

Pesticide Residue Contamination

the minister appeal the decision of the assessor. As has been said over and over again, the assessor, under clause 11 of the bill must be a person designated from the Exchequer Court of Canada or the superior courts of the provinces.

In arguing points of principle the hon. member for Kent-Essex tried to argue both sides of the case and he seemed to take contradictory positions. For example, he argued that there should be sufficient flexibility within the provisions of this bill to permit the Department of Agriculture and all assessors to deal fairly and justly with cases. Then he argued that there should be far more specific matters written into the bill. That would take away from the flexibility he was advocating two minutes earlier. I agree with him that in this departure in our law we need flexibility. We will need flexibility on the basis of experience to bring in amendments to the regulations if the regulations are insufficient to provide justice. Above all, the provisions of the bill must be flexible.

The hon. member for Roberval (Mr. Gauthier) at one point talked of animal carcasses which had been condemned because they contained residues of pesticides. I agree that compensation would be paid under the provisions of this bill. I must apologize for interrupting him, since at the specific moment I rose on the point of order he was talking about maximums that were to be raised or increased with respect to compensation to be paid on any one animal. That matter is dealt with in Bill C-156. We intend to prescribe these maximums by order in council instead of having them fixed, as they are now, in the statute.

I agree with the hon. member for Bruce (Mr. Whicher). He said that this is the first time a farmer has had the right to appeal. To give him that right was one of the major purposes in bringing forward this legislation.

The hon. member for Brandon-Souris (Mr. Dinsdale) referred to clause 13(3). He pointed out that the decision of the assessor on any appeal brought pursuant to that part of the bill is final and conclusive. The hon. member for Edmonton West, (Mr. Lambert), the hon. member for Winnipeg North Centre (Mr. Knowles) and others made a great deal of to-do about this subclause. That subclause has not been introduced for the purpose of denying anyone any fundamental right. What must be borne in mind is that before a farmer can in fact make an application for com-

penensation his product must have been condemned under the Food and Drugs Act by an inspector working for the requisite department. It seems to me it is easier and better for a farmer to bring an appeal to an assessor and to have that appeal final, because all the procedures involved will be less expensive, I suggest, and simpler for the farmer to proceed under. The contention that has been made that here we have a case of the government fully protecting itself in the matter of an appeal and leaving the onus on the farmer in all cases is just not credible. That is because the limited purposes of the act are to provide an authority which will enable compensation to be paid to farmers whose produce has been condemned.

Mr. Lambert (Edmonton West): Well, that is what the minister says.

Mr. Olson: I see the hon. member for Edmonton West raises an objection. I suppose one could go through an act and pick out methodically those sections that are inserted to make sure that public funds are adequately protected, or that any department of government will spend public moneys in a certain way. Under this legislation it is necessary for us to know that, within reason, necessary action is being taken and that a matter will be referred to assessors who, as has been pointed out a dozen times today, will be competent to listen to evidence and judge whether the minister's decision with respect to the amount of compensation is fair or not fair.

Mr. Dinsdale: Would the minister permit a question? Why does he insist that the bill shall exclude the right of appeal to the courts, on the ground particularly that such a right would involve great expense for farmers? In most cases that right would not be used frivolously. Why does the minister not leave the door of final appeal to the courts open to the farmer?

Mr. Olson: The matter works both ways. The department or the minister cannot appeal from the assessor.

Mr. Dinsdale: But what about the individual? What about his rights?

Mr. Olson: We take the position that at some point the decision should be final. That point is spelled out in clause 13(3).

Mr. Dinsdale: That is what we are complaining about. This is the just society.