

Since 1968 when the Plant Quarantine Act was introduced many changes in Canadian law and in the world market-place have started to erode its power. Many sections are no longer productive.

Seven years ago Agriculture Canada vigorously reviewed its plant protection programs. Experts from the department, with the help of those from provincial governments, industry and the public, assessed the impact on our programs of the new technology, changes in the market-place, and the recurring problems that have resulted from applying the current legislation.

This bill results in part from those amendments. It ensures that Canada's superior standards of plant protection are preserved. We are removing those facets that inhibit the department from doing its best to prevent the spread of pests. We have reworked sections to make them more productive. We have taken steps to ensure that Canadian plant based industries will continue to prosper in the world market.

The revised legislation deals with three major areas. First, it incorporates several provisions found previously only in the regulations. These provisions grant Agriculture Canada authority to issue permits to persons importing plants, to designate where and under what conditions products will be inspected, and to move, place in quarantine or dispose of plants, plant products or other things that are infested. Moving these provisions from the regulations to the act leaves them less open to challenge.

Second, the onus is no longer solely on the department to prove that individuals deliberately spread pests. The current act states that no person shall knowingly introduce or admit into Canada any pest, plant or plant product, or anything else that is infested or likely to be infested with a plant pest. This clause has been a legal hindrance to the government's efforts to keep plant pests from entering or spreading within the country.

Steps to prevent plant pests from entering Canada or spreading have bogged when individuals challenge the department to prove that they deliberately spread the pests.

Government Orders

The purpose of this legislation is to control and eradicate plant pests, not punish people. The bill therefore separates the control and eradication of pests from commission of the offence.

The third major provision of the bill will ensure that technological progress does not outstrip legislative controls. The controls in place today cannot keep pace with the expected rapid change in methods of transporting plants, products or other things, and in methods of controlling or eradicating plant pests.

The department needs some mechanism to ensure that it can keep up with the new technology. Currently, authority to revise control provisions rest with the Governor in Council. The revised act allows the Minister of Agriculture or officials to deal with matters of a technical nature, such as the packaging and transportation of material that is likely to be infected with plant pests.

The act is also being amended to provide for cost recovery for some services. In fact costs can now be recovered for services like conducting inspections, issuing permits to those who import plants, and for providing other services under the Plant Protection Act.

These costs will be borne, where appropriate, by the people who seek the department's services or by those whose negligence threatens the health of plants.

The costs for facilities to inspect and test for plant pests will also not be shouldered by the public. Two new sections of the act provide the Minister of Agriculture with the authority to require operators of land, air, rail and sea terminals to allocate, if required, at no cost to the Crown, space and facilities for the services provided for in the act.

As well as providing these major benefits, the amendments also clean up other problems associated with the previous act. For example, they clarify obligations and eliminate unnecessary hardships on people. They also confer new powers on the department to perform its work more efficiently. They ensure that the new act respects the rights of citizens as guaranteed in the Canadian Charter of Rights and Freedoms.

The scope and intent of many sections have been crystallized in the new act. The duties and obligations of