

• (5:50 p.m.)

There would be much less weeping and wailing and gnashing of teeth if people would learn to resist the blandishments of the fast-talking salesman who is in a rush to have the deal concluded. It would be a great deal easier for all concerned if people would reflect on some of their plans and consider them in the cold light of early morning long after the salesman has gone, before signing some allegedly innocuous paper. Until people learn to be wary of glowing promises and claims of magic performance, they will involve themselves in difficulties. It is true that the assortment of consumer protection laws which we now have may permit them to escape serious financial harm if there is chicanery involved, but it would be simpler all around if consumers would exercise a reasonable degree of prudence and caution.

Mr. J. A. Jerome (Parliamentary Secretary to President of the Privy Council): Mr. Speaker, I am tempted to number myself among those who have praised the basic principle of the legislation or at least the spirit behind it. I have some misgivings about its workability and constitutionality about which I will speak later. Others have spoken of a cooling off period of three days in the signing of door to door contracts. I am sure no one disagrees with this sound idea.

The hon. member for Vancouver-Kingsway (Mrs. MacInnis) is in the chamber. In line with her avid interest in family planning, it would be remarkable if the hon. member could come up with a three-day cooling off period for that sort of thing, something which would operate retroactively in the same way as the legislation now before us.

Mr. Orlikow: Find a way and we will support you.

Mr. Jerome: If you could find a way, I would support you. A three-day retroactive pill would be a big seller. I would like to be among those who had the patent on it, as well as the patent on legislation with the spirit of this bill.

Provincial jurisdictions have gone a long way on this road. I realize that the hon. member has introduced this legislation because only some of the provinces have taken the necessary steps. This brings me to the main reason for participating in the debate. If the spirit of this legislation is to be effective, we will be dealing with what is primarily provincial responsibility. I do not doubt that the spirit of the legislation now before us is a circuitous way of accomplishing a praiseworthy objective. If this is to be accomplished, the legislation must apply to all provinces. By dealing with amendments to the Interest Act and the Bills of Exchange Act, the hon. member is attempting to get at the law of contracts and at the root of contracts dealing with property and civil rights. This, of course, is fundamentally and essentially a provincial responsibility.

Mr. Penner: Will the parliamentary secretary permit a question?

Mr. Jerome: Certainly.

Government Organization Act, 1970

Mr. Penner: I am interested in the remarks he is making. Could the parliamentary secretary say from his own knowledge whether Bill C-22, if enacted, would give the consumer any real protection in addition to that now provided by the provinces in their legislation which allows for a cooling off period? The only exception is the province of Quebec which has not yet passed a bill of this type. It is now before a committee of their Assembly. Could the parliamentary secretary indicate whether any real, additional protection would be given to the consumer by this bill?

Mr. Jerome: My opinion on that is in the negative, Mr. Speaker. Of course, it is only a personal opinion. A question like that could be better answered at another time by experts in the constitutional and contract fields. The hon. member who sponsored the bill may want to comment on that matter at another time. In my opinion, the protection extended by this bill is no stronger than the basic protection under the Ontario legislation. This is actually a provincial responsibility. In the province of Ontario the legislation allows for a cooling-off period. What the hon. member is attempting to accomplish by this legislation has already been accomplished.

The intention of the legislation dealing with bills of exchange is to get away from the "holder in due course" aspect of the matter, which is the most infamous and odious. A holder in due course under a promissory note can pursue collection of the note regardless of the good faith or purpose of the original vendor. It has always been an extremely odious situation. Steps to correct the situation have already been taken by the Department of Consumer and Corporate Affairs.

Mr. Speaker: Order, please. I regret to interrupt the hon. member. The time allotted for the consideration of private members' business has now expired.

At six o'clock the House took recess.

AFTER RECESS

The House resumed at 8 p.m.

GOVERNMENT ORDERS

GOVERNMENT ORGANIZATION ACT, 1970

PROVISIONS RESPECTING DEPARTMENTAL REORGANIZATION, MINISTRIES OF STATE, PARLIAMENTARY SECRETARIES, ETC.

The House resumed consideration in committee of Bill C-207, respecting the organization of the government of Canada and matters related or incidental thereto—Mr. Trudeau—Mr. Richard in the chair.