

Combines Investigation Act

house for many a year, and it would be only under the most extraordinary circumstances that you would introduce legislation to say: All right, we accept the principle of the general legislation but it is not going to apply to a particular industry. I think the hon. member will agree that would be a very dangerous kind of approach. This is justified now and it has been justified in the view of parliament on these three previous occasions over the last four years because of a particular situation which was quite extraordinary in itself, and had this welter of litigation not ensued this would have been all over long ago.

I think there is reason to expect an end of this within the next year. If there were doubt about it, I think I might have been bold enough to ask the house to extend the moratorium for two years, but the government was anxious to avoid any suggestion that we were trying to take this out of the control of parliament. That is why it was proposed that it should be for a year. This was a period that would ensure the maximum of parliamentary control and it was a period within which it was not unreasonable under present circumstances to expect that the matter might have reached its conclusion.

Mr. Nicholson: Mr. Chairman, I am quite sure that the minister and his predecessor would never have joined in the recommendation they have made if they had felt there was any likelihood of a serious breach of the act. It was a technical breach. Where the threat of the strike arose was that the industry felt that if they proceeded to negotiate, having been warned by the director of investigation that there had been in his opinion a breach, they would be aggravating matters and then a serious situation would arise. They could not very well act in the face of the director's opinion, so that it does seem to me that if there has been a technical breach the government would be quite justified in saying, let bygones be bygones and let us get rid of it.

Mr. Fleming (Eglinton): Mr. Chairman, in fairness to all those concerned, both the industry and the fishermen, I would prefer to avoid making any kind of pre-judgment of that nature, and I think in fairness to them it is very much better that the house should not do so. That is why I suggest to the hon. member that this method is infinitely to be preferred because it allows these proceedings which were begun to reach their conclusion, and provides meanwhile that no harm shall befall that industry by reason of what it is now doing. But would it not be infinitely better, instead of in effect interposing legislation to blot out proceedings that were started

in accordance with legislation created by parliament, to make this provision that no one is to be hurt in the meantime? These proceedings will now be allowed to reach their conclusion and I have no doubt that it will be the hope of the hon. member that the result of the proceedings will be a finding that there has been no breach. That would be a happy issue from the point of view of the industry and it would in that way dispense with any need for further legislation. So why put on the statute books of this country continuing legislation because of a situation that we hope will be resolved within the year? Doubly, Mr. Chairman, I suggest it would be a mistake to extend the territorial effect of legislation which was introduced in the first place to meet a particular local situation.

Mr. Nicholson: As the minister knows, I have not suggested any extension beyond the province where this unique situation arose.

Mr. Fleming (Eglinton): But the amendment has that effect.

Mr. Nicholson: I agree with that, and I would not want to express an opinion on the amendment without the most careful consideration, particularly when there is no urgency. But in the light of what has happened, more particularly the changes in the personnel administering the Combines Investigation Act, I think the minister might at least give consideration to extending the moratorium to 1964 rather than 1963. There are thousands of documents involved here and we are going to be back here again a year from now.

Mr. Berger: Mr. Chairman, may I say a word in support of the amendment that the hon. member for Skeena has offered to the committee. I was startled by the suggestion by the Minister of Justice that for the committee to accept the amendment would be to imply that the arrangements made in the fishing industry of British Columbia between the fishermen and those who buy the fish that they catch were in violation of the law.

The purpose of the amendment offered by the hon. member for Skeena on behalf of the members of this party was to clarify the law. Surely the minister does not contend that any amendment which is offered for the purpose of clarifying the law is one which leaves the implication that some of Her Majesty's subjects whom it is sought to relieve by passing the amendment were acting in violation of the statutes of this country.

The minister has suggested that the house should wait until there has been some conclusion to the investigation now taking place. At the same time he admits, and these were