

*Competition Tribunal Act*

of 1979 that brought in the Conservative Government. After the 1980 election, we started another major review which culminated in the consultations undertaken and legislation proposed by my former colleague, Mrs. Judy Erola, and at that time we had what we thought was an effective Bill that provided the answer to the Hon. Member's two questions. Yes, we want an effective combines Bill and we do not want economic concentration of power.

**Mr. Nunziata:** Mr. Speaker, as Hon. Members are aware, the primary purpose of the competition Bill is to protect consumers. Bill C-91 which is now before the House was the result of some very intensive negotiations with the so-called Gang of Five, the Canadian Chamber of Commerce, the Canadian Manufacturers' Association, the Business Council on National Issues, the Grocery Products Manufacturers and the Canadian Bar Association. Is it any wonder that the business community is in general agreement with this Bill? In effect, the business community drafted this Bill which contains a number of loopholes.

It seems to me that one of the reasons for the previous Bills on this particular issue not passing Parliament was that the previous administration was not prepared to cave in to the large business interests in Canada, the Gang of Five. As a result of the input of the Gang of Five, the legislation was watered down.

I would like to ask my hon. colleague a question with respect to the competition tribunal. He indicated that he had certain concerns about the make-up of this particular tribunal in that its members would be lay people. In the view of the Hon. Member, would it more appropriate to have a judicial member sitting on this particular competition tribunal and would it be advisable, rather than having part-time members sit on this tribunal which is to hear merger and monopoly complaints, to consider the possibility of turning it into a form of court of record or a court of law?

**Mr. Axworthy:** Mr. Speaker, the Hon. Member reminded me, with his description of the role of the Big Five, that in the kingdom of the blind, the one-eyed man is king. When the Government is blind, obviously that one-dimensional group is acting in a sovereign role.

As far as the tribunal is concerned, I think that as my colleague, the Hon. Member for Papineau (Mr. Ouellet), said today, it almost verges on being unconstitutional. Our position is that to give that tribunal the strength it needs, we should have full-time lay members in order to provide a balance but also members drawn from the legal or judicial fraternity as full-time members who do not serve part time in another court. We think that this would give the tribunal the effectiveness, consistency and power it needs and, most important, would provide it with the independence and autonomy it needs to ensure that it is, beyond a doubt, totally independent in making its decisions.

• (1610)

[*Translation*]

**Mr. Deputy Speaker:** Order, please. Resuming debate. The Hon. Member for Bellechasse (Mr. Blais).

**Mr. Pierre Blais (Parliamentary Secretary to Minister of Agriculture):** Mr. Speaker, it is always somewhat astonishing to see that Members of the Official Opposition who had every opportunity to come up with practical solutions for Canadians when they were on this side of the House, now that they are no longer at the helm seem to have an answer for everything. I find that rather astonishing.

It is also somewhat surprising to see that those who then were bed fellows in Opposition, are now tearing each other's hair and blaming one another for amendments made by the Official Opposition when it was last in office.

Mr. Speaker, the work we did before introducing this major legislative measure was the result of exhaustive consultations with the various Governments and parties interested in this Bill. Again we might remind our colleagues in the Official Opposition that they forgot the word consultation, a process for which they did not have much use when they were ensconced in their ivory tower. Ever since we took over we have always made sure that Canadians and the interested parties were consulted before our legislative measures were introduced. It is an important consideration which is giving renewed confidence to Canadians but which had been completely forgotten in recent years, Mr. Speaker.

**Mr. Gagliano:** Did your Government consult before adopting new unemployment insurance regulations?

**Mr. Blais:** When the time comes to speak about these regulations, you can do so. As usual, your comments are beside the point. You can never discuss issues at the proper time. When it is time for you to speak, you always try . . . Earlier, you had an opportunity to rise to ask questions and make comments. You should have done so.

You may laugh, but when you do not know what a piece of legislation is about, it is easier to laugh and to speak about unemployment insurance even though the subject being discussed is an Act to establish the Competition Tribunal. It is much easier.

Mr. Speaker, our discussions on Bill C-91 have clearly shown that competition is the main asset of a free enterprise system, even though it has been badly neglected in the past.

It is therefore proper to note that the purpose of the Act which we are now amending and updating is to protect this advantage, because, as the Minister of Consumer and Corporate Affairs (Mr. Côté) pointed out this morning, our competition law can be described as a charter of the market. It spells out the rules of the game for competition among businesses in Canada.