

*Foreign Takeovers Review Act*

fashion in which it deals with the question of foreign takeovers. It does it in a typical Liberal way, if I may put it that way; Liberal with a large "L", not a small one in this case. They have made very severe inroads into the Bill of Rights which Canadians hoped would be well recognized. The bill gives the minister powers of investigation. These provisions can be used in contravention of the liberties and freedoms of the citizen. Section 3 of the Canadian Bill of Rights requires the Minister of Justice to examine every bill introduced into the House of Commons to determine whether any of the bill's provisions are inconsistent with the Bill of Rights and to report any inconsistency to the House at the first convenient opportunity.

It should also be noted that a condition precedent to the exercise of certain of these investigative powers is that the minister upon ex parte application to a court may obtain an order authorizing that exercise. The superficiality of this requirement must be obvious. As an aside, but relevant to the conduct of the investigation with regard to the rights of the private citizen, I note that the structure of the investigative process does not set standards of qualification or at least provide for the acquisition of qualifications through experience. In other words, the minister may vary his position from order in council to order in council, from situation to situation. Where authority is delegated, the investigator may be changed at the whim of the government or a succeeding minister. Presumably, any appointed investigator will be a public servant in the employ of the government since there is no provision for remuneration.

I want to talk for a moment about ex parte application to a judge to turn the screws on certain people. An ex parte application is one in which one person goes before a judge without notice to the other party and without giving the other party a chance to deal with the matter before the judge. The judge must weigh the application in light of what he is told by the minister or his representative. The judge can only accept the evidence that is before him. I think the judge would have to assume that if a minister did not have a prima facie case, he would not be making the application. An order must therefore issue almost as a matter of course. The so-called protection of the court in allowing an ex parte application is not there.

The citizen who is called in question before the court has lost his case before he even begins. He has no right of cross-examination and no right of appeal. Even the provision of this bill that appears to operate in favour of the citizen, clause 13 which provides that information gained by the minister in the administration of the act is privileged, only serves to protect the minister behind a wall of secrecy as he conducts his investigation. Neither the courts nor Parliament can force the minister to disclose what he is doing. He is not compelled to keep a true record of his investigation, but he can disclose as much as he wants. He can disclose that which will enable him to obtain a conviction against a witness or any person the witness is forced to implicate.

Interrogation, whether secret or public, can only be justified in the public interest and when the interest of the citizen is safeguarded by due process of law. That principle was adopted by this House when it passed the Bill of

[Mr. Aiken.]

Rights. The bill we are concerned with contravenes that principle in that the right of the citizen is abrogated. I do not want to go into this question at the moment; it is a matter for the committee. I say only that even in the area where the government decides to move, they move in abrogation of many of the civil rights of Canadians and people doing business in Canada.

Canadians have the ability to develop their own country, not to the exclusion of non-residents but in co-operation with them. I hope I have made that point. In conclusion, in my opinion it is not a case of eliminating foreign capital. Where foreign capital comes in for development, it should be welcomed. But where it comes in for exploitation—I use that in the worst sense of the word—it should not be welcomed. This bill has not even attempted to deal with the main issue of foreign control in Canada. I regret very much the shortcomings of the bill.

• (2150)

I only hope that the general intent set out in clause 2 will be followed up in the future by something more specific. I have no intention of voting against the measure on the ground that it does not go far enough, but I express disappointment that after all this time in which to prepare itself to tell foreign investors where they stand, the government should have failed to do so.

**Mr. Lorne Nystrom (Yorkton-Melville):** Mr. Speaker, on rising to take part in this debate I should like to make a few general observations about the recent history and study of foreign ownership of our economy. In the last four years we have received three very good reports concerned with foreign ownership in Canada. First we had the Watkins report. There was also a report by a House of Commons committee which was referred to by the hon. member for St. Paul's (Mr. Wahn) earlier today. Then there was the report prepared by the Minister of National Revenue (Mr. Gray) which has become known as the Gray report. All these reports tell us the same thing about our economy: they tell us that our economy is too great an extent owned by foreign corporations; they warn us very clearly that something must be done about this soon. The Watkins report said, in 1968 I believe, that we had 12 to 15 years to repatriate our economy and if we didn't start doing it at once it might be too late.

Out of the Gray report, which all of us in the House have now had a chance to study, has come the foreign ownership policy which is before us. I echo the words of my leader in this House when he said that the bill before us is a big zero. It is an absolute zero, Mr. Speaker. It is nothing but an economic enunch delivered to us by the technocratic Minister of Industry, Trade and Commerce (Mr. Pepin) who is so conservative and conscious of the status quo that I am sure he would make Spiro Agnew look like a moderate.

The bill before us today barely touches on the most important aspects of foreign ownership. Even some members of the Conservative party are saying that the bill does not go far enough. Many members of the minister's party are saying the same thing. I suggest that this bill was brought in for one reason only. The Liberal party examined the results of a recent public opinion poll and saw they were not doing very well. They had to do a bit of