

Oral Questions

I am asking the Deputy Prime Minister about prison terms and about potentially huge fines that can be imposed upon Canadians for violation of future American trade law which has not yet even been passed.

Clause 77.26 of the Canadian Government's legislation tabled in Parliament says that any person who fails to comply in Canada with a protective order made under American law is guilty of an offence and is subject to conviction on indictment of a fine up to \$1 million.

Can the Deputy Prime Minister explain how he can justify ramming through Parliament legislation which subjects Canadians to fines of up to \$1 million not for a violation of Canadian law but for a violation of protective order under American law? That is an outrage, and I want the Deputy Prime Minister to explain it to this House.

Hon. Ray Hnatyshyn (Minister of Justice and Attorney General of Canada): Mr. Speaker, in response to the Right Hon. Leader of the Opposition, I think he is getting bad legal advice. This is a Canadian law. This is a law which has been presented to Parliament. This is a law which has been subject to debate and discussion over the course of at least two years. This is a law which will now receive intensive examination.

Mr. Kaplan: He is making a speech.

Mr. Gauthier: He is not talking about that—

Mr. Hnatyshyn: This is a trade agreement that is before the Canadian public.

Mr. Gauthier: He is not talking about—

Mr. Speaker: The Hon. Minister is attempting to answer a question that has been asked. The Hon. Minister is being interrupted by other Members who do not have the floor. I would ask that the courtesy extended to the Right Hon. Leader of the Opposition be extended also to the Minister when he gives his answer.

Mr. Hnatyshyn: Thank you for your intervention, Mr. Speaker. I was simply making the point—and I think Canadians who observe this debate will find the fairness of the proposition put forward—that what we want to do is have a full and adequate debate on this matter. There will be an opportunity to examine the legislation in detail before a committee of the House of Commons which will be allowed to examine it clause by clause.

If the Right Hon. Leader of the Opposition will look at the provisions of the Bill, these are consistent with respect to Canadian laws that have been passed by previous Liberal Governments. If the right hon. gentleman wants to look at some of the penalties that have been imposed with respect to important combines investigation legislation—

Mr. Turner (Vancouver Quadra): Canadian law.

Mr. Hnatyshyn: This is Canadian law, Mr. Speaker. We in this Government legislate on behalf of Canadians in the Parliament of Canada. We make the laws here and we want to get on with the job.

MINISTER'S POSITION

Right Hon. John N. Turner (Leader of the Opposition): Mr. Speaker, I find that a very curious position for the Minister of Justice to take. If he would read the documents that I have been reciting, the trade agreement and the Bill before the House, he will see that by the way they are framed and drafted future American trade law is incorporated in the agreement. It is an offence to breach either the agreement or the law in the legislation that his colleague has tabled before the House.

● (1425)

What he is asking this House to do, under lengthened time allocations and under closure rules, is to impose on Canadians a potential fine of up to \$1 million for one particular article, and a prison term of up to four years for another article, not for a breach of Canadian law but for a breach of American law automatically incorporated into the agreement, whether present or future American law. That is a breach of Canadian sovereignty and the Minister of Justice really ought to be protecting sovereignty.

[*Translation*]

Mr. Speaker, I ask the Minister how he can explain this Government's need to strengthen its Bill and the Agreement with the United States? Any clause... well, six months' imprisonment, another unlimited fine, a million dollars, another four-year prison term for a specific clause. How can he justify that in the tradition of Canadian law, imposing fines and prison sentences on Canadians for violating a future law that the U.S. Congress has not even passed yet?

Hon. Ray Hnatyshyn (Minister of Justice and Attorney General of Canada): Mr. Speaker, it is because this is not American, but Canadian law.

[*English*]

The right hon. gentleman is indulging in sophistry. He is indulging in this kind of not half-truth but untruth. He is saying that this is not Canadian law. This is Canadian law. It is an agreement which was entered into by Canada and the United States. We have it before Parliament. It is available to the right hon. gentleman and to Members of Parliament. If they feel that the provision is not adequate and that the fine should be increased, they can move to increase the fine, or if they want to decrease it, they can do so. This is a Canadian law and the right hon. gentleman, as a former Minister of Justice, should understand these things.

CONDUCT OF LEGAL PROCEEDINGS

Hon. Bob Kaplan (York Centre): Mr. Speaker, the Minister says it is Canadian law but it is written in the Congress of the