

As you know, in the United States of America you can get treble damages awarded in a private antitrust action, so the Attorney General might decide to block the enforcement of two-thirds of it. In any event, he can issue a blocking order for all or part of a judgment. Or, if the Canadian party has had to satisfy the foreign judgment in that jurisdiction, they can take action in Canada in a Canadian court to recover the amount paid abroad.

I must apologize for not being here, Mr. Chairman, when the Bill was first called, I was at an important committee meeting. Of course, as we all know, I cannot reveal the secrets of the Cabinet, at least not yet. It may be that in a few weeks' time we can all discuss Cabinet secrets wherever we may be. However, this particular item which affected my home province of Newfoundland was being discussed and I thought there was 10 minutes before the Bill was coming up in the House. But Members are moving so "celeriously" and with such efficiency and dispatch under the new administration that the Bill came up before the 10 minutes expired and I was not here when I should have been. I noticed the Minister of Indian Affairs and Northern Development, in his usual capable manner, and being used to dealing with various jurisdictions across the country, was doing a splendid job. It is very appropriate that the Bill provides blocking orders because he was blocking for me down here.

If we enact this legislation, Mr. Speaker, the Government will have the kind of mechanism which will enable us to be effective in responding to foreign measures with unacceptable extraterritorial scope. As I say, similar legislation was prepared by the previous administration but it did not go through the House so I hope this Bill will be passed expeditiously. There are no current controversies under way at the moment, but in the past we have had several areas of considerable controversy where the United States in particular had taken some action with extra-territorial application in Canada and with which we have not agreed. So if Hon. Members pass this Bill we will have blocking mechanisms and will be able to support the principles we espouse with effective action. It points up the fact that while we are very keen on improving our relationship with the U.S., that does not mean to say that we are not Canadians first, last and always or that we are not concerned about Canadian sovereignty or our own country. We are Canadians first, North Americans next, citizens of the world after that and, of course, some Hon. Members go further than that and say we are citizens of the universe.

I have pleasure in asking Hon. Members to support the Bill and if there are any questions that I can attempt to answer, I will.

Mr. Waddell: Mr. Chairman, I know the Minister wants the House to proceed "celeriously"—

Mr. McDermid: That is easy for you to say!

Mr. Waddell: —on this matter. Sorry, I only know the French translation for that, not the English word!

Foreign Extraterritorial Measures Act

Would the kind of situation the Minister has in mind be something like this? Suppose a number of industries come to Canada as a result of Investment Canada. The American Congress or a tribunal or court makes a judgment in the future that American companies are not to trade with, let us say, Nicaragua. Does that mean the Canadian Government under this Act could force the Canadian subsidiary not to obey the American court or tribunal?

Mr. Crosbie: The answer is yes, the Bill provides the power to the Government to prevent a situation where the foreign parent instructs its Canadian subsidiary to take action or not take action which is contrary to our own policy. For example, if the foreign parent instructed the Canadian subsidiary not to trade with Nicaragua but it was Canadian government policy that we should have normal trade relations with Nicaragua, then yes, we would be able to act and prevent the subsidiary from carrying out that instruction.

Mr. Waddell: That does not go so far, though, as to require the subsidiary to trade? The subsidiary could still adopt the policy of its parent without really stating that as a policy?

Mr. Crosbie: If there was any conflict between the Canadian law or policy in that situation with the foreign law or policy, our law or policy would be pre-eminent. Yes, they would have to trade or do whatever they were doing. Supposing they were already trading, if that company did not do business with Nicaragua, then I do not think we would say you have to do business with Nicaragua. But if they were already doing business with them, then they would have to disregard their parents' instruction not to do business with them.

[Translation]

Mr. Malépart: Mr. Chairman, it is truly embarrassing to see what the Government did this morning faced with a piece of legislation which is relatively serious and important, and I can understand that the Government backbenchers would be tempted to blush when they saw what happened. I also understand their complaints. They are ashamed of what happened and do not want us to talk about it. I therefore understand why they are moaning.

Mr. Chairman, the Minister responsible was not here; even though the Minister of Indian Affairs (Mr. Crombie) really tried to save face, we could see that the Government is not serious about this Bill. As usual, the Minister of Justice (Mr. Crosbie) thought he had to give us a show and said that the previous Government had lacked courage. The previous Government tabled this Bill, and he, in his great wisdom, has suddenly had the courage to have it adopted. First, we could criticize his delay, his absence and his lack of knowledge about this Bill. I would like the Minister to tell us, clause by clause, what changes are contained in this Bill compared with the one tabled by the previous Government.