

I think the reasons contained in it are self-explanatory. We had a discussion of this matter in the Standing Committee on Agriculture of this house, and it is my opinion that we in fact decided in the committee that the requirement that a farmer take all action open to him to reduce his losses was a proper provision in this bill. Furthermore, I question whether the amount of money that would be required to administer this legislation would not be significantly changed if the Senate amendment were accepted. Therefore, on those grounds I am not prepared to accept it.

Of course, the Senate committee did go on to say—at least I am so informed—that the minister would still have the right, before payment of compensation, to require a farmer to reduce his loss, because of the permissive nature of the legislation. Quite frankly, I am not sure that if we accepted the Senate amendment the minister would not be put in the impossible position of taking arbitrary, even illegal, action in requiring or requesting a farmer to reduce his losses through many of the operations that are open to him.

There is much more I could say by way of explanation, but I think this brief explanation, together with what is contained in the motion I have just moved, acquaints hon. members with the reasons why we cannot accept the amendment.

Hon. Marcel Lambert (Edmonton West): Mr. Speaker, I think the Senate amendment is a vast improvement of the legislation. This point is one upon which I adumbrated at great length and ran into an almost incomprehensible stubbornness on the part of the minister to recognize the impossible burden he was imposing upon a farmer who had a claim under this legislation. Let us consider the provisions of clause 5. I shall do this in detail for the benefit of the minister. He does not seem to understand what the draftsman has provided for him; therefore I shall tell him. I submit that he is placing an impossible burden on a farmer. The minister may shake his head. Let us go through this clause word by word, and we shall see whether I am not correct. Clause 5 (1) provides:

No payment of compensation shall be made to a farmer pursuant to this act in respect of a loss occasioned to him by reason of pesticide residue in or upon an agricultural product until the farmer has taken any steps that the minister deems necessary—

In other words, the minister says: You have to climb to the moon.

Mr. Olson: But he would not.

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Mr. Lambert (Edmonton West): This is nonsense, Mr. Speaker; the minister says he would not. As I told the minister before, the road to hades is paved with good intentions.

Mr. Perrault: That is an original quotation!

Mr. Lambert (Edmonton West): Then we find these words:

—to reduce the loss occasioned to him by reason of such pesticide residue—

The minister has said this requirement is being eliminated by the Senate amendment. He said that the principal reason would be that the farmer had not trimmed, washed or done this, that or the other. Not only does the farmer have to do this—and I think it is reasonable that he should have to do it—but it is not in the disjunctive; it is in the conjunctive because the clause goes on to say: “and to pursue any action that the farmer may have in law”.

There are two conditions. They are not disjunctive; they are not alternatives; they are both absolutely binding. The farmer has to cut, wash and do whatever is necessary—I think anyone would agree that this is reasonable—and then it is mandatory that he must “pursue any action that the farmer may have in law against the manufacturer of the pesticide causing the residue in or upon the product or”, and so on. This must be done even if the manufacturer is a resident of the United States. Does the minister know how difficult it is for a farmer in Canada to sue a manufacturer in the United States?

Mr. Olson: Mr. Speaker, I—

Mr. Lambert (Edmonton West): The minister will have plenty of time to reply.

Mr. Olson: I just want to ask a question.

Mr. Lambert (Edmonton West): Does the minister appreciate the chances a farmer would have of pursuing such an action, and the cash he would have to put up as security for costs in bringing an action in a foreign jurisdiction? The clause continues:

(ii) any person whose act or omission resulted in or contributed to the presence of the pesticide residue in or upon the product.

This provision includes a former owner of the land who may be deceased and whose estate may be penniless. It includes the employee or agent of the former owner or of the farmer, who may be penniless, may have absconded or done something which means he is unable to be present.