

"4.1 (1) Sections 32 and 38 do not apply in respect of an agreement or arrangement between or among persons who are members of a class of persons who ordinarily engage in the business of dealing in securities or between or among such persons and the issuer of a specific security, in the case of a primary distribution, or the vendor of a specific security, in the case of a secondary distribution, where such agreement or arrangement has a reasonable relationship to the underwriting of a specific security.

(2) For the purposes of this section, "underwriting" of a security means the primary or secondary distribution of the security, in respect of which distribution

(a) a prospectus is required to be filed, accepted or otherwise approved under or pursuant to a law enacted in Canada for the supervision or regulation of trade in securities, or

(b) a prospectus would be required to be filed, accepted or otherwise approved but for an express exemption contained in or given pursuant to a law mentioned in paragraph (a)."

Add immediately after line 44, on page 4, the following new sub-section:

"4.2 (1) This Act does not apply in respect of agreements or arrangements between or among teams, clubs and leagues pertaining to participation in amateur sport.

(2) For the purposes of this section, "amateur sport" means sport in which the participants receive no remuneration for their services as participants."

#### *Clause 9*

Strike out lines 29 to 31, on page 8, and substitute the following therefor:

"(2) All proceedings before the Commission, other than proceedings in relation to an inquiry, shall be conducted in public, except that the Chairman of the Commission may order that all or any portion of such proceedings be conducted in private."

#### *Clause 10*

Strike out lines 21 to 39, on page 9, lines 1 to 44, on page 10 and lines 1 to 10, on page 11, and substitute the following therefor:

"10. The said Act is further amended by adding thereto immediately after section 29 thereof, the following section:"

#### *Clause 12*

Strike out lines 1 to 24, on page 16, and substitute the following therefor:

"31.2 (1) Where, on application by the Director, and after affording every supplier against whom an order is sought a reasonable opportunity to be heard, the Commission finds that

(a) a person is substantially affected in his business or is precluded from carrying on business due to his inability to obtain adequate supplies of a product anywhere in a market on usual trade terms,

(b) the person referred to in paragraph (a) is unable to obtain adequate supplies of the product because of insufficient competition among suppliers of the product in the market,

(c) the person referred to in paragraph (a) is willing and able to meet the usual trade terms of the supplier or suppliers of such product, and

(d) the product is in ample supply,  
the Commission may,"

Strike out lines 34 to 41, on page 16 and lines 1 to 5, on page 17, and substitute the following therefor:

(f) order that one or more suppliers of the product in the market, who have been afforded a reasonable opportunity to be heard, accept the person as a customer within a specified time on usual trade terms unless, within the specified time, in the case of an article, any duties of customs on the article are removed, reduced or remitted and the effect of such removal, reduction or remission is to place the person on an equal footing with other persons who are able to obtain adequate supplies of the article in Canada."

Add immediately after line 5, on page 17, the following:

"(2) For the purposes of this section, an article is not a separate product in a market only because it is differentiated from other articles in its class by a trade mark, proprietary name or the like, unless the article so differentiated occupies such a dominant position in that market as to substantially affect the ability of a person to carry on business in that class of articles unless he has access to the article so differentiated.

(3) For the purposes of this section, the expression "trade terms" means terms in respect of payment, units of purchase and reasonable technical and servicing requirements."

Strike out line 7, on page 17, and substitute the following therefor:

"Director, and after affording the supplier against whom an order is sought a reasonable opportunity to be heard, the Commission finds that the"

Strike out lines 18 to 20, on page 17, and substitute the following therefor:

"the Commission may order the supplier to cease"

Strike out line 30, on page 17, and substitute the following therefor:

"(i) deal only or primarily in products sup-