

**Mr. Bill Domm (Parliamentary Secretary to Minister of Consumer and Corporate Affairs and Canada Post):** Mr. Speaker, we are dealing with Motion No. 11 and Motion No. 12 moved by the Hon. Member for Winnipeg North (Mr. Orlikow). I would like to suggest that Motion No. 11 would in effect reinstitute the research inquiry power in the Act under the provision dealing with the Competition Tribunal. The reason Section 47 of the Combines Investigation Act was repealed—

● (1550)

**The Acting Speaker (Mr. Paproski):** I would like to bring to the attention of the Hon. Parliamentary Secretary that we are dealing with Motion No. 11 only. He said Motions Nos. 11 and 12. I think that he should just stay with Motion No. 11, if I may suggest it to the Hon. Parliamentary Secretary. I think that we are going to be voting on it separately, so therefore I would appreciate it very much if he would stay with Motion No. 11. That will keep the ball game straight here, and then we can carry on with Motion No. 12 next.

**Mr. Domm:** I am still on Motion No. 11, so I will refrain from mentioning Motion No. 12 until later.

The reason Section 47 of the Combines Investigation Act was repealed was to ensure that the tribunal's function would be strictly adjudicative. Not only is this desirable in terms of the impartiality of the tribunal, but I suggest to the House that it helps guarantee its constitutionality. In the future, should situations arise where research inquiries into the state of competition in a particular industry are necessary, the Government then can rely on general provisions of the Inquiries Act for creation of an ad hoc commission of inquiry. For these reasons I urge the House to reject Motion No. 11.

**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. 11. Mr. Orlikow moved:

Motion No. 11

That Bill C-91, be amended in Clause 47 by adding immediately after line 20 at page 60 the following:

"79.1(1) The Director

(a) upon his own initiative may, and upon direction from the Minister shall, carry out an inquiry concerning the existence and effect of conditions or practices relating to any product that may be subject of trade or commerce and which conditions or practices are related to monopolistic situations or restraint of trade, and

### *Competition Tribunal Act*

(b) upon direction from the Minister shall carry out a general inquiry into any matter that the Minister certifies in the direction to be related to the policy and objectives of this Act.

(2) It is the duty of the Tribunal to consider any evidence or material brought before it under subsection (1) together with such further evidence or material as the Tribunal considers advisable and that such evidence or material be made public by the Tribunal unless the Tribunal decides it is in the public interest that the evidence or material be kept confidential."

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.

**Some Hon. Members:** On division.

**The Acting Speaker (Mr. Paproski):** I declare the motion lost.

Motion No. 11 (Mr. Orlikow) negatived.

**Mr. David Orlikow (Winnipeg North) moved:**

Motion No. 12

That Bill C-91, be amended in Clause 47

(a) by striking out line 26 at page 62 and substituting the following therefor: "rations would exceed 15 mil-".

(b) by striking out line 34 at page 62 and substituting the following therefor: "(i) would exceed \$15 million":

He said: Mr. Speaker, I am not very optimistic that the Government will agree to support this amendment. Let me just point out to the Parliamentary Secretary that both the Consumers' Association and the Canadian Federation of Independent Business prefer the \$15 million figure which I am proposing in this amendment, as it takes into account a number of smaller businesses which are often merger targets. They believe that the \$35 million ceiling which is in the Bill at the present time, is too high. The Government amendments for acquisitions which must be reported to the Director of Investigation simply limit the amount to Canadian assets, which may make much larger companies unreviewable. That is all the more reason to adopt the views of the Consumers' Association of Canada and the Canadian Federation of Independent Business.