

Combines Investigation Act

It would have been impossible, even under the most favourable circumstances, for the commission to hear argument on the points in issue and submit its report in time to avoid a fishing strike, and parliament was therefore asked to provide that the anti-combines legislation should not apply to agreements between fishermen or associations of fishermen in British Columbia and persons or associations of persons engaged in the buying or processing of fish in British Columbia, relating to prices, remuneration or other conditions under which fish should be caught and supplied between the 1st day of January, 1959 and December 31, 1960. It was hoped that by the latter date the remaining steps in the inquiry would have been concluded and a report would have been made.

The commission was unable to proceed, however, because of a series of court actions in Ontario and British Columbia for injunctions bearing upon the procedure in the inquiry. These actions are described in detail in the annual reports of the director of investigation and research for the fiscal years ended March 31, 1961 and March 31, 1962 respectively. The last of these actions has just been concluded. In the meantime two extensions of the moratorium were approved by parliament.

As hon. members will be aware, the combines act provides that persons against whom an allegation has been made in a statement submitted by the director will have full opportunity to be heard before the commission, and that no report may be made by the commission until such opportunity has been allowed. In compliance with this provision and in accordance with the judgment of the Supreme Court of Canada in the injunction actions, it is necessary for the oral and documentary evidence to be examined to determine what evidence should be made available to the respective parties. Consequently it is manifestly impossible for the commission to hear argument on the merits of the statement of evidence and to make its report in this calendar year.

May I point out in conclusion, Mr. Speaker, that the bill has the effect of changing one figure in the statute which it seeks to amend. It asks to change the figure "2" to "3", and accordingly the date December 31, 1962 to December 31, 1963. That is the entire effect of the bill.

Mr. J. R. Nicholson (Vancouver Centre): Mr. Speaker, as the minister has pointed out, this is not the first time this or similar legislation has been before this house, but I think facts have been omitted from the minister's

[Mr. Fleming (Eglinton).]

statement, not intentionally, that might be helpful to the house in coming to a decision on this bill.

I might say that the four companies concerned and the union have their head offices in the riding of Vancouver Centre, and on a recent visit to Vancouver I made it my business to go in and get the history of the events that led up to the original introduction of this legislation. I think it would be useful if this information were passed on to you, Mr. Speaker, and to hon. members of the house. The course of conduct that led to the earlier introduction of this legislation in 1959 had been continuing over a period of nearly 60 years, and in the year 1956 or 1957 some independent fishermen lodged a complaint with the authorities that they were suffering an injustice in being on the outside.

The practice in question is unique. I am informed that British Columbia is the only place in the world where negotiations of this kind are conducted. Annually, usually in the spring, the fishermen—and now their representatives, the unions—get together with the cannery operators and agree on a minimum price for the whole catch, provided it is of good quality. In addition to that, as part of the arrangement there is agreement reached that the packing companies concerned will take the entire catch of the season at not less than the minimum price.

Some five years ago some independent operators complained to the authorities, and the mounted police looked into the matter. They first went to the offices of the union in Vancouver, and perhaps elsewhere, and impounded certain documents. At that time no one knew what was the purpose of the seizure. After a day or two it was made clear that the investigation was being conducted under the combines act, and then the suggestion was made by friends of the union that the mounted police should search the offices of the companies concerned. So a similar investigation was carried out there.

As a result of the seizure of the documents an investigation was instituted in 1957 by the director of the combines investigation branch. The investigation lasted approximately two years. At the end of that period the director alleged in his report that several transactions justified investigation under the act. One of them was this annual meeting that had been going on over a period of 60 years to negotiate the price of fish, a bargaining negotiation between the representatives of thousands of fishermen and the cannery companies concerned.

When the report was made the fishing companies, which obviously had not considered that there had been any offence up to that