

extended by Members on his side of the House to the Government in accomplishing this matter. We come under criticism from time to time for not passing substantive, pithy legislation; surely with the passage of this Bill today we will be able to set to rest any such claims in the future. I want again to thank Hon. Members for their co-operation.

**Mr. George Baker (Gander-Twillingate):** Mr. Speaker, just very briefly, the legislation before us today is simply a housekeeping Bill and will certainly facilitate matters for the Deputy Minister and all those people who expect the Deputy Minister to sign thousands and thousands and thousands of documents. The intent of the original legislation was questioned, as I understand it, in the courts and I think this legislation is necessary. Any obstruction to it would be seen by a great many Canadians who are so affected to be an obstructionist tactic and the legislation therefore should proceed as quickly as possible.

**Mr. Iain Angus (Thunder Bay-Atikokan):** Mr. Speaker, I, too, would like to rise in support of this Bill. We recognize it is of a housekeeping nature, but I wonder if I can ask the Minister to advise us what the impact is, particularly the retroactivity section—

**The Acting Speaker (Mr. Paproski):** Order, please. This is debate and there are no questions or answers. The Hon. Member has the floor for his Party in debate.

**Mr. Angus:** Mr. Speaker, I knew that and I was sort of rhetorically asking if the Minister could provide us with some information on the impact the retroactivity clause will have on any pending litigation. We would just like to have an understanding of what will happen. Secondly, we have a couple of minor modifications to propose to the Bill at the appropriate time.

**Mr. Dave Nickerson (Western Arctic):** Mr. Speaker, very briefly, I am of course in favour of the Bill and its necessary housekeeping and administrative changes. I just wanted to bootleg in a vote of thanks to the Minister of National Revenue (Mr. Beatty) for the establishment of a customs office in Yellowknife, the capital of the Northwest Territories. The people wanted this for a long time; it has now been established. I have personally inspected it and find it working very well. Thank you very much, Mr. Minister.

**The Acting Speaker (Mr. Paproski):** Is the House ready for the question?

**Some Hon. Members:** Question.

**The Acting Speaker (Mr. Paproski):** The question is as follows: Mr. Beatty, seconded by Mr. Andre, moves that Bill C-40, an Act to confirm certain acts or things done on behalf of the Deputy Minister of National Revenue for Customs and Excise and to amend the Customs Act and the Special Import Measures Act, be now read the second time and referred to Committee of the Whole.

Is it the pleasure of the House to adopt the motion?

### Customs Act

**Some Hon. Members:** Agreed.

Motion agreed to, Bill read the second time and, by unanimous consent, the House went into Committee thereon, Mr. Paproski in the Chair.

**The Deputy Chairman:** Order. House in Committee of the Whole on Bill C-40, an Act to confirm certain acts or things done on behalf of the Deputy Minister of National Revenue for Customs and Excise and to amend the Customs Act and the Special Import Measures Act. Shall Clause 1 carry?

On Clause 1—

**Mr. Angus:** Mr. Chairman, on Clause 1 I would like to move:

That immediately prior to the words "Deputy Minister" the words "Minister and/or" be added.

**Mr. Baker:** Mr. Chairman, I wonder whether the Hon. Member could clarify which line that is since the Deputy Minister is mentioned three times in Clause 1.

**Mr. Angus:** Mr. Chairman, I assume that would actually be each of the references to "Deputy Minister".

**Mr. Baker:** Mr. Chairman, I do not know if that is admissible. I am just wondering why the Member is suggesting this. If I understand his amendment correctly, I certainly would not agree, with every action taken by the Minister in the exercise of a power or the performance of a duty or function purported to be done on behalf of the Minister. I do not think we should agree to an act purported to have been done by the Minister but assigned to somebody else as being agreed to in Clause 1. Is that the intention, because we are talking about the Deputy Minister here?

**Mr. Beatty:** Mr. Chairman, I might be able to clarify this for my colleagues. Let me just give some background. The Deputy Minister has some authority given to him under the Customs Act and other statutes which is unique and distinct from my responsibility as Minister. Usually when the Deputy Minister acts, he acts in my name on authority delegated from me. In some instances he has specific authority given to him by the Act which allows him to operate in his own name. What happened was that the decision made by the courts found that a decision by the Deputy Minister, because of the volume of requests made of him, to delegate that authority to his subordinates was not permitted; it was *ultra vires*. None of the actions that we are talking about here is delegation of my authority. Consequently, any reference to the Minister of National Revenue here would be irrelevant in that all we are doing is seeking to validate actions of the Deputy Minister of National Revenue and his subordinates. The effect of including reference to the Minister of National Revenue does not pose a particular problem for me; it is just that it is irrelevant in this context.

• (1620)

I imagine that my colleague, the Hon. Member for Gander-Twillingate, might have some concern that inadvertently a