

Competition Tribunal Act

● (1600)

[English]

Mr. Ouellet: Just as a point of clarification, have we approved Motion No. 3 or rejected it on division?

The Acting Speaker (Mr. Charest): That is a very good point. The motion has been rejected on division.

Motion No. 3 (Mr. Orlikow) negated.

The Acting Speaker (Mr. Charest): I will recognize the Hon. Member for Papineau (Mr. Ouellet) to make representations on Motions Nos. 4 and 5.

[Translation]

Mr. Ouellet: At your request, Mr. Speaker, I may explain that Motion No. 4 to amend the Combines Investigation Act would have the effect of providing that victims of offences under the Combines Investigation Act are awarded triple damages. The main purpose is of course to discourage companies and individuals from adopting policies that prevent competition.

Motion No. 5 is a motion that would allow for class actions. In other words, a group of people who have suffered damages as a result of an action to prevent competition could get together and sue as a group under the provisions of this legislation.

It is too bad that in Bill C-91, the Government failed to include this aspect which I feel is absolutely essential to discourage companies that may have an anti-competitive bias.

The problem we have at the practical and procedural level is that Section 31.1 of the Combines Investigation Act was to be amended by Bill C-91, but the Government informed us in committee that through an oversight, Section 31.1 of the Combines Investigation Act had not been amended.

I therefore submit, Mr. Speaker, that if we adopt Bill C-91, we will have new legislation which creates a tribunal. This Bill is quite clear in that its purpose is to establish the Competition Tribunal.

However, we will have a text that refers Section 31.1 to a commission, while there will be no reference to the commission in the rest of the legislation.

Mr. Speaker, I therefore submit that the Commission referred to in Section 31.1 is the Restrictive Trade Practices Commission, which is repealed by Bill C-91 and replaced by the new Competition Tribunal.

Mr. Speaker, we believe it is absolutely essential the Government amend Section 31.1 so that it no longer refers to a non-existent commission.

In any event, I can understand that this is embarrassing, probably a mistake on the part of the Government, but if the Parliamentary Secretary wants to I am sure he will obtain the unanimous consent of the House to make this minor amendment to section 31.1 of the Act. Then it will be possible for me

to move my two amendments, one concerning triple damage, the other concerning class action.

I expect the full co-operation of the Government to seek the unanimous consent of the House to amend section 31.1 as it should be amended.

[English]

Mr. Domm: Mr. Speaker, that was an admirable try, but I remind the Hon. Member for Papineau (Mr. Ouellet) that we spent considerable time in the legislative committee dealing with Bill C-91 changing definitions within the Bill from "commission" to "tribunal". We have, in effect, a tribunal which replaces many of the responsibilities of the former commission. For that reason, I support the position taken by the Chair that these matters refer to Section 31(1) of the Combines Investigation Act which is not part of Bill C-91. I do not see how an amendment to a section not open for discussion can be debated in the House. I apply the same rationale to Motion No. 5. Section 31(1), to which the proposed motion refers, is not part of Bill C-91 and I, therefore, question whether such a motion is receivable by the Chair.

The Acting Speaker (Mr. Charest): The Hon. Member for Papineau (Mr. Ouellet) asked for unanimous consent to introduce Section 31(1) and the Hon. Parliamentary Secretary has answered that there is not unanimous consent within the House. The rationale is that a part of the Bill which is not before the House cannot be amended. Therefore, Motions Nos. 4 and 5 will be rejected.

Motions Nos. 6, 7, and 8 will be debated and voted upon separately.

[Translation]

Hon. André Ouellet (Papineau) moved:

Motion No. 6.

That Bill C-91, be amended in Clause 47 by adding immediately after line 14 at page 41 the following:

"(7) For the purposes of subsection (4) in its application to market restriction, where there is an agreement between the "first" person and the "second" person, both defined in subsection (6), whereby these persons are deemed to be affiliated for the purposes of subsection (6) in respect of food or drink, and where the "first" person supplies or causes to be supplied to the "second" person food or drink in a packing or container other than a packing or container produced or made by the "second" person in his own plan and where this food or drink is distributed in this packing or container by the "second" person in association with the trade mark mentioned in subsection (6), the "first" person and "second" person are deemed, in respect of this distribution, to be affiliated."

He said: Mr. Speaker, I want to move this amendment because I think that the survival of a very important industry, the Canadian Soft Drink Association, may be at stake if we ignore the representations made to the parliamentary committee.

In a way the amendment I am proposing completes the 1976 amendment made to the competition legislation which indeed enabled this highly specialized industry to continue to survive in small villages, small communities, and remote areas of Canada.