

Competition Tribunal Act

The Acting Speaker (Mr. Paproski): Is the House ready for the question?

Some Hon. Members: Question.

The Acting Speaker (Mr. Paproski): The question is on Motion No. 9 standing in the name of the Hon. Member for Papineau (Mr. Ouellet). Is it the pleasure of the House to adopt the motion?

Some Hon. Members: Agreed.

Some Hon. Members: No.

The Acting Speaker (Mr. Paproski): All those in favour of the motion please say yea.

Some Hon. Members: Yea.

The Acting Speaker (Mr. Paproski): All those opposed please say nay.

Some Hon. Members: Nay.

The Acting Speaker (Mr. Paproski): In my opinion, the nays have it.

And more than five Members having risen:

The Acting Speaker (Mr. Paproski): Pursuant to Standing Order 114(11), the recorded division on the proposed motion stands deferred.

The next question is on Motion No. 10 standing in the name of the Hon. Member for Winnipeg North (Mr. Orlikow). Is it the pleasure of the House to adopt the motion?

Some Hon. Members: Agreed.

Some Hon. Members: No.

The Acting Speaker (Mr. Paproski): All those in favour please say yea.

Some Hon. Members: Yea.

The Acting Speaker (Mr. Paproski): All those opposed please say nay.

Some Hon. Members: Nay.

The Acting Speaker (Mr. Paproski): In my opinion, the nays have it.

And more than five Members having risen:

The Acting Speaker (Mr. Paproski): Pursuant to Standing Order 114(11), the recorded division on the proposed motion stands deferred.

The discussion is now on Motion No. 11.

Mr. David Orlikow (Winnipeg North) moved:

Motion No. 11

That Bill C-91, be amended in Clause 47 by adding immediately after line 20 at page 60 the following:

"79.1(1) The Director

(a) upon his own initiative may, and upon direction from the Minister shall, carry out an inquiry concerning the existence and effect of conditions or practices relating to any product that may be subject of trade or commerce and which conditions or practices are related to monopolistic situations or restraint of trade, and

(b) upon direction from the Minister shall carry out a general inquiry into any matter that the Minister certifies in the direction to be related to the policy and objectives of this Act.

(2) It is the duty of the Tribunal to consider any evidence or material brought before it under subsection (1) together with such further evidence or material as the Tribunal considers advisable and that such evidence or material be made public by the Tribunal unless the Tribunal decides it is in the public interest that the evidence or material be kept confidential."

He said: Mr. Speaker, I would remind the Parliamentary Secretary that both Professor Irving Brecher and Professor David McQueen made the plea that independent inquiries should continue to be carried out on competition issues. This amendment, suggested by the Consumers' Association, would bring back from the old law the Section 47 inquiries which the director could undertake on investigation of a monopolistic situation. In the hearings which the committee held to discuss this Bill, Professor Brecher testified as follows:

It is argued in the blue book of the Department of Consumer and Corporate Affairs that, since the Tribunal is a judicial or quasi-judicial body, there is no need to have a general research section; hence, it should be repealed. This, to my mind, is about as good a *non sequitur* as one could find. I do not see how one follows from the other.

It is true there is a reference to the Commission in section 47, but that could certainly be deleted. It is still important, indeed vital, I believe, for the Director and for the Minister to be able to sponsor or to launch or to encourage general inquiries into the state of competition and to problem areas like conglomerates, problems in the media, mass media industry, and a variety of other things which are extremely important in this field.

So I urge in the strongest possible terms that reconsideration be given to this and that section 47 in the appropriate place be restored to the Bill.

This is the appropriate place. Professor McQueen, in a written submission to the committee, said:

—I see no good reason for depriving the new tribunal of the power now exercised by the Restrictive Trade Practices Commission to conduct general inquiries into competition matters. Some of those published inquiries are among the most informative documents we possess in this field in Canada. The inquiry into prescription drugs and their prices was a particular standout in that respect. Such inquiries should continue to be sponsored by some detached and credible body, and I do not see why that body should not be this tribunal, supported by a modest staff.

The Consumers' Association is a very responsible organization, although often, in my view, too cautious. However, this is an amendment which it suggests and it is supported by Professor Brecher and Professor McQueen. Both of those people are highly respected academics who have spent a great deal of time and effort in thinking about the problem of competition and how to ensure that we have real competition and people benefit from it. Both suggest that we need this kind of authority for the tribunal and the Director of Investigations to be able to do their jobs adequately in order to protect the interests of Canadians in a more effective way. Yet we see the Government refusing to agree to what we consider to be a very moderate and sensible proposal. Because the Government is taking that very narrow approach we are very skeptical that it is really very serious about getting this law passed and giving the tribunal and the director the ability to do the job which the Bill requires them to do.