

would seem to make a connection with the amending statute. However, there is the possibility of arguing, as has been put forward, that since the amending statute does not specifically amend that clause, there should be some discussion about whether that is procedurally acceptable.

In any event, like all other clauses, the discussion on the procedural acceptability ought to be left until we call the amendments one at a time. Perhaps we could begin by calling motion No. 1 at the present time.

Mr. John Rodriguez (Nickel Belt) moved:

Motion No. 1.

That Bill C-2, an Act to amend the Combines Investigation Act and the Bank Act and to repeal an act to amend an act to amend the Combines Investigation Act and the Criminal Code, be amended in clause 9 by striking out line 18 on page 9 and substituting therefor "mission of inquiry or a parliamentary committee charged with any such".

He said: Mr. Speaker, the purpose of this amendment is to broaden the groups which have a right to information and have a right of access to information presented to the Restrictive Trade Practices Commission which will be set up under this bill. As the bill now stands, the definition of "federal board, commission or other tribunal" is as follows:

For the purposes of this section, "federal board, commission or other tribunal" means any board, commission, tribunal or person who is expressly charged by or pursuant to an enactment of parliament with the responsibility of making decisions or recommendations related directly or indirectly to the production, supply, acquisition or distribution of a product and includes an ad hoc commission of inquiry charged with any such responsibility but does not include a court."

I am very concerned about the fact that a parliamentary committee would not be privy to evidence, material or information from the director of the Restrictive Trade Practices Commission. It seems to me that members of parliament, because of the role they play, because of the fact they are the voice of the people, have a responsibility and a right to hear evidence and hold hearings on any matters which may come before the Restrictive Trade Practices Commission as set out in the act. With this in mind, I move my amendment so that the scope of this particular clause may be broadened and in the hope that it will meet with the approval of the House.

● (1530)

Hon. Marcel Lambert (Edmonton West): Mr. Speaker, I think the hon. member seeks here to clothe a parliamentary committee with some sort of judicial function. The whole of subclause (2) which appears on page 9, subject to the amendment, must be read subject to subparagraph (1), and subparagraph (1) imposes upon the director of the Restrictive Trade Practices Commission the responsibility, upon request by the federal board or commission or other tribunal—and a parliamentary committee is not a tribunal—to make representations and, in effect, to act as a prosecutor in front of that board.

It is all very well for a parliamentary committee to conduct examinations and to make recommendations, but I have yet to see any standing committee or special committee of this House, or any joint committee of parliament being clothed with judicial attributes. In other words, I have yet to see a committee given the power for the production, supply, acquisition and distribution of a product. To that extent, I find that the amendment goes far

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beyond what I would like to see in any statute. To my mind, there is complete confusion here as between the judicial or investigatory function and the legislative or advisory function, and as far as I am concerned, in our parliamentary system there should be such a distinction and we should resist any attempt to give parliamentary committees a sort of flying squad role. To that extent, I do not favour the amendment.

[Translation]

Hon. André Ouellet (Minister of Consumer and Corporate Affairs): Mr. Speaker, I must say that I entirely agree with the hon. member for Edmonton West (Mr. Lambert). I do not feel this amendment adds much to the act in any case, since at all event, a committee can always summon a departmental official. I think this definition of boards, commissions or high tribunals does not really apply to a parliamentary committee.

[English]

The Acting Speaker (Mr. Penner): Is the House ready for the question?

Some hon. Members: Question.

The Acting Speaker (Mr. Penner): Is it the pleasure of the House to adopt the said motion? All those in favour of the motion will please say yea.

Some hon. Members: Yea.

The Acting Speaker (Mr. Penner): All those opposed will please say nay.

Some hon. Members: Nay.

The Acting Speaker (Mr. Penner): In my opinion the nays have it.

Mr. Knowles (Winnipeg North Centre): On division.

Motion No. 1 (Mr. Rodriguez) negatived.

Mr. John Rodriguez (Nickel Belt) moved:

Motion No. 2.

That Bill C-2, an act to amend the Combines Investigation Act and the Bank Act and to repeal an act to amend an Act to amend the Combines Investigation Act and the Criminal Code, be amended in Clause 12 by adding thereto, immediately after line 31 on page 13 the following subsections:

"(5) The Attorney General of Canada, for the benefit of any persons or class of persons who have suffered loss or damage, or who allege that they have suffered loss or damage, as a result of

(a) conduct that is contrary to any provision of part V, or

(b) the failure of any person, or persons, to comply with an order of the commission or a court under this act,

shall be empowered to commence and maintain any action or proceeding on their behalf, as provided in subsection (1).

(6) Any judgment in an action maintained as a class action under subsection (5), whether or not favourable to that class, shall include and describe those whom the court finds to be members of that class."

Mr. Reid: On a point of order, Mr. Speaker, I want to reiterate the comments the President of the Privy Council (Mr. Sharp) made earlier in connection with this amendment. It seeks to provide for the undertaking of class actions by the federal government. Since there is no mention of this kind of action anywhere in the bill, it is doubtful, in my opinion, whether the amendment is rele-