

*Oral Questions***ORAL QUESTION PERIOD**

[English]

**COMBINES**

URANIUM CARTEL—ADVICE TENDERED BY MR. JUSTICE DAVID HENRY

**Hon. James A. McGrath (St. John's East):** Madam Speaker, my question is directed to the Minister of Justice in his capacity as the Attorney General of Canada. We now know, on the admission of the Prime Minister, that the government became aware in 1975 that the uranium cartel could be impacting or, indeed, could have the effect of fixing prices in Canada. We know as well that the combines investigation did not start until two years later. Did Mr. Justice David Henry, in his capacity as director of combines, offer advice to the government to the effect that one of the consequences of the international cartel could be the fixing of prices in Canada and, hence, the breaching of the Combines Investigation Act? Did he get that advice? We know that at least one of the client groups of the cartel received similar advice from Mr. Justice Willard Estey when he was in practice, and if that advice was given to the government, what action, if any, did the government take?

**Hon. Jean Chrétien (Minister of Justice and Minister of State for Social Development):** Madam Speaker, I do not know any facts on this question. I have received, as I said, a report from Mr. Bertrand, who, with some lawyers, studied this problem for three or four years. They have made a recommendation to me. As I have said earlier to the House, I have accepted the recommendation of Mr. Bertrand. I have hired the same lawyers he hired, and I have initiated actions in the court on the cartel and on the illegality, if there was some, and now the matter is before the court to be decided.

On the question of the advice from Mr. Henry, who was the director before Mr. Bertrand, I do not have any knowledge of it, and it is not related to the accusations which are before the court and which have to be disposed of by the court in the future.

**Mr. McGrath:** Madam Speaker, the minister seems to be very selective in what he remembers and what he does not remember.

## ACTIONS OF DEPARTMENTAL OFFICIALS

**Hon. James A. McGrath (St. John's East):** Madam Speaker, I would like to ask the minister a supplementary question. In terms of the charges which have been laid and considering the fact that one of the two named unindicted co-conspirators was an assistant deputy minister in the Department of Energy, Mines and Resources, did the minister in his capacity as Attorney General satisfy himself that the deputy minister and the former minister were not involved in this conspiracy? Indeed, it is inconceivable that an assistant deputy minister would act without the advice and consent of his deputy and his minister.

**Hon. Jean Chrétien (Minister of Justice and Minister of State for Social Development):** Madam Speaker, I am satisfied that there was an inquiry which lasted for four years and that there was a report to Mr. Bertrand, who made a report to me. I have hired the same lawyers, and both Mr. Bertrand and these lawyers, who are the special prosecutors in the case, have recommended to me that action be taken against six companies, and I have done that. The unindicted co-conspirators are not indicted, so that means they have not been guilty of anything, according to that report. They have been named. This is not unprecedented. In three other cases before, there was the same type of classification of unindicted co-conspirators. It is a technique which has been used in these cases in order to facilitate the development of cases before the court. However, when you are named like that you are not a conspirator and you are not an accused. I am satisfied the report of the investigators is thorough, and I have accepted their recommendation.

● (1120)

## REQUEST FOR RELEASE OF BERTRAND REPORT

**Hon. James A. McGrath (St. John's East):** Madam Speaker, those who are sitting in jail convicted and sentenced for conspiring in the dredging scandal will draw very little consolation from what the minister is saying. But the minister can help himself and the House by releasing the report. Given the fact that the "gag" rule was put in place to protect Canadians and Canadian corporations from United States law, and that these individuals and corporations can now no longer claim the legal principle of coming to the court for protection with clean hands, why does the minister not now lift the "gag" rule since these people it was intended to protect are now charged under the Combines Investigation Act? Why does he not lift the "gag" rule and release the Bertrand report? Otherwise we could draw only one conclusion, that is, that the minister wants to cover up why they did not act between 1975 and 1977.

**Hon. Jean Chrétien (Minister of Justice and Minister of State for Social Development):** Madam Speaker, I think the hon. member uses exaggerations in his language quite regularly, but I should like to say that I explained to the House some time ago that the "gag" rule does not apply to Canadian cases within the Canadian law. There was a ruling on that by the appeal division of the Federal Court. I quoted the case a few days ago. If the hon. member looks back at the record, he will see that I said that, according to my judgment, if some of those documents can be used in the court the "gag" rule would not apply because it is not in relation to international jurisdiction but it is within Canadian jurisdiction. That is the advice I have.

When the case will be in front of the court, the lawyers will make their case, the judges will rule, and the government will be faced with the problem at that time. But I think the "gag" rule was applied so that the Canadian documentation would not be used in other nations against the Canadian interest.