

Customs Tariff

• (5:00 p.m.)

My main interest in this bill relates to item 40924-1. When I was speaking the other night I believe I referred to equipment that is included under item 42711-1. I say there is a relation between the two. I am interested only in the clarification or interpretation of the articles listed in this entry relating to agriculture. It is my only concern with this whole bill. The difficulty has arisen because of the way in which this item was worded. It fails to portray the true intent of parliament to those who are responsible for its interpretation. This has cost the farmers of Canada many thousands of dollars in the payment of duty which parliament never intended them to pay. This affects any individual farmer who tries to bring equipment or machinery into Canada.

The suggestion has been made by officials of the Department of National Revenue that if farmers are not satisfied with the decisions reached as to duty they should appeal to the Customs Tariff Appeal Board. The last item to which I referred involved \$300. If a farmer were to come to Ottawa and hire a lawyer it would certainly cost him much more than \$300. This is why farmers prefer to pay than to fight these decisions. I maintain that hundreds of farmers have been obliged to pay this duty. Officials of the department, because of the power they have, can force farmers to do so even though they should not really have to meet these charges.

I can imagine what the parliamentary secretary will say after I have sat down. He will tell us he is in no position to change this item because it is related to the Kennedy round agreement. I want to tell him, as I said the other night, that this issue has been fought here for seven years to my knowledge. Former ministers have made promises similar to the one he has made—undertakings that it would be considered by various officials and taken care of. Well, the item with which I have been concerned, and in connection with which I have fought for seven years, has still not been fixed up despite promises by various ministers. This is why I intend, if possible, to propose amendments to this bill. I can tell the parliamentary secretary that what I intend to propose would not result in any change in the revenues of the department. I intend to suggest certain changes in item 40924-1.

I say that the sequence in which the items are listed is confusing to the public and confusing to the officials of the Department of National Revenue. There are 35 articles

listed under the entry, all relating, presumably, to agriculture. The 23rd states: "All the foregoing for use on the farm for farm purposes only." I have a question to ask. Why does this particular item appear only two-thirds of the way down the list? Why is it in the 23rd position? Why does it not relate to the ten items which follow it? Is there a presumption that items 1 to 22 could be used for some other purpose but that when used for farm purposes they are allowed entry duty free? What differentiates articles 1 to 22 from articles 24 to 34? I suggest that in reality there is no difference at all.

Any piece of equipment, apparatus or machinery used on a farm today can conceivably be used for some other purpose. It could, for example, be used by industry. This is no argument for the department to put up when we know what the intent of parliament is, namely, that farm machinery shall be allowed entry duty free. The department will not accept an end-user's certificate. What will it accept? Practically nothing. It is concerned only with forcing an individual farmer to pay a duty from which the law is supposed to exempt him.

There is a possibility that item 23 could have been inserted in the wrong place in the list. It could be a printer's mistake. There is also a possibility that at one time the original list only contained 23 items and that item 23 was then the last on the list. This is probably what has happened. Items 24 to 34 may have been additions consequent upon amendments to the original list. If items 24 to 34 were to be treated in the same way as all the others on the list they should have been inserted above the present item 23. There is no reason for treating them differently from the preceding items.

It seems to me that as members of this house we would be abdicating our responsibility if we did not attempt to clarify this entry. Several of us have made representations to the government time and time again, to administrations representing both parties, but no change has taken place. I have stated on many occasions that the entry as it now stands is most confusing to those responsible for its interpretation. How could it be otherwise when one department is responsible for making these lists and another is supposed to interpret what they mean? Proof of what I say can be obtained by reading various decisions of the Tariff Board, and letters in the possession of departmental officials.