

DAIRY INDUSTRY ACT

AMENDMENT TO PROVIDE INCREASED PENALTIES
FOR VIOLATION

Mr. SAMUEL GOBEIL (Compton) moved that the house go into committee on Bill No. 16, to amend the Dairy Industry Act (increase of penalties).

Motion agreed to and the house went into committee, Mr. Jones in the chair.

On section 1—Penalties increased.

Mr. MERCIER (St. Henri): I would like to know if the Minister of Agriculture has been consulted about this bill, and if so what he and the government think about it? The bill has been introduced by a private member. It provides for a very drastic increase in penalties. I would like to know what justification there is for this increase.

Mr. GOBEIL: This bill was before the agriculture committee. The Minister of Agriculture was present, also Mr. Ruddick, the dairy commissioner, and the bill was thoroughly discussed and approved by the committee without amendment.

Mr. NEILL: May I ask the sponsor of this bill what are the offences for which a severe punishment is provided under this section? The section does not say what those offences are.

Mr. GOBEIL: It is the offence of adulterating dairy products.

Mr. NEILL: I would ask the Minister of Justice if his attention has been drawn to this bill, under which upon summary conviction a man may be punished to the extent of a fine not exceeding \$1,000 for a first offence and \$2,000 in the case of a second offence. A case of summary conviction would go before a justice of the peace, two or possibly one, and in many districts the justices of the peace are not lawyers or men pretending to have any great skill in or knowledge of the law or legal procedure and the hearing of evidence. They are often appointed primarily for the purpose of signing documents, and these men are to have the power, under this bill, of fining a man \$2,000. I do not think there is any other section in the criminal code that provides such a severe penalty on summary conviction for an offence of this nature.

Mr. GUTHRIE: My attention was called to the bill when it was before the house in the first instance, and I briefly discussed it on that occasion. I did point out that the penalties seemed rather extreme, and it was at my suggestion that the bill was referred

to the committee on agriculture. That committee, I suppose, has gone over it with its usual care, and has not seen fit to amend it. I also pointed out that this bill was in conflict with an act at present on the statutes in regard to the adulteration of food, namely, the Food and Drugs Act, under which the penalties are much lighter than those provided by this bill. One difficulty is that prosecutions may be laid under the Food and Drugs Act and not under this legislation at all. I pointed that out in order that the committee might consider the matter, and see if they could not reconcile the present act with the bill now proposed, but evidently the committee in its wisdom has reported the bill without amendment.

Mr. NEILL: I would point out that members of the agriculture committee are generally either farmers or members directly interested in the viewpoint of farmers, who possibly would not look at it from the point of view which the Minister of Justice has just suggested. I would ask the Minister of Justice if in his wide experience he has not found that an extravagant penalty often defeats its own object.

Mr. GUTHRIE: In many cases, yes.

Mr. NEILL: It almost invariably has that effect where an extreme penalty is imposed for a comparatively trivial offence, especially a first offence. The magistrate or the judge or the defence find ways of evading the law rather than have a notoriously unfair sentence given. That phase is perhaps not my business. I am simply pointing these things out, and I think the Minister of Justice should use his authority as the first law officer of the crown to hang this bill up until it is further looked into.

Mr. GOBEIL: This bill was presented at the suggestion of the dairymen's association of the province of Quebec after a resolution had been passed by that association, which is composed of experts in the butter and cheese business. They were brought before the committee, and Mr. Ruddick also appeared before the committee. This very question as to the penalty was put to him, and Mr. Ruddick was emphatic in stating that the penalties were not too high. He said that those who were adulterating butter were deliberately doing so, that they were no more or less than thieves, and that they should be punished. He was absolutely of the opinion that the penalties were not too high. The hon. member for Comox-Alberni suggests that an extreme penalty might defeat its own