

Sports Franchises

held feelings with respect to the way in which we were treated, I can tell you, Mr. Speaker, that that is not asking very much. I ask Members of the House to support this matter to the extent of letting it go to Committee so we may have full opportunity to examine its implications.

Mr. Gilbert Parent (Welland): Mr. Speaker, at the outset I would like to say to the Hon. Member for Saskatoon West (Mr. Hnatyshyn) that I for one do support his proposal. I will go further and say it is my belief that, because of the nature of sport, hockey specifically, notwithstanding the fact we say that lacrosse is our national sport, I think it is well known that every Canadian boy from about the age of two or three is probably as much at home on a pair of skates as he is with a pair of shoes. I would be in favour not only of having a team from Saskatoon, but I believe it should be considered that virtually every capital of every Province in Canada have their own representative team.

What we are dealing with here this afternoon, Mr. Speaker, in Bill C-690 is, of course, an attempt to deal with a very specific case. I believe the Hon. Member's point is well taken in introducing this Bill to amend certain provisions of the Combines Investigation Act as it relates to professional sports.

For my own benefit and the benefit of the House I would like to try and put into perspective exactly what this Bill would do in the over-all Act and perhaps raise a couple of questions, which I know cannot be dealt with extensively here but perhaps some of my other colleagues could address themselves to them in their interventions this afternoon.

We are all aware that the Hon. Member's concern in this matter arises from the decision taken in May of this year by the NHL to not permit a group in Saskatoon to purchase the St. Louis Blues hockey team and move it to the new coliseum which they intended to build in the city. Of course, they wanted hockey there; it is good for the city. In my opinion it would be good for business and I think that Saskatoon could not help but be the winners in this particular instance.

I know a great many people in Saskatchewan and elsewhere were very disappointed, myself included. In fact, some of them were incensed by what they felt to be an arbitrary and high-handed act by the League. Many people, mainly from Saskatchewan but also from other parts of Canada, wrote to the previous Minister of Consumer and Corporate Affairs expressing their concern that our national sport would be completely in the hands of a small group of people who could decide what the citizens of a Province—which has produced many of the game's greatest stars, as the Hon. Member pointed out—would not be allowed to watch and support their own NHL team.

Clearly, concentrations of power which may be used to the detriment of the public or some part of it should be dealt with by the provisions of the Combines Investigation Act. My colleague, as far as I can make out, is not opposed to that particular proposition. That is precisely what the Act is for and why Parliament, as long ago as 1889, considered that legislation dealing with monopolies and other restrictions on

competition is required. The Present Act does permit the investigation of such situations and, specifically, the action of the NHL in this instance.

● (1700)

The Director of Investigation and Research, who, under the Act, has the responsibility for conducting inquiries, determined that an inquiry is warranted and has acted accordingly. The inquiry which he initiated is being conducted under Section 33 of the Act, and the Hon. Member is nodding his head, which is the Section that relates to monopolies. The Act defines a monopoly as:

—a situation where one or more persons either substantially or completely control throughout Canada or any area thereof the class or species of business in which they are engaged and have operated such business or are likely to operate it to the detriment or against the interest of the public—

The Director is, of course, still conducting his inquiry, and he must determine, after he has gathered all his evidence, whether that evidence proves that the actions of the National Hockey League violate that provision relating to monopolies. If that is the conclusion which he comes to, he can then refer the evidence to the Attorney-General to decide whether the League should be taken to court in a prosecution. At this stage, of course, we cannot know what the outcome of the inquiry will be, but it is clear that the present Act does permit an investigation of this action by the NHL which concerns the Hon. Member and so many other Members of this House.

I might point out as well that the amendment which the Hon. Member proposes would do nothing to alter the situation with respect to the Saskatoon proposal, or the present inquiry. The reason is very simple. The law cannot be amended to apply retroactively. The actions of the League in May in rejecting the Saskatoon application for a franchise were either legal or illegal under the present Act. That will be determined by the inquiry now under way. Any amendment which this House may make now will not, in my opinion, have any bearing on that.

I am sure the Hon. Member hopes that the amendments which he proposes we make to the Act will ensure that in future the National Hockey League, or any other professional sports league considering an application for a franchise, will realise that their actions are subject to the law. However, it is not at all clear, Madam Speaker, that the proposed amendments would have that result. Let me explain my reasoning.

The Section of the present Act which relates specifically to professional sport in Section 32.3. The part of that Section which creates an offence reads:

32.3(1) Every one who conspires, combines, agrees or arranges with another person

(a) to limit unreasonably the opportunities for any other person to participate, as a player or competitor, in professional sport or to impose unreasonable terms or conditions on those persons who so participate,

or

(b) to limit unreasonably the opportunity for any other person to negotiate with and, if agreement is reached, to play for the team or club of his choice in a professional league.