

Mr. John Rodriguez (Nickel Belt): Thank you, Mr. Speaker. Bill C-2 has another name; it is called the competition bill. It is a bill by which the government has attempted, as they say, to encourage competition in the marketplace. I have always expressed the opinion that it is rather strange that in the free enterprise system one has to legislate corporations into competing. One would have thought that with a system like this, which they say they have built on, corporations would be scrambling madly over each other in an attempt to compete and to make sure that free enterprise continues to exist and to grow.

This competition bill has been around since 1971. When it was introduced in that year, lo and behold, a clique of very well-heeled corporate leaders got together and created such a furore that somehow or other the then minister of consumer and corporate affairs emasculated or suspended the bill at that time. It has been in a state of suspended animation since 1971.

I should like to refer to what the former minister of consumer and corporate affairs, who left or was forced out of the cabinet in 1974, said in committee when the committee was studying this bill. As reported in issue No. 45 of the committee report dated May 8, he said:

Now, Mr. Chairman, I want to turn to another area. Again I want to place on the record of this committee that in February, 1974, I stated, speaking then as minister, that it was my intention that this bill, by the time it was before the House for third reading, for final decision, had words in it that would enable the right to sue for damages and provide the exercise through class or representative actions. I regret very much that the government has not yet offered to add such words to this bill to achieve this purpose . . .

Mr. Chairman, I want to say that I think that having the right to have class actions in this bill is the logical, appropriate and timely place to do it. This bill creates the right to sue for damages for breach of the Combines Investigation Act.

That is what the former minister said in committee when referring to a statement he had made in February, 1974. More recently in history, the present minister, that darling of the Canadian Chamber of Commerce, is quoted in the *Globe and Mail* of January 28, 1975, as saying in Vancouver, British Columbia, that "we think in order to fully protect the consumer that the class action should be allowed".

What did the minister have to say when the matter was raised in committee? One would have thought, in view of all the time that had elapsed, that the government would have been able to study and report upon those jurisdictions, countries and states that have class actions. One would have thought the minister would do his homework and that the government would do some research into the subject of class actions, where they have been established and what the results were. However, I guess they have not done so. Indeed, the minister said in committee:

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I submit to the members of the Committee that the proposed amendment by Mr. Rodriguez does not satisfy me fully. I also submit that the class action device can be used in circumstances other than the case that is interesting us, the case respecting the Combines Investigation Act.

In this particular bill, the minister and the government have broadened the offences under the act in respect of certain practices in the marketplace. The minister says he is the minister of consumer affairs. If he is the minister of

Combines Investigation Act

consumer affairs, one would assume he has the interests of the consumers at heart. Indeed, some of the amendments to this act would indicate some interest in the consumers. For example, the minister is outlawing double-picketing, pyramid selling, bid-rigging, and he is certainly broadening the false advertising section of the act.

In respect of all these practices he has argued that they are in the interests of the consumer. I have no quarrel with that; he is quite right. They are practices, as well as others in respect of which I have amendments, which Mrs. Plumptre in her report to this government, to this House and to the people of Canada, referred to as common practices which take from the pockets of the working class people.

Mr. Lambert (Edmonton West): Oh, no, that's not so.

Mr. Rodriguez: Indeed, this does a lot to escalate inflation in respect of the consumers in this country. I heard the hon. member for Edmonton West (Mr. Lambert) say this is not so. It is so, because every nickel and dime that is added to the purchase price for the consumer in this country puts pressure on him when negotiation time between employer and employee rolls around.

One would think that in a bill such as this, which expands the opportunity for the consumer to be protected, the minister would in fact go further than just permitting the individual consumer to bring an action against a company. We have the classic case in point regarding the owners of Firenza cars. These people were all taken to the cleaners in respect of this car which did not perform in the manner for which it was designed, advertised and touted to perform. Against whom would the individual have brought an action? He would have had to bring the action against that "impoverished" company, General Motors. Can you imagine an individual Canadian bringing an action on his own against General Motors and obtaining justice within 100 years? The idea boggles the mind.

That is the kind of thing that scandalizes the consumers of this country. On the one hand, the minister talks about building in some protection for the consumers. The most effective manner in which he could show how serious he is about protecting consumers is by putting class action into his legislation.

We do not want to have a punitive society that wants to punish, punish, punish. Surely we want people who, because of the implications of their actions, will obey what we consider as parliamentarians to be fair and just regulations in dealing with consumers. One of the most effective ways of having large corporations obey the regulations is to provide them with the knowledge that the consumers have the alternative, under the legislation of this country, of bringing a class action.

We had some other interesting comments in the committee. The hon. member for Mississauga (Mr. Abbott) said that under certain circumstances he would be quite prepared to support this question of class action. He said:

I do suggest that the minister look at the Saskatchewan act where the consumer class action is permitted if it is processed through the attorney general, that is, that the attorney general of the province determines whether the class action is just a frivolous and vexatious one that will be any use to the consumer. I think I could support that kind of class action possibility immediately—