

inquiry regarding the discretion of the minister with respect thereto.

With respect to Senator Roblin's comments as to whether or not I, in my capacity as a minister of the Crown, would participate in any discretionary matter relating to these proceedings, I would like to make it clear that I have not so participated, and, as I have said, there is no discretion with respect to the waiver of crown immunity, so I have not participated in that respect.

Senator Roblin also asked whether the government had any intention of reconsidering the issue of crown immunity. I would like to advise that the Minister of Consumer and Corporate Affairs, the Honourable Judy Erola, has said in the other place and elsewhere that it was her intention to deal with the crown immunity issue in the context of legislation to be introduced in the present session. She has also said that there would be no retroactive application of any changes that are to be proposed.

Senator Roblin also asked me to advise how many other crown corporations there are which enjoy the position of crown immunity. The best answer I can give to that is that any crown corporation, acting under similar provisions of the law and within the authority of its statute and regulations thereunder and the authority of Orders in Council, will have the same benefits until the legislation is changed. I cannot list the corporations because facts change the application of the doctrine of immunity.

● (1430)

With respect to Senator Roblin's final question, following his observation that one of the honourable judges seemed to believe that this gave carte blanche to crown corporations to do what they wished, Senator Roblin also said, "The fact is that these two corporations have done something which is certainly questionable."

I should like it noted that in the decision handed down on December 15, the court makes it very clear that there were no facts before it to indicate that there were any questions raised by their conduct at all. I think it would be fair to those corporations for me to be very clear in saying that there has been no statement in any way, shape or form put before any judicial proceeding as to any impropriety on their part.

Finally, honourable senators, I should like to say how disappointed I am, having been Deputy Minister of the Department of Energy, Mines and Resources, that these proceedings, once initiated, were discontinued by the processes I have just outlined. Frankly, I believe that the actions taken by those two crown corporations, by myself and by other officials, along with companies in the private sector, to defend Canada's uranium mining industry were fully lawful and would have been shown to be such by the conclusion of such proceedings.

I believe they were valuable to the people of Canada; I believe they were valuable to the mining communities of Elliot Lake, Ontario and Uranium City and Beaver Lodge, Saskatchewan and that they protected those communities from, and prevented them from collapsing under, the predatory kinds

of selling practices undertaken by other uranium producers. However, we will not have the opportunity of my being demonstrated to be correct by a judicial conclusion.

My greatest regret is that this matter will continue to be debated by those who do not understand Canada's commercial trade interests, by those who do not understand the lawful steps that are available to Canada in order to deal with quite predatory foreign trade behaviour, and by those who buy holus-bolus the arguments of American commercial interests.

**Hon. Duff Roblin (Acting Leader of the Opposition):** I suppose honourable senators will not object to my making some comments on the self-serving report we have just received from the minister.

**Hon. Royce Frith (Acting Leader of the Government):** Are you asking for leave?

**Senator Roblin:** If you do not wish me to speak, I will resume my seat.

**Senator Frith:** On the contrary, I want you to ask for leave so that I can grant it.

**Senator Roblin:** If anyone feels I should not be heard, I will resume my seat.

With respect to the regret the minister expressed in his peroration, if that is the correct word, about the matter not being ventilated in the courts, then that expression is shared widely. I should like him to know quite clearly that I did not make any charges. I should also like him to know quite clearly that I do not think there is any mysterious band of people in the United States or elsewhere who want to make charges against the government in respect of this matter. The charges were made by the government itself; the charges were made by the advisers to the Minister of Justice. That is where all of the information came from, so far as I am concerned. That seems to be the basis of the matter, and I think it is a little strange that the minister should not recognize that as a fact.

Whether those men who advised the government were right or wrong is a matter which is, no doubt, debatable, but the fact is that they did recommend that not only the four private corporations give an account of their dealings before the courts, but that the two public corporations do the same. So this is not some conspiracy or some oversight; this is a proposal that was put by the legal advisers to the Crown. They may have been completely wrong. The Supreme Court says that they were wrong in respect of the charges against the public corporations—not that they have not committed some act that other people might think incorrect, but merely that the law does not regard it as incorrect.

There are some occasions, although not very often, Senator Walker, when I wish that I were a lawyer like you and understood the complexities of the law. I have to accept the statements—and I accept them willingly—that the minister has made with respect to the legal situation. All I know is that, in referring to this question of crown immunity, one of the justices of the Supreme Court said—and these are her words, not mine—that she "has serious doubts that Parliament ever intended (the federal companies) . . . to have a carte blanche to