

For example, I read about the Minister's trip to Newfoundland to meet with his counterparts from the provinces and the statement that he would get serious about drunk driving. Not only speaking for myself and my colleagues but I am sure for all Members of the House, if the Minister had been serious about it, as he said he was to the media, perhaps he would have brought that legislation forward in time for it to come into effect for Christmas or New Years, for all the parties which precede the holiday season when the risk of drunk drivers is a serious problem.

**The Chairman:** I would ask the Hon. Member to be relevant to the Bill, please.

**Mr. Kaplan:** I felt that I could be as relevant as the Hon. Minister was in his own remarks. Recently—  
[Translation]

Very recently, the Minister appeared before one of the Committees of the House, and he promised to table his bill, which he called a mini-omnibus bill—

[English]

He promised a mini-omnibus Bill. Perhaps it should have been called a "minibus" Bill rather than the mini-omnibus Bill he promised for today. That was the Bill in which I was expecting the drunk driving legislation to appear. Perhaps I am less relevant to the subject of the Bill. However, I am relevant to the day on which the Minister said that he would be bringing forward legislation on that subject.

I note one amendment to the Bill from the form in which it was brought forward by the former Government, and that is that orders emanating from tribunals of states were covered by the legislation of the former Government. In addition, this legislation covers in a way which is totally acceptable to us orders which emanate from international bodies composed of states. I am sure this is done in recognition of the growing significance of international courts in various parts of the world whose orders might otherwise be imposed against Canadian interests.

I thank the Minister for bringing forward this legislation for enactment. It was a measure introduced by the former Government. At the same time I urge him to start living in the future and to start delivering some of the legislation which Canadians must be expecting as a result of the election.

[Translation]

**Mr. Waddell:** Mr. Chairman, I have a question about clause 8, but it would probably be better for me to wait until we get to it.

[English]

**Mr. Nickerson:** Mr. Chairman, when one with a suspicious mind reads this Bill, the possibility that the Government might be trying to reactivate the uranium cartel springs to mind. I hope that would not be the case. With our present House Leader, who is very vocal on that issue, I suspect that is not to be the case. Anyway, we now have a legal way of enforcing the gag order should the occasion arise.

#### *Foreign Extraterritorial Measures Act*

I have a couple of questions. I will ask the first one first.

**An Hon. Member:** That is a good idea.

**Mr. Nickerson:** If circumstances were to be in reverse and if a Canadian court ordered a Canadian corporation to present certain documentation with respect to its activities in, say, Australia and perhaps the Attorney General of Australia under the authority of legislation such as this issued an order prohibiting that from being done, would it be a defence in a Canadian court that the corporation would not be able to provide the required documentation because of the order given by the foreign Government? Would it work in reverse?

**Mr. Crosbie:** Mr. Chairman, I am not sure whether I understood the Hon. Member's question correctly. The Canadian courts and the Canadian Attorney General have jurisdiction over Canadian companies in Australia. They will have jurisdiction over companies which are resident in Australia. They will have the power to make orders which apply to companies within their jurisdiction.

**Mr. Nickerson:** Perhaps I did not explain my question well enough. In the initial presentation of the Minister of Justice, he said that it was a defence in courts in foreign lands, where a person was ordered to present certain documentation, to say that because of an order issued in another country it was not available and he was not at liberty to present that information. I wonder whether that is the case in Canada. For instance, we were told that both Australia and Great Britain have similar legislation. There are many Canadian companies operating in Australia. If a Canadian court required a Canadian company operating in Australia to bring forth documentation relating to its Australian operations and it was prevented from doing so by an order issued by the Attorney of Australia, would that be a good and adequate defence in a Canadian court?

**Mr. Crosbie:** Mr. Chairman, I will have to make sure of my reply later, but my tentative opinion is yes. When I was speaking I pointed out that United States courts recommend as legitimate defences what they call foreign government compulsion. If we make an order here or such an order is made in Australia, it will be recognized in the U.S. courts. I will have to check to make sure about Canadian courts. I will get the Hon. Member the answer later when I have had a chance to check with the necessary experts in the Department.

**Mr. Nickerson:** Mr. Chairman, I shall deal with my second question secondly. I am pleased to see under Clause 9 of the Bill that where a judgment is made in a foreign court against a Canadian corporation resulting from an order issued under this legislation and damages are awarded—

**The Chairman:** I believe the Hon. Member is asking a question about Clause 9. Could I ask the Member to wait until Clause 9 is before the committee for consideration, if it relates to Clause 9?

**Mr. Nickerson:** It relates to Clause 9 and to other parts of the Bill. I thought it would be an opportune time to raise it