

*Combines Investigation Act*

compelled to make an investigation. Had that investigation been permitted to take its ordinary course and to reach an early conclusion, presumably either there would have been a finding that there was no infraction of the act, in which case that would have been the end of the matter entirely, or there would have been a finding on the part of the director that there was something in the nature of an infraction. Had that been the case, it would have gone to the restrictive trade practices commission for further hearings and, in the light of the report of the restrictive trade practices commission, it would have been the responsibility of the Minister of Justice then to decide whether or not there should be a prosecution.

That ordinary procedure has been precluded in this situation because of a great deal of litigation in the courts of British Columbia and Ontario which has prevented that ordinary procedure from having its normal way. We have now emerged from the results, or we have now reached an end evidently of the litigation and it is possible now for the normal procedure to be resumed. It is not possible to complete it between now and the expiry of the legislation which the House of Commons is now asked to amend. It cannot be done before December 31. However, if this measure is passed as submitted, then the ordinary procedure will be followed and there is certainly every reason to believe that the matter can be concluded next year. If it should result in findings that there are no infractions of the act here, I suggest to the hon. member who introduced this legislation or to any hon. members who might have been tempted to support it, that they would have done a disservice to the fishing industry in general by seeking to extend the provisions of legislation which is very special and which was introduced into this house for one purpose and one purpose only, namely to allow the ordinary annual agreements in this particular industry to continue until the conclusion of these proceedings. That is all that was involved. It is regrettable, of course, that it was necessary to extend the moratorium on several occasions but this was because of the existence of this involved litigation which has now been terminated.

I therefore suggest, Mr. Chairman, that it would be a very great mistake to make this legislation in effect permanent. The moratorium in each case was given but very temporary life, partly because there was on the part of the house a desire to avoid doing anything that made it look as though there were, on the part of parliament, a finding that there was in existence a combine in this

fish packing industry on the British Columbia coast and second, to maintain in the hands of parliament control over the situation.

It is quite true that the first time the moratorium was given a two year life. This was when the litigation was in its early stages. It was obviously a reasonable period of time. The subsequent moratoria were limited to one year each and for a very good reason, namely that control of a situation like this should be kept in the hands of parliament.

If the bill is passed in the form in which it has been introduced we may expect that, before the year is out, the matter will have reached its conclusion. I am not attempting to forecast the outcome of the investigation. It may be that it will be found that there is no occasion for prosecution or no occasion for proceedings on the assumption that there has been a breach of the act. However, let it be remembered that the inquiry which was embarked upon here was an inquiry that the statute required, because an application was made by six citizens.

I therefore suggest that on both counts parliament will retain full control of the situation. If within this next year it should be found that there has been a breach of the legislation here, it may well be that parliament would wish to pass legislation in quite different form from this. If, on the other hand, it is found that there has been no infraction of the legislation, then I say it would have been a very great mistake to have put on the statute books legislation without a time limit and without a territorial limit, on the assumption that there is otherwise a breach of the legislation which can be cured only by passing legislation of an exempting nature such as this.

There is one further point that I trust hon. members will bear in mind. This is legislation of a very special nature. There are many industries—and I refer not only to secondary industries but to industries as well, such as the fishing industry—which would be very glad to be exempted from the provisions of this act. I think it would be a very serious matter indeed for the house, in dealing with a highly particular situation, to make that the occasion for writing into the legislation exemptions applicable to the entire industry and in that way to set precedents which I am sure would be of great interest to other industries. That is the way in which to break down the principle of important legislation such as this. I earnestly suggest to hon. members that is no way to consider questions in relation to the applicability of this legislation to entire industries.

[Mr. Fleming (Eglington).]