

*Customs Act*

He said: Mr. Speaker, I will try to make my remarks shorter than the title of the Bill, which is rather lengthy.

The Bill before us today has an important bearing on the capacity of my Department to carry out its responsibilities effectively in respect of the Customs Act. Timely adoption of the Bill will be of benefit both to the efficient operation of the Department and also to the public which the Department serves, particularly Canadian importers.

Essentially, Bill C-40 deals with the authority of people authorized by the Deputy Minister of National Revenue for Customs and Excise to exercise or perform any of his powers, duties or functions under the Customs Act and the Special Import Measures Act.

Specifically, Subsection 46(4) of the Customs Act authorizes the Deputy Minister to re-determine the tariff classification or to re-appraise the value for duty of goods imported into Canada. This is an important function of the Department, both to ensure that legitimate duties are collected and to ensure that importers are fairly dealt with.

The present Customs Act does not specifically authorize other people to perform the Deputy Minister's functions to make decisions under Subsection 46(4). In practice, over the years, as the volume of such decisions has grown, the Deputy Minister has directed the appropriate Assistant Deputy Minister and officials working under his supervision to make such decisions in his name. With the current volume of cases—an estimated 5,700 in the fiscal year which just ended—it would be utterly impossible to conduct our affairs in any other way.

However, we have reached an impasse as a result of a decision which was handed down by the Federal Court of Appeal in February. In the fall of 1984, the Tariff Board, which hears appeals against decisions made under Subsection 46(4) of the Customs Act, questioned whether it could legally hear appeals when the decisions appealed from were not made personally by the Deputy Minister. The Board referred the matter to the Federal Court of Appeal which, in its February 22 judgment, agreed that the Board lacked such jurisdiction and, further, that the Deputy Minister of National Revenue for Customs and Excise had no legal right to delegate his authority. The Department is, of course, respecting the Court's decision and currently, aside from some cases of critical importance which are being made personally by the Deputy Minister, no action is being taken under Subsection 46(4).

The situation cannot be allowed to continue. Cases which require a decision are continuing to pile up. It is unfair to Canadian taxpayers and unsatisfactory to Canadian importers to allow it to continue.

I might point out that the situation which was created by the Court's decision clearly points to the need for a completely revised and modernized Customs Act which is geared to the realities of business conditions in the 1980s. The present Act is more than 100 years old. While it has been amended many times, it is simply not geared, in many of its provisions, to the volume and complexity of administering customs matters today. Very shortly, I hope to bring before the House a Bill for

a totally revamped and modernized Customs Act which will deal with many of the archaic and outdated provisions of the current Act, including the one before us today. In the meantime we have to take action on Bill C-40 to restore the capability of the Department to administer its responsibilities effectively.

● (1610)

The recent ruling of the Federal Court of Appeal also has implications for decisions made under the former Anti-dumping Act. Although this Act was repealed in December of 1984 and replaced by the Special Import Measures Act, many of the Deputy Minister's functions and duties under the former Act, including making decisions appealable to the Tariff Board, were carried out on his behalf by other officials. By implication, the Federal Court's judgment also invalidates such decisions made under the Anti-dumping Act. It is important that we now validate the functions and duties performed by subordinate officers in the past or in the future with regard to this Act as well.

I should point out to the House that the Special Import Measures Act, which is now the instrument for dealing with the anti-dumping matters, has also been amended to clarify the authority of people authorized by the Deputy Minister to exercise or perform his powers, duties and functions. Essentially the Bill accomplishes the following things. First, it recognizes that the Deputy Minister of National Revenue for Customs and Excise may authorize other people to exercise or perform any of his powers, duties or functions under the Customs Act and the Special Import Measures Act. Secondly, it validates acts of the Deputy Minister in exercising his powers or performing his functions or duties under the Special Import Measures Act and the Customs Act. Third, it validates acts done in the past and in the future by people authorized by the Deputy Minister to exercise his powers or perform his duties or functions under the Anti-dumping Act.

The job of ruling effectively and fairly on the thousands of complex tariff cases which come before the Department each year requires many highly trained specialists supporting the Deputy Minister. The provisions authorizing people to carry out the Deputy Minister's powers, duties and functions will be dealt with clearly in the new Customs Act when it comes before the House in the near future.

In the meantime, in the interests of getting on with the job, I would ask for the support of Members on all sides of the House in giving speedy passage to this legislation. I understand there have been discussions among the Parties and there is an agreement that we would have one speaker per Party on this Bill, and that we should consider all three stages today. I want to publicly express my thanks to my colleagues on the other side of the House for their co-operation which has been extremely helpful to us in allowing us to bring the Bill forward and resolve it on a speedy basis. I see that my friend from Gander-Twillingate (Mr. Baker) is coming in and I believe he may be the spokesman for his caucus on this matter. Let me simply reiterate to him my appreciation of the co-operation