

*Oral Questions*

of the Supreme Court of Canada. The Supreme Court of Canada has decided that the prosecution cannot proceed. That is the beginning and the end of the matter.

As I indicated in my previous answers, the Government has done this prosecution completely in public. We have taken the advice of a distinguished counsel, Mr. John Brown. It was on his advice that the prosecution proceeded to the Supreme Court of Canada. He argued the case, and argued it well. Nevertheless, the Court has rendered its decision. We, like other citizens, are bound by the decision of the Supreme Court of Canada.

**Mr. Deputy Speaker:** A short supplementary. The question seems to have been asked on more than one occasion.

## ROLE OF MINISTER OF STATE FOR SOCIAL DEVELOPMENT

**Hon. Ray Hnatyshyn (Saskatoon West):** Mr. Speaker, I have a very important supplementary question I wish to ask of the Minister. He knows full well that the defence of Crown immunity was put in by the federal Government on behalf of the Crown corporations. It is a defence that can be waived and not necessarily be raised.

I want to ask the Minister about the appropriateness of Senator Jack Austin answering on behalf of the Government, since he was a key player in setting up the cartel, a key player in this whole instance, is operating now as the Minister responsible for Crown corporations, and is the one who will have to make the decision as to whether to waive that defence. Does the Minister not think that Senator Austin should move aside and not be involved in the decision as to whether or not this defence should be used?

**Hon. Mark MacGuigan (Minister of Justice):** Mr. Speaker, I understand that my hon. friend has various questions about how government decisions are made, but this is not a question about how government decision is made; it is a question of a decision of the Supreme Court of Canada which has decided that a prosecution should not proceed.

In the House yesterday, I heard my colleague from Nickel Belt say she was proposing to introduce amendments to the Combines Investigation Act which would make, in some circumstances to be revealed subsequently, Crown corporations liable in such circumstances.

**Mr. Deputy Speaker:** The Right Hon. Member for Yellowhead on one supplementary.

## GRANTING OF IMMUNITY—INQUIRY RESPECTING PARTICIPATION OF MINISTER OF STATE

**Right Hon. Joe Clark (Yellowhead):** Will the Minister of Justice tell us whether Senator Austin participated personally in the decision to grant immunity to Crown corporations which, if prosecuted, may well have revealed him to have been the architect of the conspiracy?

**Hon. Mark MacGuigan (Minister of Justice):** Mr. Speaker, I cannot answer that question. I am not sure that I am even the responsible Minister to answer it. I will ask my officials first, whether that is within our Department's responsibilities and, second, if it is, whether that information can be made available.

**Mr. Deputy Speaker:** The Hon. Minister has indicated his difficulty in answering the question. If the Hon. Member—

**Mr. Speyer:** So what?

**Mr. Nielsen:** Oh, come on!

**Mr. Deputy Speaker:** There have been a series of questions, and if the Right Hon. Member for Yellowhead wishes to go one further supplementary—

**Mr. Nielsen:** A point of order.

## ACCOUNTABILITY OF MINISTERS

**Right Hon. Joe Clark (Yellowhead):** Mr. Speaker, I would like to know from any Minister on that side of the House how we can have any kind of accountability in this Parliament if Ministers who are involved in decisions by Crown corporations, decisions which may well be illegal, have the power to stop the courts from inquiring into that illegality? How do we have any accountability in a system like that?

**Hon. Mark MacGuigan (Minister of Justice):** Mr. Speaker, the prosecution was not stopped here. The prosecution was brought forward. It was brought forward to the Supreme Court of Canada, and the Supreme Court of Canada has decided against us.

**Mr. Deputy Speaker:** The Hon. Member for Churchill.

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## ATOMIC ENERGY CONTROL BOARD

## REGULATIONS GOVERNING PERMISSIBLE RADIATION LEVELS—REQUEST FOR PUBLIC HEARINGS

**Mr. Rod Murphy (Churchill):** Mr. Speaker, my question is directed to the Minister of Energy, Mines and Resources. It relates to questions I asked him earlier this week about the Atomic Energy Control Board. In his response to me he said that there would be public hearings if they are requested. He also said there was no specific request.

I have a letter here, sent to the Atomic Energy Control Board in September, from the Canadian Labour Congress asking for open hearings on the changes to the regulations. Since that request was made, the letter was acknowledged by AECB, how can the Minister rise in the House and say that there was no request for open hearings?

**Hon. Jean Chrétien (Minister of Energy, Mines and Resources):** Mr. Speaker, I have checked that point. I have