The final point I wish to make is that section 45, which it is proposed to repeal, sets out that:

> A prosecution for an offence under this act may be brought against an employers' organization or a trade union and in the name of the organization or union and for the purpose of such a prosecution a trade union or an employers' organization shall be deemed to be a person . . .

If we are going to have any machinery whereby the labour code can be administered and enforced, then trade unions and employers' organizations must be regarded as legal personalities. They must be regarded as persons who can be brought before the courts, and against whom or for whom judgment can be rendered. The bill would not have the effect of making enforcement of the labour code possible but of making it impossible, because the proposal is to take out of the act the provision which makes it possible to proceed against an employers' organization or some other body that is unincorporated. If that is done, then I submit that the elaborate and improper procedures which are proposed by the amendment would be absolutely ineffective except against individuals.

Mr. C. E. Johnston (Bow River): Mr. Speaker, I should like to say a few words on this measure. I think possibly what the hon. member for Cape Breton South (Mr. Gillis) had in mind was to introduce amendments to the act whereby a dispute between labour and an employers' organization could not be prolonged for weeks, months, and sometimes years before a settlement is reached. If that were the purpose of the proposed measure then I would agree with it. I think there have been occasions when such proceedings have been dragged out so long that it injured the industrial relations of the country.

I am afraid I cannot agree with the bill as it is put before the house. I take it that its purpose is to clarify the enforcement part of the legislation, but personally I cannot see that it clarifies it very much. In fact, I hold the view that possibly it creates a little more confusion than there was in the first place. I want to review the language the hon. member for Cape Breton South used when he introduced the bill. At page 650 of *Hansard* of October 11, 1949, he had this to say:

> By this proposed change, if two parties came before the board with a dispute the board would have the authority to determine which party had committed an infraction of the Industrial Relations and Disputes Investigation Act. The board would be empowered to declare one or the other of the parties guilty and then turn the matter over to the magistrate's court.

I cannot conceive of that being the best type of machinery to settle disputes. In the first place the board was set up as a labour relations body. If you attempt to convert a conciliation or labour relations board into a court then I think the purposes of conciliation and arbitration have been defeated. After the evidence is taken before the board it is to be turned over to a magistrate. I should like to read further from what the hon. member had to say when he introduced the bill.

> Whatever penalty this act empowered the magistrate's court to impose would be imposed by that court. This amendment would give the board some legal authority, and create respect for it in the minds of those who would be taking disputes before it.

I cannot conceive of that type of action. You would have the board taking evidence, and when the evidence was all taken and the board had decided which of the parties was guilty the evidence would then be turned over to a magistrate who would not even have heard it. Possibly I am not familiar with legal procedures, but I cannot understand how a magistrate could impose a sentence when he had not heard the evidence.

Mr. Harrison: They do it in Saskatchewan; that is the way they operate.

Mr. Johnston: I am not interested in that point. I cannot conceive of such a conciliation body being in a position to give a fair judgment. They may be able to decide which party is guilty and which party is innocent, but surely the board which hears the evidence and pronounces upon the guilt or innocence of the parties is the logical authority to impose the penalty. But that is not the set-up. When the board gets the evidence it is turned over to a magistrate who imposes the penalty.

I am not going to review the whole bill, but at this point I want to turn to the last two subsections. Subsection (5) provides:

> If, in the opinion of a magistrate, the order of the board is ambiguous or its meaning not clear in any particular, he may refer to the board any question or matter for clarification by the said board.

I suppose that procedure would be proper, but does it not indicate the ridiculous position in which you place the magistrate. He has to impose a penalty upon a party as to whom he has heard no evidence, yet he must go back to this board—for clarification of the things he should have been told in the first instance. Then to further confuse me I find this in subsection (6):

> The board may appeal from the decision or judgment of a magistrate.

In my view the board would not have anything to appeal. It would decide who was guilty or who was innocent. The board could not impose a penalty, and if no penalty was imposed what difference would it make? The position would be exactly the same as before. In my view the fact that the board could