

directed by the Minister of Justice he is not an official of that department. With that one we disagree. The next one is in line 43, where the words "undertake or carry on" are struck out. There is no difficulty about that. On page 9, for the words "is likely" there are substituted the words "appears to be about;" that is to say, instead of saying that it is likely to be committed the words are, "appears to be about to be committed." I am not sure that that is better, but I will not quarrel with it; we will agree to that. In section 23, after the word "may" in the first line the words "from time to time" are inserted.

The commission may from time to time at the instance of the governor in council or at the request of representative persons engaged in any industry . . .

The added words are unnecessary, but out of abundant precaution the addition will not make any difference. In section 25 the words "have authority" in the first line are struck out and the word "to" before the word "study" is therefore also properly struck out.

Now we come to a much more difficult one. They have struck out the provisions of section 26 with respect to investigation of securities issued, and I do not think we should agree with that amendment. This does not place upon the commission any duty except when requested by the Secretary of State to do so. It seems to me that may be a very useful provision having regard to some of the difficulties pointed out the other day by the hon. member for Hants-Kings (Mr. Ilsley) and the hon. member for Swift Current (Mr. Bothwell). I should like that section to remain. Section 27 has been altered to 26. The numbering is only a matter for the law clerks; that need not give us concern. Section 29 which will become section 28 has been changed to read:

In any case where the governor in council has approved an agreement under this section, no prosecution of a party to such agreement shall be instituted under the Combines Investigation Act or under sections 498A or any other relevant section of the criminal code for an offence arising in the performance of such agreement, except with the consent of the commission.

That is, if the proceedings are being taken under the criminal code, they will be taken with the consent of the commission. I do not like that provision.

Mr. MACKENZIE KING: I was going to say that it would prevent the attorney general of a province from proceeding under the criminal code. I do not think the clause should be retained.

Mr. BENNETT: I do not either. I would move second reading and concurrence in amendments made by the Senate; No. 1 in section 11; No. 2 in section 14; No. 3 in subsection 4 of section 14; No. 5 in section 15; No. 6 in section 15; No. 7 in section 15; No. 8 in section 16; No. 9 in section 16; No. 10 in section 16; No. 11 in section 19, subsection 1; No. 12 in section 22; No. 13 in section 23; No. 14 in section 25 and No. 15 in section 25.

Mr. LAPOINTE: With regard to section 22, I believe it is, concerning the public prosecutor, my hon. friend does not agree with the amendment of the Senate that this officer shall be an official of the Department of Justice; it says that he will be under the commission but will be subject to the supervision of the Minister of Justice. I am not sure that the amendment of the Senate is not a good one. We are now proceeding in a way which is rather an anomaly. Under the statute as it is, the Department of Justice is responsible for all the legal work of the government or of any department, but in recent years, in our time as well as now, ministers in other departments seem to have developed the autonomy complex that they should have under themselves in their own departments their own legal officers, for whom, I repeat, under the statute as it is, the Minister of Justice is responsible, but he does not know what they do. They are doing their work in the various departments; they never refer to the officers of the Department of Justice, but the minister is responsible for anything they do, whether it is right or wrong. Let us amend the statute if parliament considers it is a good thing that each department should be responsible for its own legal work, and not have anything to do with the Minister of Justice. But I do not think it is fair to my hon. friend or to whoever is the incumbent of the office of Minister of Justice to be responsible for the work of gentlemen with whom he has nothing to do, who are not appointed by him and who are doing their work without referring to him. This provision that it will be under the supervision of the Minister of Justice will not, I think, correct what is at issue. Under the statute the minister is responsible. Why not accept the amendment of the Senate that this gentleman will be an officer of the Department of Justice, so that not only the minister but even the deputy minister could have some control over him? What is the objection to that?