

Prevention of Spread of Plant Pests

clarified. Where any person is charged under the provisions of the bill we ought to make certain that he is dealt with by a properly constituted court of law, by people competent to hear the charge against him. The person charged ought to be informed of his rights. If a person who is brought before a justice of the peace suffers a miscarriage of justice for one reason or another, he must appeal to a higher court at added cost. I do not think many will be charged under the provisions of this bill. If they are, it will be because they have acted inadvicely rather than criminally. I say again, before passing this bill we must make certain that a charge against an individual or a company is brought in a properly constituted court of law in Canada. I need say no more. That was the purpose in moving my amendment.

Hon. H. A. Olson (Minister of Agriculture): Mr. Speaker, it is the desire of the government, too, that all cases shall be heard before a proper court. The words the hon. member seeks to delete, "or a justice" are standard and found in many federal statutes. Clause 11, which the hon. member seeks to amend, confers territorial jurisdiction on a magistrate or justice of the peace to hear proceedings in respect of offences under a statute. If the proposed amendment to clause 11 carries, the resulting situation would be that only a magistrate would have jurisdiction to deal with offences under the act. As a practical matter, in most areas of Canada such offences would be tried by a magistrate, in any event. However, there are certain areas in the country where a magistrate with jurisdiction is not always available and a justice of the peace would be the only person who could hear proceedings. If clause 11 were amended and the jurisdiction of the justice of the peace deleted a situation could arise where no magistrate would be available to deal with offences under the act. It should be noted, in any case, that where a justice of the peace—

The Acting Speaker (Mr. Béchard): Order, please. Is the hon. member rising on a point of order?

Mr. Gleave: Will the minister permit a question? In what areas of Canada would a magistrate not be available?

Mr. Olson: May I answer the question after I have finished my explanation as to why we need clause 11 the way it is. May I proceed from where I left off, Mr. Speaker? It should be noted that, in any case, where a justice of the peace deals with proceedings against an

[Mr. Gleave.]

accused, the provisions of the Criminal Code respecting appeals from and review of such proceedings would be applicable to safeguard the rights of the accused. At the present time there is no indication that such provisions in existing acts are producing unjust or harmful effects. Therefore, the hon. gentleman here is asking us to change normal procedures. They are procedures which have their root in the Department of Justice. This is not the proper time for the hon. gentleman to bring forward his amendment. I do not question his right to try to move the amendment; nevertheless, since it seems that he is complaining about the way courts may handle offences, his remarks ought to be addressed to the Department of Justice. For those reasons, I cannot accept the amendment.

Some hon. Members: Question.

The Acting Speaker (Mr. Béchard): Is it the pleasure of the house to adopt the said motion?

Some hon. Members: No.

The Acting Speaker (Mr. Béchard): All those in favour of the amendment will please say, yea.

Some hon. Members: Yea.

The Acting Speaker (Mr. Béchard): All those opposed will please say, nay.

Some hon. Members: Nay.

The Acting Speaker (Mr. Béchard): In my opinion, the nays have it.

Mr. Knowles (Winnipeg North Centre): On division.

The Acting Speaker (Mr. Béchard): I declare the motion lost, on division.

Amendment (Mr. Gleave) negated on division.

Hon. H. A. Olson (Minister of Agriculture) moved:

That Bill C-154, an act to prevent the introduction or spreading of pests injurious to plants, as reported (with an amendment) from the Standing Committee on Agriculture, on Wednesday, January 29, 1969 be concurred in.

Motion (for concurrence) agreed to.

The Acting Speaker (Mr. Béchard): When shall this bill read the third time?

Mr. Knowles (Winnipeg North Centre): At the next sitting of the house.