

Combines Investigation Act

passed this particular section in the first instance. As I said in 1959 when this moratorium section was first before us, as I said in 1960 and also in 1961, and as I say again in this session, parliament should take into cognizance the desires of the original drafters of this legislation and should make sure that the fishermen, the fishermen's union on the west coast and the native brotherhood of B.C., who are also cited in the statement of evidence by the director, and the fisheries companies and their associations should not be harassed every time they enter into negotiations or discussions to establish prices for fish. In 1959, Mr. Speaker, you will recall that this party was the only party that made any suggestion whatsoever to establish this so-called moratorium on a permanent basis.

If I could now indicate to the house what our intention will be on committee stage—and like hon. gentlemen opposite we have also drafted amendments to move at that stage—it is to ensure that fishermen on the west coast are protected in their traditional way of collective bargaining for fish prices. We also feel that, regardless of the fact that at the moment this may be the only place in the world where such discussions take place, it does not prevent the possibility of similar sets of negotiations developing in other parts of the country. Accordingly, we propose in our amendment to move that the provision which restricts this moratorium to British Columbia only should also be lifted, and that permanent legislation applicable to all fishermen in Canada for all time will guarantee to the people engaged in this industry that this parliament takes into account their basic fundamental rights. Mr. Speaker, when we get to the committee stage, if I happen to catch the eye of the Chair I intend to move such a motion as I have generally outlined here.

Motion agreed to, bill read the second time and the house went into committee thereon, Mr. Chown in the chair.

On clause 1—*Application of acts to fishing agreements.*

Mr. Howard: Mr. Chairman, I should like to make a few comments on clause 1 and indicate to you similar contentions to those I indicated to the house when Mr. Speaker was in the chair, only I shall do so in a much more brief manner because this committee have been apprised of our opinions. I merely want to say that in essence we think the principle contained in the clause, namely that nothing in the Combines Investigation Act shall be construed to apply to any contract or the like between fishermen or associations of fishermen and people buying their fish, is a

correct one, and that it should apply not only to fishermen in the province of British Columbia, who have been the ones directly affected for some six or seven years now, but it should apply to all fishermen in Canada, because this law is applicable to all of Canada. Also, the time limit should be eliminated.

Therefore, Mr. Chairman, I accordingly move:

That clause 1 be amended by deleting therefrom the proposed section 1 and substituting therefor the following:

"1. Nothing in the Combines Investigation Act or in Section 411 of the Criminal Code shall be construed to apply to any contract, agreement or arrangement between fishermen or associations of fishermen, and persons or associations of persons engaged in the buying or processing of fish, relating to the prices, remuneration or other conditions under which fish will be caught and supplied to such persons by fishermen."

The effect of this is to remove the words "in British Columbia", so that the principle which we endorsed a moment ago will be applicable throughout all Canada. It will also remove the time limit of December 31, 1963 so that the section will be applicable for all time.

Mr. Chairman, I would point out, if I may, that some hon. members may have a typographical error in their copy of the amendment. The word "act" has been omitted inadvertently, and it should read "Combines Investigation Act".

Mr. Fleming (Eglinton): Mr. Chairman, this amendment is evidently intended to have two effects; first of all, to remove the territorial limitation of the bill now under discussion and to make it of general application, and in the second place to remove the time limitation and to give this bill effect without any limitation as to time whatsoever. In either case I should like to submit to the committee that the amendment is ill-advised.

To pass the amendment at this time would, of course, immediately bring into question the operations of any branch of the fishing industry in any part of Canada. Something was said earlier in the discussion about the fishing industry in British Columbia operating under some kind of cloud. As a matter of fact, if I remember it correctly, the expression under some kind of "smear" was used. Well, Mr. Chairman, if that is true let us not extend that inferential effect, as this amendment would certainly do.

Now, how did this situation come about? It came about because six citizens made application to the director of investigation and research under the Combines Investigation Act alleging the existence of a combine. Under the provisions of the act, which are mandatory in this respect, the director was