier decisions, such as that of *Russell v. The Queen*, both here and in the Courts of Canada, has always been applied with reluctance, and its recognition as relevant can be justified only after scrutiny sufficient to render it clear that the circumstances are abnormal. In the case before them, however important it may seem to the Parliament of Canada, that some such policy as that adopted in the two Acts in question should be made general throughout Canada, their Lordships do not find any evidence that the standard of necessity referred to has been reached, or that the attainment of the end sought is practicable, in view of the distribution of legislative powers

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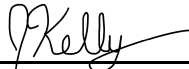
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enacted by the Constitution Act, without the co-operation of the Provincial Legislatures. It may well be that it is within the power of the Dominion Parliament to call, for example, for statistical and other information which may be valuable for guidance in questions affecting Canada as a whole. Such information may be required before any power to regulate trade and commerce can be properly exercised, even where such power is construed in a fashion much narrower than that in which it was sought to interpret it in the argument at the Bar for the Attorney-General for Canada. But even this consideration affords no justification for interpreting the words of sec. 91 (2) in a fashion which would, as was said in the argument on the other side, make them confer capacity to regulate particular trades and businesses.

For the reasons now given their Lordships are of opinion that the first of the questions brought before them must be answered in the negative. As a consequence the second question does not arise.

They will humbly advise His Majesty to this effect. There should be no costs of these proceedings, either here or in the Supreme Court of Canada.

This is Exhibit "7" referred to in the Affidavit of Mary DeCaire sworn by Mary DeCaire at the City of Toronto, in the Province of Ontario, before me on May 5, 2025 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.



Commissioner for Taking Affidavits (or as may be)

JAKOB KELLY

PREFIX TO STATUTES, 1923

CONTAINING CERTAIN ACTS OF THE PARLIAMENT OF
GREAT BRITAIN, THE SUPPLEMENTARY EXTRADITION
CONVENTION BETWEEN GREAT BRITAIN AND THE
UNITED STATES, THE AGREEMENT BETWEEN THE
BRITISH AND JAPANESE GOVERNMENTS RE-
SPECTING THE TONNAGE MEASUREMENT
OF MERCHANT SHIPS, AND CERTAIN
ORDERS IN COUNCIL OF THE GOV-
ERNOR GENERAL IN COUNCIL.



OTTAWA
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ANNO DOMINI 1923

13-14 GEORGE V.

CHAP. 9.

An Act to provide for the investigation of Combines,
Monopolies, Trusts and Mergers.

[Assented to 13th June, 1923.]

HIS Majesty, by and with the advice and consent of
the Senate and House of Commons of Canada, enacts
as follows:

1. This Act may be cited as *The Combines Investigation Act, 1923.* Short title.

INTERPRETATION.

2. In this Act, unless the context otherwise requires,— Definitions.
- (a) The expression "Combine" in this Act shall be "Combine."
deemed to have reference to such combines immediately
hereinafter defined as have operated or are likely
to operate to the detriment of or against the
interest of the public, whether consumers, producers
or others; and limited as aforesaid, the expression as
used in this Act shall be deemed to include (1) Mergers,
Trusts and Monopolies so called, and (2) the relation
resulting from the purchase, lease, or other acquisition
by any person of any control over or interest in the
whole or part of the business of any other person,
and (3) any actual or tacit contract, agreement,
arrangement, or combination which has or is designed
to have the effect of (i) limiting facilities for trans-
porting, producing, manufacturing, supplying, storing
or dealing; or (ii) preventing, limiting or lessening
manufacture or production; or (iii) fixing a common
price or a resale price, or a common rental, or a common
cost of storage or transportation; or (iv) enhancing
the price, rental or cost of article, rental storage or
transportation; or (v) preventing or lessening com-
petition in, or substantially controlling within any
particular area or district or generally, production,
manufacture,

manufacture, purchase, barter, sale, storage, transportation, insurance or supply; or (vi) otherwise restraining or injuring trade or commerce.

"Commissioner."

(b) "Commissioner" means a commissioner appointed by the Governor in Council as hereinafter provided.

"Corporation."

(c) "Corporation" includes company.

"Minister."

(d) "Minister" means the Minister charged for the time being by order of the Governor in Council with the administration of this Act.

"Registrar."

(e) "Registrar" means the registrar appointed by the Governor in Council as hereinafter provided.

ADMINISTRATION AND JURISDICTION.

Administration.

3. The Governor in Council may by order in council name a Minister of the Crown to be charged with the general administration of this Act, and the Minister so named shall be so charged accordingly.

Registrar.

4. (1) The Governor in Council shall appoint a Registrar to be known as the "Registrar of the Combines Investigation Act."

(2) The office of Registrar may be held either separately or in conjunction with any other office in the public service, and in the latter case the Registrar may, if the Governor in Council thinks fit, be appointed not by name but by reference to such other office, whereupon the person who, for the time being, holds such office or performs its duties shall by virtue thereof be the Registrar.

Duties of Registrar.

(3) It shall be the duty of the Registrar (a) to receive and register, and subject to the provisions of this Act, to deal with applications for investigation of alleged combines; (b) to bring at once to the Minister's attention every such application; (c) to conduct such correspondence with the applicant and all other persons as may be necessary; (d) to call for such returns and to make such inquiries as the Registrar may consider to be necessary in order that he may thoroughly examine into the matter brought to his attention by any application for an investigation; (e) to make reports from time to time to the Minister; (f) to conduct such correspondence with Commissioners as may be necessary, and to receive and file all reports and recommendations of Commissioners; (g) to keep a register in which shall be entered the particulars of all applications, inquiries, reports and recommendations, and safely to keep all applications, records of inquiries, correspondence, returns, reports, recommendations, evidence and documents relating to applications and proceedings conducted by the Registrar or any Commissioner, and when so required transmit all or any of such to the Minister; (h) to supply to any parties on request information as to

this Act or any regulations thereunder; (i) generally to do all such things and take all such proceedings as may be required in the performance of his duties under this Act or under any regulations made thereunder.

COMPLAINT AND INVESTIGATION.

5. Any six persons, British subjects, resident in Canada, of the full age of twenty-one years, who are of the opinion that a combine exists, or is being formed, may apply in writing to the Registrar for an investigation of such alleged combine, and shall place before the Registrar the evidence on which such opinion is based. The application shall be accompanied by a statement in the form of a solemn or statutory declaration showing (a) the names and addresses of the applicants, and at their election the name and address of any one of their number or of any attorney, solicitor or counsel whom they may for the purpose of receiving any communication to be made pursuant to this Act, have authorized to represent them; (b) the nature of the alleged combine and the names of the persons believed to be concerned therein and privy thereto; (c) the manner in which, and where possible the extent to which, the alleged combine is believed to operate or to be about to operate to the detriment of or against the interest of the public whether consumers, producers or others.

Application for investigation of alleged combine.

6. Whenever such application shall be made to the Registrar, or whenever the Registrar shall have reason to believe that a combine exists or is being formed, or whenever so directed by the Minister, the Registrar shall cause an inquiry to be made into all such matters whether of fact or of law with respect to the said alleged combine as he shall consider necessary to enquire into with the view of determining whether a combine exists or is being formed which operates or is likely to operate to the detriment of or against the interest of the public, whether consumers, producers or others.

Registrar shall cause enquiry to be made.

7. If, after such inquiry as he deems the circumstances warrant, the Registrar is of the opinion that the application is frivolous or vexatious, or does not justify further inquiry, he shall make a report in writing to the Minister setting out the application, the statement or statements, the inquiry made and the information obtained, and his conclusions. The Minister shall thereupon decide whether further inquiry shall or shall not be made, and shall give instructions accordingly. In case the Minister decides that further inquiry shall not be made, he shall notify the applicant of his decision, giving the grounds thereof. The

Registrar to report to Minister on inquiry; Minister to decide whether further enquiry shall be made.

decision of the Minister shall be final and conclusive, and shall not be subject to appeal or review.

Registrar may require written returns; and full disclosure of agreements.

8. The Registrar may at any time as part of such inquiry by notice in writing, require any person, and in the case of a corporation any officer of such corporation, to make and render unto the Registrar, within a time stated in such notice, or from time to time, a written return under oath or affirmation showing in detail such information with respect to the business of the person named in the notice as is therein specified, and such person or officer shall make and render unto the Registrar, precisely as required a written return under oath or affirmation showing in detail the information required; and without restricting the generality of the foregoing, the Registrar may require a full disclosure of all contracts or agreements which the person, named in the notice, may have at any time entered into with any other person, touching or concerning the business of the said person so named in the notice.

Power of Registrar to investigate and to enter and examine premises, books, etc.

9. If, after the receipt by the Registrar of any return made in purported compliance with this Act, the Registrar or the Minister shall consider that circumstances so justify, or if after a return under this Act has been required, none is made, or none is made within a time set in the notice requiring such return, or within such further time as the Registrar or the Minister may upon special application allow, the Registrar shall have power (a) to investigate the business, and (b) to enter and examine the premises, books, papers and records of and in the possession of the person making or failing to make such return.

Governor in Council may appoint Commissioners to hold investigations.

10. The Governor in Council may from time to time appoint one or more persons to be Commissioners under this Act. Every Commissioner shall have authority to investigate the business, or any part thereof, of any person who is or is believed to be a member of any combine or a party or privy thereto, and who is named in the order in council appointing the Commissioner; every Commissioner shall have authority to enter and examine the premises, books, papers and records of such person. The exercise of any of the powers herein conferred on Commissioners shall not be held to limit or qualify the powers by this Act conferred upon the Registrar.

Access to premises and records.

11. Every person who is in possession or control of any such business, premises, books, papers, or records, as are referred to in the two immediately preceding sections shall give and afford to the Registrar and to every Commissioner admission and access thereto whenever and as often as demanded.

12. All provisions of the *Inquiries Act* not repugnant to the provisions of this Act shall apply to any inquiry or investigation under this Act, and the Registrar and every Commissioner shall have all the powers of a commissioner appointed under the *Inquiries Act*, including the powers mentioned in section eleven thereof, whether thereunto authorized by the commission issued in the case or not, except in so far as any such powers may be inconsistent with the provisions of this Act.

Provisions of
Inquiries Act
applicable.

13. No person shall in any manner impede or prevent or attempt to impede or prevent any investigation, examination, or inquiry under this Act.

No one to
impede
investigation.

14. All books, papers, records or things produced before the Registrar or a Commissioner, whether voluntarily or in pursuance of an order, may be inspected by the Registrar or the Commissioner, and also by such parties as the Minister or Commissioner allows, and copies thereof may be made by or at the instance of the Registrar or Commissioner.

Registrar or
Commissioner
may
inspect and
copy books,
etc.

15. The Minister may employ competent persons to examine books, papers or records, and to advise the Registrar or any Commissioner, upon any technical or other matter material to the investigation, but the information obtained therefrom shall not, except in so far as the Minister deems it expedient, be made public, and such parts of the books, papers or records as in the opinion of the Registrar are not material to the investigation may be sealed up.

Employment
of experts.

16. (a) The Registrar and every Commissioner may order that any person resident or present in Canada be examined upon oath before, or make production of books, papers, records or articles to, the Registrar or Commissioner as the case may be, or before or to any other person named for the purpose by the order of the Registrar or Commissioner, and may make such orders as seem to the Registrar or Commissioner to be proper for securing the attendance of such witness and his examination, and the production by him of books, papers, records or articles, and the use of the evidence so obtained, and otherwise exercise, for the enforcement of such orders or punishment for disobedience thereof, all powers that are exercised by any superior court in Canada for the enforcement of subpoenas to witnesses or punishment of disobedience thereof.

Powers of
Registrar
and
Commissioner
as to
witnesses,
evidence on
oath and
production of
papers.

(b) Any person summoned before the Registrar or a Commissioner shall be competent and may be compelled to give evidence as a witness.

Persons
competent to
give evidence
as witnesses.

(c) Every person who is summoned and duly attends as a witness shall be entitled to an allowance for attendance and

Expenses of
witnesses.

and travelling expenses according to the scale in force with respect to witnesses in civil suits in the superior courts of the province in which the inquiry is being conducted.

Persons served with order required to attend.

(d) If any person, who has been duly served with an order, and to whom at the time of service payment or tender has been made of his reasonable travelling expenses according to the aforesaid scale, fails to attend and give evidence, or to produce any book, paper, record, or thing as required by the said order, he shall, unless he shows that there was good and sufficient cause for such failure, be guilty of an offence and liable upon summary conviction to imprisonment for a term not exceeding six months and a fine not exceeding one thousand dollars, or to both such fine and imprisonment.

Commissioners to take evidence in foreign country.

(e) The Minister may issue commissions to take evidence in a foreign country, and may make all proper orders for the purpose and for the return and use of the evidence so obtained.

Orders to witnesses, etc., shall be signed by Registrar or Commissioner.

(f) Orders to witnesses and all other orders, process or proceedings shall be signed by the Registrar or a Commissioner.

Evidence upon affidavit or written affirmation.

17. (a) The Registrar and every Commissioner may accept or require evidence upon affidavit or written affirmation, in every case in which it seems to him proper to do so.

Administration of oaths in each province.

(b) The Registrar and every Commissioner and all persons authorized to administer oaths to be used in any of the superior courts of any province may administer oaths in such province to be used in applications, matters or proceedings before the Registrar or Commissioner.

Administration of oaths in proceedings in Supreme or Exchequer Courts of Canada.

(c) All persons authorized to administer oaths within or out of Canada, in or concerning any proceeding had or to be had in the Supreme Court of Canada or in the Exchequer Court of Canada, may administer oaths in or concerning any application, matter or proceeding before the Registrar or Commissioner.

No person excused from attending or giving evidence on ground that evidence may incriminate him.

18. No person shall be excused from attending and giving evidence and producing books, papers, or records, in obedience to the order of the Registrar or Commissioner, on the ground that the oral evidence or documents required of him may tend to criminate him or subject him to any proceeding or penalty, but no such evidence so given shall be used or receivable against such person in any criminal proceedings thereafter instituted against him, other than a prosecution for perjury in giving evidence upon such investigation, inquiry, cause or proceeding.

Proceedings in private.

19. The proceedings of the Registrar and every Commissioner shall be conducted in private, but the Minister

may order that any portion of the proceedings before the Registrar or any Commissioner shall be conducted in public.

20. Whenever in the opinion of the Minister, the public interest so requires, the Minister may apply to the Minister of Justice to instruct counsel to conduct the investigation before the Registrar or any Commissioner and upon such application the Minister of Justice may instruct counsel accordingly.

Counsel may be instructed to conduct investigation.

21. At the conclusion of every investigation the Registrar and every Commissioner shall make a report in writing, which report shall be signed by the Registrar or Commissioner, as the case may be. If the report is made by a Commissioner it shall be transmitted to the Registrar, together with the evidence taken at such investigation, certified by the Commissioner and any documents and papers remaining in the custody of the Commissioner. The Registrar shall without delay transmit to the Minister his report and the report of every Commissioner. The Minister may call for an interim report at any time; and when so called for it shall be the duty of the Registrar and of every Commissioner to render an interim report setting out fully the action taken, evidence obtained and conclusions reached at the date of the interim report.

Registrar and Commissioner to report in writing on investigations.

ACTION.

22. Within fifteen days after its receipt by the Minister the report (other than an interim report) of any Commissioner shall be made public, unless the Commissioner is of the opinion that the public interest would be best served by withholding publication and so states in the report itself, in which case the Minister may exercise his discretion as to the publicity to be given to the report in whole or in part. The Minister may publish and supply copies of any report in such manner and on such terms as to him seems most desirable.

Distribution of report.

23. Whenever, from or as a result, of an investigation under the provisions of this Act, or from or as a result of a judgment of the Supreme Court or Exchequer Court of Canada or of any superior court, or circuit, district or county court of Canada, it appears to the satisfaction of the Governor in Council that with regard to any article of commerce, there exists any combine to promote unduly the advantage of manufacturers or dealers at the expense of the public and if it appears to the Governor in Council that such disadvantage to the public is facilitated by the duties of custom imposed on the article, or on any like article, the Governor in Council may direct either that such article be admitted into Canada free of duty or that the duty thereon be reduced to such amount or rate as will, in the opinion of the Governor in Council,

Governor in Council may admit article free of duty or reduce duty if satisfied as a result of investigation under this Act that combine exists at expense of public.

Council, give the public the benefit of reasonable competition.

If owner or holder of Patent makes use of exclusive rights to unduly limit production or restrict or injure trade Patent shall be liable to revocation.

24. In case the owner or holder of any Patent issued under the Patent Act has made use of the exclusive rights and privileges which, as such owner or holder he controls, so as unduly to limit the facilities for transporting, producing, manufacturing, supplying, storing or dealing in any article which may be subject of trade or commerce, or so as to restrain or injure trade or commerce in relation to any such article or unduly to prevent, limit or lessen the manufacture or production of any article or unreasonably to enhance the price thereof, or unduly to prevent or lessen competition in the production, manufacture, purchase, barter, sale, transportation, storage or supply of any article such patent shall be liable to be revoked. And, if the Minister reports that a patent has been so made use of, the Minister of Justice may exhibit an information in the Exchequer Court of Canada praying for a judgment revoking such patent, and the court shall thereupon have jurisdiction to hear and decide the matter and to give judgment revoking the patent or otherwise as the evidence before the court may require.

Procedure when in opinion of Minister an offence has been committed.

25. Whenever, in the opinion of the Minister an offence has been committed against any of the provisions of this Act, the Minister may remit to the Attorney General of any province within which such alleged offence shall have been committed, for such action as such Attorney General may be pleased to institute because of the conditions appearing, (1) any return or returns which may have been made or rendered pursuant to this Act and are in the possession of the Minister and relevant to such alleged offence; and (2) the evidence taken on any investigation by the Registrar or a Commissioner, and the report of the Registrar or Commissioner. If within three months after remission aforesaid, or within such shorter period as the Governor in Council shall decide, no action shall have been taken by or at the instance of the Attorney General of the Province as to the Governor in Council the case seems in the public interest to warrant, the Solicitor General may on the relation of any person who is resident in Canada and of the full age of twenty-one years permit an information to be laid against such person or persons as in the opinion of the Solicitor General shall have been guilty of an offence against any of the provisions of this Act; and the Solicitor General may apply to the Minister of Justice to instruct counsel to attend on behalf of the Minister at all proceedings consequent on the information so laid, and upon such application the Minister of Justice may instruct counsel accordingly.

OFFENCES.

26. (a) Every one is guilty of an indictable offence and liable to a penalty not less exceeding ten thousand dollars or to two years imprisonment, or if a corporation to a penalty not exceeding twenty-five thousand dollars, who is a party or privy to or knowingly assists in the formation or operation of a combine as defined in this Act.

Penalty for violation of Act.

(b) No prosecution for any offence under this section shall be commenced, otherwise than at the instance of the Solicitor General of Canada or of the Attorney General of a province.

No prosecution except at instance of Solicitor General or Provincial Attorney General.
Contempt of Regist. ar or Commissioner.

27. If in any proceedings before the Registrar or any Commissioner any person wilfully insults the Registrar or any Commissioner or wilfully interrupts the proceedings, or is guilty in any other manner of any wilful contempt in the face of the Registrar or Commissioner, the Registrar or Commissioner may direct any constable to take the person offending into custody and remove him from the precincts and presence of the Registrar or Commissioner, to be detained in custody until the conclusion of that day's sitting and the person so offending shall be liable upon summary conviction to a penalty not exceeding one hundred dollars.

28. For the purpose of the trial of any indictment for any offence against this Act, section five hundred and eighty-one of the *Criminal Code*, authorizing speedy trials without juries, shall apply.

Procedure for enforcing penalties.

29. Any person who contravenes or fails to observe the provisions of sections eight, ten, eleven, thirteen or sixteen of this Act shall be guilty of an offence and liable upon indictment or upon summary conviction under Part XV of the *Criminal Code* to a penalty not exceeding five thousand dollars, or to imprisonment for any term not exceeding two years, or to both fine and imprisonment, as specified, and any director or officer of any corporation who assents to or acquiesces in the contravention or non-observance by such corporation of any of the said provisions shall be guilty of such offence personally and cumulatively with his corporation and with his co-directors or associate officers.

Penalties for contravention of sections 8, 10, 11, 13, or 16 of Act.

GENERAL.

30. The Minister may establish at any place or places in Canada such office or offices as are required for the discharge

Establishment of offices and equipment.

discharge of the duties of the Registrar and of any Commissioner under this Act, and may provide therefor the necessary accommodation, stationery and equipment.

Appointment of Registrar and Commissioner and employment of requisite technical and special temporary assistance.

31. (1) All persons permanently employed under this Act shall be subject to the provisions of *The Civil Service Act, 1918*, and amendments thereto, and other similar Acts bearing on the Civil Service of Canada, provided, however, that notwithstanding anything in the said Acts or amendments thereto (a) the Governor in Council may appoint any British subject to be Registrar under this Act, and may appoint any British subject to be a Commissioner thereunder; and (b) the Minister may employ such temporary technical and special assistance as may be required to meet the special conditions that may arise in carrying out the provisions of this Act.

Expenses paid out of Parliamentary appropriation.

(2) The remuneration and expenses of the Registrar and Commissioner or Commissioners so appointed, and of the temporary technical and special assistance so employed, and the fees and expenses allowed to any counsel instructed by the Minister of Justice under this Act, shall be paid out of such appropriations as are made by Parliament to provide the cost of administering this Act.

Remuneration of technical or special temporary assistance.

(3) Whenever the Minister by virtue of any power vested in him by this Act, employs any such temporary technical or special assistance, such person shall be paid for his service and expenses such sum as the Governor in Council may determine.

Technicality not to invalidate proceedings.

32. No proceedings under this Act shall be deemed invalid by reason of any defect of form or any technical irregularity.

Governor in Council may make necessary regulations.

33. (1) The Governor in Council may make such regulations, not inconsistent with this Act, as to him seems necessary, for carrying out the provisions of this Act and for the efficient administration thereof.

Publication of regulations in *Canada Gazette*.

(2) Such regulations shall be published in the *Canada Gazette* and upon being so published they shall have the same force as if they formed part of this Act.

Regulations to be laid before Parliament.

(3) The regulations shall be laid before both Houses of Parliament within fifteen days after such publication, if Parliament be then sitting, and if Parliament is not then sitting then within fifteen days after the opening of the next session thereof.

Trade Unions not affected.

34. Nothing in this Act shall be construed to apply to combinations of workmen or employees for their own reasonable protection as such workmen or employees.

35.

35. The Minister shall lay before Parliament, within the first fifteen days of the then next session, an annual report of the proceedings under this Act.

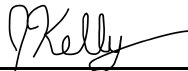
Report to
Parliament
of proceed-
ings under
this Act.

36. *The Board of Commerce Act*, chapter thirty-seven of the Acts of 1919, and *The Combines and Fair Prices Act, 1919*, chapter forty-five of the Acts of 1919, are repealed.

Repeal.

OTTAWA: Printed by F. A. ACLAND, Law Printer to the
King's Most Excellent Majesty.

This is Exhibit "8" referred to in the Affidavit of Mary DeCaire sworn by Mary DeCaire at the City of Toronto, in the Province of Ontario, before me on May 5, 2025 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.



Commissioner for Taking Affidavits (or as may be)

JAKOB KELLY

Statutes
Canada

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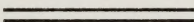
PREFIX TO STATUTES, 1960

ACTS PROCLAIMED IN FORCE

LIST OF PROCLAMATIONS FROM JULY 25, 1959
TO AUGUST 20, 1960

MISCELLANEOUS PROCLAMATIONS

PROPOSED AMENDMENT TO THE BRITISH NORTH AMERICA
ACT, 1867.



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PREFIX TO STATUTES, 1900

ACTS PROCLAIMED IN FORCE

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PROPOSED AMENDMENT TO THE BRITISH NORTH AMERICA
ACT, 1867

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8-9 ELIZABETH II.

CHAP. 45

An Act to amend the Combines Investigation Act
and the Criminal Code.

[Assented to 10th August, 1960.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows: R.S., c. 314;
1953-54, c. 51.

1. (1) Paragraph (a) of section 2 of the *Combines Investigation Act* is repealed and the following substituted therefor:

“(a) “article” means an article or commodity that may be the subject of trade or commerce; “Article.”

(aa) “business” means the business of manufacturing, producing, transporting, purchasing, supplying, selling, storing or dealing in articles;” “Business.”

(2) Paragraphs (e) and (f) of section 2 of the said Act are repealed and the following substituted therefor:

“(e) “merger” means the acquisition by one or more persons, whether by purchase or lease of shares or assets or otherwise, of any control over or interest in the whole or part of the business of a competitor, supplier, customer or any other person, whereby competition “Merger.”

(i) in a trade or industry,

(ii) among the sources of supply of a trade or industry,

(iii) among the outlets for sales of a trade or industry, or

(iv) otherwise than in subparagraphs (i), (ii) and (iii),

is or is likely to be lessened to the detriment or against the interest of the public, whether consumers, producers or others;

(f) “monopoly” means a situation where one or more persons either substantially or completely control throughout Canada or any area thereof the class or species of business in which they are engaged and “Monopoly.”

have operated such business or are likely to operate it to the detriment or against the interest of the public, whether consumers, producers or others, but a situation shall not be deemed a monopoly within the meaning of this paragraph by reason only of the exercise of any right or enjoyment of any interest derived under the *Patent Act*, or any other Act of the Parliament of Canada;

"Minister."
"Trade or industry."

- (g) "Minister" means the Minister of Justice; and
- (h) "trade or industry" includes any class, division or branch of a trade or industry."

1953-54, c. 51.
s. 750(1).

2. Section 7 of the said Act is repealed and the following substituted therefor:

Application
for inquiry

"7. (1) Any six persons, Canadian citizens, resident in Canada, of the full age of twenty-one years, who are of the opinion that an offence under Part V has been or is about to be committed may apply to the Director for an inquiry into such matter.

Material to
be submitted.

(2) The application shall be accompanied by a statement in the form of a solemn or statutory declaration showing

- (a) the names and addresses of the applicants, and at their election the name and address of any one of their number, or of any attorney, solicitor or counsel, whom they may, for the purpose of receiving any communication to be made pursuant to this Act, have authorized to represent them;
- (b) the nature of the alleged offence and the names of the persons believed to be concerned therein and privy thereto; and
- (c) a concise statement of the evidence supporting their opinion that the offence has been or is about to be committed."

1953-54, c. 51.
s. 750(1).

3. Paragraphs (b) and (c) of section 8 of the said Act are repealed and the following substituted therefor:

- "(b) whenever he has reason to believe that any provision in Part V has been or is about to be violated, or
- (c) whenever he is directed by the Minister to inquire whether any provision in Part V has been or is about to be violated,"

1953-54, c. 51.
s. 750(1).

4. Subsection (2) of section 11 of the said Act is repealed and the following substituted therefor:

Copies.

"(2) The Director may have copies made (including copies by any process of photographic reproduction) of any books, papers, records or other documents referred to in subsection (1), and such copies, upon proof orally or by affidavit that they are true copies, in any proceedings under this Act are

admissible in evidence and have the same probative force as the originals in all cases in which and for all purposes for which such originals would have been received; where such evidence is offered by affidavit it is not necessary to prove the signature or official character of the deponent if that information is set forth in the affidavit or to prove the signature or official character of the person before whom such affidavit was sworn."

5. Section 13 of the said Act is repealed and the following substituted therefor:

"**13.** Whenever in the opinion of the Commission or the Director the public interest so requires, the Commission or the Director may apply to the Minister to appoint and instruct counsel to assist in an inquiry and upon such application the Minister may appoint and instruct counsel accordingly." Counsel.

6. Subsection (1) of section 15 of the said Act is repealed and the following substituted therefor: 1953-54, c. 51,
s. 750(1).

"**15.** (1) The Director may, at any stage of an inquiry, and in addition to or in lieu of continuing the same, remit any records, returns or evidence to the Attorney General of Canada for consideration as to whether an offence has been or is about to be committed against any of the provisions of this Act, and for such action as the Attorney General of Canada may be pleased to take." Reference to
Attorney
General of
Canada.

7. Subsection (5) of section 17 of the said Act is repealed and the following substituted therefor: 1953-54, c. 51,
s. 750(1).

"(5) A justice before whom any thing seized pursuant to a search warrant issued with reference to an offence against any of the provisions of this Act is brought may, on the application of the Director, order that such thing be delivered to the Director, and the Director shall deal with any thing so delivered to him as if delivery of it had been made to him pursuant to subsection (4)." Delivery to
Director of
seized
articles.

8. Paragraph (a) of subsection (1) of section 18 of the said Act is repealed and the following substituted therefor: 1953-54, c. 51,
s. 750(2).

"(a) the Director may, if he is of the opinion that the evidence obtained discloses a situation contrary to any provision in Part V, and"

9. Section 19 of the said Act is amended by adding thereto, immediately after subsection (1) thereof, the following subsection:

"(1a) Where it appears from proceedings taken under section 18 that a conspiracy, combination, agreement or arrangement has existed, the report under subsection (1) of Findings to
be included
in report.

this section shall include a finding whether or not the conspiracy, combination, agreement or arrangement relates only to one or more of the matters specified in subsection (2) of section 32 and, if so, shall include a finding whether or not the conspiracy, combination, agreement or arrangement, has lessened or is likely to lessen competition unduly in respect of one of the matters specified in paragraphs (a) to (d) of subsection (3) of section 32, or has restricted or is likely to restrict any person from entering into or expanding a business in a trade or industry."

1953-54, c. 51.
s. 750(1).

Interim
report.

10. Subsection (1) of section 22 of the said Act is repealed and the following substituted therefor:

"**22.** (1) Notwithstanding subsection (1) of section 19, when, in any inquiry relating to alleged situations contrary to section 32 or 33, the Commission, after reviewing the statement submitted by the Director and receiving argument in support thereof and in reply thereto, is then unable effectively to appraise the effect on the public interest of the arrangements and practices disclosed in the evidence, it shall make an interim report in writing, which shall contain a review of the evidence and a statement of the reasons why the Commission is unable to appraise effectively the effect of such arrangements and practices on the public interest, and without delay, such report shall be transmitted to the Minister."

11. Section 29 of the said Act is repealed and the following substituted therefor:

Reduction or
removal of
customs
duties.

"**29.** Whenever, from or as a result of an inquiry under the provisions of this Act, or from or as a result of a judgment of the Supreme Court or Exchequer Court of Canada or of any superior, district or county court in Canada, it appears to the satisfaction of the Governor in Council that with regard to any article there has existed any conspiracy, combination, agreement, arrangement, merger or monopoly to promote unduly the advantage of manufacturers or dealers at the expense of the public, and if it appears to the Governor in Council that such disadvantage to the public is presently being facilitated by the duties of customs imposed on the article, or on any like article, the Governor in Council may direct either that such article be admitted into Canada free of duty, or that the duty thereon be reduced to such amount or rate as will, in the opinion of the Governor in Council, give the public the benefit of reasonable competition."

1953-54, c. 51.
s. 750(1).

12. (1) Subsections (1) and (2) of section 31 of the said Act are repealed and the following substituted therefor:

“31. (1) Where a person has been convicted of an offence under Part V Prohibitions.

(a) the court may at the time of such conviction, on the application of the Attorney General of Canada or the attorney general of the province, or

(b) a superior court of criminal jurisdiction in the province may at any time within three years thereafter, upon proceedings commenced by information of the Attorney General of Canada or the attorney general of the province for the purposes of this section,

and in addition to any other penalty imposed on the person convicted, prohibit the continuation or repetition of the offence or the doing of any act or thing by the person convicted or any other person directed towards the continuation or repetition of the offence and where the conviction is with respect to a merger or monopoly, direct the person convicted or any other person to do such acts or things as may be necessary to dissolve the merger or monopoly in such manner as the court directs.

(2) Where it appears to a superior court of criminal jurisdiction in proceedings commenced by information of the Attorney General of Canada or the attorney general of the province for the purposes of this section that a person has done, is about to do or is likely to do any act or thing constituting or directed towards the commission of an offence under Part V, the court may prohibit the commission of the offence or the doing or continuation of any act or thing by that person or any other person constituting or directed towards the commission of such an offence, and, where the offence is with respect to a merger or monopoly, direct that person or any other person to do such acts or things as may be necessary to dissolve the merger or monopoly in such manner as the court directs. Idem.

(2a) The Attorney General or any person against whom an order of prohibition or dissolution is made may appeal against the order or a refusal to make an order or the quashing of an order Appeals.

(a) from a superior court of criminal jurisdiction in the province to the court of appeal of the province, or

(b) from the court of appeal of the province or the Exchequer Court of Canada to the Supreme Court of Canada

as the case may be, upon any ground that involves a question of law or, if leave to appeal is granted by the court appealed to within twenty-one days after the judgment appealed from is pronounced or within such extended time as the court appealed to or a judge thereof for special reasons allows, on any ground that appears to that court to be a sufficient ground of appeal.

Disposition
of appeal.

(2b) Where the court of appeal or the Supreme Court of Canada allows an appeal, it may quash any order made by the court appealed from, and may make any order that in its opinion the court appealed from could and should have made.

Procedure

(2c) Subject to subsections (2a) and (2b), the provisions of Part XVIII of the *Criminal Code* apply *mutatis mutandis* to appeals under this section."

Application.

(2) This section applies in respect of all prosecutions under the said Act or under section 411 or 412 of the *Criminal Code* whether commenced before or after the coming into force of this section, and in respect of all acts or things, whether committed or done before or after the coming into force of this section.

1953-54, c. 51,
s. 750(1).

13. Sections 32 and 33 of the said Act are repealed and the following substituted therefor:

Court may
require
returns.

"**31A.** (1) Notwithstanding anything contained in Part V, where any person is convicted of an offence under Part V, the court before whom such person was convicted and sentenced may, from time to time within three years thereafter, require the convicted person to submit such information with respect to the business of such person as the court deems advisable, and without restricting the generality of the foregoing the court may require a full disclosure of all transactions, operations or activities since the date of the offence under or with respect to any contracts, agreements or arrangements, actual or tacit, that the convicted person may at any time have entered into with any other person touching or concerning the business of the person convicted.

Penalty

(2) The court may punish any failure to comply with an order under this section by a fine in the discretion of the court or by imprisonment for a term not exceeding two years.

"PART V.

"OFFENCES IN RELATION TO TRADE.

Conspiracy.

"**32.** (1) Every one who conspires, combines, agrees or arranges with another person

(a) to limit unduly the facilities for transporting, producing, manufacturing, supplying, storing or dealing in any article,

(b) to prevent, limit or lessen, unduly, the manufacture or production of an article, or to enhance unreasonably the price thereof,

(c) to prevent, or lessen, unduly, competition in the production, manufacture, purchase, barter, sale, storage, rental, transportation or supply of an article, or in the price of insurance upon persons or property, or

(d) to restrain or injure trade or commerce in relation to any article,
is guilty of an indictable offence and is liable to imprisonment for two years.

(2) Subject to subsection (3), in a prosecution under subsection (1) the court shall not convict the accused if the conspiracy, combination, agreement or arrangement relates only to one or more of the following: Defence

- (a) the exchange of statistics,
- (b) the defining of product standards,
- (c) the exchange of credit information,
- (d) definition of trade terms,
- (e) co-operation in research and development,
- (f) restriction of advertising, or
- (g) some other matter not enumerated in subsection (3).

(3) Subsection (2) does not apply if the conspiracy, combination, agreement or arrangement has lessened or is likely to lessen competition unduly in respect of one of the following: Exception

- (a) prices,
- (b) quantity or quality of production,
- (c) markets or customers, or
- (d) channels or methods of distribution,

or if the conspiracy, combination, agreement or arrangement has restricted or is likely to restrict any person from entering into or expanding a business in a trade or industry.

(4) Subject to subsection (5), in a prosecution under subsection (1) the court shall not convict the accused if the conspiracy, combination, agreement or arrangement relates only to the export of articles from Canada.

(5) Subsection (4) does not apply if the conspiracy, combination, agreement or arrangement

- (a) has resulted or is likely to result in a reduction or limitation of the volume of exports of an article;
- (b) has restrained or injured or is likely to restrain or injure the export business of any domestic competitor who is not a party to the conspiracy, combination, agreement or arrangement;
- (c) has restricted or is likely to restrict any person from entering into the business of exporting articles from Canada; or
- (d) has lessened or is likely to lessen competition unduly in relation to an article in the domestic market.

“33. Every person who is a party or privy to or knowingly assists in, or in the formation of, a merger or monopoly is guilty of an indictable offence and is liable to imprisonment for two years. Mergers and monopolies.

“33A. (1) Every one engaged in a business who

- (a) is a party or privy to, or assists in, any sale that discriminates to his knowledge, directly or indirectly, Illegal trade practices.

against competitors of a purchaser of articles from him in that any discount, rebate, allowance, price concession or other advantage is granted to the purchaser over and above any discount, rebate, allowance, price concession or other advantage that, at the time the articles are sold to such purchaser, is available to such competitors in respect of a sale of articles of like quality and quantity;

- (b) engages in a policy of selling articles in any area of Canada at prices lower than those exacted by him elsewhere in Canada, having the effect or tendency of substantially lessening competition or eliminating a competitor in such part of Canada, or designed to have such effect; or
- (c) engages in a policy of selling articles at prices unreasonably low, having the effect or tendency of substantially lessening competition or eliminating a competitor, or designed to have such effect,

is guilty of an indictable offence and is liable to imprisonment for two years.

Defence.

(2) It is not an offence under paragraph (a) of subsection (1) to be a party or privy to, or assist in any sale mentioned therein unless the discount, rebate, allowance, price concession or other advantage was granted as part of a practice of discriminating as described in that paragraph.

Co-operative societies excepted.

(3) The provisions of paragraph (a) of subsection (1) shall not be construed to prohibit a co-operative society from returning to producers or consumers, or a co-operative wholesale society from returning to its constituent retail or wholesale members, the whole or any part of the net surplus made in its trading operations in proportion to purchases made from or sales made to the society.

"Allowance" defined.

"33B. (1) In this section "allowance" means any discount, rebate, price concession or other advantage that is or purports to be offered or granted for advertising or display purposes and is collateral to a sale or sales of articles but is not applied directly to the selling price.

Grant of allowance prohibited except on proportionate terms.

(2) Every one engaged in a business who is a party or privy to the granting of an allowance to any purchaser that is not offered on proportionate terms to other purchasers in competition with the first-mentioned purchaser, (which other purchasers are in this section called "competing purchasers"), is guilty of an indictable offence and is liable to imprisonment for two years.

Definition of proportionate terms.

(3) For the purposes of this section, an allowance is offered on proportionate terms only if

- (a) the allowance offered to a purchaser is in approximately the same proportion to the value of sales to him as the allowance offered to each competing

purchaser is to the total value of sales to such competing purchaser,

- (b) in any case where advertising or other expenditures or services are exacted in return therefor, the cost thereof required to be incurred by a purchaser is in approximately the same proportion to the value of sales to him as the cost of such advertising or other expenditures or services required to be incurred by each competing purchaser is to the total value of sales to such competing purchaser, and
- (c) in any case where services are exacted in return therefor, the requirements thereof have regard to the kinds of services that competing purchasers at the same or different levels of distribution are ordinarily able to perform or cause to be performed.

“33c. (1) Every one who, for the purpose of promoting the sale or use of an article, makes any materially misleading representation to the public, by any means whatever, concerning the price at which such or like articles have been, are, or will be, ordinarily sold, is guilty of an offence punishable on summary conviction.

Misrepresentations as to ordinary price.

(2) Subsection (1) does not apply to a person who publishes an advertisement that he accepts in good faith for publication in the ordinary course of his business.”

Not applicable to publishing advertisements in good faith.

14. Section 34 of the said Act is amended by adding thereto the following subsection:

“(5) Where, in a prosecution under this section, it is proved that the person charged refused or counselled the refusal to sell or supply an article to any other person, no inference unfavourable to the person charged shall be drawn from such evidence if he satisfies the court that he and any one upon whose report he depended had reasonable cause to believe and did believe

Defences.

- (a) that the other person was making a practice of using articles supplied by the person charged as loss-leaders, that is to say, not for the purpose of making a profit thereon but for purposes of advertising;
- (b) that the other person was making a practice of using articles supplied by the person charged not for the purpose of selling such articles at a profit but for the purpose of attracting customers to his store in the hope of selling them other articles;
- (c) that the other person was making a practice of engaging in misleading advertising in respect of articles supplied by the person charged; or
- (d) that the other person made a practice of not providing the level of servicing that purchasers of such articles might reasonably expect from such other person.”

15. Section 35 of the said Act is repealed and the following substituted therefor:

Civil rights
not affected.

“35. Nothing in this Part shall be construed to deprive any person of any civil right of action.”

New heading.

16. The said Act is further amended by inserting therein, immediately before section 36 thereof, the following heading:

“PART VI.

OTHER OFFENCES.”

1953-54, c. 51,
s. 750(3).

17. Subsections (2) and (3) of section 40 of the said Act are repealed and the following substituted therefor:

Jurisdiction
of courts.

“(2) No court other than a superior court of criminal jurisdiction, as defined in the *Criminal Code*, has power to try any offence under section 32 or 33.

Corporations
to be tried
without jury.

(3) Notwithstanding anything in the *Criminal Code* or in any other statute or law, a corporation charged with an offence under this Act shall be tried without the intervention of a jury.

Option as to
procedure
under 31(2).

(4) In any case where subsection (2) of section 31 is applicable the Attorney General of Canada or the attorney general of the province may in his discretion institute proceedings either by way of an information under that subsection or by way of prosecution.”

1953-54, c. 51,
s. 750(1).

18. The portion of subsection (2) of section 41 of the said Act that precedes paragraph (a) thereof is repealed and the following substituted therefor:

Evidence
against a
participant.

“(2) In a prosecution under Part V,”

19. (1) The said Act is further amended by adding thereto, immediately after section 41 thereof, the following section:

Jurisdiction
of Exchequer
Court.

“41A. (1) Subject to this section, the Attorney General of Canada may institute and conduct any prosecution or other proceedings under section 31 or Part V, except section 33c, in the Exchequer Court of Canada, and for the purposes of such prosecution or other proceedings the Exchequer Court has all the powers and jurisdiction of a superior court of criminal jurisdiction under the *Criminal Code* and under this Act.

No jury

(2) The trial of an offence under Part V in the Exchequer Court shall be without a jury.

Appeal.

(3) For the purposes of Part XVIII of the *Criminal Code* the judgment of the Exchequer Court in any prosecution or proceedings under Part V of this Act shall be deemed to be the judgment of a court of appeal and an appeal therefrom

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11

lies to the Supreme Court of Canada as provided in Part XVIII of the *Criminal Code* for appeals from a court of appeal.

(4) Proceedings under subsection (2) of section 31 may in the discretion of the Attorney General be instituted in either the Exchequer Court or a superior court of criminal jurisdiction in the province, but no prosecution shall be instituted in the Exchequer Court in respect of an offence under Part V without the consent of all the accused."

Proceedings optional.

(2) This section shall come into force on a day to be fixed by proclamation of the Governor in Council.

Commencement.

20. The said Act is further amended by repealing the heading "PART VI" and substituting therefor the heading "PART VII".

Part number amended.

21. Sections 411, 412 and 416 of the *Criminal Code* are repealed.

Repeal.

22. Except to the extent that subsection (1) of section 32 of the *Combines Investigation Act* as enacted by this Act is not in substance the same as section 411 of the *Criminal Code* as in force immediately before the coming into force of this Act, the said subsection (1) of section 32 of the *Combines Investigation Act* shall not be held to operate as new law, but shall be construed and have effect as a consolidation and as declaratory of the law as contained in the said section 411 of the *Criminal Code*.

Effect of re-enactment.

23. Section 1 of *An Act to amend the Combines Investigation Act and the Criminal Code* is repealed and the following substituted therefor:

1959, c. 40.

"**1.** Nothing in the *Combines Investigation Act* or in section 411 of the *Criminal Code* shall be construed to apply to any contract, agreement or arrangement between fishermen or associations of fishermen in British Columbia, and persons or associations of persons engaged in the buying or processing of fish in British Columbia, relating to the prices, remuneration or other conditions under which fish will be caught and supplied to such persons by fishermen between the 1st day of January, 1959 and the 31st day of December, 1961."

Application of Acts to fishing agreements.