

*Pesticide Residue Contamination*

soil pollution. This will be a major concern to governments that have responsibilities in these matters.

The only complaint I am going to make this afternoon is in reference to clause 13, sub-clause 3, of the bill. I think it goes too far in dealing with this matter, at least at this stage of development. It reads as follows:

The decision of the Assessor on any appeal brought pursuant to this Part is final and conclusive and not subject to appeal or to review by any court.

● (3:40 p.m.)

The very fact that we are moving into a new area of control gives rise to criticism against the rather arbitrary conclusiveness of this part of the bill. It is going to be difficult to anticipate all the eventualities that will arise from the problem of pesticide poisoning and pollution. From the standpoint of bureaucratic efficiency I know that such a provision in an act, particularly a new act, is neat and tidy, but it is hardly in keeping with the support of individual rights and liberties that has been espoused by the government both inside and outside the House of Commons. The present government, which is proposing this arbitrary subclause, is supposed to be anchored to the principle of the just society. In the light of this, when we are moving into an unexplored area of government control and participation I would think we should do nothing to limit, circumscribe or curtail the individual's recourse to justice.

I was particularly taken with a phrase used by the Prime Minister (Mr. Trudeau) during the constitutional conference last week. In putting forward his thesis in support of a Bill of Rights the hon. gentleman used the phrase that there must be protection from the bureaucratic agencies that are spawned by government. I think that here is a prime example of what the Prime Minister was talking about. Under this bill there is the right of appeal to an assessor, but once that appeal has been made and the decision has been handed down the door to further recourse to justice is closed. I advise the minister at this stage that he might review clause 13(3) in the light of the comments that have been made this afternoon.

My hon. friend who opened the debate this afternoon said that there is a probability or a possibility of a resort to the minister. But even this is not sufficient protection for the individual. As this is a new bill, described by the hon. member for Bruce as exploring new problem areas that are becoming of public

[Mr. Dinsdale.]

concern, I suggest that we should keep the door of recourse to the courts open at this stage. This would give proof that the government is interested in more than lip service to propaganda phrases such as the just society, and in curtailing arbitrary decisions by the bureaucracies spawned by government in the complexities of public life today.

There is one other point I would like to make. If parliament approves this aspect of the bill which I am discussing, it will become a precedent for other arbitrary decisions of this kind. In other words, if I may use the Prime Minister's phrase, it will spawn precedents aplenty that will more and more put final decisions on justice into the hands of the bureaucrats, out of the hands of ministers, out of the hands of parliament and in particular out of the hands of the courts. Because we are breaking new ground with this bill I think the minister would want to get it established in the right way. I trust that even at this late stage he will keep the final recourse to justice in the courts open for our farmers.

**Mr. Rod Thomson (Battleford-Kindersley):** Mr. Speaker, I have been quite critical of some other pieces of legislation that the Minister of Agriculture (Mr. Olson) has introduced and I would not like to see him bring in a bill with which I agree without offering him my congratulations, and I do so now.

I also think we should give consideration to some of the comments of the last speaker. As a farmer in a rural area I will certainly be willing to act as an interested advocate for any farmer or manufacturer who has troubles in regard to matters of this kind. It has been suggested that since this is new ground we should be a little wary. At the same time I wish the minister well in his administration and I hope there will not be too many claims against the Crown.

**Mr. Randolph Harding (Kootenay West):** Mr. Speaker, I think this legislation is a step in the right direction and I intend to vote for the bill. However, there are one or two points I would like to mention.

Some time ago the people in my area had a problem. I do not know whether it is specifically related to pesticides. I mentioned it to the minister the other day and promised to send him more information on it. I presume that information is now on its way to him through the mail.

Recently a number of colts in the Trail area died of chronic lead poisoning which was