

Customs Act

In conclusion, Mr. Speaker, we have before us for consideration today a very important and long overdue piece of legislation. This new Customs Act will, I am certain, commend itself to the public at large and in particular to the thousands of Canadian businesses whose activities must comply with Customs law. The new Act will enable the Department of National Revenue to carry out its responsibilities more efficiently and effectively, and it will help ensure that all Customs revenues due to the Government and to the people of Canada are collected in a fair and equitable manner.

I feel that all Members of the House, and in particular the members of the committee which will study this Bill will want to give it careful scrutiny. I welcome this and will personally review any comments and recommendations that may emerge from their deliberations. I will be co-operative in an attempt to accommodate any good initiatives to improve the nature and scope of what we are trying to accomplish. Indeed, I look forward to working with the Hon. Member for Gander-Twillingate (Mr. Baker) and the Hon. Member for Regina East (Mr. de Jong) in this regard. At the same time, I hope the House will see fit to expedite passage of this legislation as quickly as possible. It is a much needed statute and it will serve the interests of the country well if we enact it into law after proper deliberation at the earliest possible opportunity.

Mr. George Baker (Gander-Twillingate): Mr. Speaker, I think the Bill introduced by the Minister should have a fairly rapid passage through this Chamber. After all, most of the Bill was suggested by the previous Liberal Government and, as you know, anything suggested by the previous Liberal Government has to be good so far as regulations are concerned. There are some minor changes and I would like to speak briefly to those changes.

In introducing the Bill the Minister, certainly in his former capacity, had some input with regard to the changes made to the Bill proposed by the previous Government. Perhaps I could deal with a couple of those. As he stated, the Bill is certainly long overdue. The law relating to Customs in Canada was, I believe, made up of two main factors. Number one was the present legislation on the books which Customs officers had to follow. The other were the customs of Customs. Some of these customs of Customs dated prior to Confederation. So certainly we need a new Customs Act. As the Minister said, this Bill eliminates certain provisions of the existing law which are contrary to the Charter of Rights. Two clauses of the Bill eliminate the Writs of Assistance which were in effect continuous search warrants. In other words, the Customs officers were really under no obligation to go back to a judge for another search warrant, they could simply continue under these Writs of Assistance. Clauses 111 and 112 of this Bill will correct that fault in the existing legislation.

● (1550)

As the Minister stated as well, this Bill eliminates the necessity of paying immediately the import duties on any article imported into Canada. In other words, if someone were importing toothbrushes at the rate of 100 this week and 100

next week, he had to pay as the items crossed the border. This Bill will eliminate that and enable businessmen to make arrangements with Customs to pay weekly or monthly.

There is a new provision in this Bill which I would like to have come into effect in all government Departments. When the Government of Canada owes a Canadian citizen money, it does not pay interest, but if a citizen owes the Government money, he must pay interest. There is a clause in this Bill which eliminates that inequity.

The Minister referred to the parliamentary committee which will review and up-date this Bill every five years. That is good. The interpretation of the Acts under which customs was operative said that a Customs officer had the right to seize whatever was not declared. In other words, if you stretched it, as some interpretations by the courts did, if someone drove his car into the United States and then returned, the Customs officer could legally seize his car and even his underwear if he wanted to. Under the law he could seize anything the person had. That is eliminated in this Bill and it was included in the Bill introduced by the previous administration. It also clears up the Access to Information Act.

There is another clause in the Bill which warrants some discussion. Clause 99 of this Bill enables the Customs officer to open mail. I am sure that some groups will take objection to this clause. However, when the purpose of this clause is examined, I am not sure whether one could realistically take exception to it. When the Post Office Act came into existence in 1982 it defined a "letter". By government regulation in 1983 a letter was defined as anything under 500 grams, which is about a pound. Under the Customs Act which was in existence at that time, Customs officials were not allowed to seize or open any package under 500 grams, which was the definition of a letter.

This led to complications. One heard of cases of drugs and other illegal material being brought across the border into Canada. Before crossing the border people would mail the illegal material in packages of less than 500 grams which could not be seized or opened without their permission. They would then pick them up when they got into Canada. Upon examining the records of Canadian Customs one would find that that has been a prevalent concern of the Customs Department.

Clause 99(2) reads:

An officer may not open or cause to be opened any imported mail that weighs thirty grams or less unless the person to whom it is addressed consents or the person who sent it has completed and attached to the mail a label in accordance with article 116 of the Detailed Regulations of the Universal Postal Convention.

Clause 99(3) reads:

An officer may cause imported mail that weighs thirty grams or less to be opened in his presence by the person to whom it is addressed or a person authorized by that person.

I, quite frankly, do not like any intrusion into the privacy of the mail by the Customs Department. Prior to this Act being passed, a Customs officer could only seize and open packages weighing over 500 grams. With the passing of this Act he will be able to seize and open packages weighing over 30 grams. I