

while between the Secretary of State, the Honourable Mr. Joyal, and the provincial ministers responsible for post-secondary education. I asked the same question a year ago. At the time, I had received a quite satisfactory reply from Senator Olson. I am asking the same question simply to learn what progress has been made in these negotiations.

Hon. Royce Frith (Acting Leader of the Government): Honourable senators, I have certain information dated December 13, 1983 about established program financing. I would like to compare this information to help Senator Tremblay. I shall probably be able to give a more explicit reply within the next couple of days.

Senator Tremblay: I thank you for that information. It is not quite certain that the financing of post-secondary education can really be included in established program financing. I remind the Acting Leader of the Government that my question concerns the financing of post-secondary education, while established program financing has a wider scope, if my information is correct. I make the point simply to avoid any uncertainty about my question when a reply is prepared.

Senator Frith: I would like to examine more fully the information available to me to give a more accurate answer.

Senator Tremblay: The answer is not immediately available.

● (2100)

[English]

JUSTICE

ALLEGED URANIUM CARTEL—STATUS OF PROSECUTION

Hon. Duff Roblin (Acting Leader of the Opposition): Honourable senators, I would like to address a question to the Honourable Senator Austin in his capacity as the minister who answers for Eldorado Nuclear Corporation. In 1981 charges were laid by the Crown against six companies engaged in the production of uranium. It was alleged that they had broken the law by forming a cartel in 1972 in respect of the world market for uranium. My question has to do with the decision that has been rendered by the Supreme Court of Canada to the effect that the two crown corporations, Eldorado Nuclear Corporation and Uranium Canada, owing to crown privilege, are exempt from prosecution under this charge.

My question to the minister is: In view of the fact that six companies were charged and that two are now said to be immune from prosecution, does the government intend to proceed with the case against the other four companies involved in this matter?

Hon. Jack Austin (Minister of State for Social Development): Honourable senators, I shall consult with the Minister of Justice and endeavour to obtain a reply for Senator Roblin. I know the Minister of Justice answered questions on this matter in the other place at the end of last week, and he said then that he had the matter under consideration.

Senator Roblin: I thank the minister for his reply. I am sure he knows as well as I that he is in a good position to know the facts on this matter, because in 1972 he was deputy minister,

and, according to some information I have seen, he was reported to have been perhaps the guiding spirit when this club of six was formed to increase the price of uranium in the world market. I presume the minister's stance, both in this house and probably before the courts, would be that nothing he or, similarly, the government did was illegal. If that is the case, why does the government not waive crown immunity and allow the charges against the two crown corporations to proceed? It seems to me that, if it did that, nothing would be lost in this matter, and perhaps a good deal would be gained, because, as one of the justices of the Supreme Court remarked, the present situation is tantamount to having a *carte blanche* to engage in illegal activities on behalf of the Crown and to encourage other corporate citizens to do likewise. It would be in the public interest to have this matter ventilated.

Senator Austin: Honourable senators, let me be emphatically clear at the beginning that nothing I did in my capacity as Deputy Minister of Energy, Mines and Resources was illegal, whether it related to uranium or any other subject. Nor have I ever heard any competent authority make such a suggestion. The Honourable Senator Roblin recognizes that the matters on which he is touching remain *sub judice* in terms of the substantive nature of the charges brought against certain privately-owned uranium companies in Canada. I find it difficult to comment on the proceedings inasmuch as my responsibility is limited to that of Eldorado Nuclear. However, I shall consult with the Minister of Justice and endeavour to bring an answer on the subject of waiving immunity to this house at an early time.

Senator Roblin: I appreciate my honourable friend's answer and I want him to be quite clear that I am not making an allegation that he did something he should not have done. I would not wish that to stand on the record, even by implication. But I would say to my honourable friend that it seems to me invidious that the government is contemplating proceedings against four companies but is excluding two companies simply because they are crown corporations. In some jurisdictions of this country, such as Manitoba, the privilege of the Crown has been discarded as being an outdated prerogative not in the public interest. As a result, people in Manitoba are able to sue the Crown just as they might sue any other person in the courts. So I ask my honourable friend whether he will undertake to suggest to his colleague, the Minister of Justice, that the government waive crown immunity in respect of these two companies, thereby allowing the matter to be dealt with without discrimination between private companies and public companies.

It seems to me questionable to say that we will not prosecute the private companies because we would be discriminating against them, seeing that the public ones enjoy crown immunity. The way out of the dilemma is quite easy—simply waive the crown immunity of the two corporations. Will my honourable friend undertake to propose to his colleague that he undertake that course?

Senator Austin: Honourable senators, the Crown has divisible functions, as Senator Roblin well knows, having led a