

Mr. Rod Thomson (Battleford-Kindersley): Mr. Speaker, when an opposition member has to decide between the Minister of Agriculture (Mr. Olson) and the Senate he finds himself in an awkward position. In this case I find that I cannot go along with the Senate. Since this is a relatively new field we accept the suggestion of the Minister of Agriculture that this point could be considered at another time if there is need for a change. I for one do not have strong feelings one way or the other, at this stage at least. In this case I go along with the suggestion made by the minister.

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

Mr. Lambert (Edmonton West): On division.

Motion agreed to.

PEST CONTROL

REGULATION OF PRODUCTS USED IN CONTROL PROCEDURE—NON-CONCURRENCE IN SENATE AMENDMENT

Hon. H. A. Olson (Minister of Agriculture): Mr. Speaker, with respect to the amendment to Bill C-157 that the other place has suggested I move:

That a message be sent to the Senate to acquaint Their Honours that this house disagrees with the amendment made by the Senate to Bill C-157, an act to regulate products used for the control of pests and the organic functions of plants and animals, for the following reasons:

It is difficult to foresee all the ramifications of an appeal procedure provided by cross-reference to another proposed statute that was substantially amended by the house after the amendment to this bill was made by the Senate;

The amendment provides for a review procedure that was considered by the House of Commons and rejected; and

Any manufacturer, under the proposed statute without this amendment, would have not only an opportunity, but an obligation to present in detail all required technical information, and, in addition, a review procedure already is provided for all cases where goods are detained.

I wish to be brief in giving an explanation as to why we disagree with the amendment proposed by the Senate to Bill C-157. As I said, the advice to the House from the Senate was dated March 25, and on March 28, or several days later, this house did in fact amend Bill S-26 by deleting subclauses 3, 4 and 5 of clause 8 and substituting two other subclauses. Therefore it would be difficult for us to foresee all the ramifications of this cross-reference since the other bill has not

Prevention of Spread of Plant Pests

gone through all the final stages yet, if my information is correct.

However, there was a discussion on this matter in the Standing Committee on Agriculture and a recommendation was made that an appeal procedure be provided. We agreed, and in fact it was amended slightly at that stage to allow for a review in the case of a disagreement and to give manufacturers an opportunity to take their case before officials of the department if any goods are detained. That is important, of course, and in any event it is always done as a matter of courtesy and good administration, but I think they should also have the right that was put in the clause. They have not only an opportunity to do so but an obligation to provide all the technical information required respecting the product to the department in the first instance, before it is registered. The provision is perhaps redundant inasmuch as the House of Commons had a debate on it and in the wisdom of hon. members, having heard from the representatives of the Chemical Association, the amendment which was made was considered to be satisfactory.

● (3:50 p.m.)

Hon. Marcel Lambert (Edmonton West): Again, Mr. Speaker, there is a difference of opinion between the minister and myself. Personally, I do not like the type of amendment put forward by the hon. Senators. It is a scissors and glue type of operation, importing into one statute provisions from another. Instead of saying precisely what is meant in the statute under consideration, reference is made to another statute. True enough, the hon. Senators were working under some difficulty in trying to fit into an existing bill something which I think was quite correct in principle.

Notwithstanding what the minister said about the manufacturers of a pesticide furnishing all the details as to chemical composition and so on, I point out that nothing in any way deters an inspector from entering. An inspector has full power to move into premises at any time he considers reasonable, to seize products and detain them. Even if there is damage to the products as a result there is no right of compensation against the government or against the actions of the inspector. It is true an action for damages might lie in some other way, but under this legislation nothing of that nature is provided. The minister's officials may be as arbitrary as they like. Their actions may lack a good foundation in knowledge.