

Prevention of Spread of Plant Pests

Mr. Olson: Very unlikely.

Mr. Lambert (Edmonton West): The minister says "very unlikely". I know the hon. gentleman draws his inspiration from above. He is divinely inspired. But the other people are mere mortals and pigheaded errors do arise. Yet there is no recourse for a manufacturer at all, no recourse for a person on whose premises products deemed at one moment to be injurious may be seized and detained.

Why object to a review? The principle of a review is granted in Bill C-154, if I recall correctly, but not under this legislation. The principle of fairness to all parties has suddenly disappeared. While I do not like the exact nature of the solution put forward by hon. members of the other place, I say that essentially they are right. There must be provision for a review.

I put this on the record: I personally do not accept the minister's motion and I am prepared to vote against it. I urge hon. members to approach this legislation in the same way. The Minister of Justice (Mr. Turner) might want to take a look at this. I know some of the officials in the legislative drafting section of the Department of Justice and I am appalled at some of the work which has come out. It amounts to a denial of justice all the way through, a denial of basic, ordinary justice. Yet because this has a ministerial imprint and we are working under a sort of presidential ukase system we are supposed to accept this bill. I am amazed at the silence of some of the lawyers on the government side. If they were on this side of the house they would be talking for perhaps twice as long as I am about the rights of individuals and the way in which they are being curtailed by some of the legislation put forward at this time.

Mr. H. W. Danforth (Kent-Essex): Mr. Speaker, I should like to add to the words of my hon. friend concerning the minister's comments on the Senate amendment to this bill. I am of the considered opinion that although the principles contained in these three bills are good and an honest attempt has been made to help the business of agriculture, the legislation is less than satisfactory because of the fact that the interested parties in their dealings with the government can only act by leave of the government and its representatives. This is borne out by the fact that the hon. Senators recognized that under this bill there is a possibility of arbitrary action. They also recognized that the

[Mr. Lambert. (Edmonton West).]

industry was given no right of appeal and considered that such a right should not be denied to any segment of Canadians.

Like the hon. member for Edmonton-West (Mr. Lambert) I do not altogether approve of the manner in which the amendment has been made, seeking to implement in one bill regulations enacted under another. But in the main I think it was an honest attempt to rectify a major weakness in the legislation.

In my opinion the minister failed to indicate the real feelings of the chemical industry when discussing the proceedings in the Standing Committee on Agriculture. The industry in its representations did not agree with the principle set out in the bill regarding an appeal. This was one of the contentious issues. Industry representatives felt they had no method of appeal against actions which could be arbitrarily taken as a result of the powers granted to the Department of Agriculture. They were fearful of the kind of action which might be taken under this legislation.

We would be derelict in our duty if we were to grant power of this kind to a department in circumstances where it might be used in a manner harmful to the welfare of those whom the legislation was designed to help. It may be unfortunate that the amendment has been drafted in its present form, but we on this side cannot accept these bills. They are bad bills, not because of the principles involved but because of the way in which they are drafted and the arbitrary power placed in the hands of a few who, not subject to appeal, could almost cripple the day to day activities of the industry involved.

• (4:00 p.m.)

I should like to take this opportunity of registering my opposition to the fact that the minister will not accept this avenue of appeal, though in my opinion I agree with my colleague that the avenue of appeal proposed by the Senators is not perhaps the best that could have been advocated. When this bill was before us in its original form many members on this side of the house tried earnestly and sincerely to influence the minister to incorporate in the bill a direct appeal which in my humble opinion would go farther than the amendment presented by the Senate.

Mr. Speaker: Is it the pleasure of the house to adopt the said motion?

Mr. Danforth: On division

Motion agreed to.