

your hands at all times. You could have withheld your decision and delayed matters as long as, I suppose, you cared to do so. Here you have not specified what sections of the Criminal Code are laid aside; it is the whole Code.

The CHAIRMAN: Section 411.

Mr. QUINLAN: Yes, it is section 411.

Senator ROEBUCK: That is undue restriction of competition.

The CHAIRMAN: Fixing prices.

Senator ROEBUCK: I do not think the fact that it is before the courts should influence us in the slightest degree. We can count on the courts to use good sense and administer justice, and why should we step in and say the standard acts for the protection of the public should be set aside?

Senator CROLL: Is it conceivable that when they start handing over the documents under the order of the Supreme Court of Canada someone will bring an action saying, "You are handing over the wrong documents"?

The CHAIRMAN: Or, "You have not handed over enough"?

Senator CROLL: We are stuck with this from now on. It is not bad business for them to continue those actions for the purpose of getting this immunity, and sort of moving along on that basis for years and years to come. They could conceivably hold up the proceedings a long time. After all, it is the cheapest way of doing it, going up to the Supreme Court of Canada again on some point which might be valid. I do not know whether it is, but it is going to go on and on and on.

Senator MACDONALD (*Brantford*): I rather doubt if that has been the purpose up to date. This has been going along in the usual manner in connection with an action of this kind. In the future, if we did suspect something was being done like the honourable Senator Croll suggests, we might step in, but I do not see any reason for suggesting anything of that type at the present time.

Senator CROLL: I do not see any reason for refusing to pass the bill, but I can foresee the witness coming back again next year, and I should like to see him here, but it is not his fault at all. May I pick your brains for just a moment? You are undoubtedly acquainted with the British act with respect to it?

Mr. QUINLAN: Yes.

Senator CROLL: I have in mind that in Britain, under the act, they have a board set up where they can come to them under these circumstances and be exempted from the general act.

The CHAIRMAN: The procedure there is if you have an agreement it does not automatically become illegal. You go to this board or commission, and if your evidence is persuasive enough this agreement is in the public interest you can go ahead. But if they say it is not, you are in for a lot of trouble.

Mr. QUINLAN: If the agreement is registrable it is deemed to be against the public interest, and it is up to you to prove it is not.

Senator KINLEY: It seems to me this is the only way they can do it. How else could they carry on?

The CHAIRMAN: I feel they could carry on. It might be adding to their miseries, but the point, as I understand it, is that the buyers of fish said, "If these contracts are being impugned we will not buy fish." That would leave the union of fishermen without a job and there would not be any harvesting of the fish. Apparently the Government is proceeding on the basis that there is a public interest in the harvesting of fish, until the question has been decided. And that is the paramount interest to several at the moment.