

Combines Investigation Act

vant to or within the scope of the measure before us. I suggest it is out of order for that reason; it goes beyond the scope of the bill and the royal recommendation involved.

Mr. Rodriguez: On the same point of order, Mr. Speaker, the bill outlines in part V various offences against consumers. It also provides a measure of protection for small entrepreneurs and small businessmen. In addition, it provides that certain actions may be taken by individuals to obtain justice in the civil courts. That is in section 31.1. All I have done in this amendment is extend the right to take such action from one individual to groups of individuals. The bill recognizes the right of individuals to take action. I have extended it, logically, one step further.

Mr. Lambert (Edmonton West): Mr. Speaker, without going into the merits of the amendment, I would say that it is perfectly in order from a procedural point of view. This matter was raised in the committee, though in a different form; the chairman considered this particular point and agreed that the amendment was in order. Obviously, the parliamentary secretary was not present during the committee hearings or he would not have alleged, in effect, that the chairman of the committee, who is a very learned chairman, had misdirected its proceedings. There was no real question raised at that time as to the admissibility of the amendment; it was debated and the matter was finally decided on its merits. I suggest, with the greatest deference, that this is how the matter should now be dealt with in this chamber.

The type of action proposed comes after provision for recovery of damages, limitation as to costs, the jurisdiction of the Federal Court, and so on. It seems perfectly correct, in sequence, that one should consider this point. Once the amendment was in, we could then determine freely whether a class action was a remedy that should or should not be incorporated within the statute at this time. From a procedural point of view, I see nothing wrong with the amendment.

● (1540)

Mr. Leggatt: Mr. Speaker, on the same point of order, I must say I am disappointed that the hon. member for Kenora-Rainy River (Mr. Reid) should bother to raise this point of order in view of his well known expertise regarding the rules of the House. I think there is very little doubt, with the greatest respect, that this amendment is in order. When one looks at the proposed amendment to the act that the minister has introduced, it specifically provides a remedy in civil damages to any person affected by violations of the act. Section 31.1 provides:

Any person who has suffered loss or damage as a result of

(a) conduct that is contrary to any provision of part V—

What the hon. member for Nickel Belt (Mr. Rodriguez) seeks to do is to extend that remedy, instead of to an individual person, to more than one person. That is clearly related to the act and is within the general intention of the minister in bringing forth amendments to the legislation. It would indeed be a surprising ruling, Mr. Speaker, to find this kind of amendment to be out of order, because this would very severely limit the opposition in the future in regard to any kind of change they wished to make to amendments to legislation proposed by the government.

[Mr. Reid.]

Mr. Knowles (Winnipeg North Centre): Mr. Speaker, on the same point of order, it seems to me that the Chair's original reaction to this motion is the one that should stand. Mr. Speaker gave us a preliminary survey of all the amendments and this one was included among those that he felt were in order. It strikes me that the President of the Privy Council (Mr. Sharp) and his parliamentary secretary are taking the view that if some words or clauses are being added which were not in the amending bill, they must be new and foreign to the bill and therefore out of order.

I make the point that has been made by the other three members who have spoken on this side of the House, that what is proposed in this amendment is an addition to something the minister has put before us in this very bill. To allege that these additional clauses are an amendment to the act behind the bill is, I think, a mistake. They are a germane addition to the bill before the House, and I think the original suggestion that this amendment is in order should stand.

Mr. Baldwin: Mr. Speaker, if I may make a few brief comments, I was amazed by what my hon. friend from Winnipeg North Centre (Mr. Knowles), that great purist when it comes to royal recommendations, said. I am wondering whether or not this does purport to give leave to the attorney general to bring an action on behalf of a class of persons. One can take judicial notice of the fact that bringing an action in court at this time in our economic history, with the horrible inflation that the government has perpetrated upon us, is a matter of considerable expense. Witnesses have to be called and counsel have to be engaged.

I will not express myself as to whether I am in sympathy with the argument that there should be class actions or should not be class actions, but in view of the fact that even the Attorney General of Canada, vast as his powers are, cannot engage in litigation expenditure of money and without a royal recommendation permitting it, I wonder whether this is in order.

The Acting Speaker (Mr. Penner): The Chair thanks hon. members for their contributions to the debate on the procedural acceptability of motion No. 2 in the name of the hon. member for Nickel Belt (Mr. Rodriguez). The hon. member for Peace River (Mr. Baldwin) quite correctly referred to the question whether or not this motion does affect the royal recommendation. That question has been looked into by the Chair, and the Chair is satisfied that it does not affect the royal recommendation in any way.

That point having been cleared away, we are left with the argument made by the parliamentary secretary regarding relevancy. It seems to me that no clear argument has been made that the motion is not relevant. There is perhaps some question about it, but it is not apparent. That being so, there is no doubt in the mind of the Chair that if any doubt does exist, it should be exercised in favour of the mover of the motion. Therefore, the ruling of the Chair is that from a procedural standpoint motion No. 2 is acceptable.