

*Competition Bill*

and it rightfully proceeds in an incremental fashion. It is in a form which is more manageable in size and is less radical in its philosophical and legislative thrust. Also, I think there are practical advantages to bringing in this scaled-down competition policy as an amendment to the existing act, as opposed to introducing a brand new act.

We are also pleased that the government appears to be giving some priority to the consumer protection aspects of competition policy, a course of action strongly recommended by PC members of the Special Committee on Trends in Food Prices last spring, which recommendation eventually found its way into the first report of that committee. I suppose that if this government is going to do nothing to try to stop inflation, the very least it can do for consumers is to provide some means of redress against the misleading or unfair practices of unscrupulous merchants in the marketplace.

● (1600)

I said we approach this debate with mixed feelings. On the negative side, we are rather puzzled by the sudden haste of the government in introducing a bill of this magnitude and importance on a Monday and rushing it into second reading on a Wednesday, two days later. The legislation involves fundamental philosophical considerations of a political, legal, economic and federal-provincial nature. It creates, to all intents and purposes, a new, highly centralized agency which has the potentiality of interposing itself into a major segment of Canadian political and economic life. Affecting matters within both federal and provincial jurisdiction, the bill will permit the Restrictive Trade Practices Commission to alter or restructure market distribution systems in Canada in an unprecedented fashion.

The point is that this bill, in its substantive impact, is no minor tinkering or legislative patchwork job. It is major legislation and deserves careful scrutiny and a full and informed debate, not only by members of this House but by the many businessmen, consumer groups and provincial governments who will be directly affected by its provisions.

I want to make it clear to the minister that it is the position of our party that persons, associations or provincial governments wanting time to study and analyse this bill should have it in order that meaningful briefs can be presented to the standing committee to which it is referred. We would suggest that a minimum period of some four to six weeks prior to commencement of committee hearings might be in order to permit this study, analysis and preparation, fully acknowledging of course that this bill is identical in form to the one the minister introduced on November 5, 1973.

A more important reason for our mixed reactions to this bill relates to the main reason why the bill was probably brought on in such haste. That is the shocking revelation over the past few weeks of the apparent inability of the Canadian government to protect Canadian economic sovereignty, as was so clearly evidenced by the almost aborted sale of Canadian locomotives to Cuba by MLW-Worthington Limited of Montreal. Members will recall that the company is a United States subsidiary carrying on business in Canada but which felt bound by the provisions of

[Mr. Atkey.]

the United States trading with the enemy act. That foreign law would have prohibited the sale to Cuba.

Obviously, the minister has felt compelled to bring in the amendments to the Combines Investigation Act because they contain provisions granting powers to the Restrictive Trade Practices Commission to review instances where foreign judgments, foreign laws or directives from foreign managers are contrary to the Canadian public interest and, after according full opportunity to be heard, to make orders forbidding their implementation in Canada. As indicated by my leader on several occasions in this House last week, we agree with the goal of this legislative provision. It is obviously designed to prevent another MLW-Worthington situation from occurring.

Yet let us examine what the bill before us actually does in this area. Decisions which can have a fundamental policy impact on relations between sovereign countries, and adversely affect Canada's foreign trade or external relations, are delegated to the Restrictive Trade Practices Commission. Who ever heard of it before this bill was introduced? The government, wrongfully in my view, will be abdicating its own responsibilities to make policy decisions of this magnitude. We would strongly urge that the government reconsider vesting decisions of this sort in the Commission and consider vesting these decisions in the governor in council, in the same fashion that it does in making decisions to reduce tariffs or in making decisions respecting "significant benefit" under the Foreign Investment Review Act.

It would be all right for the RTPC to make recommendations to cabinet, but let us not have any abdication of responsibility on fundamental questions of economic policy. The Canadian public are entitled to know what the government of Canada will do about the implementation of a foreign law or directive that may affect our external trade or relations. The government should take the responsibility and not pass the buck to the RTPC.

What are the dangers of allowing the government to abdicate its responsibility in this area of fundamental policy? One has to refer only to the speech last Thursday of the Minister of Transport (Mr. Marchand) in the throne speech debate to see a graphic example of what I mean. In explaining to the House why he had been unable to pursue any real transportation policy as Minister of Transport, the minister gave this little anecdote:

Hon. members may say, "You are the minister: you do it." I have a few answers to that, Mr. Speaker. It is true that hon. members gave responsibilities to the minister, but they forgot to give any authority at all in many instances. . . . I told you I would not make a political speech. I am just trying to tell you the facts. Everything is done the same way. We have the CTC, which has final authority over almost everything, except in a few cases where there is provision for an appeal to the minister.

That explains the whole problem. The government must not be allowed to abdicate its responsibility to a subordinate agency and then come back and tell the Canadian people that it does not have the power to pursue a policy which it considers necessary.

Now let us move on and look at some of the other powers granted to the Restrictive Trade Practices Commission. The most far reaching power granted to the RTPC is to review instances of refusals to sell a product and to order a supplier to supply, or to recommend tariff