

*Pesticide Residue Contamination*

**Mr. Olson:** Mr. Speaker, we have thought about that point very carefully.

**Mr. Lambert (Edmonton West):** The net result is that the minister has ridden roughshod over the rights of a purchaser of land. At no time has the question ever been considered that a purchaser of land shall be held accountable for the negligent acts of a previous owner.

• (4:10 p.m.)

Remember, under this clause it is the negligent acts of the previous owner that penalize the present owner of the land. Yet the minister says this is perfectly all right. Any solicitor worth his salt will tell you that he will have to require from the vendor of land a certificate or undertaking of indemnity with regard to the proper use of pesticides. That is the first right that I think is being infringed upon.

Second, there is power in this bill for the making of regulations but there is not one word about the publication of those regulations. The minister can say all he wants, but I will take him through the testimony of the government officials at the time of the hearings on the anti-dumping bill to prove my point. If the minister wants to find out about this, he need only look at the Regulations Act in which there is a provision that empowers the Governor in Council to suspend the publication of any regulation. He does not have to publish if he does not want to do so. So why was this provision not included in the bill?

The government saw the point as a result of the hearings regarding the anti-dumping legislation and provided that the regulations made by the anti-dumping tribunal and by the government should be tabled by the minister and then spelled out in the act. Why was not this done with regard to this act?

**Mr. Olson:** They will be printed in the *Canada Gazette*.

**Mr. Lambert (Edmonton West):** There is provision in the Regulations Act for this not to be done. The minister can deny it all he wants and insist that he is right, but there is in the Regulations Act a provision which empowers the Governor in Council to eliminate or set aside publication.

**Mr. Olson:** Well, this will not be done.

**Mr. Lambert (Edmonton West):** This minister just sits there and says it will not be, but he will not be permanent in that  
[Mr. Lambert (Edmonton West).]

position. We cannot be guaranteed that he or his successors will not find the occasion when it shall be expedient not to publish the regulations. All I say is that a provision for publication should be included in the bill. There have been many occasions recently when more and more we have been insisting, and we will keep on insisting, that regulations be published. It would not cost the Crown any more. It is just the approach of the government to which we take exception. Again, it is big government versus the individual, and it is the individual who is adversely affected.

The minister, when he sat on this side of the house, would have been the first to join me in taking the stand that I am taking this afternoon. I am only reasserting what I have said for I do not know how many times. Certainly I must have, 20 or 30 times over the past few years, taken exception to bills wherein there has been the power to make general regulations and no statutory provision whereby those regulations had to be published. If the minister can give us an undertaking that the Attorney General will bring in an amendment to the Regulations Act forcing the publication of the regulations or the tabling of them in the house, as they should be, I will be prepared to accept it. But it will be an undertaking by this minister.

**Mr. Olson:** This minister undertakes that the regulations applicable to this act will be published.

**Mr. Lambert (Edmonton West):** All right. We will see how far that binds the minister's successors. Let us consider clause 5. Again this will be a judgment decision by the minister, because clause 5 says:

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

(a) to reduce the loss occasioned to him by reason of such pesticide residue, and

(b) to pursue any action that the farmer may have in law against

(i) the manufacturer of the pesticide causing the residue in or upon the product, or

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

Now we see the intent of this measure. No loss will be payable unless the minister first of all deems in his judgment, whether reasonably or unreasonably, that the farmer has taken steps to reduce the loss because of the