matter will probably realize that as section 45 of the Industrial Relations and Disputes Investigation Act now stands it is quite clear that a prosecution for an offence under the act may be brought against a trade union or against an employers' organization.

I think it is fair to say that most of us who are interested in this legislation have assumed that the opposite was also the case, namely, that it was possible for actions under the act to be brought by a trade union or by an employers' organization. I indicated on May 28 that a recent court decision has created some uncertainty and ambiguity with respect to whether an information or complaint can be laid by an aggrieved trade union against an employer. Accordingly, the purpose of the bill is to amend section 45 so as to clear up this uncertainty.

In view of the fact that in introducing this measure I made reference to a recent court decision I think it would be only fair that I indicate to the house the decision that I had in mind and its terms. It is not a very lengthy one so I think I had better read it to the house, although I should point out that there are sections of the decision that do not bear on the point that the bill seeks to correct. Nevertheless, since it is a legal point I think the decision should be on the record in full. It is a judgment given by Mr. Justice A. M. Campbell of the Court of Queen's Bench and was delivered at Winnipeg on April 6, 1954. I have a copy which has been furnished to me by the deputy prothonotary of the Court of Queen's Bench, Winnipeg, so I have the correct terms of the judgment. It reads as follows:

> This is an application in chambers for an order that Emil Walterson and Laundry and Dry Cleaning Workers' Union, 306 Donalda Building "be prohibited from taking any further proceedings" against the accused applicant in ten prosecutions (informations) laid under the Criminal Code for alleged violations of sections 4 (1), 4 (2) (a), 4 (2) (b) and 4 (3) of the Manitoba Labour Relations Act, S.M. 1948, chapter 27.
>
> I am of the opinion that an application for an order of prohibition is the appropriate procedure in this case. It permits careful examination of the twenty-five exhibits filed, fifteen of which require study. This would not have been possible in a stated case.
>
> This is a case where prohibition should lie. An application for prohibition based upon alleged defects on the face of the proceedings before a magistrate should not be affected by the prospect of an amendment being made to the information by which such proceedings were begun. There is no proper informant in any of the informations. The union was not the "aggrieved person", neither is Emil Walterson.
>
> In any event, if the real prosecutor is Emil Walterson there is no consent to "institute" these proceedings. On the other hand, if the real prosecutor is the union, then it cannot be an informant, even acting through its president. Section 46(1) of the statute provides for a trade union or an employers' organization being informed "against" i.e., of being an "accused". I am unable to find any section of the statute allowing either of them to be an informant.
>
> Furthermore, in the proceedings before the magistrate, the so-called permission (consent) must stand alone. I am of the opinion that the so-called permission (consent) cannot serve the purpose intended in these proceedings. I do not think it is necessary to deal with the other arguments advanced by counsel.
>
> An order of prohibition will go. Costs to the applicant.

As I have already indicated, that is the judgment given by Mr. Justice A. M. Campbell on April 6, 1954. May I make it clear that this judgment related to a matter that arose under the Manitoba labour relations act. Some hon. members may ask what that has got to do with our Industrial Relations and Disputes Investigation Act. The point is that the issues which arose in this case related to section 46, subsection 1, of the Manitoba labour relations act, which is identical word for word, jot for jot and tittle for tittle, with section 45, subsection 1 of the Industrial Relations and Disputes Investigation Act.

In other words if a court decision is made, and if such a decision stands, which places a certain interpretation on the words of section 46, subsection 1, of the Manitoba labour relations act, I think it follows that the same interpretation would be held to apply to the section in the federal act which is spelled out in exactly the same words. It is because of the fear that the judgment rendered by Mr. Justice Campbell might have an effect on labour relations generally, including the Industrial Relations and Disputes Investigation Act, that those interested in these matters feel that what appears to be a defect or weakness in our labour law should be corrected.

May I also point out that much of what I read in quoting Mr. Justice Campbell's judgment in full does not have an immediate bearing on the issue which is presented in my bill. I merely read the whole judgment so that it might be a matter of record. What is significant in Mr. Justice Campbell's judgment is something that some lawyers might refer to as in the nature of an *obiter dictum*. It is this portion:

> Section 46(1) of the statute provides for a trade union or an employers' organization being informed "against" i.e., of being an "accused". I am unable to find any section of the statute allowing either of them to be an informant.

That is the crux of the judgment, namely, that the wording of the Manitoba labour relations act, with the identical language in the Industrial Relations and Disputes Investigation Act, makes it possible for a trade union or an employers' organization to be informed against, but according to the learned judge it