

Combines Investigation Act

time, felt that if there had been any technical breach of the combines act or of any other legislation they should put an end to it, because if they persisted in the face of the warning given by the director they might find themselves in serious trouble; they might aggravate the offence. So they decided to terminate this arrangement that had worked so satisfactorily for nearly 60 years, and what they did instead of having this annual negotiation was to post on the walls of the canneries the prices they would pay from day to day for the fish. Of course there was no obligation on their part to buy the whole catch, under those circumstances.

The fishermen naturally were concerned that a practice that had worked so well should be discontinued. It had not only worked well for them but also for the Canadian economy, since it had ensured that every ounce of fish went to the market. So the union representatives immediately appealed to the Department of Justice and other branches of government concerned. The fishing companies stuck by their guns, and the matter eventually came before the then minister of justice, who was one of the members of the cabinet from British Columbia. The fishermen even threatened that if the old practice was not restored they would go on strike and there would be no fish caught in the year 1959. As a result the government of the day saw fit to introduce what the minister has just referred to as a moratorium.

There have been proceedings in the courts, as has been pointed out. These proceedings have run the gamut of the courts from 1959 through to just a month or two ago. Proceedings were helpful, of course, to the lawyers; one cannot object to that. But the problem is still there, and it does seem to me that if the government has consistently seen fit—and this is the fourth time—to recommend to parliament that they condone or forgive any possible breach or, in other words, legalize this course of conduct, surely the happenings prior to 1959 should be disposed of.

Anyone who has had any appreciable experience in the criminal courts or who has had anything to do with the combines act would know that the chances of convicting people, whether they are fishermen or fishing companies, of an offence which is contrary to the public interest are not going to be very successful if the government has recommended to parliament, and recommended successfully, that the actions for a period of three years should be approved. It seems to me the time has come when we might settle this once and for all with regard to what has happened in the past—that is, prior to the act that was introduced in 1959—and with regard to the future. Surely a long

standing custom of bargaining between trade unions and the canneries concerned, where millions of dollars in annual value are concerned—this value ranges in amount from \$30 million, I believe, to \$70 million—should be taken into account. My colleague from New Westminster could perhaps give a more accurate figure, but it is somewhere in that range. If it has been in the public interest to condone this practice, or legalize it, for three or four years, surely it is in the public interest to legalize what transpired prior to that date and to legalize it for the future. As the minister has properly said, this is the fourth time this bill has been brought before us. Surely we ought to put an end to this situation by amending the measure so as to take care of the situation permanently. I think this would be an appropriate time at which to do so in order to save parliament from having to deal with this situation year after year.

Mr. Barry Mather (New Westminster): Mr. Speaker, I should like, also, to say a few words about the proposal before us and which our party has supported in the past for reasons I shall give. The situation had its origin five years ago in British Columbia where six or more gill net fishermen—that is the number required under the provisions of the act—applied for an investigation to be made into the dealings between the organized fishermen of British Columbia and the fisheries association. I do not know the intent of these people in setting this matter on foot, but I think the idea behind it was that in their negotiations the fishermen's union and the association were, in effect, setting prices. We all know that the intent behind the Combines Investigation Act is to protect the consumers and the working people of Canada generally against price increases and hardship brought about by price setting. Nowhere in the act is it suggested that this protection enables action to be taken against unions or organizations of working people; there are several exemptions mentioned in the act with reference to workers who band together for their own protection.

However, an application for an investigation under the act having been made, the authorities have no alternative but to proceed. An investigation has been made—this was four or five years ago, as we have heard—but no report of its findings was ever made public. I know, as has been suggested, that the fishermen's union asked that the hearing be conducted in public, and that the fisheries association objected to this. I also know that various legal proposals have been made and some judicial measures set on foot the effect of which has been to delay any public settlement of the matter.