

*Customs Tariff*

levied, collected and paid on such article, on its importation into Canada, a special or dumping duty, equal to the difference between the said selling price of the article for export and the said fair market value thereof or value for duty thereof; and such special or dumping duty shall be levied, collected and paid on such article although it is not otherwise dutiable.

Provided that when it is established that any articles though of a class or kind made or produced in Canada are not offered for sale to the ordinary agencies of wholesale or retail distribution or are not offered to all purchasers on equal terms under like conditions, having regard to the custom and usage of trade, such articles may be exempted from special or dumping duty.

Provided that the said special duty shall not exceed fifty per centum ad valorem in any case, and the following goods shall be exempt from such special duty, viz:—

Goods of a class subject to duty under the Excise Act.

Provided, notwithstanding, that on importations from Australia under The Australian Trade Agreement Act, 1925, the said special duty shall not exceed fifteen per centum ad valorem in any case.

Hon. J. L. ILSLEY (Minister of National Revenue): Before this resolution passes in that form I would point out that the last proviso referring to the Australian Trade Agreement Act, 1925, is now obsolete and I move that it be struck out.

Mr. BENNETT: It is unnecessary to substitute anything for it? It is covered by the agreement itself?

Mr. ILSLEY: That is correct. It is all dealt with by the agreement with Australia. I move:

That resolution No. 1 be amended by deleting the following paragraph:—

“Provided, notwithstanding, that on importations from Australia under The Australian Trade Agreement Act, 1925, the said special duty shall not exceed fifteen per centum ad valorem in any case.”

Amendment agreed to.

Mr. BENNETT: Might I ask the minister who settles these two questions? If he will look at the bottom of page 4 he will see that the resolution provides, first, that “such articles may be exempted from special or dumping duty,” and, second, “that the special duty shall not exceed 50 per centum,” I should like to know who settles these two questions. Who decides what articles may be exempted and who fixes what the special duty shall be.

Mr. ILSLEY: The Minister of National Revenue. There is at present in clause six a provision which we propose to retain, stating that the minister “may make such regulations as are deemed necessary for carrying out the provisions of this section and for its enforce-

[Mr. E. Lapointe.]

ment,” and “minister” is defined as meaning in the Customs Act the Minister of National Revenue. That provision taken with the rest of the section makes it clear I think that it is the minister who makes the decision.

Mr. BENNETT: I quite agree with the minister. I asked him only because I desired to have placed on record that this arbitrary power about which we used to hear so much is still to continue and to be exercised by the same minister in the same way. It is pleasant to recollect that the hon. gentleman who is now sitting on the treasury benches was once sitting over here, and it makes all the difference in the world where you sit as to what your attitude towards these questions will be. If the Minister of National Revenue could only come over here for a few minutes and forget that he is minister, I should like to hear him repeat once more those denunciations of the arbitrary powers exercised by one man in dealing with these matters, fixing the duty and determining where it shall be applied. But now he is sitting over there and sounder counsels prevail. He and his colleagues realize that, after all, laws must be administered; that to administer them there must be someone to do it, and that the someone in this instance happens to be the competent minister. The special duty must be within the maximum fixed of fifty per cent, and I notice that the minister was very careful to use the words “within the provisions of the statute.” The dumping duties will now be administered with the same zeal, the same enthusiasm, I trust, and the same care for Canadian interests as characterized the administration of his predecessors in office, whoever they might be.

Mr. ILSLEY: I do not know that any reply is required to that. I do not recollect that any criticism was ever made of this provision of section 6 of the customs tariff that the minister may make such regulations as are deemed necessary. That provision has been in the customs tariff ever since the dumping clause was enacted. Our criticisms were directed against something else entirely.

Mr. BENNETT: I would not for a single moment deprive the minister of any satisfaction he may derive from that observation. I asked him a question, who decided these two questions, and he was good enough to explain that it was the minister himself, not the Minister of Finance but the Minister of National Revenue, the same minister who in times past was exercising arbitrary powers in determining by regulation just what the duty should be, in which determination, of course, he exercised his best judgment. The regula-