

Investment Canada Act

Act applies. In other words, the Bill has already accepted the definition that there can be exemptions to the Bill. Similarly, the present Bill, as approved in principle on second reading, exempts from review insurance businesses already regulated under the Canadian and British Insurance Companies Act; that is Section 10(k).

What we would argue is that this is simply a recognition that the principle of recognizing that certain exemptions from review are acceptable is already contained in the Bill. They are already registered in the Bill. We are simply introducing a further area by which exemptions can take place.

Let me give you a practical area, Mr. Speaker. Let us say, for example, that the Cabinet decides there is an industry of strategic importance and that it wants to exempt all foreign investment from being introduced. Let us say it is in a strategic mineral area, molybdenum or uranium. If there is not a clause such as this contained in the Act, then there would be a contradiction between that Act and the Investment Canada Act. We are simply putting forward a way of dealing with what we consider perhaps to be a lack of awareness in the drafting of the Bill. In fact, the Government might want to reserve for itself the power to make that kind of exemption. It is a reserve clause or a basket clause that would allow it, which sometimes may be the case, to prohibit any form of investment. That, however, should be done under another policy or another piece of legislation and not be subject to the review matters under the legislation now before us. That is the reason for Motion No. 26. I would ask your consideration, Mr. Speaker, because it is done obviously in the spirit of trying to help the Government out of what might be a potential problem down the road.

On Motions 28 and 29 we will make no comments.

In Motion No. 33 there is this interesting wording contained in your findings, that something about it is going beyond the four corners of the Bill. We have laboured long and hard to determine the exact meaning of "the four corners of the Bill". I thought for a moment, Mr. Speaker, that you were referring to some sort of shopping centre on Merivale Road.

Some Hon. Members: Oh, oh!

Mr. Axworthy: I think you would find the amendment we are presenting to Clause 15 of the Bill does not go beyond the principle already accepted that certain matters should be reviewed by Cabinet. I would ask you to refer to the testimony and statements by the Minister himself at committee where he indicated that he intended to consult with colleagues in Cabinet to deal with such matters. We are simply saying that that should be formalized in legislation, going back to the basic principles that Parliament should clearly enunciate the procedures that are to take place for the clarity of those who would be affected by the Bill and so not leave us with some amorphous or ambiguous form. If that consultation is to take place, it should be so stated. There is no draw upon a Royal Recommendation. It is simply a fact that the Minister has stated in questioning in the committee that he believes he would be following these practices anyway. We are saying that

if that is going to be the case anyway, why do we not have it in the Bill?

That is the reason we think it is worthwhile to introduce an amendment which does not alter in any way the intent, purpose, or objective of the Bill but simply recognizes that it is something the Minister says he intends to do. We are simply thinking that from a parliamentary point of view it is important to have Parliament register that and have it written in the statute as opposed to leaving it in a way which could or might cause confusion in the minds of those citizens and businesses affected by the Bill.

• (1115)

On Motions Nos. 38 to 40 I will make no comment, but I will speak on Motions Nos. 42 to 49 which were declared out of order. The importance here goes back to the fundamental starting point of the clause, that is, the question of Canada's cultural heritage or national identity. I would ask Your Honour to refer to the second reading debate wherein the Minister specifically requested in his opening speech that this Parliament bring forward recommendations and amendments relating to the meaning of cultural heritage or national identity. We took the Minister at face value, at his word. I know that may be a dangerous practice, particularly with that Minister, but the fact of the matter is that we on this side of the House like to work on good faith. Therefore, we laboured long and hard in committee to provide for a very intensive examination. Also I suggest that Your Honour read the testimony before the committee in that area, which commanded or demanded the most attention by way of the questioning of witnesses and by way of testimony from witnesses. The proposed Motions Nos. 42 to 49 are ways in which cultural heritage or national identity would be defined in the Bill, not left to some kind of regulation which would run against all the basic practices that Parliament should decide, nor left in delegated instruments.

A very clear example of this is Motion No. 44. In effect, it deals with what is a new form of publication. It deals with data processing, software and all kinds of information which is now put on computer tapes. That is not only a question of cultural heritage or national identity; in a sense it is a modern day, 1980s version of the book, the recording or the transcript. This is the new way by which a modern society contains and holds information. We were particularly cognizant as a result of testimony of the fact that, by defining the whole area of data processing and software as part of a reviewable matter under the Act, we would then be allowing that incredible amount of information, which is very much part of our identity, to be wilfully taken by foreign owners and distributed and disseminated without any control or review whatsoever. That simply makes no sense.

I would argue strenuously that Motion No. 44 in particular is a form of the kind of cultural question and national identity which the Minister asked to be defined. We are saying that this is a new definition of what is contained in that area.