

*Criminal Code*

with the responsibility of protecting the purchasing public.

The hon. member has seen fit to ignore all the cogent arguments presented against his bill on the last occasion when it was clearly outlined that this was an area of provincial responsibility. Provincial governments from coast to coast have passed legislation to protect the purchaser of insurance policies from any fraud being perpetrated as a result of the small print sections of the policy. Careful licensing of agents, regulations outlining the manner in which an insurance policy must be drawn and definitive sections which give the correct meaning to words in policies are only a few of the ways in which provincial governments have given effect to legislation with sanctions.

As in most professions, there is an organization bent on stricter controls for its own representatives. I refer specifically to the Canadian Federation of Insurance Agents and Brokers Association. Although I am somewhat critical of the hon. member's approach to this situation, I think it should be clearly understood that it is only through the highlighting of this kind of legislation that the general public and the insurance companies and agents can be made aware of the fact that the government is on its toes and is watching for any misuse of power or opportunity by agents or companies. I think it is safe to say that insurance companies are now seeking daily to elevate the calibre of men selling their particular policies because in this way they build the kind of reputation which sells insurance. Speaking for myself, it has always been my approach when purchasing insurance, to find, first of all, an agent whom I can trust and then to deal almost exclusively with him in his particular field of insurance.

It is extremely easy to get behind the facade of newspaper, radio and television advertising and find the kind of policy and the kind of protection that one wishes. It has clearly come to the attention of the insurance companies that it is in their best interests and in the interests of successful enterprise that they find the kind of individual to sell their policies whom the general public trusts and respects for the information he is able to give them. I think it is safe to say that an examination of the agents in the million dollar sales club and those who have been honoured by their companies helps to give the general public a larger measure of confidence in the agents with whom they must deal. However,

I agree with the hon. member that unfortunately some agents, as in any profession, are quite prepared to take advantage of the sometimes all too gullible public, and it is in this area that legislation can be most effective.

As indicated earlier, the hon. member's bill serves to bring to the attention of the agent who might attempt to perpetrate a fraud that the government is looking into this field. Legislation of the kind we have before us is also a general reminder to the public that they too should be careful when purchasing insurance, but they should also be aware of the fact that insurance companies and agents are carefully controlled in and by the provinces.

If the hon. member's bill became law I wonder whether it would provide a practical benefit to the policyholder. If a policyholder suffers under the present scheme of things as a result of a fraud perpetrated against him, he has a complete remedy in the civil courts. Speaking as a lawyer, I think it is safe to say that it is much easier to establish a civil fraud than one which results in a criminal conviction. Under the present legislation the policyholder is protected by provincial insurance acts, and in addition has a remedy in the civil courts. This is not to suggest that the provincial legislation, to use the hon. member's words, is the be all and end all on the subject, but surely this is where the responsibility lies and where the changes must be made.

Although I compliment the hon. member for the objectives he hopes to achieve through the introduction of this bill, I think it is incumbent upon me to say that I am opposed to this approach for the reasons I have outlined. As I have said, it is a matter solely within the competence of the provincial legislatures, and there are civil remedies available to the policyholder which provide the policyholder with a much more practical and beneficial solution to his problem. Possibly of lesser importance but certainly warranting consideration, the hon. member has failed to list specific examples of the frauds he indicates are being perpetrated against individual policyholders by insurance companies and their agents. I suggest there is adequate legislation and there are adequate remedies available to policyholders and that the proposed legislation in no way enhances the policyholder's position.