

AGRICULTURAL PRODUCTS ACT

EXTENSION OF OPERATION FOR A PERIOD OF ONE YEAR

The house resumed consideration of the motion of Mr. Gardiner for the second reading of Bill No. 126, to amend the Agricultural Products Act.

Mr. T. L. Church (Broadview): I want to say a few words this afternoon. I have not spoken so far in this debate, which has been largely taken up by lawyers talking on the constitutional side of the question. I have yet to hear any constructive suggestion as to how we are to remedy the present state of affairs in the marketing of the agricultural products of the country. We seem to have fallen into a national rut on the problem, and it is the most important problem that the farmers of the country face today. The solution of it does not lie in the law courts.

We have had two bills presented in the house having to do with agriculture, Bill No. 82, which was given first reading on March 14, followed by a shorter bill of two or three lines, Bill No. 126, which was given first reading on March 24. These bills speak for themselves. The Minister of Justice (Mr. Garson) tells us that the law courts are supreme, that the executive has nothing to do with marketing, that parliament has nothing to do with it. He is willing to leave it to the courts of the country to decide whether or not the bill presently under discussion is within our powers.

Where are we to find markets? The people at home in the constituencies are the forgotten people today, and are probably suffering more than anybody else. The problem was very largely solved by the Ottawa agreements, but I think the imbroglio that has caused all the trouble has been brought about by the Bretton Woods agreement, the Dumbarton Oaks agreement, the Geneva agreement, the Havana agreement, and many other things of a similar nature. I have no doubt that is correct because when you inject such things into the problem you run into trouble.

In Norfolk county they are tearing up orchards to grow tobacco. In the apple region of the maritimes they are ripping up trees. That should not take place in Canada. How many of these acts are they going to pass? The Minister of Justice says that we ought to pass this short bill of three or four lines at once. He says that it is not an executive matter or a legislative matter, and that it should be left to the law courts to decide the question of validity. I should like to point out to him that the court of last resort is

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the only court that can give a final decision. There is only one of these particular acts which has ever come before the Supreme Court of Canada. By a vote of four to three it was decided that the federal legislative provisions as to margarine were *intra vires*. That is the only act of parliament that has ever come before the court of last resort. If we adopt the view of the Minister of Justice, then we are going to leave this new bill to the law courts to construe. If the house is not in session at that time you will have a worse state of affairs than you had before. In speaking the other day I referred to the 11th chapter of St. Luke, verse 46, where it says "Woe unto you also, ye lawyers", and so on. I mentioned that in an address I gave recently on law reform.

If we continue the present state of affairs we are going to have a very serious situation. Look at the trouble we have had in this regard. So far in the debate no one that I have heard has offered a constructive suggestion to the government of Canada. Speaking as a private member of the House of Commons, I believe that oppositions should offer constructive suggestions to meet the trouble in which the government of Canada finds itself. As far as I understand the law, that is the function and duty of an opposition. Constitutional lawyers do not agree on the question.

This type of legislation was fathered by an agricultural products marketing act passed in Great Britain in 1932, and by the new deal in the United States. In 1934 the dominion Natural Products Marketing Act was passed by the Bennett administration, based largely on the British marketing act passed two years earlier. Under that act, some twenty-two marketing schemes were established affecting the marketing of natural products in practically every province. Then British Columbia passed a marketing act similar to the federal act.

The validity of the dominion Natural Products Marketing Act was then questioned in a privy council judgment of the 28th of January, 1937, and was declared to be unconstitutional on the ground that it was a question of provincial jurisdiction over matters of property and civil rights within the provinces. Subsequently the British Columbia natural products act of 1934 was upheld by the privy council. This very important decision established the right of each province to provide for the effective regulation and control of the marketing of natural products within its confines. The authority to regulate and control the marketing of natural products in interprovincial and export trade