

tion given us a short while ago. You seemed to take section 5 as the primary purpose of the bill. If that is the case it should be section 1 in order rather than the reverse. You proceed by way of introducing the illusory concept of compensation to farmers by describing the bill as "An Act to provide compensation to farmers" and then, as Senator Hayden said, under sections 3 and 4 make clear the conditions under which he is entitled to compensation, which could, in my opinion, on that score lead to no difficulty of interpretation. Then you introduce section 5, which is completely nonconsequential, a *non sequitur* as we say in law, to the preceding section, calling upon the farmers to take proceedings. Aside from the questions of law and questions of policy, calling upon farmers to find lawyers to institute proceedings and all that sort of thing, is in my opinion leading the farming community astray about what you have in mind in respect of the purpose of this bill.

The heading to the bill is an affirmative indication of intention to compensate, not to find reasons not to compensate.

Mr. Phillips: I certainly get the point, but if I could comment I would say that I do not think the title of bills always indicates the exclusions...

Senator Phillips (Rigaud): If I might interrupt you, the titles of bills do not do so and have no legal significance, but surely you will admit that the order of the sections...

The Chairman: It is the purpose of the bill. What is the purpose of this bill?

Senator Phillips (Rigaud): That is why I referred to it.

The Chairman: The purpose is to provide pesticide residue compensation, so we provide it and take it away, or make it tough for the farmer to get it.

Mr. Phillips: As I interpret your point, Senator Phillips, you have been alerted in section 3 to the conditions under which a payment is to be made. It says, "subject to this Act". Section 5 then gives the conditions under which the payment may not be made, so, if you will, it is part of section 3.

Senator Phillips (Rigaud): If you use the words "subject to this Act" you are technically correct. You say the whole act has to be read and one should not be fooled by the indications of the heading of the bill into

thinking it means one gets relief. The basic sections 3 and 4 are intended to give relief, but they may say, subject to this act, please take a look at the last section 5 that follows 3 to 4. Surely this is a negative way of approaching a relief act.

The Chairman: Maybe I am misinterpreting the views on the committee. The way I interpret them is that they are not in favour of this section as it stands and that the committee is not in favour and there should be some revision.

Senator Haig: Mr. Chairman, under section (c) to subsection 2 by saying that after he sees the confirmation of the Health and Welfare Department that the residue is not present because the farmer must give a right to the minister to sue if he deems necessary.

Senator Phillips (Rigaud): That is what the chairman suggested as the first confirmation.

Senator Haig: The farmer knows the condition to which he can apply for compensation. In fact, he has got to meet this before he is entitled to it. If he does all those things then he is entitled to the compensation.

The Chairman: That is what I said.

Mr. Phillips: If I may ask one question related to this. If a farmer decides that he is not going to—I will put it another way—with the drafting that is suggested there is only one way he can get the payment and that is if he subrogates.

The Chairman: Three conditions.

Mr. Phillips: He may not want to. He may say, "Look here, I am going to take this man to court myself. They tell me I have got a case against him."

Senator Haig: Yet he does not get compensation from the Government.

Mr. Phillips: That is what I want to make sure.

The Chairman: He is the one that has the right to sue the manufacturer. If he does not give up that right in effect by subrogating he does not get the compensation.

Senator Phillips (Rigaud): I do not think you are going to get the confidence of farmers across the country if you are going to subject them to this type of public order.

Mr. Phillips: I am sorry if I left the impression...