



NEWS RELEASE

THE INDUSTRY, SCIENCE AND TECHNOLOGY COMMITTEE CONSIDERS BILL C-23, AN ACT TO AMEND THE COMPETITION ACT AND THE COMPETITION TRIBUNAL ACT

FOR IMMEDIATE RELEASE

Ottawa, October 11, 2001 -- The House of Commons Standing Committee on Industry, Science and Technology announced today the commencement of its study of Bill C-23, *An Act to Amend the Competition Act and the Competition Tribunal Act*.

“This bill represents an important step forward in the evolution of Canadian competition law,” says Susan Whelan, M.P. (Essex), Chair of the Committee. “It addresses issues of concern both to consumers and business.”

Bill C-23 proposes significant amendments to the two Acts, in order to:

- prohibit deceptive notices of a prize aimed at the general public and sent through the mail and Internet;
- streamline the Competition Tribunal processes by providing the Tribunal with the power to award costs, make summary dispositions and hear and determine references;
- broaden the scope under which the Competition Tribunal may issue temporary orders; and
- facilitate co-operation with foreign competition authorities regarding evidence gathering for civil competition matters.

“By referring the Bill to the Committee before second reading, the government has given us a mandate to expand our study beyond the scope of the Bill in its current form,” noted Ms. Whelan. “We’ve decided to take this opportunity to study a very important issue that wasn’t included in Bill C-23 – the idea of creating a private right of action before the Tribunal.” Under the current law only the Commissioner of Competition may bring a case to the Tribunal; many commentators, however, including the Commissioner himself, suggest that there might be some benefit in giving individuals and businesses the right to bring a case as well.

The issue of private access was last considered by the Committee in its June 2000 *Interim Report on the Competition Act*. “We know that private access is a complex and difficult issue,” comments Ms. Whelan. “We have to consider the circumstances in which private action should exist, as well as the remedies that the Tribunal will be able to grant to the parties. Above all, we have to be mindful that we don’t create a regime that encourages unnecessary or strategic litigation.”

The Committee hearings on the Bill will be followed by a series of roundtable discussions on the Committee’s *Interim Report*. Based on these, the Committee will produce a final report for the government’s consideration as it prepares its next round of amendments to the legislative framework.

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Members of the Committee are: Susan Whelan, Chair (Essex); Walt Lastewka, Vice-Chair (St-Catharines); Charlie Penson, Vice-Chair (Peace River); Larry Bagnell (Yukon); Claude Drouin (Beauce); Stéphane Bergeron (Verchères-Les-Patriotes); Bev Desjarlais (Churchill); Jocelyne Girard-Bujold (Jonquière); Preston Manning (Calgary Southwest); Dan McTeague (Pickering-Ajax-Uxbridge); James Rajotte (Edmonton Southwest); Andy Savoy (Tobique-Mactaquac); Brent St. Denis (Algoma-Manitoulin); Chuck Strahl (Fraser Valley); Paddy Torsney (Burlington); Joseph Volpe (Eglinton-Lawrence).

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