

Sharp	Tolmie
Smerchanski	Trudel
Smith (Northumberland- Miramichi)	Turner (London East)
Stewart (Cochrane)	Watson
Stewart (Okanagan- Kootenay)	Weatherhead
Sullivan	Whelan
Thomas (Maisonneuve)	Whiting
	Yanakis—101.

• (5:10 p.m.)

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

That Bill C-155, to provide compensation to farmers whose agricultural products are contaminated by pesticide residue, and to provide for appeals from compensation awards, as reported (without amendment) from the Standing Committee on Agriculture on Wednesday, January 29, 1969 be concurred in.

Motion (for concurrence) agreed to.

Mr. Speaker: When shall the said bill be read the third time? Next sitting of the house.

AGRICULTURE

PREVENTION OF INTRODUCTION OR SPREAD OF PLANT PESTS—REPORT STAGE

The house proceeded to the consideration of Bill C-154, to prevent the introduction or spreading of pests injurious to plants, as reported (with an amendment) from the Standing Committee on Agriculture.

Mr. A. P. Gleave (Saskatoon-Biggar) moved:

That clause 11 of the said bill be amended by deleting from line 12 the words "or a justice".

He said: Mr. Speaker, I move the deletion of these particular words from the bill mainly because I was unable to get real clarification in the committee of what is involved here. I asked whether "justice" referred to a justice of the peace, and from the information I was given I understood it did refer to a justice of the peace.

I fail to see, in the circumstances in which we in Canada are living, why an information laid under this act should come before a justice of the peace for hearing. Clause 11 provides that:

A complaint or information in respect of an offence under this act may be heard, tried or determined by a magistrate or a justice if the accused is resident or carrying on business within his territorial jurisdiction, although the matter of the complaint or information did not arise in that territorial jurisdiction.

I want to point out to the house the scope of this matter. In a recent issue of *Country Guide* it is pointed out that there are five

Prevention of Spread of Plant Pests

counties in the province of Ontario which restrict movement of certain farm products and agricultural materials from one area to another. It is necessary to control the movement of such materials because they might carry the residues of certain plant pests.

In view of the wide application of this provision, I think that any person who is charged and tried under this act should appear before a competent justice or magistrate. I think the act should be crystal clear in stating that no individual should be brought for trial before a justice of the peace, who may or may not have a knowledge of the law. If we were back in the horse and buggy days when there might have been a problem connected with appearing before a fully trained and competent judge, then I could see the reason for this provision. The information I have is that in the province of Saskatchewan alone there are well over 500 justices of the peace. There is one in the market town in which I live. At the same time there is a circuit judge or magistrate who periodically comes to the town so that offenders against the law can be brought before him.

The reason I move the amendment is that I think offenders under this act should be brought before such a judge, and that the act should clearly say so. At the moment, it does not. If I may quote from the proceedings of the committee on January 28, as reported at page 426, the counsel for the Department of Agriculture said:

Mr. Chairman, there seems to have been a problem in the construction of clause 11. By using the words "magistrate or justice" it would seem that this would give jurisdiction to a justice to hear a charge laid under a clause of this bill or the regulations.

If that is so, then the question becomes one of definition: who is a justice? In asking that question in the committee I was given the clear understanding that a justice could be a justice of the peace, and as I say such a justice is not necessarily informed in the law. The report goes on:

It is possible—

The report says "Is it possible" but it must be "It is possible".

—that if the accused elects to have his case heard by a higher tribunal, the higher tribunal would have jurisdiction, but that would only be in the cases where there was procedure by way of indictment.

• (5:20 p.m.)

As I said previously, I am not trained in the law, but I think this matter ought to be