

Pest Control

Our contention was not accepted by the government, even though we pointed out that these inspectors were given greater powers than the R.C.M.P. in some respects. They could enter premises at their discretion, and demand to see papers, books, products or anything connected with the chemical involved. We maintained that when inspectors detain or cause to be withdrawn from sale certain products, there is no recourse to the courts against this action.

We were supported by the industry on this stand and they took it upon themselves to make strong representations to the Standing Committee on Agriculture in this regard. The industry felt this lack of appeal procedure was an undue hardship, and this was the reason for their plea. We in the opposition supported their plea because we felt it was justified, but at that time the government was not disposed to accept our recommendation. Subsequently, the bill, having gone through parliament, was referred to the other place. There is no doubt that the other place had the same attitude toward the rights of the companies as did the opposition at that time. So, the other place amended the bill and sent it back to the house. We had a further debate on this bill, at which time we once again attempted to convince the government that it was not the wish of Canadians to deny individuals or corporations the right to appeal.

Once again, the government was not disposed to accept the basic fact that when a government takes an action there should be some recourse or appeal from it. So, the government was not disposed to accept the amendment proposed by the other place. Now, the bill comes before us once more with an amendment which still does not provide for a direct appeal to the Courts. Instead, the amendment contains the weak proposition that appeal procedures may be set up under the regulations as prescribed by the Governor in Council.

We cannot accept this amendment, having due consideration for the rights of the industry and of the individual. Even at this late date, those hon. members who are directly concerned with this legislation appeal to the government to reconsider their whole stand on this bill. More and more of this type of legislation is being brought before the house. I think this is only one of a series of bills of this type brought before us in this session. We face the situation in which an action may be taken by a departmental representative in the course of his work and the only appeal

[Mr. Danforth.]

procedure available to a company or an individual involved will be before an arbitrator appointed by the government. Although the contention of the government is perfectly correct that a judge may be appointed to consider this particular appeal, the fact is that he cannot be considered to be acting in the capacity of a judge in a court. The person whom the government appoints will be acting as an arbitrator to settle a dispute between the two parties. What we find very hard to accept is the fact that these bills, which will become the statutory law of the country, provide that once a decision is rendered by an appointee of the government there cannot be any recourse to review or appeal against the decision before a court. In our opinion this is an infringement of the basic rights of the citizens of this country.

I cannot accept the amendment to this bill proposed by the other place because I do not believe it fulfills the prime requisite of providing for a direct appeal against a government action.

Mr. Arnold Peters (Timiskaming): Mr. Speaker, we are faced with a procedure whereby we can say we are having another kick at the cat, particularly those of us who as members of the committee supported the right of appeal to an impartial body from decisions taken by civil servants which affect individuals and companies. As the previous speaker said, we raised this matter in the committee in relation to a number of bills. It has always seemed to be the divine right of governments to pass legislation, both in the field of agriculture and of fisheries, allowing government officials to be judge and jury as well as policemen. This is a dangerous procedure and an unnecessary one. It seems to make a mockery of the principle underlying the Bill of Rights. Everyone should have right to redress from a civil service decision. This is particularly important in relation to acts in which the rights of individuals may be involved.

These rights are certainly considered in the review by the Hazardous Products Board, where compensation can be made in the case of a decision which affects an individual. Under the bill before us the right involved is more often the right of a company to redress from a decision that has been made by an inspector appointed under this act. While we may not be quite as sympathetic in these cases, I think the same rules should apply and the right of appeal from an individual decision should be granted. However, another problem is raised. This bill has been passed