

*Foreign Extraterritorial Measures Act*

under general discussion because it might overlap other clauses of the Bill. I might as well be given an opportunity to do it now and I will not raise it again under Clause 9.

When damages are awarded, there will be a recourse in Canadian courts against the person who collected damages in a foreign court. I am pleased to see that. However, a question springs to mind. What happens when a foreign court or tribunal fines a corporation for not complying with the wishes of that court or tribunal? What happens if a corporation is fined the equivalent of \$10,000 Canadian, as mentioned in the Bill under the penalty clause, because of an order issued under this legislation? Is there any recourse that Canadian personal corporations might have against the Government of Canada on account of actions of the Canadian Attorney General where they have been found remiss in a foreign court and had to pay those damages or maybe even spent time in jail?

● (1230)

**Mr. Crosbie:** Mr. Chairman, I do not believe so. This clause would permit you to recover damages paid, but I do not think it would cover fines imposed, say, by a U.S. court because those fines would go to the U.S. Government or the state government. I do not think this legislation deals with that. It would only enable you to call back, as the phrase has it, a damage award or part of it.

**The Chairman:** Shall clause 2 carry?

**Some Hon. Members:** Agreed.

Clause agreed to.

Clauses 3 to 7 inclusive agreed to.

On Clause 8—*Attorney General may declare certain foreign judgments not to be recognized or enforceable*

**Mr. Waddell:** Mr. Chairman, the Minister of Justice will know that I wanted to ask about this clause. I will read the beginning of clause 8:

(1) Where a foreign tribunal has, whether before or after the coming into force of this Act, given a judgment in proceedings instituted under an antitrust law and, in the opinion of the Attorney General of Canada, the recognition or enforcement of the judgment in Canada has adversely affected or is likely to adversely affect significant Canadian interests in relation to international trade or commerce involving a business carried on in whole or in part in Canada or otherwise has infringed or is likely to infringe Canadian sovereignty, he may—

Then there are a number of paragraphs as to what the Minister of Justice may do, including declaring that the order shall not be enforceable in Canada, restricting the money judgment. As the Minister of Justice said, you can get triple damages in antitrust actions in the United States. He might want to restrict that damage amount as it applies to Canada.

The Hon. Member for Western Arctic picked up on my question. I am wondering about the use of this clause to block, and I will quote the words of the Member for Western Arctic: "We now have a legal way to enforce gag orders if the occasion arises". He was referring to the problems with the uranium cartel. In the Minister's view, could this clause be used to block American antitrust actions that would have

indirect effects in the Canadian uranium cartel, recognizing that in the United States they really do pursue antitrust actions, unlike Canada? They had been after the Canadian uranium cartel, which the previous Government had gone to incredible lengths to gag and to bury, so much so that the then Leader of the Opposition, the Right Hon. Member for Yellowhead, took legal action in the Canadian courts.

Do the Member for Western Arctic and I just have suspicious noses or is there really a possibility of using this to stop antitrust actions that would apply to Canada and put the gag once again on the kind of secrecy with which we shroud the nuclear industry in Canada?

**Mr. Crosbie:** The answer is no, Mr. Chairman. The gag so-called was a domestic Canadian action that was taken. It has no relationship to that. This simply deals with the consequences of someone paying a judgment in the United States regarding anti-combines. It has no connection with what used to be known as the gag order that prevented the publication of any of those documents or whatever. It is unrelated to it.

**Mr. Waddell:** Mr. Chairman, the clause also says "Where a foreign tribunal has, whether before or after the coming into force of this Act". Is the Minister aware of any cases that would be affected by this Act, because it would apply retroactively to cases that may be affected by this clause?

**Mr. Crosbie:** There are none that I am aware of, Mr. Chairman. There are none that have been brought to my attention. It is always possible there could be some, but I can only answer no, not as far as I have any knowledge of them.

**The Chairman:** Shall clause 8 carry?

**Some Hon. Members:** Agreed.

Clause agreed to.

Clauses 9 to 11 inclusive agreed to.

Clause 1 agreed to.

Title agreed to.

Bill reported.

**Mr. Speaker:** When shall the Bill be read the third time? By leave, now?

**Some Hon. Members:** Agreed.

**Mr. Crosbie** moved that Bill C-14, an Act to authorize the making of orders relating to the production of records and the giving of information for the purposes of proceedings in foreign tribunals, relating to measures of foreign states or foreign tribunals affecting international trade or commerce and in respect of the recognition and enforcement in Canada of certain foreign judgments obtained in antitrust proceedings, be read the third time and passed.

**Mr. Ian Waddell (Vancouver-Kingsway):** Mr. Speaker, I just wish to make a couple of remarks before the Bill goes through. I think it should go through. This is an interesting