

REFERRED TO COMMITTEE

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

On motion of Senator Carter, bill referred to the Standing Senate Committee on Health, Welfare and Science.

● (1500)

COMPETITION POLICY

BANKING, TRADE AND COMMERCE COMMITTEE AUTHORIZED TO STUDY LEGISLATION

Hon. Salter A. Hayden moved pursuant to notice of May 3:

That the Standing Senate Committee on Banking, Trade and Commerce be authorized to examine and report upon the subject matter of the Bill C-42, intituled: "An Act to amend the Combines Investigation Act and to amend the Bank Act and other Acts in relation thereto or in consequence thereof," the subject matter of which was referred to the Standing Senate Committee of the House of Commons on Finance, Trade and Economic Affairs on Friday, 25th March, 1977, or any matter relating thereto; and

That the committee have power to engage the services of such counsel, staff and technical advisers as may be necessary for the purpose of the said examination.

He said: Honourable senators, I think a few words of explanation would be in order. The reason for making this motion at this time arises because of the course of action that was taken in the other place.

On March 25 of this year, Bill C-42 was at the stage of second reading, and was on the Orders of the Day for that day. The first motion that was made by the government house leader—and I ask honourable senators to note this—was:

That the subject matter of Bill C-42, an act to amend the Combines Investigation Act, and to amend the Bank Act and other acts in relation thereto or in consequence thereof, be referred to the Standing Committee on Finance, Trade and Economic Affairs.

It appeared from the debate that followed that this matter had been discussed with the leaders of the various parties represented in the Commons, because they all spoke favourably of this disposition of the matter. Thereupon, the question having been raised about what would happen to Bill C-42 and its position on the Order Paper, the report in the *Votes and Proceedings* of the House of Commons for that day says as follows:

After debate thereon—

That is, on the motion I have read.

—the question being put on the motion, it was agreed to.

Accordingly, the Order was discharged, the Bill withdrawn and the subject-matter thereof referred to the Standing Committee on Finance, Trade and Economic Affairs.

Following that, advertisements appeared in various newspapers indicating that this Commons committee was proposing to conduct hearings, setting a date for registration of a desire or intention to appear, and also setting a time for the filing of briefs, and then indicating that the hearings would take place, starting at the beginning of June of this year and terminating at the end of that month.

The minister made a statement in which he said that the amendments he is proposing will be submitted to this committee, that the representations that will have been heard by the committee will be translated into a report, and that with all this material a new bill will be tabled in the next session, which is expected to commence in October of this year.

Before I go on, I should like to call Senator Grosart's attention to the wording of the resolution in the Commons. I have not been able to find any other occasion upon which the subject matter of a pending piece of legislation has been referred by the Commons to one of its committees, although we have adopted this procedure here for many years.

If I may continue, it appeared to me then that we should meet actively to study the subject matter of this bill and hear representations. As a matter of fact, without any authority from the Senate, we have been receiving requests from outside interests saying that they would like to appear. Of course, we have not been able to do anything about it. It seems very important that this bill should be studied by the committee, because a year and a half ago we did deal with phase one of the competition bill, which made certain amendments to the Combines Investigation Act.

In the course of the report, which honourable senators can read, we raised certain issues, such as civil remedies and items of that kind, whereupon the then minister said, "Well, when phase two, which deals with mergers and monopolies, comes before you, you will have the opportunity to discuss and raise the same issues, such as civil remedies, et cetera. Therefore, you will have another chance. It is not as though you are foreclosing for all time your interest and your position on these issues that you have raised." On that basis, and after further discussion, we reported the bill without amendment.

These things are outstanding. This is a very important bill, and I think that on behalf of the Senate an examination should be made of the subject matter of Bill C-42, and a report made at this time. To some extent, there may be different viewpoints that will have to be resolved. In any event, the subject matter is very important. The opportunity to have hearings and an examination at this stage before a new bill is drafted is a limited one in time. Therefore, it would mean the committee would have to get to work almost at once in order to study the bill, hear evidence and prepare a report. For that reason I have brought forward this motion.

● (1510)

Senator Flynn: Honourable senators, the situation described by Senator Hayden is rather unusual, because, as I understand it, Bill C-42 has been withdrawn. So, are we to consider the bill that has been withdrawn to be a white paper? We do not