

*Income Tax Act*

In my riding there are many landed immigrants who have come within the last three years. In many cases, the husband and the wife have gone out to work. Many of them speak very little English. They have obtained their citizenship because the president of the citizenship court has admired their guts and determination. Their children are going to university, or in some way are obtaining superior education. Why could we not have rewarded those people and given them encouragement for sending their sons and daughters to university in order to improve themselves. I find it incomprehensible that we somehow feel that an attempt to achieve success must be penalized. Then, we have the case of the Chinese market gardener whose son becomes a doctor in zoology. The father worked with his hands through long hours for years and yet we do not give a damn about him. This is the sort of thing that tax reform should mean for the betterment of Canada. Everyone of those people contribute a great deal more. Not only that, but then we turn around in these proposals and say we are going to tax anyone who wins a scholarship or bursary which will help him in his higher education. We are going to bring in that provision.

• (4:50 p.m.)

Some people will say I am an elitist. Of course I am. I will forever reinforce success and encourage competence and excellence. As Canadians, we should do that. This does not work to the disadvantage of those who do not have those qualities. You are not doing them any good by pulling down the others. You know, we will not build a nation or an economy by merely insisting on a fair share of mediocrity for all. So, it seems to me that in that area the government could have done a lot better. There are complexities. This is referred to in the 76-page brief of the Canadian Bar Association. I should like the government to release the briefs it received from the Canadian Chamber of Commerce, the Canadian Institute of Chartered Accountants and many others. If the Canadian Labour Congress has put forward a studied brief on this, that is fine; I should like to be able to see it and any others which are of a competent nature and which try to improve this law. That is why as I say it would have been better to have sent this bill to the Finance Committee where these people could be heard, and their views examined. Then, it could have been brought back here in due course. But, no. Let me read what the Canadian Bar Association had to say:

Accordingly, we have tried to avoid in this brief, the expression of views on questions of broad social policy. We have attempted to focus on questions of policy only when the proposed legislation appeared either to depart from what we understand to be the expressed intention of the government or where our particular expertise and experience with legal concepts indicates that the proposed changes may have unforeseen consequences.

At the outset, we must stress that we regard this brief as inadequate. Many of the concepts in the proposed legislation are novel in the sense that the implementation of even previously announced goals has been accomplished by the introduction of concepts which never existed in Canadian tax legislation before, if indeed they have ever previously existed. We are impressed by the attempted integration of these concepts throughout the statutory framework. This has been largely accomplished, however, at the cost of instituting a completely new taxation vocabulary, the mastering of which may be likened to the difficulty of learning a new language. Over and above the vocabulary problem, we also have problems with the extremely complex and detailed provisions, utilizing that vocabulary, which have been considered necessary

[Mr. Lambert (Edmonton West).]

to implement the desired goals, including permitting necessary exceptions where hardships or overlapping would otherwise occur. The transitional provisions were not available until the beginning of July, the outline of the resource industry regulations and the international income regulations were even later.

I would suggest to you, Mr. Speaker, that if the Canadian Bar Association was handicapped in its examination of these proposals, then the Members of Parliament have been handicapped even more so. I say through you, Mr. Speaker, to the government that it is indeed unfortunate we are to now have this whole complicated package tossed before us, because frankly those who will have to swallow or digest this very indigestible material will not be in a position to deal with it one way or the other. Surely to goodness these tax changes are highly important to the Canadian economy. We can destroy it. The parliamentary secretary just before his peroration—I apologize to the Minister of National Revenue (Mr. Gray). Mind you, I knew him very well as Parliamentary Secretary to the Minister of National Revenue and as Chairman of the Finance Committee. This was old habit. We will go back to the Bank Act sometime to see how we get along. The minister spoke about equity, justice and parity. Of course, a tax system must produce some revenue. I suppose it should incidentally, according to the government I think, maintain and promote economic growth.

Well, we are now being asked to put something on the back of the Canadian public when, frankly, no one, least of all the government, knows what it will do. The Canadian Bar Association complains about the shortness of time and I do, too. The Canadian Bar Association goes on to say:

We do feel confident that for every problem or mistake, we have found in the statute, there are ten we have missed. In addition, we are sure that some of the possible problems or mistakes hereinafter referred to will, upon further study of the reform legislation, prove not to exist.

I gather that already officials of the Department of Justice have started to take apart this brief and, in places, have found the Canadian Bar Association or the authors of this brief were in error. Such is always the case, particularly when the job has to be rushed. The brief continues:

We do not feel one can commend legislation of such complexity without a fuller assessment of the benefits it will bring than we have had an opportunity to make in the time available to us. In the same vein, we do commend for your consideration the rewording of definitions which are a complete misnomer.

I shall not go through all that they say about the necessity of rewording all definitions, but they conclude with this:

Furthermore all defined terms should be put in capital letters to alert the reader to the fact that, in this legislation, words are often defined in strange ways.

• (5:00 p.m.)

Anyone who has had experience with taxation statutes would wonder if there is not some different version of the English language, one reserved specifically for tax statutes.

Many provisions of the bill are virtually unintelligible at first reading because their purpose is often obscured by the method of presentation. This problem should not be dismissed as being unimportant as the legislation should be understood by—