

Pesticide Residue Contamination

will have an opportunity on third reading of the bill to enlarge upon my contention in this regard. But, Mr. Speaker, I must contend that had the committee proceeded with its work in the fashion that every member expected, it would not have been necessary for us to deal with this amendment at this time. But since we were unable to proceed with the amendment in committee we, in this party must support the amendment at this stage. As the hon. member who preceded me so ably pointed out, it was not the intention of the government officials who drafted this bill, and I do not believe it was the government's intention, to make it mandatory that anyone breaking the provisions of this bill with respect to the use of chemicals in the production of agricultural products be charged with an indictable offence.

The use of pesticides and insecticides is bound to extend as new chemicals and preparations are discovered. There will be different methods used to apply pesticides and insecticides. This field of work will grow and grow. There will be many new methods used to apply chemicals. More and more individuals will be involved. Manufacturing processes will become more extensive. Applicator machines will grow in size and complication. By its very nature, this whole industry is bound to increase in size and complexity.

Although provision is made for the use of discretion with respect to launching criminal or civil actions, we think the indictable offence aspect should be eliminated from the bill. We believe that the summary conviction approach can provide the necessary protection that we all seek through this particular measure.

Hon. H. A. Olson (Minister of Agriculture): Mr. Speaker, the amendment moved by the hon. member for Saskatoon-Biggar (Mr. Gleave) is the same one that was moved in committee and defeated. I do not challenge his right to move it now, or to give notice that he would move it. However, I think the explanations that were given in committee should have persuaded him that many of the remarks he made in committee, and indeed many that he made in the house, this afternoon, were completely irrelevant to the bill.

The offences that could be created under Bill C-155 have nothing to do with the way that a farmer applies pesticides to his crops. That is dealt with in another bill. Of course,

[Mr. Danforth.]

the bill provides that in order to claim compensation the farmer must have used the pesticides in accordance with the recommendations on the label, and that sort of thing. The argument that under the terms of this bill a farmer could be charged with an indictable offence because of having inadvertently misused chemicals is simply not valid.

• (4:20 p.m.)

I had thought that was made clear to the hon. member and members of the committee when we were before the committee. However, the reason for including this provision in the bill, as is the case in respect of federal statutes of a similar nature is that we feel it is desirable that there exist an option to try offences by summary conviction or by indictment. If the proposed amendment should pass, it would be possible to proceed only by way of a summary conviction for an offence under this bill. As the hon. member knows, the maximum penalty for such an offence is limited by the Criminal Code to six months' imprisonment or a fine of \$500 or both. In the case of corporations an increased fine would be possible but only to the extent of \$1,500.

We feel that certain offences might occur which would warrant proceeding by way of indictment. This procedure would carry a potentially greater penalty than would be available under the provisions of the Criminal Code in respect of summary conviction. It should be noted that offences under this bill might include those similar in nature, as I said, to fraud and false pretences. Under the Criminal Code, such an offence in most cases would be punishable on indictment. The fact that an offence under this bill might also be dealt with in the Criminal Code does not affect inclusion of the provisions in the legislation to make the legislation as much as possible self-contained. These provisions specifically cover situations in which the Criminal Code might or might not apply.

It should also be noted that in a procedure by indictment an accused has the benefit of electing trial by jury, which of course he would not have under this bill if the amendment of the hon. member were accepted. Further, the maximum penalty of two years in respect of an indictable offence is the lowest maximum that is available under the Criminal Code. In other words, the lowest maximum is what is being provided for an indictable offence. So, when the hon. gentleman makes the plea that we would be subjecting farmers who inadvertently misuse chemicals to a penalty of two years in jail, he