

ment to permit class actions. I am somewhat taken aback at my colleague's action in leaving it in the hands of the attorney general. I know the practice in Saskatchewan. The attorney general has similar legislation but very rarely, if ever, commences a class action. I much prefer leaving it to my colleagues in the legal profession to commence this kind of action. I can assure the hon. member for St. John's East they will not be frivolous actions.

Ralph Nader, an individual in the United States, promoted the class action to a level in which the companies now operating in the United States have had a very careful look at the way they manufacture cars. That is a result of the class actions taken by Mr. Nader and his group. Environmental damage is now being corrected to some extent as a result of the class actions by Mr. Nader. Ample precedent is before us in the United States. We should not reject everything that comes from that country. It is one of the most forward and progressive groups using a progressive legal technique to redress what are becoming massive wrongs in our society because of the bigness of business and the mass-buying public.

That is all I want to say at this time. I strongly recommend that this amendment be accepted.

[Translation]

Mr. Serge Joyal (Maisonneuve-Rosemont): Mr. Speaker, I listened very closely to the reasons put forward by the hon. member for Nickel Belt (Mr. Rodriguez) in support of the amendment dealing specifically with class action. There are some of his arguments that I should like to point out because they do not seem to do justice to the discussions held in committee.

First of all, it is objectionable to maintain, as the hon. member did, that since 1971 the government has failed to take any action in support of class action. As a matter of fact, the bill before us today for third reading was tabled in the House in 1971 and it is being considered for the fourth time. If the approval of class action is being discussed in the second phase of the government policy regarding consumer protection, it is not because the government is lagging behind, but rather because, due to particular circumstances, we had to postpone this debate until today.

I am not trying to decide who is responsible among the members of this House for the delay in passing this bill. I believe those who were present at that time can decide by themselves who is responsible. To claim, as the hon. member for Nickel Belt did, that it is because of the government's carelessness that we are not considering today a bill on class action is unacceptable.

Moreover, I should also like to remind the House that the Minister of Consumer and Corporate Affairs (Mr. Ouellet), last fall, during a visit to western Canada, emphatically stated to the Canadian people that his department was working on the definition of the main features of a bill to define class action. The Canadian press in particular echoed the minister's statement and as the hon. member for Nickel Belt pointed out, I do not think the minister's image has been damaged that much at this time in the eyes of the consumers. On the contrary, since his appointment, the minister has taken action many

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times in support of Canadian consumer groups, like the Consumers' Association of Canada or the ACEFs. All those groups benefited by the full support and interest of the minister, they even received quite considerable grants from his department, and I do not think the minister's image has been damaged at this point to the extent that we may question his ability to protect the interests of consumers.

On the other hand, Mr. Speaker, I should like to recall some of the things the hon. member for New Westminster (Mr. Leggatt) said about the very nature of class action. Like him, Mr. Speaker, I am a lawyer myself, and I had the opportunity during the committee proceedings to look somewhat more fully into this matter of class action. I realize on reading the amendment moved by my hon. colleague that he overlooks three very important aspects of class action.

The first of those aspects is the procedure of initiating a class action as such. I think, Mr. Speaker, that if we were to pass the amendment as proposed, we simply could not proceed because the procedural implications of a class action are much more complex than those suggested by the hon. member for Nickel Belt (Mr. Rodriguez). On the other hand, he did not deal at all with the division of the award. As you know, when an award is made by the court following a complaint lodged by means of a class action, the court must try to divide the award among all those represented in the class action. Well, the division of the award involves very complex principles of distribution overlooked in the amendment moved by my hon. colleague.

Finally, Mr. Speaker, I should like to point out a specific difficulty with this type of action under a federative system. Indeed, class action is not only an action designed to protect the consumer. However, it is an action that exists in the whole area of education. It is also an action that is open in bankruptcy cases. Indeed, as you know, this House has before it a bill to consolidate the bankruptcy act and those affected by bankruptcy—the Canadian people. Consumers affected by bankruptcy may also petition the court by way of class action.

Consequently, Mr. Speaker, I think the amendment as proposed allows us to define once again the priority that we, as a government, give to class action, but I do not think it is sufficiently developed to allow us in the final analysis to take immediate steps in order to provide the increased protection to Canadian consumers that the hon. member wants this House to ensure, which we could not do today at any rate if the amendment were to be debated as proposed. So I hope this amendment will be deferred and that in the second phase of the government policy respecting consumer protection, we will have the opportunity to reconsider this bill as early as possible. However, I would point out to my colleague, not without irony, that before proceeding with that discussion, we shall have to dispose of this bill once and for all with respect to the amendments.

● (1650)

[English]

Hon. Marcel Lambert (Edmonton West): Mr. Speaker, earlier this afternoon I had the opportunity to speak to the admissibility of this motion. I said that I wished to consid-