

Consumer Protection

I think the hon. member for Winnipeg-Assiniboine referred to saws breaking down and the problem of new cars which break down. If the hon. member for Winnipeg-Assiniboine is interested, he can read many cases in Ontario law where courts recognize that there have been fundamental breaches of contract—fundamental breaches of implied warranties—and that this demands compensation.

For example, if I buy a new saw and it breaks down within a given period of time, even though the warranty may not exist or even though the warranty may be worded to the contrary, it still happens, if the individual has the get up and go, the means, the intelligence and the ability to use our court system—both financial and otherwise—that that individual will often win. However, the problem is partly consumer information and partly consumer awareness that a consumer can do this. The other part of the problem is enforcement, and I suggest to the hon. member that that is an area where just as the free market system breaks down in the field of consumer protection, so too it breaks down in relation to legal services.

It is a harsh fact that most people fear the courts and are afraid of lawyers and cannot afford to take the risk of legal actions which might not be successful. Therefore, the critical question becomes one of enforcement, and one of the reasons I would like to see this legislation sent to committee and studied further is that I think there is much that the federal government can do both through the Department of Consumer and Corporate Affairs, and the Department of Justice through its funding of community legal clinics and its provision of community legal education.

There is a great deal a federal government can do in the field of consumer information and consumer protection. That takes money, which the hon. member for Winnipeg-Assiniboine does not want to spend in other areas. I hope he will agree that it is worth the expenditure in this area.

With those exceptions, riders, and concerns, I join with the hon. member in his condemnation of the abuses of the capitalist system. I am glad to have him on my side where he is welcome to join with me in this debate in this attack. I am glad we can agree on something for a change, even if it is at 4.55 p.m. on a Friday. However, there are some amendments we would like to see. We would like to see the bill strengthened to deal with the broader problems which the hon. member has gladly and rightly brought to the attention of this House.

Mr. G. M. Gurbin (Parliamentary Secretary to Minister of Consumer and Corporate Affairs): Mr. Speaker, I am thankful for this opportunity to speak on behalf of the Department of Consumer and Corporate Affairs and my minister regarding this very important bill. I thank the hon. member for Winnipeg-Assiniboine (Mr. McKenzie) for bringing this bill forward. I would like to apologize for the number which I had in one of my documents which indicated that this is Bill C-14. It clearly is not. It is Bill C-214.

The comments made by the hon. member for Ottawa Centre (Mr. Evans) bring quickly to mind the difficulties which are implicit in the Combines Investigation Act, and I would like to call to his attention the fact that he has lived with those for a

number of years now, and if he has worked closely with them before I regret that he has not been able to effect a bill which would be better able to serve consumer needs and to serve the purposes of consumers. I think that the effort which has been made by the hon. member for Winnipeg-Assiniboine has attempted to address that problem, and as an effort it at least deserves some attention.

As was the hon. member for Broadview-Greenwood (Mr. Rae), I am reminded of a bumper sticker which reads, "Re-call Ralph Nader". I think the point here is that we would support the type of thing Ralph Nader has been forced to do, and that is to give responsible consumers, producers and retailers the ability to understand each other and, through disclosure, to effect a more reasonable attitude and a better ability to serve consumer needs.

This disclosure, as it would be improved by the measures put forward in the bill introduced by the hon. member for Winnipeg-Assiniboine, would do a number of things. It would help to show the consumer where to turn. It would help show what steps the consumer might take to get proper warranty service. It would help indicate who can turn to the warrantor. Would it be the consumer's spouse, his girlfriend, her boyfriend, her children or her grandchildren? Who can use this warranty? It might help to show what parts of the product are not covered by the warranty, and which parts are. It might help tell us what the duration of the warranty is, among other things.

I would like to state clearly that the Department of Consumer and Corporate Affairs supports this bill, while at the same time appreciating that its purview is under the domain of the provincial governments and that several provincial governments have brought forward legislation which covers this. As the hon. member for Ottawa Centre mentioned, he was involved in these negotiations. These negotiations are ongoing, and with the permission of the hon. member for Winnipeg-Assiniboine this government intends to bring forward this bill to the task force which is now in process in the hope that it will in fact develop, on the basis of this proposed measure and others, a more reasonable consumer bill and a more reasonable ability for the consumer to achieve some satisfaction in terms of his warranty.

There was one other point—

The Acting Speaker (Mr. McCain): Order.

Mr. Knowles: Mr. Speaker, I rise on a point of order. On behalf of the Friday afternoon club may I say it is not often that we have in our midst such a distinguished member as we have this afternoon. We should like to welcome the Prime Minister (Mr. Clark) to the club, and wish him a very happy weekend.

Some hon. Members: Hear, hear!

The Acting Speaker (Mr. McCain): The hour provided for the consideration of private members' business has now expired.

It being 5 p.m. this House stands adjourned until Monday next at 2 p.m., pursuant to Standing Order 2(1).

At 5 p.m. the House adjourned, without question put, pursuant to Standing Order.