

Government Orders

require the government to live up to its international obligations.

[Translation]

Canada respects the rule of law. It does not have a problem with using its national legal framework to enforce international rights and obligations.

[English]

I would like to outline briefly the process of how penalties will be enforced against Canada under the agreements.

In the highly unlikely event that Canada were to fail effectively to enforce its environmental and labour laws and standards and had demonstrated a persistent pattern of failure to do so, a trinational environmental or labour panel could require Canada to adopt action plans to correct the problems identified by the panels. Canada could also be subject to fines which are called monetary enforcement assessments in the bill. Very politely, I may add.

Under the agreements any failure to comply with an action plan approved or established by a panel or to pay a fine levied against Canada can only be enforced through the filing of the panel's determination with the Federal Court of Canada. It would then become a judgment of that court and is enforceable as such against the federal crown.

A panel determination that is made an order of the federal court would be enforceable in the same manner as any other order of the court subject to certain limitations.

[Translation]

This mechanism could not impose such an order on a provincial court unless the province has signed the agreement in question and the order relates to an area of provincial jurisdiction. In such a case, the province would have to amend its enabling legislation so that the order can be tabled in the province's superior court of competent jurisdiction. Such amendments would have the same effect as Bill C-4 for the federal government.

• (1230)

[English]

Canada negotiated the right to set up this process thereby avoiding other remedies such as trade retaliation which will be applied in the case of the United States and Mexico. Many of us heard about this negotiating process and the results of the process frequently during the election campaign.

I would also draw the attention of the House to provisions in the bill which promote the finality of the enforcement procedures. Under the proposed legislation there would be no right of

appeal against a panel determination or an order or decision made by the Federal Court in any enforcement proceedings.

Because this is a strictly international determination which calls for particular expertise and complex international issues, Canadian courts would not be allowed to override the panel's determination.

The bill also contains a privative clause to exclude domestic judicial review of the panel proceedings, panel determinations, enforcement proceedings taken in the Federal Court and orders and decisions made by the Federal Court in any enforcement proceedings.

This provision is similar in some respects to one already in place concerning the North American Free Trade Agreement.

[Translation]

The government is presenting these amendments early in the parliamentary session to fulfil its commitment towards the United States and Mexico.

In an exchange of diplomatic notes with the United States and Mexico on the coming into force of NAFTA, the minister promised on behalf of the government to ask Parliament for permission to implement these extra-judicial settlement mechanisms at the national level. He made a commitment to submit this request as soon as possible.

[English]

I commend this bill to the House for consideration and I urge all hon. members to lend their support.

[Translation]

Mr. Jean-Guy Chrétien (Frontenac): Mr. Speaker, this is the 102nd day that the Liberal Party of Canada has been in power and we are presented with two bills. This is a big first, and I want to congratulate the Minister of Justice who is showing the most courage by presenting Bill C-2 and Bill C-4 this afternoon.

First, I should say that the Official Opposition will support Bill C-4 introduced by the Minister of Justice. Over the last few years, a consensus has developed in Quebec regarding the opening of our society to international competition. Quebec must participate actively to any initiative intended to reduce trade barriers and to promote international trade. To that effect, our support for that Bill also applies to the principle of NAFTA and to the objectives set out in the side deals.

However, I would like to convey to the House some of our concerns regarding the Canadian process for passing accords. Quebec has, for a long time, made it known that it wanted to be involved when international issues relating to its jurisdiction were being discussed. This is part of what we might call the traditional demands of Quebec. This involvement was upheld by a 1937 decision of the Privy Council, which confirmed that the federal government had to have the agreement of the provinces