

Prevention of Spread of Plant Pests

Mr. Olson: Mr. Speaker, could I ask the hon. member a question?

Mr. Lambert (Edmonton West): This is a condition absolutely precedent.

Mr. Olson: Has the hon. member taken the time to read subclause 2, which provides as follows:

—as a condition for the payment of any compensation to a farmer under this act, the consent of that farmer for the minister to pursue on his behalf—

The hon. member has apparently not read that subclause.

Mr. Lambert (Edmonton West): Mr. Speaker, the minister betrays his ignorance of the interpretation of a legal section. The first part of this clause provides that no payment of compensation shall be made to a farmer in respect of a loss occasioned to him unless something is done. There are no "ifs", "ands" and "buts"; there are no "mays". There is nothing permissive in clause 5(1), which is the only one the Senate eliminated.

The Senate retained subclause 2 and renumbered it 1; they moved forward subclause 3 and renumbered it 2; they have also inserted a third subclause to deal with an excess of recovery. The chances of that may be pretty slim, but they have provided for it. The minister says the Senate felt that he already has sufficient power under the act. He has. I will show him where he has this power. I ask the minister to look at clause 4 on page 3 of the bill. This clause provides:

The Governor in Council may make regulations

(a) prescribing the procedures to be followed in claiming compensation;—

The Governor in Council is the minister. The clause continues:

(b) prescribing the methods to be used in determining the eligibility of any farmer for compensation;—

● (3:40 p.m.)

I wonder why the minister does not have the brains to include in those regulations the provision that a farmer cannot make a claim unless he washes off the residue or does whatever is necessary, as stated in clause 5(1) (a) which he complains is being taken out. When I use the word "brains" I mean it to apply to the minister and his officials. I wonder why they do not have the ingenuity to draft such a regulation. The power is right there in the regulations, it is even better than in the statute. But the minister must recognize that clause 5 (1) (a) allows no latitude except to

[Mr. Lambert. (Edmonton West).]

the minister. He can ask that they do anything. He is merely repeating here the powers that are already given to him under clause 4 (b), Clause 5 (1) (a) is merely a restatement of what can be done under clause 4 (b), but it is coupled with a mandatory requirement to pursue any action against another party.

The minister is wrong if he thinks that that is an easy obstacle for a farmer to surmount. I have indicated why I oppose this bill in its present form. It is because I think it is a diabolical piece of legislation in the powers that it grants. It might be hoped that one of these days the hon. member for Burnaby-Seymour (Mr. Perrault) would have an agricultural inspector move in on his premises under this or any other act. He will then see what recourse he has. I know he has always fought for the rights of the individual, but under this bill the individual has no rights. Even the hon. member for Grenville-Carleton (Mr. Blair) could not keep an agricultural inspector out of his premises.

Mr. Blair: The public have their rights.

Mr. Lambert (Edmonton West): I heard the hon. member argue that the public have rights under the Precious Metals Marking Act, but the minister disagreed with him, and I too disagree with him although he is a friend of mine. Surely individuals have rights and should not be subject to the whim of any government inspector. The hon. member might keep all the drugs he wanted in the basement of his house and the authorities would need a search warrant to enter his house, but if he has some pesticides—

Mr. Olson: You are talking about the wrong act.

Mr. Lambert (Edmonton West): I am not, Mr. Speaker. The same threat applies throughout Bills C-154, C-155 and C-157. I have pointed out the reasons why I disagree with the minister, and on that basis I cannot accept his persuasions with regard to this bill. He is using the wrong methods to achieve what he wants to do. There are many ways in which he could do this with a great respect for the rights of the individual. As a matter of fact I would say the minister is giving them the possibility of compensation but he is asking them to climb over mountain ranges in order to recover a nickel's worth of compensation at the other end. The minister has destroyed the principal purpose of the bill and made a hollow mockery of what he intends to do.