

[English]

Mr. Crombie: Mr. Chairman, as all Hon. Members have had the opportunity to read Bill C-14, I feel that I only have to underline the importance of the Bill, not only to the Government but to all Members of the House and indeed the entire country.

As Members will note at the top of the first page, Bill C-14 calls for the authorization of the making of orders relating to the production of records and the giving of information for the purpose of proceedings in foreign tribunals, relating to measures of foreign states or foreign tribunals affecting international trade or commerce and in respect of the recognition and enforcement in Canada of certain foreign judgments obtained in antitrust proceedings.

Clearly, Mr. Chairman, for too long this country has been suffering as a consequence of not having the Bill in place. I believe the Minister of Justice should be congratulated, at such an early time in his career as Minister of Justice, for bringing the Bill forward. As the Minister has now entered the House, I know he would want to enlighten the House with further details.

Some Hon. Members: Hear, hear!

• (1140)

Mr. Gauthier: The Minister of Justice is in the House. I wonder if he could explain the import of Clause 2 to us, please?

Mr. Crombie: Mr. Chairman, perhaps I could assist. Clause 2, of course, deals with the definitions and I am quite surprised that the Hon. Member would ask such a question. If he has not read the definitions, I query his serious understanding of the Bill.

Mr. Waddell: Mr. Chairman, I would like to ask the Minister of Indian Affairs and Northern Development a question. Under the definitions which he so kindly pointed out to us, a "tribunal" is mentioned. What sort of tribunal did the Government have in mind there? It mentions a court, body or authority, but what kind of tribunal did the Government really have in mind?

Mr. Crombie: The only kind of tribunal which one could have, Mr. Chairman, involves three people. If we wanted to have a "bi-bunal" it would involve two people. It is a tribunal; three people.

Some Hon. Members: Hear, hear!

Mr. Nickerson: Mr. Chairman, it is undoubtedly all right to be humorous for a time. However, this is an important matter. I understand that the Bill has been sponsored by the Minister of Justice, who is now in the House. Perhaps, Mr. Chairman, it would now be possible for the Minister of Justice to give us a proper, non-humorous explanation of what the Bill is all about.

Mr. Crosbie: Mr. Chairman, as the Hon. Member has mentioned, this is a most important Bill and, of course, it gives

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the lie to the canard that we are helpless in our admiration and love for another foreign nation and will do nothing to protect Canadian interests. This is a Bill which provides the Canadian Government with the possibility of taking avoiding action or blocking action if a foreign power passes legislation or its courts act in some way which interferes with our own sovereignty, or purports to exercise extraterritorial control in ways which might affect Canada.

The previous Government had a similar Bill before the House on several occasions but, as usual, it never got around to passing the legislation. It never had the courage of its convictions. It would not stand up to the United States of America and move the legislation through the House so it never did get to second reading or to Committee of the Whole. Now we have a Government which has the guts and the gumption to pass the kind of legislation which the previous Government threatened for years but did nothing about.

The Bill is a mechanism of last resort. It will come into effect if there are outstanding problems which arise principally from the extraterritorial application of U.S. law which U.S. and Canadian officials cannot handle in a satisfactory manner. We have an antitrust agreement entered into between Canada and the United States. It was signed on March 9, 1984. It provides a useful mechanism to manage problems which may arise from time to time in the antitrust area. That understanding provides for notification whenever U.S. antitrust investigations, or proceedings which affect Canada or Canadian interests, require the seeking of information located in Canada. Once there is notification, that may be followed by consultation.

Although this is a useful mechanism at the political level, it does not resolve the underlying jurisdictional differences. The United States antitrust law has not given up its claim for jurisdiction through what is known as the "effects doctrine". In other words, the United States may hold that a company engaging in conduct outside the United States may be subject to U.S. jurisdiction merely by virtue of the fact that that conduct has or may have some effect in the United States. That is not a doctrine, of course, with which we agree and it causes us problems from time to time. Therefore, we are asking the House to pass this Bill so we will have some muscle to back up our objections.

Another problem which is dealt with in the Bill is the question of foreign subpoenas issued for evidence located in Canada, particularly with respect to criminal matters. We are having discussions with the United States of America which will lead towards the conclusion of a treaty for mutual assistance in criminal matters. It is not concluded yet. That treaty will provide more extensive regular channels for the exchange of evidence between Canada and the United States in criminal matters. That being the case, once that treaty agreement is reached there will be less likelihood of subpoenas being issued in the United States which might have extraterritorial scope which we object to being exercised in Canada.

Another problem with which the Bill deals, Mr. Chairman, is with respect to export controls. I believe we all remember