

Combines Investigation Act

that out to the committee. I do not think I need elaborate on the subject or reiterate the arguments I used earlier.

Mr. Fulton: Mr. Chairman, I appreciate the brief re-statement by my hon. friend of his position and I will be equally brief in reply because we did cover this before. In my submission my hon. friend is confusing the procedural with the substantive. The hon. member is saying that because we have provided a different procedure to obtain a remedy, we have changed the nature of the jurisdiction under which we seek the remedy. In my submission that is not a sound view. In my submission the procedure by way of information which, is provided in subclause 4 as an alternative is equally a criminal as a civil procedure. We are not relying on any different jurisdiction although it is true that we have provided an alternative remedy.

Mr. McIlraith: The minister's argument would be perfectly valid if he had adopted an earlier argument advanced this afternoon to the effect that the discretion be left in the courts and not in the minister, but since it is a discretion left in the minister it changes the complexion of the matter altogether. That is the nub of the whole argument. If the minister had left the matter with the courts his answer would have been effective but having taken the discretion himself it gives rise to the problem to which I referred.

Clause agreed to.

Clauses 18 to 22 inclusive agreed to.

On clause 23—*Application of acts to fishing agreements.*

Mr. Howard: This provision was inserted in the act last year which, in brief, provided that the act would not be construed to apply to the fishing industry on the west coast up to a certain period of time. This arises out of the fact that there was an inquiry by the director into the fishing industry and consequently a statement of evidence was made to the restrictive trade practices commission. Hinging on this the industry and union were unable to enter negotiations. The fishing association took the position that they would perhaps run afoul of the law again by negotiating with the union on the price of fish. The period involved was from January 1, 1959 to December 31, 1960.

A number of reasons combined to postpone the hearing by the commission. I do not know whether a firm date has yet been set for this hearing. There has been some correspondence between the union and the minister and as is the usual practice I am sure the union sent copies to at least all hon. members from

British Columbia. I understand their contention is that there is a possibility of entering into negotiations between now and the end of December, 1961 which could result in agreements which would be in effect beyond the end of 1961. Although they want it to apply for the next 99 years the association suggested that the extension might more properly be to December, 1962 in view of extenuating circumstances and the complications that might arise to ensure that they have the coverage and protection of the law relating to any contract signed in this period.

If the commission meets and hearings are held it will be some time before the matter is concluded and the report released. Following that if there were a decision to prosecute some of the parties the proceedings could well carry on well past 1961. Until the question is finally cleared up the extension should be granted for an additional year beyond 1961 as is presently provided for. Would the minister indicate the decision he has made with respect to an extension to December 31, 1962?

Mr. Pickersgill: I should like to support—I do not think there is any need to repeat the argument—very warmly the suggestion of the hon. gentleman.

Mr. Fulton: I doubt very much whether I can accept the suggestion, for the reason that it will be quite simple to take care of a situation which might arise if the hearings of the commission are protracted, or if the court has not dealt with the matter by the time limit contained in the proposal before the committee, namely the 31st day of December, 1961. It will become obvious to parliament in the course of the session, and as a matter of precaution the time limit would be extended by a sufficient period to take care of the eventualities, and so on from time to time as appeared to be necessary.

I would hesitate very much indeed to give a statutory exemption to an arrangement which might be held by the courts to be a contravention of the act and find then that by so far advancing the period of exemption the arrangement might continue to operate for an appreciable length of time after it had been found that it was otherwise a contravention of the act. I would think it would be much preferable to keep the period reasonably close; then, if from time to time it is found that it is necessary to postpone the expiry of the exemption period, that can be done.

I might point out to my hon. friend from Skeena by way of, shall I say, compensation for any disappointment he might feel in not having his amendment accepted that any such further postponement would give him the