A member of the New Democratic Party this morning said, with particular respect to the tribunal being established, that the state should have the power to examine business transactions and question whether there is a profit motive or if there are other job guarantees. The tribunal should have the power to disallow these kinds of business operations and transactions. That begins with a fundamental premise that business transactions, the doing of business in Canada, begins from the state determining how much or how little you should be allowed to do. Obviously responsible competition legislation should start with the premise that we have a market-place. We have businesses large and small that are conducting business and, within the bounds or constraints, competition legislation is designed as an effective measure of protection for consumers, protection as we will deal with it in Bill C-91.

• (1740)

The provision for takeovers and mergers, which has been dealt with to a great extent due to recent events, has often been overlooked by members of the New Democratic Party who have conveniently forgotten that this is a comprehensive Bill to deal with competition. It obviously deals with mergers but, as a member of my Party mentioned earlier today, if one looks at the newly tabled Bill C-103 in connection with Bill C-91, one can see how the Government is able to deal with, as an example, the Imasco-Genstar takeover which has been debated at such great length here.

I would now like to deal in greater detail with some of the points contained in Bill C-91. I would like to indicate why I think they are good, timely, and effective measures. Notification will be required of all proposed mergers or takeovers involving companies with combined assets of more than $500 million, or with a takeover cost of at least $35 million. If the director of combines believes that the deal would reduce competition, the merger would go before the tribunal for adjudication. From that measure an appeal of the tribunal's findings could then be made to the federal court. For the first time international competition is givin explicit recognition and a great deal more emphasis. This law will recognize that in some instances concentration may be necessary to make Canadian industry world competitive to the benefit of consumers and businesses all across our country.

Mr. Epp (Thunder Bay—Nipigon): An excuse for domestic monopoly.

Mr. Gormley: Mr. Speaker, I hear an NDP Member say "an excuse for domestic monopoly". Considering the kind of state-dominated economy that the New Democratic Party would like to wreak upon us, that kind of comment is not surprising. Again I refer back to my Saskatchewan roots. With regard to competition and the degree of forward investment in Canada, one need only look at the Saskatchewan experience of the nationalization of potash mines by the NDP.

In Saskatchewan a man is hoping in vain to be Premier again. The Leader of the NDP is saying that, in the very unlikely event that the NDP was re-elected in Saskatchewan, it has, at least at the Party policy level, given itself the authorization to take back anything that the present Progressive Conservative Government has privatized or initiated on behalf of the people of Saskatchewan. It is that kind of attitude that makes that Member's comments not particularly surprising. However, I will not become sidetracked again, Mr. Speaker, as there are a number of things we can talk about with regard to Bill C-91.

Criminal laws against monopoly will be replaced by civil prohibitions against anti-competitive behaviour. It is virtually impossible to obtain a criminal investigation. At least this has been the experience in the past with combines legislation. At this point a new approach is necessitated. Under this new approach we will be dealing with the measure in which the tribunal will be working. This is again a point in contrast to earlier legislation.

There have been questions asked about whether this law will benefit Canadian consumers. Obviously competition law is a framework piece of legislation which offers general benefits to the consumer. Effective competition laws ensure that we have an economy predicated upon competition, the market, and a measure of free enterprise. With effective legislation such as this there is, in turn, benefit to consumers through lower prices, increased choices, and protection against conspiracy and anti-competitive behaviour.

I want to touch upon the role of the tribunal in this legislation. It has been compared to that in Bill C-29 of the previous Liberal Government. The provision for use of a tribunal can be compared to the former proposal in Bill C-29 for using the courts. There are arguments on both sides. It is our view that the tribunal is a better way of proceeding. It provides, in large measure, a more effective way of adjudicating decisions which come before it.

A judge of the Federal Court of Canada will chair the tribunal. There will be up to four judicial members. On the recommendation of the Minister of Consumer and Corporate Affairs (Mr. Côté), the Governor in Council will appoint up to eight lay members. The prospective appointees will be vetted by a statutory advisory committee comprising persons knowledgeable in the industry, in commerce, and in public affairs, including representatives of the big and small business communities, consumer groups, and labour.

The point which has been raised more than any other in today's debate is who had input into the formulation of Bill C-91. That question has been bandied about by the New Democratic Party in particular which is crying about the woes of big, bad business, as the NDP refers to Canadian free enterprise. I would like to list some of the over 100 organizations which were consulted. They include the Chamber of Commerce, the Consumer's Association, the Business Council on National Issues, the Manufacturers Association, the Bar Association, the Grocery Products Manufacturers of Canada, the Canadian Federation of Independent Petroleum Marketers, and the Petroleum Marketers Association of Canada.