

ments at the report stage. I have been hoping that the hon. member would relate his remarks to the amendment which he proposed to the House. While I may not be correct, I think the Standing Order requires that at the report stage hon. members confine their remarks to the amendment before the House and not range quite as wide as the hon. member is doing.

Mr. Howe: If Your Honour looks at the amendment, you will see that it mentions various acts, thus opening a great many areas of discussion. I wish to refer to the minister's opening remarks in committee in which he mentioned the necessity for this bill. He said:

The great bulk of those engaged in packaging and labelling are endeavouring to provide accurate and full information, but unfortunately the record of our inspectors, the records of Box 999, the records of prosecutions, will indicate of course that there is that small minority of people who do engage in misleading and deceptive packaging and we need more effective laws to deal with it.

Does this statement mean that the bill only applies to the small packager and small handler? What about the big fellow? Will he be given the same treatment as the others? This possibility becomes a bit disturbing, Mr. Speaker. As I say, this is the important thing about this legislation.

Many of the people who appeared before the committee questioned the necessity for this piece of legislation. They said there is already a lot of legislation that looks into their affairs and is supposed to guide and direct them. According to the Committee report, the representative of the Fisheries Council of Canada, when speaking about this bill, said:

It will result in additional government expense, divided ministerial authority and additional costs to the consumer.

The feed producers and cosmetic people did not want to have any part of this bill; so many people suggested amendments to the bill that it would have borne little similarity to the original bill.

● (4:30 p.m.)

Getting to my amendment, the annual report of the Department of Consumer and Corporate Affairs has this to say about the activities of the food division of the department:

Through continuous contacts with field officers, a uniform policy concerning the requirements of the Food and Drugs Act and regulations was maintained. Thirty-two food programs were developed on behalf of the operations branch. These concerned the legislative requirements of the Food and Drugs, Canada Agriculture Products, Canada Dairy Products and Fisheries Acts and regulations. A food program involves explicit instructions for surveillance, purchase, test, permitted content, seizure, and possible prosecution.

This bears out what I have been saying, Mr. Speaker. Why this extra legislation when all these measures are already in operation? This is what the report has to say about labelling:

During the year, 4,475 food labels were reviewed, 1,896 of which required changes for conformity; 260 trade marks were considered for possible use on food labels; 2,131 advertisements were studied, and 29 found unacceptable; 15,056 radio and television commercials were approved, nine per cent of which required changes.

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This supports my contention that there is already abundant legislation concerning the activities of the firms engaged in the processing of food and of agricultural products generally. The minister could indeed achieve something in this bill if he were able to tell us he had devised a package into which hazardous products could safely be packed for sale. On this point, the departmental report merely states that investigations will continue in the new year. I find myself asking why action was not taken earlier, why something was not done a year and a half ago. Fifty thousand children were poisoned last year as a result of gaining access to hazardous drugs and substances of various kinds, yet so far we have failed to discover a container of the type which a child is unable to open. It is time we did something about it. I was happy to read an announcement in the paper this morning to the effect that the provincial government of Ontario is taking action to discourage packaging in throw away bottles. We feel this legislation will merely bring about a further proliferation of laws and regulations to an extent which will prove confusing to industry and costly to the consumer by reason of increased taxation to pay for inspection as well as the extra cost of labelling and packaging.

The first purpose of my amendment is achieved by the new subclause (1). The present subclause (1) would give the bill a jurisdiction or applicability concurrent with all the other acts of this Parliament that regulate products, with two exceptions. The first exception is the statutory exemption in subclause (2), that is, a product that is a device or drug under the Food and Drugs Act. The second exemption is a discretionary exemption by regulation. In the result, a product could be regulated both under this act and another act. Evidence in committee was that there are about 20 of these acts on the statute books at the present time. In the minister's discretion, he could recommend regulations to the Governor in Council which would minimize conflict. In a matter so important as the trade and commerce of Canada—a matter which is of the utmost importance to the person who is engaged in trade and commerce and to the person who, as consumer and taxpayer, must eventually pay in one way or another for the costs involved in over regulation—the avoidance of confusion and conflict should not be left to the discretion of a minister.

This subclause fails to cut out a clearly defined area within which the bill would give exclusive jurisdiction without trespassing into other regulation-making jurisdictions. This faulty drafting is due to either of two reasons: the reluctance of the legal draftsmen to search the statutes so they might exclude products controlled under other laws as they have done with the Food and Drugs Act, or the intransigence of the Minister of Consumer and Corporate Affairs and his colleagues, who control products under other statutes, when confronted with the need to reach agreement on sharing or surrendering authority.

The proposed subclause (1) would amend this defective drafting and the resultant potentiality for confusing and inconsistent regulations, by adapting a section of the