

Water Resources Programs

Mr. Chappell: Mr. Speaker, will the hon. member permit a question? I think he said that the words he referred to constitute an improvement to the bill. As I read the words and understand them, they simply restore that clause and make it exactly as it was before the committee struck those lines out. If I am wrong, I should appreciate some assistance.

• (5:40 p.m.)

Mr. Aiken: I have to admit that I cannot answer the question. The clause has been changed and altered so many times that I do not know what was in it at what stage. I do not know whether or not this is the clause as it appeared in the original bill. It is the clause which I tried to amend but which was eventually altered. However, the clause as now proposed is certainly an improvement. I will stand corrected on this, but I started out by saying that I am still so confused by the whole situation and numbering that I do not know where the amendment stands in relation to the original clause. If the hon. member alleges that the amendment that is now being proposed restores the clause to the form in which it was first proposed in the bill and which was amended, he may be right. Certainly, the addition of the words in the amendment now before us improves clause 28.

Whether or not it is different from the clause in the original bill—and the amendment is certainly different from clause 28—I would be happy to hear the hon. member's comments because in large part the hon. member for Peel South (Mr. Chappell) was responsible for striking the whole thing out. Perhaps he was right then.

Mr. Chappell: I think I have a question of privilege, Mr. Speaker. The hon. member said I was responsible for striking the whole thing out. What we did in committee was simply strike out the last four lines which the amendment now proposes to put back in. I did not propose to strike out the whole clause.

Mr. Aiken: I will have to reserve my position on this point until I have gone through the various amendments once again.

I have another point to raise regarding clause 20, amendment 19. The amendment now before us is not the same as the amendment that was defeated in committee, because subclause 4 is now missing. What concerned me about clause 20, subclause 1 at that time and what concerns me now is that the limita-

tion that was in there in the first place concerning the right of an inspector to enter a private residence has not been retained. I am sorry it was not considered necessary to do that because throughout the rest of the bill it is made very clear that under this act no inspector can go into a private residence. Yet this is not made clear in clause 20. The clause would have been a good deal better if it had been made clear that this did not apply to a private residence.

Mr. Hyl Chappell (Peel South): Motion No. 21 would, as I understand it, simply reverse the decision of the committee and restore clause 28 to the form in which it was before it was amended in committee. This clause was clause 25 in the first draft bill but became clause 28 on May 7, the day it was debated in committee.

Prior to the amendment in committee it read:

In a prosecution for an offence under this act, it is sufficient proof of the offence to establish that it was committed by an employee or agent of the accused whether or not the employee or agent is identified or has been prosecuted for the offence unless the accused establishes that the offence was committed without his knowledge or consent and that he exercised all due diligence to prevent its commission.

If this amendment goes through, the clause will again read the same. On May 7, after a lengthy debate and after hearing evidence from a solicitor from the Department of Justice, I moved to strike out the last four lines. It was a well attended meeting and, I believe, the motion was supported by all but one member, that is, the hon. member for Parry Sound-Muskoka (Mr. Aiken). Unless I hear some telling reasons today for the restoration of those last lines, I shall vote against this motion.

Mr. Brewin: Would the hon. member give the minister's explanation? The minister gave a perfectly clear explanation.

Mr. Chappell: I shall. I should like to say a few brief words about the right of the committee members to support his position in committee when the matter comes before the House. I am fully conscious of the fact that I am opposing the minister or his advisers, but I submit that surely if after full debate in committee we have disagreed with the department officials advising the minister and made an amendment, we have not only the right but the duty to support the stand taken earlier. If we do not do so, then we were just little boys who should not have been allowed out alone in the committee.