

Pesticide Residue Contamination

is simply not stating the facts of the case. I hope hon. members will take that into consideration.

I also think we should be clear on what the purpose of clause 9 is. The purpose is to provide what is required in all acts; that is, the offences and penalties. We certainly are not attempting to substitute this legislation for the duty of the court, which is to hear the evidence and pass a reasonable, fair and just sentence in line with the evidence that may be presented to it. I think it is perhaps presumptuous of the hon. member to suggest he can predict in advance what all the evidence and circumstances will be surrounding an offence and decide now that no one will be guilty of fraud or misrepresentation which may be deserving of a penalty of more than six months. Surely, we have more confidence in our courts than that.

The Acting Speaker (Mr. Béchard): Is the house ready for the question on the amendment in respect of clause 9(1)? Is it the pleasure of the house to adopt the said motion? All those in favour of the amendment please say, yea.

Some hon. Members: Yea.

The Acting Speaker (Mr. Béchard): All those opposed please say, nay.

Some hon. Members: Nay.

The Acting Speaker (Mr. Béchard): In my opinion the nays have it.

Mr. Knowles (Winnipeg North Centre): Mr. Speaker, before you call in the members may I draw to your attention Standing Order 75(11) which suggests that if there are two amendments to the same bill to be voted on at the report stage the votes could be held at the same time. In view of the fact that the hon. member for Saskatoon-Biggar (Mr. Gleave) has another amendment to this bill, I think it will probably meet the wishes of the house if this vote were deferred to ascertain whether it is necessary to have a division on that amendment as well.

The Acting Speaker (Mr. Béchard): Order. I apologize to the house. Pursuant to section (11) of Standing Order 75 the recorded division on the amendment now being considered stands deferred until all amendments proposed to this bill have been considered.

Mr. A. P. Gleave (Saskatoon-Biggar) moved:

That Clause 13(3) of the said bill be deleted.

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He said: Mr. Speaker, my purpose in moving this amendment again is to give the individual or company the full protection of the law. Clause 13(3) says:

The decision of the Assessor on any appeal brought pursuant to this Part is final and conclusive and not subject to appeal to or review by any court.

I do not think a bill that has within it the provisions this one has should deny to an individual or a company the right to go to a court of law if such individual or company should be dissatisfied with their treatment. I think, necessarily in this society, we do control the actions of individuals; we do say to them, as can be said to them under this bill, that there is certain pollution on their property or that certain things have happened as a result of the use of pesticides and therefore the Department of Agriculture can move in and do certain things. Then, there is provision for compensation to the individual or company for the action the government has found it necessary to take. This bill does not state the rate of compensation which must be paid to the individual. During the course of the committee hearings I suggested the rate of compensation should be set; that is, that a certain minimum percentage should be established as a guide to the Department of Agriculture and as a protection to the farmer or company. It would not necessarily always be a farmer involved in this provision.

● (4:30 p.m.)

Under the act the farmer would immediately be entitled to a certain amount, but the amount decided upon would not be subject to appeal. Those responsible for guiding the committee suggested an appeal could not be allowed. They suggested the government should reserve unto itself the right by order in council to set the amount of compensation. Having reserved this right, the government has said in the final clause of the bill that it will not permit an individual or a company to go to court if the amount of compensation is felt to be unfair. We should not deny the right of an individual to his day in court. The right of appeal is a protection for an individual who feels he has been aggrieved or has not received justice.

Even in an act such as this, which in essence involves a civil procedure, we should not prevent an individual seeking recourse if he feels he has been wrongly used. In a complex society like this we must take action to control the individual and the company. At the same time, we should be careful not to