



Senator Opposition to Bill C-6 (former Bill C-36) [2009]

Senator Elaine McCoy, a lawyer, stated: "This legislation does not need to break a tradition that we have had in this country, which is to protect the civil liberties of people while we are enforcing the law. When Senator Baker read out the opinion of the Supreme Court of Canada that talked about why we have these protections in our law, it was essentially to show that we not end up in a police state. There will be court challenges on this legislation."

Senator Joseph Day, a lawyer, stated: "There are sections of this legislation that will not stand up to scrutiny or to court challenge. I found the misrepresentations that were made by the Minister in relation to the amendments to be very disappointing this legislation is an unnecessary overreach and will cause problems in the future."

Senator Celine Hervieux-Payette, a lawyer, stated: "This bill establishes a precedent that has not even been seen by criminals. Once inspectors are given permission to enter a house, they can search the entire house. This is something that we see in political systems other than democracies. We do not do this in democracies."

Senator George Furey, a lawyer, stated: "As Bill C-6 now stands, consumer safety inspectors enter our homes and seize our property, such as computers and documents, without any judicial supervision. The inspector has to show nothing more than a desire to check compliance or non-compliance with the act. This is not how our law has developed. We would essentially have no freedom and no privacy if that was the state of our law. We would be living in a police state."

Senator Tommy Banks, a lawyer, stated: "Some of the intrusive powers contained in this act will end up in court, and the court will strike them down because they will be ultra vires. This act does not say that you have been convicted of anything or found to have committed a violation. It says a person named in a notice of violation has no defence by reason of due diligence or by reason of having believed that they were acting with the colour of right. It is undoing 400 years of common law."

Senator George Baker stated: "This bill actually says one has no privacy rights. An inspector who is carrying out their functions or any person accompanying them may enter on or pass through or over private property. There is no expectation of privacy more reasonable and more demanding of constitutional protection than our right to expect that we will be let alone in the privacy of our homes during the night."

Senator Sharon Carstairs stated: "Each individual Canadian has a right to privacy. They have a right to the protection of their own home. They have a right to live in peace."

Senator Romeo Dallaire stated: "No one has the right to infringe on human rights. As legislators; our primary responsibility is to ensure that this legislation corresponds to the rule of law and that people are protected to the full extent of our intellectual, physical and human capacities."