

[Text]

that could be distributed to Committee members we may accept that in lieu of what is now before the Committee.

Mr. Lambert (Edmonton West): Mr. Chairman, I will withdraw, with the consent of the Committee, the proposed amendment that I have put forward.

The Chairman: Is that agreed.

Some hon. Members: Agreed.

The Chairman: Mr. Kaplan.

Mr. Kaplan: Mr. Chairman, I only wanted to observe that the analogy between the Commission and the court is really not appropriate because a court is required to receive every document that is put in as a writ and usually a frivolous and vexatious proceeding can be smelled from 10 feet when you look at the papers. But a court has no right to throw it out, it has to be received and issued if it is in proper form. The Commission of course does not have to react in the same way that a court does, giving validity to any suit, and I would think that the Commission, with any experience or competence at all, quickly would learn to reject frivolous and vexatious claims without any significant expense being incurred by anybody. So I never have been concerned that frivolous and vexatious proceedings would go very far, or that they would ever amount to very great expenses to the companies concerned.

I was going to observe that I did not intend to support the suggestion that there ought to be a discretion to award costs, but on the other hand I have no objection to it.

Mr. Lambert (Edmonton West): You do not run into expensive corporate counsel who advise companies when they go before the Commission.

Mr. Basford: I agree with Mr. Kaplan's observations. I think the Commission has some expertise. There has to be a *prima facie* case made before there is any action taken and I think that at that point the frivolous ones will be struck down. But Mr. Lambert sees it as a problem and I think we are trying to meet that problem.

The Chairman: Gentlemen, you were delivered a copy of an amendment but it should read "continuation of Clause 11" instead of "12"—renumbered now Clause 12. Will you correct that, please. Where you have "continuation of Clause 12" it should read "11, renumbered 12." Agreed?

Some hon. Members: Agreed.

[Interpretation]

nous pourrions peut-être l'accepter au lieu des amendements que nous avons.

M. Lambert (Edmonton-Ouest): Monsieur le président, je retire mon amendment avec le consentement du Comité.

Le président: Est-ce accepté?

Des voix: Accepté.

Le président: Monsieur Kaplan.

M. Kaplan: Je voudrais faire observer que l'analogie entre la Commission et le tribunal ne convient pas, car le tribunal doit accueillir tous les documents déposés; une procédure peut être vexatoire, mais le tribunal doit l'accueillir et la publier si elle est sous forme appropriée. La Commission n'a pas à agir comme un tribunal pour valider toute poursuite, mais je crois qu'une commission avec un peu d'expérience et de compétence pourrait rejeter ces réclamations sans encourir des frais ou presque sans frais. Je ne me suis jamais préoccupé que ces procédures vexatoires iraient loin, ou que cela représenterait de grandes dépenses pour les compagnies.

Je ne veux pas appuyer cette suggestion pour qu'on paie les frais, mais d'autre part, je ne m'y oppose pas.

M. Lambert (Edmonton-Ouest): Vous n'avez pas rencontré les experts qui conseillent les compagnies quand elles se présentent devant la commission.

M. Basford: La Commission a quelque expertise. S'il s'agit d'une cause de première instance, celles qui sont frivoles seront éliminées. M. Lambert voit cela comme un problème.

Le président: On vous a remis les copies d'un amendement. Il devrait être écrit «continuation de l'article 11» au lieu de «12». Là où il est écrit «continuation de l'article 12», ça devrait être «11», renuméroté «12». D'accord?

Des voix: D'accord.