Mr. Fulton: Mr. Chairman, the hon. member for Skeena has raised some questions which I think are important in themselves and certainly deserve an answer. I should like to make a brief statement as to the work of the combines branch generally.

The combines branch of the Department of Justice had a year, upon the whole, of increased activity in 1958-59. Since the work of the branch cannot, by its very nature, flow evenly, statistics tend sometimes not to be too revealing of the tempo of the branch from one year to another. However, the number of formal reports made and published during the year was five as compared with two the year before. The number of files opened on receipt of complaints was 126 compared with 77 the year before. Many of these complaints required little attention but the figures do have usefulness as a partial index for comparative purposes. These numbers do not include a large number of complaints relating to loss-leader selling, because the latter are hard to classify for statistical purposes. The number of investigations disposed of by preliminary reports during the year was ten compared with three the year before. The number of formal investigations of possible contraventions in progress at the end of the year was thirty-one compared with thirty at the end of the previous fiscal year. The number of investigation officers on the staff of the director of investigation and research at the end of the fiscal year was seventeen compared with sixteen the year before, and steps are now being taken to increase such staff substantially.

It is in the light of that review that I should like to refer to the specific questions asked by the hon. member for Skeena as to these delays that do take place between the time of the commencement of an investigation and the launching of a prosecution. My hon. friend referred particularly to the sugar case and to the fish inquiry. I do not for a moment attempt to deny that there is a substantial delay but I believe I am on sound ground in saying that it would be impossible to produce a system under which there would be no delay. We perhaps could shorten the delay and certainly we try constantly to keep it down to the minimum but in the light of the extremely complicated nature of these cases and indeed in the light of the exhaustive procedure of inquiry called for under the act itself, I do not think you could expect, at least in any important combines or merger case to get the matter brought before the courts without the lapse of a substantial period of time between the first inquiry and the actual opening of the case.

There has first of all to be an investigation by the director. In the course of that investigation, contrary to what I sometimes hear from business people, the director does his best to accommodate himself to the legitimate requirements of the company or companies concerned and if it is not convenient to them and can be shown to be genuinely inconvenient then he will at their request delay the inquiry until a time convenient to them.

Let us take the fish case where you had a number of parties involved including the union itself. In this case the convenience of the parties had to be considered in relation to the timing of the fishing season and indeed it was at the request of the parties, including the union, that on one occasion for a period of months the inquiry by the director was adjourned.

Let me illustrate this by reference to the sugar case. Here you had a tremendous number of exhibits that had to be looked at by the director and then the director had to make his report on the basis of the inquiry that he had made. There then had to be a hearing by the commission itself. The hearing by the commission necessarily takes a considerable time because of the amount of economic evidence which it is now the practice to take before the commission. My hon. friend will remember that there was an election intervening between the initial report of the commission and the assumption of office by this government. But in the meantime counsel had been instructed to prepare an opinion as to whether or not there was a prime facie case disclosed. He so reported.

It was at that stage that we took office. I was faced immediately with a request from the parties concerned to be given the opportunity to come down and make further representations. Under the circumstances I felt it was only proper that I should do so. Those representations had to be arranged for and the parties had to come from Vancouver and Winnipeg along with their counsel. Following the oral representations, at their request time was given for the submission of written representations and written arguments. All that had to be taken care of before, once again, I was in a position to feel that as the new minister, I had all the relevant facts and considerations before me upon the basis of which I could make a tentative conclusion.

My hon. friend will recall that instead of asking another counsel to give another opinion on the basis of these further representations I decided to save time by adopting a rather different formula. Instead of asking counsel merely for an opinion we referred the case to