

Competition Tribunal Act

Finally I would like to say that as a Member I was asked on very short notice to replace my colleague from Saint-Michel—Ahuntsic (Mrs. Killens) who would have looked after this matter. I also got her assistant, Mr. Maurice Gingues, who works for the Member for Saint-Michel—Ahuntsic and who did not spare any effort to help me do my job. Mr. Gingues did not work with newspaper clippings as is often done, he did serious research and I must say he was of great help to me in drafting the amendments I introduced in committee.

I also want to thank Miss Carolyn Green of the Liberal Party research office who made an outstanding comparison between this Bill C-91 and previous Bills introduced by the Liberal Party on various occasions. This background work gave us a much better idea of Bill C-91.

It is rather interesting to note that, in many respects, the Bill we are about to adopt is much like the Bill our colleague Mr. Basford had introduced in the late 60s. Indeed I might sum up the main elements of that Bill, Bill C-256, which at the time met with strong opposition from business circles. What was this famous Bill all about? First, the transfer of offences related to monopolies and mergers from criminal to civil courts; second, the creation of a new tribunal empowered to prevent mergers and certain domineering practices of major companies; third, the registration of domestic mergers involving sales of more than \$5 million at that time; fourth, provisions allowing exemptions for companies operating outside Canada and others which wanted to specialize their products on the domestic market; fifth, criteria related to the proceedings and the decision-making process of the Tribunal which would have been authorized to issue rulings before mergers or other potentially anti-competitive practices actually took place.

Those are some of the elements of Bill C-256 which I am glad to see today in Bill C-91, and others which 15 years later can still be described as being ahead of their time. Mr. Speaker, if over the years the Liberal Government was unable to pass legislation in the field of competition as it wanted to, it may be that at the time the Opposition was not quite as co-operative as we are prepared to be today. I am delighted about this historic moment when we will finally have competition legislation which deals with mergers, and particularly with the anti-competitive behaviour and practices of certain major companies, which have cornered the Canadian market.

I commend the Minister for his flexibility, I thank him for accepting several of the amendments introduced by the Liberal Party, and I can assure you that we will vote in favour of this legislation which, I believe, will serve the interests of the Canadian public, the Canadian consumers, small and medium-size businesses, in a word, in the best interests of the whole country.

• (1710)

[English]

Mr. David Orlikow (Winnipeg North): Mr. Speaker, when this Bill was brought forward it was given very lukewarm support by a number of organizations and individuals. After studying it they came to the conclusion that it was better than

nothing and the law which had been in place for a number of years was really worth virtually nothing. When those organizations and individuals first looked at the Bill they said it was so bad they could not support it as it was then. Among those organizations were the Petroleum Marketers' Association, representing small business people in the petroleum business, and Professor Irving Brecher, a career student of competition law. However, as we heard testimony from witnesses appearing before the committee, particularly those putting forward the views of small business, there were some amendments which persuaded some groups to support the Bill even though they were not satisfied. We tried to support those groups by moving amendments which were proposed by the Consumers' Association, by Professor Stanbury, by the independent petroleum marketers, but unfortunately most of the amendments which we put forth on their behalf were turned down.

We were not surprised about that because the history of competition reform in Canada is, to say the least, a sad one. This Bill is the fifth attempt to get a Bill. The first four attempts were made by the former Liberal Government. Not one of them got to the House, not one of them was passed. The reason this happened was the powerful business and financial interests who have the most say—in fact some people would argue, with a good deal of merit, that they have more power and more decision-making say about what happens in this country than the Parliament of Canada.

We are not surprised that this Bill does not do as much as it should because we know that while the Conservative Party, before it became the Government, promised that it would consult very widely, in fact, when it came to this Bill the Minister's real consultations took place only with the Big Five; the Business Council on National Issues, the Canadian Chamber of Commerce, the Canadian Manufacturers' Association, the Grocery Products Manufacturers' Association and the Canadian Bar Association. What they wanted was essentially incorporated in this Bill. The proof of that is the fact that they really did not oppose this Bill as they had the other four Bills.

When we knew the Government intended to bring forth a Bill, we tried to persuade the Minister to have real consultation. We sent him a list of organizations with which he should consult. We sent him a list of seven academics who had done major studies of competition programs and competition policies and what was needed to be in the competition Bill. Their views were not really considered. They were not incorporated into this Bill. Any Member who disagrees merely needs to look at the record of the committee hearings.

The biggest missing factor, one which is of the utmost importance, is the question of conglomerates and mergers. These have been taking place at an accelerated rate. The Government, as far as I can see, has no intention to deal with this, despite the fact that there is no evidence that the mergers which have taken place add anything to the productivity of this country, add anything to new forms of production or add anything to increased employment. I say to the Government that we are bitterly disappointed with this Bill.