the provinces, or the provinces were to collect it themselves. This has not been the result, and there are certain differences between the federal Estate Tax Act and the succession duty acts of the provinces of Ontario, Quebec and British Columbia. But we are willing and anxious to have similar laws applied across the country and the government I am sure would be willing to discuss this matter when discussing death duties with the provinces.

Mr. Joseph Macaluso (Hamilton West): Mr. Speaker, I should like to commend the hon. member for Wellington South (Mr. Hales) for reintroducing this motion. I was not able to speak on it in December 1963 when it was first introduced, a fact which I regret, but my absence was due to illness. I have been interested for quite some time in the Estate Tax Act and in the old dominion succession duty act.

Being a lawyer by profession I certainly come into contact on many occasions, both in my own practice and the practice of our firm, with estate tax matters in which succession duties have played a very important part. The Estate Tax Act, as it now is, came into force on January 1 of 1959, I believe, replacing the old dominion succession duty act. It provided for payment by the executor of an estate of the succession duties levied by the Estate Tax Act within a period of six months. I also believe that in the present act if an application is made to the minister he has discretion, if a bond is posted, to extend payment of tax for another period of six months, making the period a year. The experience I have had is that on many occasions it is difficult to obtain a bond, and it is also difficult to obtain the exercise of the minister's discretion. I think any of the lawyers in the house will acknowledge that.

I am completely in favour of payments of succession duties in instalments, and I certainly think this notice of motion should be given serious consideration by the Minister of Finance (Mr. Gordon) and the government. I have been trying to urge such consideration and I commend the hon. member for Wellington South, as I say, for reintroducing the motion.

Whether or not there is actual loss of Canadian ownership or control to foreign ownership as a result of the payment of succession duties is at times questionable. I am sure there are businesses and firms who have sold out with the succession duty aspect in mind, not so much because of the payment of the taxes themselves. The hon. member for Wellington South quoted from the May 21 edition of the *Financial Post* concerning 143 firms which were acquired by foreign investors. I paid particular attention to this article and studied it very carefully, but there is nothing in it to lead one to believe that those acquisitions by foreign investors resulted from the payment of succession duties. The hon. member assumed that some of them may have been caused as the result of such payments, and perhaps they were; I wish I knew for sure, as perhaps do many of us. But there is a problem here.

In section 16 of the act, which deals with the minister's discretion, a problem arises with regard to the words "undue hardship or excessive sacrifice". If payment of succession duties is likely to result in undue hardship or excessive sacrifice, the minister may extend the time of payment. The Estate Tax Act is one of those acts which does not have a very comprehensive definition section. Perhaps this is because parliament did not want to define undue hardship or excessive sacrifice. This provision really leaves it to the minister's discretion as to what is undue hardship or excessive sacrifice. I am not one who is in favour of ministerial discretion, especially when it is left in such a vague position as it is left in section 16.

Here, Mr. Speaker, we have the words "undue hardship or excessive sacrifice" which really cover the particular situation the hon. member for Wellington South (Mr. Hales) wishes to have covered. I agree that the section is invoked very rarely; very rarely does the minister use this discretion. My own thinking on this matter is that perhaps the act should be amended by extending the period of six months to a period of one year during which the minister could exercise his discretion. Then, perhaps, there could be a better definition of the circumstances of undue hardship and excessive sacrifice. Certainly, many of our acts have very comprehensive definition sections, but this act does not. I say that this is one of the faults of this act, that it does not define, perhaps purposely, what these words mean. Perhaps there is security in vagueness, Mr. Speaker.

The instalment payment plan is a very interesting proposal, Mr. Speaker. We have this provision in our Income Tax Act, and I think it could be extended to the Estate Tax Act. However, as the parliamentary secretary pointed out, I think there is a problem in obtaining provincial consent to the provision for instalment payment. As the parliamentary secretary pointed out, the provinces of Ontario, Quebec and British Columbia have