

*Combines Investigation Act*

I gave the government the opportunity. I took the class action legislation of Saskatchewan and, with a few changes, put it into the amendment in exactly the same form. There was concern expressed by Conservative members of the committee to the effect that we would have bounty hunting by small groups of unscrupulous consumers getting together with an unscrupulous lawyer or lawyers.

**An hon. Member:** There are no such things.

**Mr. Rodriguez:** The hon. member for New Westminster (Mr. Leggatt) suggests there are no such things as unscrupulous lawyers who would get together with consumers and take a large corporation to the cleaners. I can understand the concern of the hon. member for York-Simcoe (Mr. Stevens) and the hon. member for Edmonton West in that regard; this matter comes within their constituencies.

If you placed this kind of amendment on the statute books, the effect would be that the Attorney General of Canada would determine which actions were legitimate, and it seems to me that would be a sufficient and good screening. Surely no one in this House could argue the legitimacy of that kind of thing. The adoption of this suggestion would indicate the government's sincerity in moving with some determination and integrity in this whole area.

Many of the speakers in committee opposed class action. It is not enough for members to get up and say that in principle they are in favour of class action and they will put it into part II of the anti-combines legislation. It took us from 1971 to 1975 to get this part I before the House at report stage. Can you imagine how much longer it will take for part II to see the light of day? Indeed, part II will be even more technical, as I am sure the minister will say in a day or two. He will say that part II will deal with mergers and combines, etc. If we thought we saw a lot of lobbying by corporations in respect of part I of this bill, imagine the lobbying we will see in respect of part II.

If the minister has any kind of leadership aspirations in his party, now is the time to show leadership. He is creating an image and trying to be a friend of the consumer, but he cannot escape the reality of this situation. The minister is faced with an amendment that will give him an opportunity to provide some protection for consumers as a class or a group. Much was said in the committee in criticism of class action. I want to bring to the attention of the House the comments of the hon. member for York-Simcoe. He said a very surprising thing on this particular part. This is why I said earlier that the corporate sector is rightfully his constituency, and I do not want to take that away from him. In the discussion in committee on class action, the hon. member said, and it is very revealing:

I think we miss this point sometimes. Really what we are deciding when we decide on a class action, is what right have one or more individuals in a group to make a claim against all consumers in this country, or the taxpayers of the country, concerning what they think is a legitimate claim, be it a damage or some other type of retribution.

● (1600)

The fault lies not with a group of consumers who may wish to get together in order to bring an action against a corporation. Surely such people are victimized. In respect

[Mr. Rodriguez.]

of the Firenza example, the people who purchased those vehicles did so in good faith. They went to their General Motors dealers and purchased a Firenza. They were entitled to have certain expectations, such as that the car would run for a week without breaking down, especially when it had been in the garage three times in the previous week. Surely those are not great expectations when one has spent \$5,000 or \$6,000 for a car. Yet when these people were faced with problems in respect of this vehicle, the company refused to take back the vehicle and refused to refund their money.

Surely there is government responsibility involved in such cases, or responsibility on the part of those who are elected by the people to ensure that their interests are protected, because we operate at a level at which they have no power. Surely we should be the ones responsible for that kind of decision-making.

In committee we were told about the experience in the United States. A great deal was made about calling on the experience of the United States in respect of class action. I do not live in the United States and I could not care less what they do in terms of legislation respecting consumers. They have to answer to their constituents. The people in government in the United States must answer to the voters in the United States. What I and, I am sure, many members of this House are concerned about is how we legislate in this parliament in terms of the Canadian people. In committee, much was said about the experience in the United States and the fact that such a system did not work there and therefore it would not work in Canada. As I have said, I could not give two farthings for the legislation the United States legislators pass in respect of their consumers.

It is interesting to note that indeed United States' citizens take advantage of class action. There have been prosecutions under the class action legislation in the United States. The latest example is the class action being used by the crew of the *Mayaguez* against the captain. It involves the fact that the captain directed the ship too close to Cambodian waters and therefore endangered the crew, created stress among the crew and resulted in their incarceration.

**Mr. McGrath:** That is a frivolous example.

**Mr. Rodriguez:** The hon. member for St. John's East (Mr. McGrath), who claims to be the great defender of the consumer, says that is a frivolous example. The point I am making, for the benefit of the hon. member for St. John's East, is that in fact in the United States class action is used as seen fit by the people. That is what the hon. gentleman should keep in mind. Yet in committee all these red herrings are dragged out about what is done in the United States. I am not interested. What I am interested in is the way in which we proceed in Canada in respect of class actions.

In committee, the minister said that he could not support this amendment because the department had not done enough research. Well, class action did not just arrive when I brought in my amendment on behalf of my party. In the committee, the onus with regard to class action was placed on the members of the opposition who raised the issue. It seems to me that class action has been hanging