

Competition Tribunal Act

have to abide by the same regulations as the private corporations with which they compete. Of course, regulated activities would not be affected by these changes.

Another one of the main thrusts of the reform proposed in this Bill is the transformation of the enforcement mechanisms. If we want the Act to meet its objectives, it must be possible to enforce it, and to enforce it efficiently, powers of investigation are essential. Many Members will recall the famous Southam affair which established a precedent a few years ago. At the time, the Supreme Court declared inoperative the powers of search and seizure conferred by the present statute. The Court came to this conclusion partly because the fact of conferring to a single organization, namely the Restrictive Trade Practices Commission of Canada, the power both to make decisions and to authorize searches and investigations meant that the organization did not fulfill the requirement for impartiality prescribed in the Act.

As I have already said, the tribunal proposed in the Bill will have only decision-making powers. The regular courts will be empowered to issue search warrants and summonses. We believe that these changes will protect the individual rights enshrined in the Canadian Charter of Rights and Freedoms while providing the tools required to enforce the law properly.

• (1140)

[English]

In conclusion, I am not the first Minister in this portfolio to come before the House with a Bill to amend this Act. I am not even the second or the third, but I hope I will be the last to do so for quite a while. Indeed, I am optimistic that Parliament will make these proposals law. I am optimistic for several reasons. One reason is the consensus which exists over the need to put an end to the long process of reform. I am optimistic because we are not starting from scratch. All the time and work spent in attempting to change the legislation over the years has not been wasted. The problems and options have been studied in depth and in detail by this Government and by previous Governments.

While there was a good foundation, there were some pieces of the puzzle which still had to be put in place. I believe they are in place now. There is much in the Bill that is new. It is a Bill which bears the imprint of the Government's belief in the free market economy. However, in formulating these proposals, we do not intend to reinvent the wheel. Where the previous work was sound, we have built upon it.

[Translation]

Finally, Mr. Speaker, we did not prepare the provisions of this Bill with undue haste. The amendments tabled before the House were discussed, prepared and finalized through a series of consultations which began as soon as this Government came to power in September 1984. Those concerned know about these amendments. Organizations representing Canadians from all spheres of society, including business, consumer groups, unions, universities and jurists have been informed of

all planned changes. We ensured that this would be done. In response to the working paper distributed in March 1985, we received over 100 submissions from groups and individuals throughout the country. We also requested and received the input of an advisory committee including representatives from business, economic and legal circles created for this purpose in the spring of 1985. Mr. Speaker, the work carried out by this group was very useful in enabling us not to lose sight of our objective during this entire process.

I would like to take this opportunity to thank sincerely the members of this Committee for volunteering their time and for their major contribution to this Bill on competition. I would like to give the names of the members of this Committee. First, Mr. Thomas Kendell, corporate lawyer in Newfoundland, Mr. Marcel Côté, President of Secor Inc., analysis consultant, Mrs. Diane Cohen, well-known journalist, Mr. William McKeown, partner of the Stephens, French & McKeown firm, Mr. Brian Finlay, partner of Weir & Foulds, Mr. Ron Atkey, partner of Osler, Hoskin & Harcourt, Mr. Grant Murray, Vice-President of IBM Canada Ltd., Mr. Alan Cooke, senior partner of Cook & Shandling, and Mr. Eric J. Rice, partner of Campbell, Froh, May & Rich.

Mr. Speaker, one of the aims of that consultation was to locate disagreements. We succeeded. Another aim was to try and settle those disputes and there again we were successful. Unanimity can seldom be reached but in my opinion, we have come as close as possible to a consensus. This has been achieved because many people have worked to develop it. It was attained through various reasonable and well-balanced proposals. The Bill protects the interests of all parties concerned in Canada, that is business people, unions and consumers.

Mr. Speaker, we are celebrating a dubious anniversary in 1986. Twenty years have already elapsed since the Economic Council of Canada examined the Combines Investigation Act.

The need is urgent and time is running out. We know what should be done. More than ever before, we agree on the steps to be taken. It is now time to act. This is, Mr. Speaker, what I am now proposing to this House today.

Hon. André Ouellet (Papineau): Mr. Speaker, I am very pleased to rise in the House today to talk about a matter which is of great interest to me, the competition policy. Of course, I am doing so on behalf of my colleague from Saint-Michel—Ahuntsic (Mrs. Killens) who is still convalescing and who would certainly have a lot to say in response to the remarks of the Minister.

As everybody knows, many Members of the Liberal Party who now sit on this side of the House have worked hard over the past 10 or 15 years to bring about a reform of the competition legislation.

Indeed, my desk mate, the Hon. Member for Windsor West (Mr. Gray), my colleague the Hon. Member for Notre-Dame-de-Grâce—Lachine East (Mr. Allmand) and I have all had our say in these concerted efforts to improve Canada's