

Competition Bill

sion of all aspects of Canadian business and commerce. We need a commission that is busily engaged in launching its own investigations, not waiting for citizen groups to bring infractions to his attention. The commission should be investigating in an ongoing way possible price-fixing, gouging and all the rest of the unfair and criminal business practices wherever they might exist. For instance, citizens may suspect that they are being gouged by a concrete company, a steel company, a sugar company or any other company, and therefore their right to request an investigation should continue to be acknowledged. I have no objection to the provision, but I think that in addition self-initiated investigation should be the constant preoccupation of the director.

Clause 9, dealing with private inquiries, also causes me some concern. Why "private"? Certainly parts of the investigation might benefit from privacy up to a point, but any representation and evidence set before a tribunal should have the full force of publicity as a deterrent to further transgressions. When criminal trials are conducted in this country, except in cases involving minors the cause of justice is better served by public ventilation. We only encourage the law to be broken by in-camera proceedings which protect the reputations of those people who may or may not be wrong. We do not apply the same kind of rules to criminal cases whether the person is subsequently proved guilty or not.

At this point I should like to make a comment or two on restraint of trade which could result in undue restrictions in the Patent Act and the Copyright Act or in general restrictions on profits of intellectual properties. I suppose this sort of thing could be compared to the often repeated story about the carburettor in a Cadillac which would give you 60 miles to a gallon being repressed. While there may be some examples of a limited manufacture, transportation of dissemination of intellectual properties causing either business or consumer economic hardship, the representations which I as a member of parliament most frequently encounter are directed in quite the opposite direction.

● (1620)

When we were considering Bill S-9 in the previous parliament we heard many representations from actors, authors, dramatists, writers and musicians to the effect that inadequate legislation existed in Canada to protect the legitimate interests of the creators of intellectual properties. Suggestions to improve this ranged from readership logs for libraries to more adequate rewards for Canadian writers. We heard about performance fees to compensate Canadian actors and musicians. The then minister, now the Minister of State for Urban Affairs (Mr. Basford), assured our committee that the whole copyright legislation was being reviewed. Considering the elapse of some two or three years, I can only assume that this review must be exceedingly exhaustive and detailed, because the House has heard no more about that issue. You yourself, sir, now acting as Mr. Deputy Speaker, were involved in those committee deliberations and I am sure you can corroborate what I have to say.

Nothing has happened in the interim despite the fact that one of the major people making representations before the committee at that time was the Minister of

[Mr. Rose.]

Science (Mrs. Sauvé) who was then a private citizen. To date we have heard no more about adequate rewards for Canadian artists' creative and intellectual properties. But while we are on the subject of the recording industry and recording rights societies, may I say it appears to me that the copyright appeal board might well consider a substantial review of the present regulations relating to the payment of fees by radio stations, clubs, Canadian Legion branches and even fairs and exhibitions from which fees are levied by the large performing rights societies such as BMI, an American outfit, and CAPAC, the Canadian equivalent of ASCAP.

I think we can all agree that some of the jukebox radio stations get their most important product, music, dirt cheap through these performing rights societies. But other radio stations which specialize in such things as talk shows and which employ music sparingly pay through the nose for this product because they are asked to pay a 2½ percentage of gross fee to U.S. and Canadian performing rights societies. And what about the injustice accorded by our legislation to a non-profit fair or small club which cannot afford a list so that its manager can select between BMI and CAPAC properties? In the United States a fair is considered a non-profit organization and as such is not subjected to these fees.

It is time we had a look at this matter and it is time that through our laws we provided a list of the properties belonging to these performing rights societies so that the manager of a fair, of a club, of a Canadian Legion branch, or even of a radio station can play music for his customers from one or other of these lists. Of course he will have to remit his fees to one or other of the societies, but hopefully the manager would select a Canadian performing rights society such as CAPAC.

I would now like to draw attention to part IV of the bill which deals with those matters "reviewable by the commission." This concerns itself with the preclusion of a person to meet competition because of inability to obtain adequate supplies anywhere in the market on his usual trade terms. I would like to recount the recent experience of a manufacturer in my riding. The case is not at all unusual, and I think it is representative all over western Canada because of western Canada's lack of a steel mill and/or equitable freight rates. Incidentally, I am glad that the Minister of Transport is still in the House.

The story is that my constituent, a steel fabricator, bid on a \$250,000 contract for a national company, in this case Air Canada. The contract was for the manufacture of animal cages. When preparing for his bid he was saddened to learn that the raw product, in this case steel wire material, cost \$20 a hundredweight imported into Vancouver from Japan. Upon inquiry he discovered that the same grade of wire was produced in Quebec by Sidbec corporation, a government-owned corporation and the grateful recipient of generous federal government grants. Sidbec was selling this steel wire for \$10 a hundredweight, or approximately half the cost of the stock imported from Japan. But when my constituent attempted to purchase this wire from Sidbec he was advised that since he had not purchased raw material from that corporation in the past year, and because Sidbec had export commitments—which was later denied—he was not eligible to become a custom-