

*Combines Investigation Act*

lowing year. As I recall, they fought for ten years to get the public to buy a wasteful, largely stupid product. A new small car has now been put on the market. The Chevette appears to be the only real attempt to bring out a small car. I hope that next year the Chevette will not become the Chevelle and we will not be back to a big gas-guzzler within three or four years.

**An hon. Member:** What about the Wally Wagon?

**Mr. Leggatt:** That was a very practical suggestion. My alma mater, the University of British Columbia, developed the Wally Wagon. I hope in the future one of the major manufacturing concerns will produce the Wally Wagon on a large scale so that Canadians will develop sensible driving habits.

In summary, it is not good enough to say that Canadians have become soft and permissive and do not produce anything, while we continue to have a value system imposed upon us through advertising. The amendments of the hon. member for Nickel Belt go a long way toward improving that situation.

[Translation]

**Hon. André Ouellet (Minister of Consumer and Corporate Affairs):** Mr. Speaker, I had the opportunity to discuss the substance of the motion during the detailed consideration of the bill by the Committee on Finance, Trade and Economic Affairs.

I can assure the hon. member for Nickel Belt (Mr. Rodriguez) that I approve the object of this motion which could spell better protection for consumers.

I have stated on several occasions in the House and elsewhere the constant concern of the government and especially my department to assure that the Canadian consumer is not swindled or wronged when he is buying needed goods. This concern is more clearly and specifically shown in the bill under consideration and in my desire to publish as soon as possible a report on the second stage of the reform of the competition legislation.

As I stated on several occasions, part of the report on stage two will more precisely deal with commercial practices aimed at deceiving consumers.

This motion of the hon. member for Nickel Belt is based on some provincial legislation. On closer consideration of its content, one finds almost literally some excerpts of the British Columbia act on consumer protection.

But it must be noted that some provinces where such legislation is in effect have adopted a so-called civil recourse approach characterized by definite discretionary and controlling powers that cannot be translated or fitted in a piece of legislation which is characterized by a similar approach to that found in criminal law.

Several expressions used in motion No. 11 now before us illustrate this point very well. For instance, the words: "tends to arouse unwarranted expectations, implicit suggestions, undesirable side-effects". Those are expressions that do not agree at all with the spirit of criminal law which must necessarily refer to definite and clear offences, so that a person may know in advance exactly the scope of his responsibility.

[Mr. Leggatt.]

Needless to say, Mr. Speaker, several suggestions made in motion No. 11 are already included in the bill under consideration. For instance, the suggestion in paragraph (g) is a copy of what already exists in section 36(1)(d), a section which, as a matter of fact, appears to me to be clearer and more effective than what motion No. 11 proposes.

I refer hon. members to section 37(2) of the current legislation which has been preserved in this bill and which is certainly more effective and useful to consumers than the gist of this motion introduced by the hon. member for Nickel Belt.

Mr. Speaker, paragraph (j) in the motion refers to the word "improved". In this respect, I should like to remind the hon. member for Nickel Belt that we have already successfully instituted court proceedings against a manufacturer who was advertising his product as "improved" while, in fact, it was not improved at all.

There is no doubt—I want to make myself perfectly clear on this—that this motion offers nothing which does not already exist in the present statutes. The law, as it now stands, is in a general context and is implemented in a criminal context.

Now the words we find in the motion submitted by the hon. member for Nickel Belt are in a rather different context; he has a so-called civil approach which I think does not suit Bill C-2, which is of a criminal nature.

As I said, we are now examining the law in the area of commercial practices aimed at deceiving the public and I want to assure the hon. member and all hon. members in this House that I do not exclude at first the possibility of adopting a civil recourse approach and an approach of regulatory power in the federal legislation aimed at protecting consumers.

I can assure hon. members that the substance of motion No. 11, as submitted to us, will be examined with the same openmindedness as the other suggestions already under review when we formulate the reform on the law on competition in phase two. For the moment, such an approach seems to me untimely and unsuitable to the existing Combines Investigation Act, all the more so because certain parts of this motion are already provided for in the present legislation, that under the current legislation we have already prosecuted companies that have been accused of having used "improved" when in fact nothing was improved. Furthermore, in a recent case put before the court, a company was fined \$5,000 after we submitted this case to the court.

So, I want to say that if, on the one hand, I agree with the spirit of the hon. member's proposition, I do not want, on the other hand, at this stage of the study, to approve the wording. I therefore recommend that the motion be rejected.

• (1540)

[English]

**Mr. Deputy Speaker:** Is the House ready for the question? Is it the pleasure of the House to adopt the said motion?

**Mr. Knowles (Winnipeg North Centre):** Carried.