

*Pest Control Products Act***AFTER RECESS**

The House resumed at 2 p.m.

THE ROYAL ASSENT

The Acting Speaker (Mr. Blaker): I have the honour to inform the House that a communication has been received as follows:

Government House
Ottawa

18 December, 1981

Madam,

I have the honour to inform you that the Honourable Brian Dickson, Puisne Judge of the Supreme Court of Canada, in his capacity as Deputy Governor General, will proceed to the Senate Chamber today, the 18th day of December, 1981, at 2.45 p.m., for the purpose of giving royal assent to certain bills.

I have the honour to be,
Madam,
Your obedient servant,
Jacques Noiseux
for
Edmond Joly de Lotbinière
Administrative Secretary
to the Governor General

* * *

PEST CONTROL PRODUCTS ACT**MEASURE TO AMEND**

The House resumed, from December 11, 1981, consideration of the motion of Mr. Whelan that Bill C-45, to amend the Pest Control Products Act, be read the second time and referred to the Standing Committee on Agriculture.

Mr. Dave Nickerson (Western Arctic): Mr. Speaker, I am pleased to be able to speak on a subject worthy of debate on a Friday afternoon in the House of Commons. It is a most important matter how we in Canada control our pests. However, before I commence my remarks I shall raise in the House the observation that the hon. member for Perth (Mr. Jarvis) is not present. The hon. member for Perth gave me a solemn undertaking yesterday that if I were to sit in this House and listen to his speech on Bill C-53, he would sit here in return and listen to my speech on pest control! Having given that solemn undertaking, I find it rather unusual that the hon. member has not complied with his undertaking. However, I do see the hon. member for Timmins-Chapleau (Mr. Chénier), and he might serve as a surrogate. I shall address my remarks specifically to him who, I am told, knows a lot about the subject matter.

Pests are an important matter for this House. As I look around, I see pests opposite me, Mr. Speaker, pests to the left of me, and also in Saskatchewan and in Manitoba. We have to do something about these pests. There are no pests in Alberta

yet, or very few. Perhaps we should try to be serious for a few minutes.

• (1410)

I have certain objections to the bill, Mr. Speaker. My objection is to the punishment provision. Section 10(1)(a) of the Act reads as follows:

10. (1) Every person who, or whose employee or agent, violates any provision of this act or the regulations is guilty of

(a) an indictable offence and is liable to imprisonment for two years,—

There is something unusual about that wording, Mr. Speaker. The same wording is used not only in the Pest Control Products Act but also in the Pesticide Residue Compensation Act and the Plant Quarantine Act. Unlike other legislation where punishment is set at a maximum and a judge could impose imprisonment of any period up to that maximum, this act specifies a fixed period of imprisonment for two years.

The Electricity Inspection Act provides that someone found guilty of an indictable offence is liable to imprisonment for a term not exceeding two years. There is that proviso, "a term not exceeding two years", or five years or whatever is the standard wording. I am unable to determine why in this and similar legislation dealt with by the Minister of Agriculture (Mr. Whelan), a fixed period of imprisonment is specified. I hope that matter will be rectified at some future date.

I could also take objection to section 10(2) of the act, Mr. Speaker. Under the Criminal Code people are presumed innocent until found guilty, and a great deal of effort is expended on giving people the maximum opportunity to be presumed innocent. Under this and similar legislation, guilt is assumed until the accused party can prove innocence. Last night we were dealing with the important question of rape. I do not understand why, when dealing with such a subject, or with murder, the presumption of innocence is made, whereas when dealing with a contravention of the Pest Control Products Act guilt is assumed until innocence can be demonstrated.

This applies not only to a principal but to his agent. The agent need not necessarily be present and perhaps cannot even be found. I think this is rather unfair. I would prefer if there were an assumption of innocence until the Crown proved guilt.

There is a problem with the very restrictive drafting of this bill, Mr. Speaker. The drafters of this and similar legislation, assisted by the Department of Justice, take the view the drafting should be wide enough to take in every conceivable thing that might happen.

The definition of a pest control product could include an ordinary hammer. Someone might be able to kill a beetle with a hammer and so it would be included. By regulation, however, the hammer could be exempted from the definition of a pest control product. It seems that the wording is all in favour of the government and that a manufacturer or someone engaged in selling such products could be at a disadvantage.

The definition of a pest control product includes mousetraps. I have a few words to say about mousetraps. The question of mousetraps and the legislation relating thereto could be a good