is our system. We have built it up to the point where we cannot take back some of the responsibility that we have delegated to the civil servants. I am not blaming civil servants entirely—this is the system. It has progressed too fast for us. But here, again, I say to the Minister of Justice (Mr. Turner) that this is a vehicle whereby we can rectify some of the mistakes we have made in the past.

• (9:10 p.m.)

I am not blaming anyone in particular, but the legislation must have teeth in it. To my mind it is not strong enough in its present form. It only gives power to scrutinize. All hon. members scrutinize the regulations that come before us, but we have no power to tell the bureaucrats that they are not using a proper definition of the words—for example, that they are not putting the proper definition on the benefit of the doubt clause—and that this was not the intent of Parliament. In reply they say, "We have the power to interpret and this is what we are going to do." In fact, in a number of cases one department decides what is going into our legislation and another department has the power to interpret what the first department put in. How ridiculous! You cannot get both departments to agree, and it would appear that at present we have no instrument to reverse that trend. I would hope that this bill is the instrument we need to return the responsibility of application in the manner intended, to those elected by the citizens for that purpose.

I have mentioned one precedent established by the bureaucrats in regard to the interpretation of agricultural implements, and that is that the machine or implement must be made only for use in agriculture. Common sense asserts that such a qualification is impossible to meet. However, the bureaucrats have made their demands even more restrictive with regard to interpretation and thus have started a gradual process of making Parliament's legislative words meaningless. I cannot for the life of me understand why this or any preceding Parliament did not come up with an instrument whereby we could rectify these things that we know are going on, and stop the bureaucrats carrying on from year to year with a wrong interpretation of the legislation passed by this House.

A letter dated May 26, 1961, from the Deputy Minister of National Revenue reads in part:

> Having in mind the wealth of precedent in connection with the interpretation of the phrase "agricultural implements" as used in the Customs Tariff, much apparatus which has a purely agricultural application cannot properly be described as agricultural implements or agricultural machinery.
>
> The point at issue in each of these appeals is: can these contrivances be considered to be embraced by the phrase "all other agricultural implements or agricultural machinery, N.O.P." or are they more properly to be regarded as simply passive agricultural apparatus as a silo or a milking stall.
>
> The grain and livestock bodies at issue are utilized for containing grain and for penning up livestock during transportation. In view of past precedents and rulings of the Tariff Board, I trust you will understand my position in considering these articles of a passive nature to be not admissible under tariff item 409F, in the absence of a naming provision therein.

[Mr. McIntosh.]

A letter received from the Minister of National Revenue, dated November 5, 1968, reads in part:

> It is the position of the department that in order to qualify as an agricultural machine an article must contain mechanical features and be recognizably "agricultural." The Tariff Board set forth this principle in appeal No. 237, and it has been followed by the board on other occasions.
>
> In other words, it must be determined at time of importation whether or not an article is an "agricultural machine." The fact that one particular unit may be for use on a farm does not in itself qualify the product as an agricultural machine.

There are a number of reasons why I have quoted these two letters. Possibly the main reason, Mr. Speaker, is to establish the necessity of modernizing our procedures within this House of dealing with legislation after it has been passed, and made ineffective in its application when dealt with by the administrative body of our system. At present it would appear that Parliament has very little recourse against unfair and unintended application of legislation passed by it in good faith if the bureaucrats decide, through misinterpretation or for some other reason, to apply it in some other manner.

I would hope that the committee proposed by Bill C-182 would be an instrument to deal with matters such as I have described. I hope that when the minister explains clause 26 of the bill, he will assure the House that it is intended that the committee he proposes will have the power and the means to direct and police the application of the legislation and not merely the privilege to inspect, review or scrutinize the regulations. The committee must be given power to direct the application as intended by Parliament. I would hope the committee would have the power to correct any misunderstanding over the interpretation of any word or phrase in our legislation. I would hope it would have the power to rule that any particular word, unless otherwise defined in the legislation, would be interpreted in the manner practised in our courts rather than according to the narrow and restrictive meaning now enforced by the bureaucrats.

My second reason for quoting the two departmental letters is to show the gradual erosion of any purposeful meaning in our legislation by the rulings and precedents established by the bureaucrats without any direction by Members of Parliament on the legislation passed by them. In the letter of May 26, 1961, the deputy minister stated that the agricultural machine, apparatus or implement, because of precedent laid down by a former Tariff Board decision that the article was of a passive nature, was not admissible duty free. This is an arbitrary decision on the part of the members of the Tariff Board and it was not the intent of Parliament, because no mention of a passive or active nature is made in the legislation.

The minister may ask me why my constituents do not take this matter to court. The answer is that in most cases the amount of money involved may be only $100 or $200. The minister, being a lawyer, knows the costs of court actions. It would be poor insurance for a farmer to put up $1,000 or $1,500 to take a case to court when the amount involved is only $100 or $200. The farmer does exactly what the minister would do; he pays the $100 although he knows he should not have to pay it.