

*Pesticide Residue Contamination*

respect to this bill by the hon. member for Kent-Essex (Mr. Danforth). I believe I can say that he reflected the views of members of this party. We feel this is, in the main, a good piece of legislation and most of its provisions are acceptable to us.

However, as hon. members are fully aware, the hon. member for Saskatoon-Biggar (Mr. Gleave) did move a couple of amendments at the report stage and one of them had to do with the very point about which the hon. member for Kent-Essex was most critical, namely, that in subclause 3 of clause 13 of the bill the right of appeal to another court is specifically denied in the legislation. We still feel it was a mistake for that subclause to have been included and we regret that the amendment moved by the hon. member for Saskatoon-Biggar was defeated. It was moved on Wednesday, February 12, as reported in *Hansard* at page 5445, and it was voted on that afternoon, the vote being recorded at pages 5448 and 5449. The amendment was defeated by a vote of 101 to 68.

I find myself wondering whether supporters of the Progressive Conservative party will not try a further amendment. Perhaps at the end of the debate which is taking place this afternoon the house might reconsider the question, and if any hon. members to my right would like my assistance I would be glad to draft for them a motion that the bill be not now read a third time but that it be referred back for the purpose of reconsidering clause 13, subclause 3 thereof. One should never give up. The fact that we were beaten at the report stage does not make it automatic that we will be beaten again at this stage.

● (4:30 p.m.)

I am aware of the fact that there are times when we advise people to stay away from lawyers and from the courts. There are times when it is better to get matters settled outside of the courts, or to get things settled in an atmosphere that is removed from the technicalities of the law. But I think that this case has to be looked at a little more closely. What we have here is legislation under which certain people—and I am thinking particularly of farmers in so far as they are covered by this legislation—can apply for compensation. To whom can the farmers apply? They apply to the Minister of Agriculture (Mr. Olson); they apply to the government.

Regulations in this matter are to be worked out, and we have been assured by the hon.

member for Bruce (Mr. Whicher) that it will not be long before we see these regulations. I found that an interesting comment in view of the fact that on the orders of the day this afternoon I asked the Minister of Labour (Mr. Mackasey) when we will get the regulations made pursuant to the Canada Labour (Safety) Code. Do you know, Mr. Speaker, when we passed that bill? The then minister of labour urged us to get it through so that he could get the regulations passed, and that was in December, 1966, over two years ago. So the regulations do not always come immediately after the bill has been passed.

In any event, here is the picture. Under regulations that will be laid down the farmer will apply to the minister—to the government—for compensation. The minister, or the Department of Agriculture, will make a determination and an award. A farmer who is not satisfied has, according to the law, the right of appeal to an assessor. The assessor will be a judge of the Exchequer Court of Canada or one of the superior courts of the provinces. But he will deal with the matter as an individual on a separate appointment or assignment, not in a court following the usual court procedures.

In my opinion the farmer will feel that he is up against the same old brick wall. He applied to the minister for compensation. He was turned down or was given less compensation than he thought he was entitled to. The matter was then reviewed by an individual who happened to be a judge but who was given the assignment of assessor under an order in council passed by the government. The farmer who is aggrieved, who feels that he has not been given fair compensation, will feel that it is the same old story, that he is up against the government and has got himself involved in legalistic matters. There may well be cases where a farmer will feel that as a citizen of a free country he should have the right to take his appeal one step further, namely to a court of law.

I also note that the only matter that an assessor can consider and review when awards are either made or not made by the government is the amount of the compensation. Reading this legislation I see all sorts of legalistic technicalities. It seems to me that there is every chance in the world of there being fine points of law on which a case can turn. For a farmer to be told that he cannot get past (a) the minister and (b) the assessor, that he cannot get to the courts of the land, is