

Competition Tribunal Act

1. Ensure that regulated activities of Crown Corporations are explicitly excluded from the purview of the Competition Act, and

2. Eliminate the Director's mandate in sections 97 and 98 to expend public funds to make representations on his own initiative in respect of competition to boards, commissions or tribunals.

We consider this to be a very important matter. The Government of Manitoba made representations on the question of telecommunications to the federal Ministers who were involved. I am certain that other provinces would do the same if, for example, the director were to intervene in the activities of marketing boards. The provincial Governments which set up marketing boards that try to meet the needs of producers and consumers would be just as upset as the Government of Manitoba was when the director intervened in the telecommunications question.

It is my recollection that when we were discussing this matter in committee we were told that this question, which was raised by the Government of Manitoba, had been dealt with, and that the clause of the present Bill met the concerns raised by the Government of Manitoba. Since that was my information, I let it go through. However, after going through this clause by clause, we heard from the Government of Manitoba that it is not satisfied. Since the Government is not satisfied and I believe it has made a very valid case for its position, I moved the amendments which we are now discussing.

Mr. Bill Domm (Parliamentary Secretary to Minister of Consumer and Corporate Affairs and Canada Post): Mr. Speaker, I will deal with Motion No. 13 first. The existing legislation gives the director the right to make representations for federal boards, commissions or other tribunals on his own initiative.

The effect of the Hon. Member's motion would be that the director would only be allowed to make such representations at the request of the particular board, commission or tribunal or on direction from the Minister. The Government does not believe it would be appropriate to restrict the powers of the director in this way, as it would not serve the over-all public interest in competition. I would strongly urge the House to reject this motion.

Let me move on to Motion No. 14. This proposed amendment would unnecessarily lessen the ability of the director to intervene before provincial regulatory boards to advocate competition considerations where relevant. This could lead to less competition in some provincially regulated industries.

There is no rationale for such an amendment since Bill C-91 requires that the director obtain the consent of the provincial

board when he, on his own initiative, intends to make representations before it. Therefore, any abuse of the director's ability to intervene is prevented. For that reason, I suggest that the House reject Motion No. 14.

● (1610)

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

Some Hon. Members: Question.

The Acting Speaker (Mr. Paproski): The question is on Motion No. 13. Mr. Orlikow moved:

Motion No. 13

That Bill C-91, be amended in Clause 47 by striking out line 21 at page 77 and substituting the following therefor:

"tribunal, may, and".

Is it the pleasure of the House to adopt the motion?

Some Hon. Members: Agreed.

Some Hon. Members: No.

The Acting Speaker (Mr. Paproski): All those in favour please say yea.

Some Hon. Members: Yea.

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

Some Hon. Members: Nay.

The Acting Speaker (Mr. Paproski): In my opinion, the nays have it. I declare the motion lost.

Motion No. 13 (Mr. Orlikow) negated.

The Acting Speaker (Mr. Paproski): The next question is on Motion No. 14. Mr. Orlikow moved:

Motion No. 14.

That Bill C-91, be amended in Clause 47 by striking out lines 7 to 9 at page 78 and substituting the following therefor:

"tribunal, may make representations to and".

Is it the pleasure of the House to adopt the motion?

Some Hon. Members: Agreed.

Some Hon. Members: No.

The Acting Speaker (Mr. Paproski): All those in favour of the motion please say yea.

Some Hon. Members: Yea.

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

Some Hon. Members: Nay.

The Acting Speaker (Mr. Paproski): In my opinion, the nays have it. I declare the motion lost.

Motion No. 14 (Mr. Orlikow) negated.