

*Combines Investigation Act*

word "designed" again, and when it was mentioned by the hon. gentleman I recalled the circumstances.

Section stands.

Section 3 agreed to.

On section 4—Trade unions not affected.

Mr. BENNETT: I have no doubt that the minister has received certain representations which were mimeographed and sent out; all the members of the house have received them. There were no signatures attached but I assume they came from the same source. It did seem to me that there was something in the point made with respect to section 4. We have provided for fair treatment by what we call fair trade practices. Should there be objection to a combination of employers for the purpose of maintaining fair trade practices, any more than there is to workmen combining for their own reasonable protection? That, it seems to me, is not unreasonable. That point was contained in the memorandum sent to all the members of the house by one of the chambers of commerce or boards of trade. The amendment suggested, which would include combinations of employers for the reasonable prevention of unfair trade practices, seems to be reasonable. We have by statute provided against unfair practices, and certainly it is desirable that employers should unite for a common understanding in this regard just as much as it is desirable that workmen should be permitted to form combinations for their own protection. In the one instance the purpose is to ensure uniformity of fair trade practices and in the other case it is for the protection of the workmen. Is that not just and right? It struck me that the board of trade or chamber of commerce that made the suggestion had arrived at a sound conclusion, and I am asking the minister whether he would be prepared to accept an amendment to section 4 looking to that end, that is, providing that employers might combine for the purpose of preventing unfair trade practices. We have the law as it now stands, which the privy council said was sound, under which we have made it a criminal offence to do some of these things, and surely it is desirable that both employers and employees should be permitted to form a combination. As a matter of fact that is the case at the present time; there are combinations for the purpose of preventing unfair practices. We know that one such combination went to the courts of this country some years ago on the question whether or not it was a valid exercise of their power when they tried to fine some of their members who did not comply

[Mr. Rogers.]

with the provisions of the law. I merely ask the minister whether or not he would be prepared to consider such an amendment.

Mr. ROGERS: I do not feel that an amendment of that kind ought to be accepted. This section is inserted for the protection of employees in their capacity as employees. It does seem to me that the amendment suggested by the leader of the opposition goes beyond that. It does not consider employers in their capacity as employers of labour but rather in relation to the whole business of the production and sale of their commodities.

Mr. BENNETT: No, unfair practices have to do with wages and all that sort of thing.

Mr. ROGERS: But unfair trade practices, as I understand it, do not relate or in the past have not related to the matter of wages but rather to matters of prices and business practices. This section has been inserted, as my right hon. friend is aware, from the beginning in order to prevent trade unions from coming under the normal prohibitions with respect to restraint of trade.

Section agreed to.

On section 5—Commissioner.

Mr. T. L. CHURCH (Broadview): I have been in parliament a few years, and from my experience I have very little confidence in this whole act. I remember when one of the predecessors of the present minister was dealing with the Industrial Disputes Investigation Act. I told him the whole act was ultra vires and he said it was not. Well, that act went to the privy council and the whole thing was upset.

Just see the roundabout way in which we are going to attack the combines. As far as we have gone in this bill it is all built around sections 496, 497 and 498 of the criminal code, which was the law for many years and under which many decisions and judgments were rendered. As I see it, under this act the combines will continue to flourish like the green bay tree, as they have in the past, with this sort of administration. A commissioner is to be appointed. We have had a commissioner for a long time now, and many complaints have been laid before him in regard to the milk combine, the coal combine, the bread combine and many others. What did this investigator do? All his reports went back to the minister, and you will notice that the same provision is made here. The governor in council may appoint an officer to be known as a commissioner of the combines act, and then the act sets out the details of his administration, his appoint-