

Competition Tribunal Act

Mr. Speaker, I am extremely disappointed that the Minister had to give major companies these concessions to gain their support for his Bill.

Finally, I hope the Minister will understand his mistake and realize that this is a toothless legislation, that it is no good as drafted, and that he will accept the amendments which committee members may suggest to him to strengthen his legislation so that it truly ensures free competition in Canada, in the interest not only of Canadian corporations, but also of Canadian consumers and, on top of that, of the Canadian economy as a whole.

[English]

Mr. David Orlikow (Winnipeg North): Mr. Speaker, when the Minister of Consumer and Corporate Affairs (Mr. Côté) introduced this Bill a short time ago he said it had the support of the business and financial community. A little later he gave us the names of the advisory committee that worked on this Bill. It then became very obvious to anyone who has an interest in this why the Bill had the support of the business and financial community. All the members of the advisory committee came from the business community or from law firms which represent the business community. The advisory committee had no representatives from farm organizations, labour organizations, consumer organizations or the academic community.

If we are going to be fair, we must say that this Bill is better than its predecessor. I say that only because the legislation we have had until now has proven completely useless. Previous Bills have failed to do anything to control mergers or see that we have real competition.

This Bill is light-years short of what we really need and I want to tell the Minister that the New Democratic Party intends to oppose it as much as we can, for as long as we can. If and when this Bill passes second reading we will insist that there be the most detailed discussion in the committee and that the fullest opportunity be given for input and testimony from witnesses who come from all those areas of the community to which the Minister has not listened.

There has been no sadder page in Canadian history than the failure of governments, Liberal and Conservative, to deal with the whole question of competition reform. That is not just the judgment of the New Democratic Party, it is the written assessment of one of the leading competition economists in Canada, Professor Irving Brecher of McGill University, who wrote a study in 1981 entitled "Canada's Competition Policy Revisted". Professor Brecher knew where to place the blame when he added in that article:

This judgment is made all the more painful by the realization that, contrary to often-expressed belief, the outcome was not inevitable or beyond the control of Governments determined that it be otherwise.

He was talking about Liberal Governments which failed to deal with the question and he could well say that about the present Conservative Government which is not now dealing with the real issue.

This is a story of continuing failure over a long period of time. The Economic Council began their deliberations about what we need in a modern competition policy in 1966. Their interim report was completed in 1969 and the then Government brought forward its conclusions, drawn from that study, in Bill C-256 which was tabled in 1971. As of today, none of the studies, the commitments, Bills or speeches have produced a law which would reform our simplistic, judicially hamstrung and grossly ineffective competition law. Only one modest Bill was passed.

Today we are being asked to accept Bill C-91 as the ultimate development in competition policy. This Bill is hardly that at all. It is a fifth (and poor) generation descendant of a Bill that has been before the House, but not passed, since 1971. There were in earlier years Bill C-256, Bill C-42, Bill C-13 and Bill C-29. All of these Bills were attempts to reform the Competition laws and all of them failed.

● (1230)

Anyone who believes that competition law reform was or is a priority for this country should approach Bill C-91 with a good deal of suspicion. The question is not what is in the Bill, it is what is not in the Bill. Why did those earlier Bills not pass Parliament? It was not because they were blockaded by Opposition Members of Parliament. It was essentially because they only gave the business community 90 per cent of what it wanted.

In order to introduce this legislation today, the Minister of Consumer and Corporate Affairs (Mr. Côté) had to pay a price. He had to give them 99 per cent of what they wanted. It is a bit like Faust having to make a deal with the devil. In the name of promoting competition, the Minister had to reach prior agreement with the same people who had prevented the passage of all four of the previous Bills, namely, the representatives of big business.

We can be more specific. We can say categorically that five groups argued with the Department of Consumer and Corporate Affairs over every clause of this Bill until they got what they wanted. It was not labour and consumer groups, representatives of farm organizations, or academics, who spent years studying this question, who sat in on the drafting of this Bill. The groups which sat in with the Department and vetted every single clause in this Bill were the Business Council on National Issues, the Canadian Chamber of Commerce, the Canadian Manufacturers' Association, the Grocery Products Manufacturers of Canada Association and the Canadian Bar Association. These five groups are naturally satisfied with the Bill. We have not had a barrage of objections from them of the kind which downed the previous Bills. We should be very worried indeed. We have to ask ourselves if a committee of foxes did not design this particular chicken coop. We suggest that although they did not do the actual drawing up of the Bill itself, they certainly sat at the table to ensure that any detail did not affect them adversely.