

*Pesticide Residue Contamination*

and which I thought was quite irrelevant, was that incarceration would be in a federal penitentiary, not a provincial jail. I got the impression that this sort of provision was standard form in this type of legislation, but this does not seem to me a sufficient answer.

In our discussions of the omnibus bill, we are carefully considering punishment and conviction and trying to relate the punishment to the behaviours and motives of the person who falls afoul of the law. In the bill we are considering this afternoon—actually we are considering two bills, C-155 and another bill to come before us—we are considering measures that even a few years ago would not have been necessary. However, they are required now because we are using pesticides in agriculture.

These pesticides are widely used in city and urban communities to control such ordinary insects as mosquitos and house flies. In the process of controlling them, there is the danger that people might use products they should not use, or use them inadvisedly. In addition, it is possible that manufacturers or distributors may release products inadvisedly. I doubt that anybody, whether he be user or manufacturer, would use or manufacture any product that he thought would damage the community at large or be hazardous to people in the vicinity. Under the spur of a profit motive, of course, a manufacturer will try to put out a product which will bring him a profit and which will be accepted in volume by the community at large. This is the sort of thing we are dealing with under this bill. I find it altogether unreasonable that farmers, manufacturers and distributors should be dealt with on the same basis as those who have committed assault, or robbed others.

• (4:00 p.m.)

A point was raised to this effect: an inspector might be abused while carrying out his duties under the act. From my interpretation of the information Mr. Newman gave the standing committee, an inspector who is assaulted or who suffers any injury has available to him his remedy in law. I confess I am at a disadvantage in presenting my argument since I have no training in law. All the same, my arguments are based on common sense. I do not think we ought to contemplate including in the provisions of this bill the punishment the government has included in it. In our society, unfortunately, we have to control individuals to a much greater extent than was

[Mr. Gleave.]

necessary some years ago. It may be necessary in future to impose severe punishments on those contravening the provisions of the bill. I do not know that it will be necessary, but neither does anyone else. At present I am in this position. Nothing that was said in committee or elsewhere convinced me that it is necessary to proceed against an offender under this bill by way of indictment and punish him by imposing a penalty of two years imprisonment. In Saskatchewan, we have had for a long time a number of weed control acts. I know, from personal observation, that when people were proceeded against for allowing obnoxious weeds to grow on their property it was touch and go whether they were guilty of anything other than—to use the vernacular—stumbling around and being incompetent.

I think those who will be proceeded against under this act may fall within that category. Certainly, I do not think any hon. member would wish to see a farmer, manufacturer or distributor charged with an indictable offence, photographed and fingerprinted. I, therefore, submit that hon. members ought to support the amendment. If in future the government feels it necessary to introduce a provision allowing for harsh punishment, well and good. But until then, let us take the punishment provision out of the bill.

On January 28, as reported in Minutes of Proceedings and Evidence of the Standing Committee on Agriculture at page 373, Mr. Newman, who is listed as a legal adviser, said:

I believe that the provisions of the Identification of Criminals Act would come into effect and that the police would have the right to have the accused photographed and fingerprinted because he was charged with an indictable offence.

This is taking the matter too far. Farmers should not be so treated. We were told it was unlikely that such action would be taken. If that is so, why have the punishment provision in the bill? At page 381 of the same committee report the deputy minister, Mr. Williams, is reported as saying:

My understanding is that after this act is passed he will solely have this act, because he has no rights under any other act.

I will not labour the point, because it is fairly simple and easy to understand. The minister and the government have the right to bring new provisions before the house; but we are dealing with pesticides here and we ought to make certain that the rights of the individual are not impaired. We should not fall back on procedures reserved for other