

Customs Tariff

deleted. The Government has stated that it has no intention of using it. What the devil is it doing in there?

Mr. Turner (Ottawa—Carleton): Ask the bureaucrats.

Mr. Benjamin: It is suggested from the other side that we should ask the bureaucrats. That is their job on the other side, they are the Government, not us.

Mr. Turner (Ottawa—Carleton): We did.

Mr. Benjamin: You got an answer that said they had no intention of using it. I do not understand why any Government would put such a clause in the Bill.

As has been pointed out, often by the time a retroactive tariff or duty is put on, the importer has imported the goods into Canada, they have gone from the importer to the wholesaler, from the wholesaler to the retailer, and they have all charged prices related to their costs including whatever the duty was, if there was one, and then up to 18 months after this Bill comes into force the Government can institute a retroactive tax. Surely that flies in the face of natural justice.

If an importer, a wholesaler, or a retailer brought goods into Canada surreptitiously without paying a duty, then of course they would be subject to the laws of the land, would be taken to court, receive heavy fines, and perhaps even jail terms. The Government has that recourse against those who would try to smuggle goods into Canada without paying a prescribed tariff or duty.

Therefore, it is totally unfair and improper to have a clause allowing retroactivity. We have moved this amendment, and we hope that the Government will accept it in light of its own statement that it has no intention of using that clause.

Otherwise, Mr. Speaker, would you accept a subamendment that deleted all the words in Motion No. 15 and substituted therefor the words "That Clause 139 be deleted"? I would like to ask, Mr. Speaker, if that is permissible under the rules?

The Government has stated that it has no intention of implementing Clause 139, obviously the clause should be deleted. I do not know if it is a proper thing to do. We would need the advice of the Chair. I or perhaps a government Member would be willing to move such an amendment to Motion No. 15, and we can get it cleared out of the way and settled very quickly.

I would appreciate your advice on this matter, Mr. Speaker. Since the clause is so outrageously bad, unfair, and improper, no wonder the Government states that it has no intention of using it.

I would like to ask that you advise us, Mr. Speaker, as to what action we can take at this particular point at report stage. I also ask that the Government itself move the appropriate amendment, for which I think there would be unanimous consent, to delete Clause 139 and get it over with; or failing

that, to accept the amendment that we have moved to Clause 139.

Mr. Deputy Speaker: If the Hon. Member wishes to move an amendment, would he move it in writing, give it to the Chair, and the Chair will make a ruling on it.

Mr. Benjamin: Could we allow Motion No. 15 to stand and proceed with Motion No. 16 to allow a couple of minutes to send a note up to the Chair, in the hope that it will prove acceptable to the Chair, and then acceptable to the Government? Would that be the proper way to proceed and let this stand for a few minutes?

Mr. Deputy Speaker: Is there consent to stand Motion No. 15 and to go on to Motion No. 16?

Some Hon. Members: No.

Mr. Deputy Speaker: There is no consent.

If the Hon. Member wishes to move an amendment, he would have to do it now. However, the Chair will give the Hon. Member time to write the amendment. The Chair must regretfully inform the Hon. Member that the proposed amendment is out of order as it is a substantive amendment which would have required prior notice.

● (1240)

Is the House ready for the question on Motion No. 15?

Some Hon. Members: Question.

Mr. Deputy Speaker: All those in favour of the motion will please say yea.

Some Hon. Members: Yea.

Mr. Deputy Speaker: All those opposed will please say nay.

Some Hon. Members: Nay.

Mr. Deputy Speaker: In my opinion the nays have it.

And more than five Members having risen:

Mr. Deputy Speaker: Pursuant to Standing Order 114(11) the recorded division on the proposed motion stands deferred.

Mr. Lorne Nystrom (for Mr. Cassidy) moved:
Motion No. 16

That Bill C-87, be amended by deleting Clause 141.

Mr. Iain Angus (Thunder Bay—Atikokan): Mr. Speaker, one of the bases for the total Bill is an international agreement. The Canadian companies were assured by Revenue Canada that Canada would move to the new harmonized system on the condition that our major trading partners, including the United States, move to the new system on January 1, 1988. In fact, I have a copy of what looks like a replica of an overhead slide which Revenue Canada used in some seminars with