

that an inspector would be duly qualified for the duties imposed upon him by the act. This point was supported also by Mr. Copeland in his presentation to the Committee on Banking and Commerce. After a great deal of consideration the committee amended clause 4, as set out on page 749 of *Senate Hansard*, of January 24, 1968. In fact, all the amendments made in the Banking and Commerce Committee, and the excellent elucidation of them given by the chairman, Senator Hayden, in his usual outstanding manner, can be found in this same volume of *Senate Hansard*, pages 749 to 753, inclusive.

The amendment made in committee a year ago and passed by the Senate reads as follows:

3. Page 2: Strike out clause 4 and substitute therefor the following:

"4. (1) The Minister may designate as a hazardous substance inspector any person on the staff of the Department of National Health and Welfare who, in his opinion, is qualified to act as an inspector.

(2) A person designated an inspector pursuant to subsection (1) shall act for such time as he is employed in the Department of National Health and Welfare or for such time during the period of such employment as the Minister may specify."

Honourable senators will note that clause 4 of the bill before us differs considerably from the amendment I have just read. The original clause 4 in Bill S-22 simply followed the standard procedure which is commonly used in drafting legislation of this kind. As pointed out by Senator Hollett and others, the standard procedure in defining inspectors is not altogether satisfactory, and on examination it was found that the amendment proposed by the committee was also not entirely satisfactory, because it was not considered to be sufficiently flexible. It appears that under this legislation an inspector may be required to perform two different kinds of duties, the first one being the ordinary duties of inspection which would require a satisfactory level of technical skill and knowledge, the other being simply to perform the act of seizure of goods that are already known to be hazardous. For example, we know that jequirity beans are poisonous, and we also know that necklaces made of these beans had a fairly wide distribution before people became aware that they were dangerous.

Only a short while ago I read in one of the Ottawa papers that one of these necklaces had recently come to light after being in a family for a great many years. Supposing, for the sake of argument, a package of these necklaces or some other articles or substances of a similar nature came to light in a remote community where the people might not be very well informed about their dangerous nature. It would be necessary to seize these articles as quickly as possible. Since time is of the essence, it is obvious that the quickest way to have them seized would be to appoint a local policeman or the nearest R.C.M.P. officer as an inspector under this clause so that he could carry out the seizure. Perhaps the Banking, Trade and Commerce Committee will be able to give some better solution to this problem when this bill is before it.

I am told that the problem of devising a suitable legal definition for inspectors is a matter of some concern, and it might be that the best solution to this problem would be to pass a separate bill relating only to inspectors, their qualifications, powers, et cetera, to which reference could be made in legislation such as we now have before us.

Clauses 5, 6 and 7 are practically identical with the same clauses in the former Bill S-22, which were approved by both the committee and the Senate.

Clause 8 gives the Governor in Council authority to add to or delete from either Part I or Part II of the Schedule. This power was included in the old bill S-22, but there seemed to be a difference of opinion in committee as to whether there was also power to transfer a product from Part I of the Schedule to Part II of the Schedule and vice versa. The present wording is intended to clarify this point.

Paragraph (a) of clause 8 of the present bill is practically the same as the old clause 4 in Bill S-22, but paragraph (b) of clause 8 is new. It represents the additional scope contained in this bill by including such categories of goods that may be hazardous but which would not be included in the category commonly known as "substances". Subclause 2 of clause 8 is also new and self-explanatory.

Clause 9 is new, and provides for the setting up of a board of review to which appeals can be made with respect to substances added to either Part I or Part II of the Schedule. The procedure, as I understand it, is that the Governor in Council first makes an order that a substance or product be added to the