

Customs Act

Mr. Lennard: Tomato pulp from Italy.

Mr. Wood: Tariff war.

Mr. Fleming: There is no question of tariff involved here. The minister recognized this on previous occasions. We are discussing the question of dumping and before hon. members who support the government become too free with their comments, such as the one I just heard *sotto voce* behind me, I think it would be well to recall that this is a government measure and that the government is now asking the house to deal with dumping.

The minister in a statement twenty-one months ago recognized that dumping existed then. If measures can be taken now, why were they not taken then? Why was the situation not dealt with earlier, and why was this measure not applied in March, 1952?

An hon. Member: Asking us to become protectionists now.

Mr. Fleming: What ought the house to look for in reference to legislation of this kind and what are the tests that should be applied to legislation of this nature? I suggest that legislation of this kind in the first place should be clear in its meaning. That should be the first rule of draftsmanship of statutes of this kind. We might approve the principle of this measure if that principle be as I stated broadly, namely, to strengthen the customs legislation to prevent this unfair dumping. Nevertheless, Mr. Speaker, I think any hon. member of this house looking at this measure will be bound to say that this measure is far from clear in its meaning.

It is so important, Mr. Speaker, in a measure like this, which is going to be interpreted in ports of entry from the Atlantic to the Pacific, that it should be so clear that those charged with its interpretation in those local ports will be able to give uniform rulings and also will be able to give rulings with reasonable speed. I doubt very much if this legislation is clear enough to permit those interpreting it to give uniform rulings and to give them with proper speed.

In the second place, I submit that legislation of this kind ought to be realistic. It ought to take account of the whole problem, not part of it. No doubt when we go into committee of the whole and have an opportunity to examine the language of the bill in greater detail, there will be an opportunity there to consider some of the inadequacies of this measure in that respect.

In the third place, I submit that in approving and passing legislation of this kind we should make certain that it is as simple as possible in its application. We do not wish, if we can avoid it in Canada, the kind of situation that exists in the United States

[Mr. Fleming.]

which has bedevilled many Canadian producers trying to find their way into U.S. markets and finding in the process that they must hurdle a mass of obstacles and a great variety of customs rulings at different ports of entry into the United States.

It has been necessary for the United States congress to address itself to the problem of simplification of procedures simply because of the way in which customs rulings have been heaped upon one another in this great variety. We do not wish to see that duplicated in Canada, and I hope the house will try, before this legislation leaves the committee of the whole, to simplify its terms with a view to simplification of its application.

The effect of obscurity in legislation of this kind would be very detrimental not only to United States exporters but to Canadian importers. Delay is bound to result from obscurity of language. I do not think that point, Mr. Speaker, requires to be laboured. Surely it is not in the interests of anyone, and no one likes to encourage a large number of rulings, particularly when the nature of the legislation is such that there can be a wide variety in the rulings, and some of them will probably be very obscure. Delays will undoubtedly arise because of the effect of these rulings in many cases, because these goods are going to be coming in here and under the provisions of this bill it may not be possible to determine for months what is the value that is going to be placed on these goods for customs purposes.

The bill contemplates a review of sales in the country of origin over a period not exceeding six months. That could mean in certain circumstances that the value for entry purposes would not be established by the department in some cases for months after entry. It is going to mean a lot of bookkeeping as well as a great deal of reviewing of bookkeeping on the part of the department.

The minister has admitted the obscurity of the language of this bill. He has, I think, admitted that it involves arbitrary rulings. In fact, the minister spoke with extraordinary frankness when in the same speech to which I referred earlier, on March 12, 1952, he said, as recorded at page 360 of *Hansard*:

I admit frankly that I do not know what the solution of the problem is.

Well, he admitted at least, Mr. Speaker, that there was a problem and he admitted that he did not know what the solution was, and so he did nothing; and twenty-one months, valuable months, have passed since that time when the problem was recognized in its gravity, but the government did not