

*Oral Questions*

ately asked for enough time to file counter affidavits, which were filed by the deadline on Friday.

Those affidavits have now been filed before the court. They are available to the judge in question, and to all interested parties. The judge, and certainly the federal government is agreeable to this, has indicated that the hearings will proceed on this coming Wednesday without any delay. All of the evidence is now before the court. Our commitment to securing that injunction to stop work on Rafferty-Alameda is proceeding as scheduled. We are very hopeful that a decision will be reached on Wednesday or shortly thereafter.

**Hon. Herb Gray (Leader of the Opposition):** Mr. Speaker, the parliamentary secretary has failed to give any answer as to why the Minister of the Environment, a key witness in these proceedings, is going to be away, not until this coming Wednesday, but until the Tuesday of the following week, so that the province of Saskatchewan will be unable to cross-examine the minister on his affidavit, and so that he will not be there on Wednesday of this week to be a witness.

If the government is serious about this court action, why is it allowing the minister to be away? Is it not a fact that the government is just going through the motions and does not really want to have the court rule before the Rafferty project is completed?

**Mr. Lee Clark (Parliamentary Secretary to Minister of the Environment):** Mr. Speaker, the Minister of the Environment, the critic for the New Democratic Party, the critic for the Liberal Party and another interested observer, a former minister in the previous government, are all attending a significantly important meeting in Geneva on climate change with respect to the emission of CO<sub>2</sub>. Mr. Speaker, I would suggest to you that if the Minister of the Environment had not kept his obligation to attend that ministerial meeting, then the opposition would be on their feet accusing us of having failed in our international obligations.

• (1440)

The appropriate information is filed before the courts in the form of affidavits. The Government of Canada will be represented. The Minister of the Environment will be represented by the appropriate lawyers and the proceedings will occur this coming Wednesday as scheduled.

**Hon. Herb Gray (Leader of the Opposition):** Mr. Speaker, the environment critic for the official opposition is not a witness in this case.

**Mr. Gauthier:** Right.

**Mr. Gray (Windsor West):** The environment critic for the NDP is not a witness in this case, but the Minister of the Environment is and he cannot be a witness through his lawyer.

I ask the Deputy Prime Minister, if it is so important for the minister to be at this conference which ends the 8th of November, why does the minister not come right back? Why is he going on to spend another five days not at this conference, but in London, England, briefing the High Commissioner on the Green Plan—something he has not done for this House—and meeting with environmental groups? Why is that more important than being physically present in Canada to testify on behalf of the federal government to get the injunction against Saskatchewan in the Rafferty-Alameda case? Why the extra five days? What is the explanation for that?

**Hon. Kim Campbell (Minister of Justice and Attorney General of Canada):** Mr. Speaker, the question of the Leader of the Opposition really defies credulity, and it is an attempt to try and create an impression that is totally unjustifiable. The motion in front of the court in Saskatchewan is a motion for an equitable remedy for an injunction.

The evidence has been put before the court in the form of affidavits. It may or may not be the case, but there is no reason to believe that there will be motions to cross-examine on the affidavits. Those have not been put forward. It is not a trial. There is no viva voce evidence in this particular proceeding.

If for some reason the court should decide to grant a motion to cross-examine on the affidavits, it is quite feasible for the Minister of the Environment to return to Canada very quickly to meet that obligation. But there is absolutely no reason to believe that he would be required to do so, and it would be irresponsible of him to cancel this very significant international obligation on behalf of Canada in order to sit around wondering whether he would be called forward when it is highly unlikely that he will be.

**Mrs. Marlene Catterall (Ottawa West):** Mr. Speaker, the debate in this House over many weeks has centred around whether or not there was an informal agreement between the Minister of the Environment and the