

Combines Investigation Act

I therefore suggest to the committee that the course of wisdom here is to recognize the particularity of the legislation or the extraordinary nature of this legislation to take care of a particular situation so that the provisions for the packing of the fish pack for the year may proceed, and that there may be no strike. This was the threat which led to the introduction of the moratorium in the first place. I refer to the prospects of a strike in a particular industry in a particular place. Parliament wisely confined the effect of the legislation to that particular situation in that particular place for a particular short, specified period of time in order that parliament might have control of the situation and in order that no cloud might be placed over the entire industry.

In the light of these circumstances I earnestly suggest to the committee that it would be a great mistake to go beyond the terms of the bill. However much hon. members may feel that they do not want legislation like this coming back another year. I hope it will not be back in another year. I hope this situation will be resolved within the year. However, I do not think any member of this House of Commons can be very certain, sitting in his place in this chamber this afternoon, just how it will end. I therefore think the committee will be much better advised to await the outcome of these proceedings rather than to enact exempting legislation applicable to the entire industry—otherwise the proposed amendment has no point to it—on the assumption that there is an infraction of the legislation. I do not think that that kind of assumption should, in its effect, be more widely extended by the proposed amendment. Therefore I suggest, Mr. Speaker, a better course is to report the bill in its original form and not accept the proposed amendment.

Mr. Davis: I have been impressed by what the Minister of Justice has said. I am sure I would have been equally impressed, had I been a member over the last four or five years and heard the previous minister of justice plead repeatedly to do the same thing; grant a year's delay in the application of this act. I agree that we should not attempt in a relatively few minutes to draft legislation which could more effectively result from the regular proceedings under the Combines Investigation Act.

However, I would like to hear the Minister of Justice tell us why at the beginning of his remarks he was so sure this matter could be cleared up within a year, while at the end of his remarks he hoped that it would not be necessary in 12 months time to introduce a similar short term amendment to the act.

Mr. Fleming (Eglinton): I do not believe I said positively it would be ended; I said I did not believe anybody could say positively the result that would ensue within a year. Now that litigation has run its course, it is possible to look within the measurable future to a conclusion of the normal proceedings. This is the point I was making. I do not believe anyone can foretell the precise outcome of those proceedings. This was one of the points I sought to make.

There is one other point I should have mentioned. I think it will be of interest to hon. members, particularly those who represent constituencies in which the fishing industry operates, to learn that the whole matter of the policy in relation to the fishing industry is under study at the moment by the Department of Fisheries. It would be most desirable that the report that may be expected from the restrictive trade practices commission should be very carefully studied by the Department of Fisheries before any settled action ensues. The benefit of such a study, I think, will be evident to all hon. members in contemplating future policy in this regard.

Mr. Fleming (Okanagan-Revelstoke): I am not, as hon. members know, as well versed in the law with respect to this amendment as other hon. members. However, there is another principle involved. I am aware, as is any other member from British Columbia, of the importance of the fishing industry having a clearly established right in respect of a custom which has worked satisfactorily over a great many years and which ought to be perpetuated if it is possible to do so. There is another principle of which we must not lose sight and that is that under the law as it exists six citizens felt their interests were being damaged and they took advantage of the law to request an investigation. Apparently they felt, and perhaps still feel, that they had a legitimate cause to use the law as it existed to secure an investigation of the situation and to determine whether or not their interests were being injured. This investigation has not yet been completed.

Now, what happens to those rights of those citizens if, in the midst of the investigation, they are told the law has been changed as it affects their rights which they believed were injured. By taking this action, do we not remove from these six citizens who made the original complaint their legitimate right to an investigation of the situation? I think there is a point of principle here about which we must be careful before we suddenly move an amendment that might affect these people. We might have to say to them, well you were