

government in the province of Manitoba. In the case of one of these divisions the prosecutions against certain public and private uranium companies were launched as a result of a report of counsel in private practice in Ontario, Mr. Brown, who was asked by the Minister of Consumer and Corporate Affairs of the day to undertake investigations. He participated in an investigation conducted by the Restrictive Trade Practices Commission. As the then Minister of Justice, the Honourable Jean Chrétien, said, the government added nothing to and took nothing from the recommendation of Mr. Brown that certain prosecutions should be launched. Therefore, those proceedings were launched in the form and in the nature recommended by Mr. Brown; that is, without any interpretation or amendment of any kind by the Minister of Justice or the law officers of the Crown. Those proceedings are under way at this time. As Senator Roblin well knows the Crown felt obliged on the advice of its law officers to plead the government's ancient entitlement to crown immunity.

The Supreme Court of Canada has found that the Crown has crown immunity with respect to two crown corporations, those being Eldorado and Uranium Canada. I have not read the judgment of the Supreme Court of Canada in this regard but I have heard reports.

I have heard Senator Roblin's representations. I am not certain what the rights of the Minister of Justice are with respect to the proceedings as they now stand, or what position he is prepared to take. However, in my capacity as a minister of the Crown I will make inquiries and, if it is appropriate for me to respond in this chamber on behalf of the Minister of Justice, then I will be pleased to do so.

Senator Roblin: Honourable senators, I think my honourable friend's sketch of the history is correct. It is commendable that the Minister of Consumer and Corporate Affairs and the crown officials took the course they followed. However, the point I wish to make with the minister is that he is the minister responsible for Eldorado; if any consents are required to waive the crown immunity, then his is probably one of those which will be sought. In his capacity as minister responsible for Eldorado will he tell this chamber that he is willing to agree to a waiver of immunity in the way in which I have suggested?

Senator Austin: As the minister responsible for Eldorado I cannot reply to that without first receiving the advice of the Minister of Justice, who I am sure will solicit the advice of the law officers of the Crown. Thus, at this moment I am not in a position to give any response, except to say that I will make inquiries of the Minister of Justice in an expeditious way and will, where he so advises, pass the results of those inquiries on to this chamber.

Senator Roblin: Honourable senators, I appreciate what the minister has said. With respect to the same subject there are two other points which I ask my honourable friend to advise me on. How many other crown corporations are there which enjoy the position of crown immunity?

Senator Austin: Honourable senators, I can only take notice of that question for the Minister of Justice. I think it would be

[Senator Austin.]

helpful if Senator Roblin were able to describe an actual circumstance, since crown immunity only arises under certain given circumstances. If he has something specific in mind, I would be pleased to hear it and pass it on to the Minister of Justice; if he is asking a hypothetical question, I will, of course, pass that on to the Minister of Justice as well, but I think it would probably be less likely to elicit a helpful response.

Senator Roblin: I am afraid I cannot give my honourable friend the information he seeks; I do not think it is necessary. There are a great variety of crown corporations directly or remotely connected with the Crown. If the minister asks the Department of Justice to which of those corporations the principle of crown immunity applies, I am sure he will be able to find the answer. It is important that we know how extensive this privilege is.

After my honourable friend has provided that information I would then ask him to inform us whether or not the government has any intention to reconsider the issue of crown immunity in respect of the circumstances we find ourselves in today. This may be somewhat an exaggeration, but as time passes more and more crown corporations are created and more and more crown activities are approved in normal commercial fields. If the principle of crown immunity applies to those corporations in the way it applies to these uranium miners, we will find the rights and privileges of Canadian citizens being seriously circumscribed.

A very important question of policy has been raised in this issue and I ask my honourable friend to inquire of the Minister of Justice whether or not he can provide a statement to us regarding what types of crown corporations are eligible for crown immunity. I would then ask my honourable friend to give a statement of government policy with respect to whether the government intends to allow this situation to continue or whether it intends to do something about it.

Senator Austin: Honourable senators, I will certainly make the inquiries of the Minister of Justice which I have indicated previously and which Senator Roblin has repeated in his last question. I will endeavour to be as helpful as I can with respect to the advice of the Minister of Justice.

With respect to the general subject I would like to say in passing that, although I have not seen the decision of the Supreme Court of Canada with respect to Eldorado and Uranium Canada, I believe it does not affect either positively or negatively the legal position of the remaining companies which have been charged with respect to export sales of uranium. I certainly do not want to leave any implication that those privately owned are in any way guilty of illegal activity. I am sure Senator Roblin does not want to leave that implication. This is a matter which remains before the courts and which is not judged or affected by the current ruling of the Supreme Court of Canada.

Senator Roblin: Honourable senators, I agree entirely with my honourable friend's view in this respect; however, it begs the question. That is not the point at all. The point was raised