

Unpegging of Canadian Dollar

\$5,000 fine provision. Of course, this was complete imagination without any facts to support it at all. What the amendment simply did was to knock out legislation by reference, which would have incorporated a section of the Hazardous Products Act into this bill. The courts have speculated that that habit would continue to go on until an aroused public rebelled against it. That is all we did, to rebel against legislation by reference, and it seems as though the rebellion was successful. I make the point that we were not kicking the teeth out of the act but that we were, as we are doing right now, trying to strengthen the act.

I can see the minister's point that in some cases, no doubt, an employer has done a reasonably good job trying not to have pollution, and then some sloppy employee allows it. It could happen to the best homes, best factories, or both. In that case the judge hearing the trial has an immense discretion. The fine can be from absolutely nothing up to \$5,000. That is the occasion for the court to use some discretion as to what the penalty should be. But I say there should be absolute liability in respect to our waters, and that the slogan should simply be, "Thou shalt not pollute."

Mr. Andrew Brewin (Greenwood): Mr. Speaker, we have struggled with clause 28 and we understand the history of the different views taken of it in the committee, and so on, but it is my view that the minister gave a perfectly satisfactory explanation and that the amendment proposed by him is more satisfactory than the amendment proposed by the committee. The following are my reasons.

If the hon. member for Peel South (Mr. Chappell) is correct that clause 28 as drafted by the committee establishes an absolute liability on the employer, then I think it goes too far. I think it is against proper principles of punitive or criminal law that a person should be made liable to serious, and rightly serious fines and penalties, for a matter which he does not control, which he does not have knowledge of and which he could not with due diligence have prevented. If, on the other hand, clause 28 has a different interpretation it might imply a requirement for some degree of knowledge or consent. It might imply that it is a punitive clause—and that is often implied in criminal law, as the hon. member for Peel South, himself a distinguished lawyer, will recognize—and if that is the interpretation, then instead of being too drastic, clause 28 as amended in the committee would be too loose.

It seems to me that the amendment before us, proposed by the minister, is a reasonable one. It says he will be responsible unless he establishes—the onus is clearly put on the owner or the employer—not only that it was done without his knowledge or consent but that he exercised all due diligence to prevent its commission. I do not think that would be an easy thing to establish in this connection, but if he establishes successfully that it was done without his knowledge, that he exercised all due diligence and that he could not do anything about it, I do not think it would be sound in principle to make him liable to damages. For that reason I would advise members of the House who are interested in the matter to accept the amendment proposed by the minister.

The Acting Speaker (Mr. Béchard): Is the House ready for the question on motions Nos. 20, 21 and 22?

Some hon. Members: Question.

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

Some hon. Members: Adopted.

An hon. Member: On division.

Motions Nos. 20, 21 and 22 (Mr. Greene) agreed to.

The Acting Speaker (Mr. Béchard): It being six o'clock p.m., it is my duty to interrupt proceedings on the business now being considered. At eight o'clock p.m. a motion will be moved by the Leader of the Opposition (Mr. Stanfield) to adjourn the House pursuant to Standing Order 26. I do now leave the chair, to resume the same at eight o'clock p.m.

At six o'clock the House took recess.

AFTER RECESS

The House resumed at 8 p.m.

**MOTION TO ADJOURN
UNDER S.O. 26****FINANCE**

MEASURES TO OFFSET DISADVANTAGES
ARISING FROM UNPEGGING OF
CANADIAN DOLLAR

Mr. Deputy Speaker: Order. Leave having been granted to the Leader of the Opposition