

Customs Act

ment's capacity to enforce them. In other words, we must not only be concerned with the ability of the individual Customs officer to enforce the rules and regulations, but with also his judgment and character because that will determine what experience the public will have with those officers.

For instance, we know that officers in the Taxation Branch of the Department of National Revenue had a variety of discretionary powers which they abused. This has also occurred in the Customs and Excise Branch. I had such a case this spring. A young American family was moving to Canada to establish a small business in Ontario. All of their immigration papers were in order and the husband had come to Canada to establish the business. The wife was driving from the United States with her child and their personal belongings. Upon entry to Canada, they were needlessly hassled by the Canadian Customs. The officer in charge decided to exercise all his powers—which he legally had—to the maximum and detained her at some length. She claimed that he was quite rude to her, inconvenienced her and caused the whole episode to be a bitter experience.

When we acted on her behalf after hearing her complaints eventually some money was refunded to her and the former Minister reluctantly admitted that the officer at that border crossing was somewhat over-zealous. However, he pointed out that the officer in charge did in fact have all those powers.

It is important that we not only concern ourselves with the rules and regulations governing the Department but with the training and type of individuals who are recruited.

I believe that Canadians expect their Customs officers to be civil and reasonable so that people will have a pleasant experience at the border. While I have had some unpleasant experiences going into the United States, I have never had an unpleasant experience at the Canadian border. I believe that 99 per cent of the people crossing into Canada do not have any ill intentions and therefore should have a pleasant experience at the border. That depends largely on the type of men and women who are our Customs officers.

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It is important that the new recruits not be enforcement oriented per se but oriented more to serving the public. If they are enforcement oriented, this will result in many of the same unfortunate situations in which Revenue Canada officials found themselves a few short years ago. They became over-zealous and started to view the general public in a paranoid manner and unpleasant experiences resulted.

The report also pointed out:

—the Department has yet to clearly articulate its policy on what "reasonable" means in terms of enforcement.

These observations are disturbing, given that the Customs Branch is part of the National Revenue Department which was plagued by the misguided leadership of senior management and by the complete inaction of the Minister at that time, resulting in enforcement practices by taxation officials which were nothing less than outright harassment.

What the 1983 report states quite clearly is that without a firm signal from those at the most senior levels of the Department beginning with the Minister, excesses would well occur. Unfortunately, the Conservative Government has seen fit to use the Department of National Revenue in much the same way the Liberals did, as a punishment for error-prone and incompetent Ministers. I do say that with some hesitation.

As I mentioned before, I know the Minister who is now in charge of the Department was Minister of Housing in the Clark administration when I was elected for the first time. I was the critic and I had a fairly good relationship with him. In fact, I found it unfortunate that the Clark Government was defeated because the Minister and I were working on a new idea which would have seen an imaginative approach to home insulation. We were talking about a joint project in Halifax and in Regina. Let me say to the former Prime Minister that I was not one of those who threw papers up in the air in jubilation when his Government went down to defeat.

Mr. Clark (Yellowhead): Neither was I.

Mr. de Jong: I am sure the Right Hon. Member for Yellowhead (Mr. Clark) remembered the evening very well. I do hope that the Conservative Government will not follow the previous practices of the Liberal Government of using the Revenue Department as a Department to appoint Ministers in on their way up or on their way down.

Another thing of concern to me is not addressed in this new Customs Act. It is a practice which continues to be applied on occasion, namely, the punitive manner by a Government in areas where firm policy positions have not been taken. For example, in May, 1982, the Customs Act and Customs officers were used in a campaign to harass and interfere with the importation of Japanese automobiles into Canada. At the time, the federal Government had not managed to negotiate an arrangement with the Japanese with respect to voluntary quotas. Thus Customs officers were sent aboard vessels on the West Coast to inspect all manners of licences to crews, et cetera, generally, to follow a policy of harassment. Automobiles were held for various reasons in the harbour areas for extended periods of time. For those individuals whose business it was to transport those automobiles, serious economic hardships were brought to bear because the federal Government was unable to act.

Unfortunately, there is nothing in this Bill that will prevent the present Government from behaving in the same manner as did the Liberal regime considering its notorious indecisiveness on important issues.

I hope the present Government will not use this Bill as an instrument to harass trade because of being unable to make the decision. I hope it will not use the Customs department to stall and play for time.

In the case of the Liberals and their harassment in 1982 on the importation of Japanese automobiles, the people who suffered were the small car dealers across the country.