

mention in his speech is that there was already a law in the statute books and bankers knew that. I wonder why he did not raise that point in his remarks and why today, as we are about to pass this legislation, he is against it. Nobody is supposed to ignore the law. I would like him to tell me why he failed to point out that the legislation was in force and that nobody supported the legislation when the allegations were made.

**Mr. Steven Langdon (Essex—Windsor):** It is a very important question Madam Speaker. The Alberta Provincial Court declared in its ruling that the existing act was unacceptable. Small and medium sized financial institutions based their decisions on that ruling. They decided to grant loans to companies. After such a court ruling, we cannot give a two year retroactive effect to the act. I submit that such a retroactive measure is unacceptable in a democracy like ours.

**Madam Deputy Speaker:** The time allowed for questions and comments is now over. On Debate. The hon. member for Saint-Henri—Westmount (M. Berger) has the floor.

[*English*]

**Mr. David Berger (Saint-Henri—Westmount):** First of all, Madam Speaker, I cannot intervene in this debate without replying, at least very briefly, to the comments made by the member for Essex—Windsor. He referred to the positions taken by members of my party in this debate at report stage and at third reading and said that it takes inconsistency to new depths. He said this leads to sterility.

I would like to assure him that there is no problem of sterility on our party. On the contrary, I think that perhaps the different viewpoints that he has heard expressed here today indicate vigour and that there is some thinking going on in our party. It indicates that there are some of us who are willing to ask questions. It indicates a certain restlessness. It indicates that policy matters are not always straightforward.

I would say that, on the contrary, what we see from his party is more likely to indicate sterility. It is, generally speaking, a viewpoint which is unequivocal, which does

### *Government Orders*

not allow for any shades or differing viewpoints and is, as I say, an indication of sterility.

I would like to point out to the member for Essex—Windsor that the position that he himself took in committee and in the House today indicates such sterility. His comments were directed simply to the retroactive aspects of this legislation which, yes, we oppose, and which I spoke against earlier. When the vote was put on division my colleagues in the House indicated that we could not support the retroactive aspect of this legislation. So on that point he is quite mistaken.

I would like to draw to your attention that the objections of the member for Essex Windsor were only focused on the question of retroactivity. On the overall principle and overall design of this law he had no questions to ask.

I would like to suggest to him and to the members opposite in the government party that this bill is not just a matter of motherhood and apple pie. It is not as straightforward as we have been led to believe.

I would like to refer to the speech of the parliamentary secretary to the Minister of Finance on April 5, at page 10243 of *Hansard* when he said this bill applies only to recovery of payroll deductions and was designed to overcome a recent court ruling which thwarts the effectiveness of the improved garnishment provisions which came into force in 1987 and which he said applies only to the recovery of payroll deductions. In the very next sentence, the parliamentary secretary said:

The enhanced garnishment enables Revenue Canada to intercept the moneys owing to a tax debtor but paid to one of his creditors pursuant to a security agreement such as an assignment of accounts receivable.

• (1740)

Right there, in the words of the Parliamentary Secretary to the Minister of Finance, we see that we are not talking simply about the recovery of payroll deductions. No, we are talking about allowing Revenue Canada to intercept moneys or an account receivable that has been assigned to a lending institution, a financial institution, in a security agreement.

I understand that the member for Essex—Windsor does not have a lot of sympathy for the banks. We had a witness who came before our committee from the *Caisse*