

*Supply—Justice*

counsel for prosecution unless in the course of preparing the case he should come to the conclusion that prosecution was not warranted. By that form of instruction I believe we avoided a further delay that would otherwise have taken place.

Since that time counsel has, I assure my hon. friend, been as busy as a busy counsel can be in the preparation of this particular case. I also ask my hon. friend to realize that when you select counsel who are qualified to conduct a case of this kind you are naturally confined to counsel who are in the nature of things extremely busy men. They then have to accommodate their own affairs to the case that we ask them to undertake. We cannot expect them to drop everything else to take a particular case.

I recognize that there has been a substantial length of time intervening between the commencement of the inquiry—indeed the delivery of the report—and the preparation of the case and the bringing of it before the courts but I do not think in a case as complicated as this with as many issues involved, with the parties as widespread as they are, where the convenience of the parties themselves has also to be properly met, you could expect very much by way of lesser delay. But it is a matter with which we are concerned and indeed which we are constantly studying with a view to eliminating the delays to the extent that may be possible.

My hon. friend also asked me about the staff. At the present time we have on the establishment three vacancies. I find that the combines branch is in the same position here as the department generally, in a position which is peculiar, shall I say, to a professional department. We have to recruit lawyers and we find it very difficult to keep our establishment up to strength. As my hon. friend will appreciate there is constant pressure of competition from firms in private practice. At the moment we have three vacancies on the present establishment in the combines branch. It has been decided to make a submission for a further increase of two legal officers or investigating officers in the department and if certain of the amendments I now have in contemplation go through we will be asking for an additional three on top of that. If that should take place we will be expecting an increase in staff of eight investigating officers.

With respect to the matter of international cartels referred to toward the end of the remarks of my hon. friend, it may be of interest to hon. members to know that a senior lawyer in the combines branch, Mr. J. J. Quinlan, is presently in Geneva taking part in the work of a group of experts appointed under the general agreement on

tariffs and trade to study the possibility of international control of cartels by GATT members. This is the third of such international studies. Whether or not anything may come of these studies, it is of course impossible yet to say, but the participation of Canada indicates the continuing interest of this government in the control of private restrictions upon trade both at home and abroad.

**Mr. Howard:** Mr. Chairman, may I ask if a report of this study will be made public so that we may have it before us?

In response to the minister's remarks may I say that I fully appreciate that it takes some time to consider the evidence and exhibits and prepare a report. The minister will understand that I was not complaining about the length of time it took the director of investigation and research to conduct his studies. He will recall that I said as much time as is needed should be devoted to this in order to ensure the fullest possible investigation.

The minister mentioned the length of the hearings. I am of the opinion that the hearings are short ranging in duration between one or two days to a week. The commission in the sugar hearing sat only seven days to hear evidence. The commission in the zinc oxide case which has recently been made available sat only two days. The recent hearings in the ammunition case lasted only four days. The report of the rubber gloves and surgical supplies case released probably just a few days ago indicates that the commission sat only two days. It would appear that the commission does not require much time for its formal hearings during which it listens to representations and arguments and I can appreciate that a greater length of time would be required in the consideration of evidence and the preparation of reports.

I was concerned about the length of time that elapses between the commencement of the investigation and the time the case reaches the courts. I made reference to the sugar case. It has been under fire for 2½ years and it still has not reached the courts.

There is one other point I should like to take up with the minister. Apparently, in all of these cases private counsel are retained in the prosecutions. I wonder why this is so. Why should we retain private counsel to consider and deal with these things and proceed to prosecution in the courts? Why can we not have the Minister of Justice himself handle these cases? He has indicated this is what happens in the United Kingdom. He has also indicated that the attorney general of a province took part in