

*Criminal Code*

character in the body of an insurance policy, contract, deed or other document issued by him or under his authority, clauses concerning payment exclusions or exclusion of responsibility is guilty of an indictable offence and liable to a fine not exceeding five hundred dollars or to a term of imprisonment not exceeding three months or to both fine and imprisonment.

(2) In this section, the expression "small typographical character" means a typographical character that is substantially smaller than the one used in the body of the printed matter of the document.

When this bill was considered earlier—I think it was last year—some hon. members made suggestions for its improvement. I believe that several of the suggestions have very practical merit. As I say, I do not think the bill as it stands is all that good, but I think it is good enough to have suggestions made about it and to be referred for detailed study to the Standing Committee on Justice and Legal Affairs. One suggestion was made by the present Minister of Consumer and Corporate Affairs (Mr. Basford), who said in part:

I am in sympathy with the spirit of the bill which is in line with the various pieces of consumer legislation and the truth in lending type of legislation which we are considering.

● (5:00 p.m.)

Would the hon. member not think that a better approach would be that adopted by the Liberal party in B.C. and put into the form of legislation many years ago—namely that exclusion clauses be printed in large red type as opposed to black type, thereby making them stand out.

I must say that I agree with that suggestion.

Another good point, I thought, was made by the then hon. member for Restigouche-Madawaska who said:

In order to cover the evil and protect the public it should not be necessary that the offender print (as the bill states) or cause to print the document in question. It would appear to be easier to prove that the company has issued a document than to show that it has printed it.

On reflection I think that this suggestion, also from the government side of the house, has a great deal of merit. In any event I would be very happy to see the subject matter of this bill, which is in line with the general consumer and corporate affairs legislation with which the government is increasingly more concerned, referred to the committee which is set up specifically to deal with these affairs. What I have brought forward and presented is by no means perfect. Perhaps it does not meet exactly what I seek to have met, but the problem is there and I

[Mr. Mather.]

would consider it to be logical for the house to send it on to the Standing Committee on Justice and Legal Affairs.

**Mr. Jack Cullen (Sarnia):** Mr. Speaker, I believe it is customary and certainly appropriate in this instance to compliment the hon. member for Surrey (Mr. Mather) on introducing a bill of this nature. I know too that the hon. member introduced a bill, namely Bill C-11, on May 11, 1967, which was debated on second reading on October 27, 1967—and here the hon. member was not quite correct in his dates. I find that this bill is worded exactly as was the bill introduced by him previously. The hon. member said at that time:

If legislation of this type were adopted—not necessarily this particular bill—it would ease the troubles and exasperations of a great many Canadian consumers, people who should read but perhaps find difficulty in reading the fine print which has been plaguing so many ordinary buyers of goods and services.

Not having been successful the first time round, I would have thought the hon. member would change the wording of his present bill or the type of bill to give better effect to the kind of remedy which he is seeking on behalf of the Canadian public.

A further reading of the hon. member's comments at that time indicates that he used an exaggerated situation in order to illustrate the detrimental effect of the fine print which is not very often read by the general public. This being the second time the hon. member has introduced the bill, I think he would have been better advised to point out the kinds of things in the fine print which he is seeking to protect the people against and to come forward with specific examples where fraud, as he calls it, has been perpetrated. An exaggeration of a situation may be quite humorous but it is hardly effective in proving a point. Today, however, the hon. member has not provided us with even an isolated instance of the kind of situation against which he is endeavouring to protect the public. A series of court cases where the insured have suffered grievous loss should have been mentioned so that hon. members would be in a position to determine if in fact abuses have been caused by the misuse of fine print.

Certainly I am convinced that the government has a place in protecting the public in regard to most purchases of goods and services which people make, if not in fact all purchases of goods and services. The Department of Consumer and Corporate Affairs is but one good example of the manner in which the federal government has sought to cope