

Customs Act

Then further on he says:

This revision of the law is designed to help meet the difficulties arising from end of season and end of line imports which are dumped into Canada at abnormally low prices.

On March 12, 1952, the minister was describing precisely the same situation, namely, difficulties arising from end-of-season and end-of-line imports which are dumped into Canada at abnormally low prices. But twenty-one precious months have been allowed to pass while the government has sat, as in so many other cases, with arms folded. It is a well-known fact that in construing these provisions of the Customs Act and the Customs Tariff Act, if an American exporter could show invoices indicating sales made in the United States of the same type of goods at the price at which he was selling into Canada, then in the view of the department and in the light of that ruling of the Department of Justice there was no room for the application of dumping duties. It did not matter that the sales in the United States indicated in those invoices were end-of-season or end-of-line sales below cost of production. As long as there was invoiced proof of sales in the United States of similar goods at the same price, then the position in which the department found itself, and has found itself all this time, was that there was no room for invoking these provisions of the Customs Act and the Customs Tariff Act.

Is it desirable that we should narrow our consideration of this dumping problem simply to end-of-line and end-of-season sales of goods? There are other cases existing in the country to the south where industries are prepared to operate at a loss. In other words, they are prepared to sell their production during a certain part of the year, not necessarily the end of the season in the strict sense of the word or end-of-line sales, but in order to keep their organization intact and to remain in operation. Do we have to take such a restricted view of this matter as to limit us to conditions arising from abnormally low prices as a result of the advance of the season or of the marketing period?

Why should our view of this matter and the attempt to redress it be so limited? Why should it not apply generally where the market value of goods in the country of export has declined to levels that do not reflect normal prices? I am quite sure that if our approach to this matter is to be confined to the two lines proposed by the minister there will be astute minds that will endeavour to find legal ways to put themselves beyond the scope of this present

amendment. I think we will be proceeding much more wisely if we do not try to narrow or restrict our approach to this question.

There is another aspect of this matter that is deserving of consideration. Section 35 of the Customs Act applies to goods, goods that is to say of all kinds. The definition of goods in the Customs Act is a very broad definition, and let the house observe, Mr. Speaker, that this particular amendment does not apply to goods in general. It is confined in its application to manufactured goods.

A question was asked of the minister in this house by the hon. member for Greenwood (Mr. Macdonnell) on December 8, as to the scope of the measure. He asked, as recorded at page 693 of *Hansard*:

I should like to direct a question to the Minister of National Revenue. How far does the minister consider that the anti-dumping instructions given to customs officials yesterday can be effectively applied to industries other than the textile industry, which he mentioned, and also to other production including agricultural production?

The minister for some reason or other confined his answer to industrial production, in other words, manufactured goods. If you scrutinize his answer to that question you will find the second part of the question was not answered.

Mr. McCann: Seasonal goods such as fruit and vegetables are taken care of under the act. I thought the hon. member would know that.

Mr. Fleming: I would have thought the minister would know enough to realize that if the act needs strengthening with respect to manufactured goods, then it can stand similar strengthening with respect to the kind of goods we are referring to, namely agricultural products. A similar situation obtains, Mr. Speaker. The minister does not need to indulge in his caustic comments on a matter of this kind. He would be doing a better service to the house if he would examine the weaknesses in this legislation with a view to doing justice to all.

Now, it is quite obvious that the textile industry today, and other industries as well, because the minister contemplates other industries, as his answer on this occasion shows, are facing unfair competition, reflected in abnormal prices at which goods are being brought into Canada, but a similar situation has been faced by agricultural producers, particularly our vegetable and fruit growers. If the minister had the temerity to stand up in this house now, which I doubt very much, and if he was willing to say there was no dumping of fruit and vegetables in Canada at any particular season of the year, and had the temerity to raise such an argument, I say it would still be desirable to strengthen the act.