

*Oral Questions*

dancers, these entertainers exemplified the potential of the disabled.

That is what this week is all about, to identify and remove the barriers that separate the disabled from the rest of the community so that they, as Rick Hansen so often has said, "be the best they can".

Let us all be partners in community action with disabled persons so that we can all achieve the goal of this week's activities—"Independence—That's living".

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## ORAL QUESTION PERIOD

[English]

### TRADE

#### CANADA-UNITED STATES FREE TRADE AGREEMENT— CONGRESSIONAL DRAFTING INSTRUCTIONS

**Right Hon. John N. Turner (Leader of the Opposition):** Mr. Speaker, my questions are for the Prime Minister. We have now received a copy of the formal drafting instructions agreed upon by the U.S. Senate and the U.S. House of Representatives on the Prime Minister's deal with the United States. The Congress has formally decided, and I quote:

In the event of a conflict between U.S. law and the free trade agreement, U.S. law shall prevail.

Those are the words of the drafting instructions.

In shocking and indeed ludicrous contrast to that, the legislation introduced in this Parliament says that in the event of any conflict between Canadian law and the trade agreement with the United States, the trade agreement shall prevail.

I would like the Prime Minister to answer this question. Why does the trade deal prevail over Canadian law and over Canadian sovereignty? Why indeed does it impede provincial jurisdiction while American protectionist law will continue to apply and outrank the trade deal? Why is no specific exemption given to us from United States protectionist law which will continue to prevail under the terms understood by the United States?

**Hon. John C. Crosbie (Minister for International Trade):** Mr. Speaker, I have explained this matter now several times because of questions asked in the House. I am sorry the Hon. Leader of the Opposition has not understood the answers.

**Some Hon. Members:** Oh, oh!

**Mr. Crosbie:** Each country has its own separate—if you wish to answer, you can and I will sit down. But if I am being asked the question, Mr. Speaker, I will say this—

**Mr. Broadbent:** You weren't asked the question.

**Mr. Riis:** The Prime Minister was.

**Mr. Crosbie:** Are you going to say who is to answer on our behalf and who isn't?

**Mr. Speaker:** The Right. Hon. Leader of the Opposition has put a question. The Hon. Minister is attempting to respond to it. I would ask Hon. Members to give the Minister the courtesy so we can hear him.

**Mr. Crosbie:** Each country has its own statutory drafting and interpretation. In the United States, Congress prefers to have the wording to which the hon. gentleman has referred. If, of course, there are any U.S. laws that are inconsistent with the free trade agreement then the United States will either have to amend those laws or pay a penalty to Canada once the free trade agreement goes into effect.

• (1420)

In Canada, we use a different drafting technique. In the United States the Americans have a provision in legislation that any inconsistent provision in state legislation will be overridden. Would the Leader of the Opposition like us to include such a provision with respect to the provinces?

**Mr. Turner (Vancouver Quadra):** Mr. Speaker, the hon. gentleman already has in Article 6. He overrides provincial jurisdiction in any area in which the federal Government decides he has to fulfil the objectives of the agreement with the United States. Article 8 says that in the case of any conflict, the trade agreement will prevail over any other law of Parliament. The United States, on the other hand, can amend the trade agreement by any subsequent Act of the United States Congress. We have been taken for suckers here and the Minister has not caught on.

[Translation]

#### RESOLUTION OF CONFLICTS—PRIME MINISTER'S POSITION

**Right Hon. John N. Turner (Leader of the Opposition):** Mr. Speaker, this agreement is terrible! It is binding on Canada and it deprives us of our sovereignty, but it is not binding on the United States. The Prime Minister can't dodge the issue. The U.S. Congress has formally decided that in the event of a conflict between U.S. law and the free trade agreement, U.S. law shall prevail. However, in our case, in the event of a conflict between Canadian law and the trade agreement with the United States, the trade agreement with the United States shall prevail. There is an incredible double standard at work here. How can the Prime Minister expect Canadians to accept anything as preposterous as this agreement? How can he expect Canadians to accept this kind of double standard?

[English]

**Hon. John C. Crosbie (Minister for International Trade):** Mr. Speaker, the Right Hon. Leader of the Opposition thinks that somebody has been taken for a sucker. That seems to be the conclusion of his whole caucus with respect to himself, that they were taken for suckers two years ago. With respect to—