



Short Summary

The Canada Consumer Product Safety Act (Bill C-36):

Removes The Rule of Law. Sacrificing the rule of law leads to tyranny and loss of freedom. Rule of law has become a dominant legal principle in free countries around the world. It is the fundamental underpinning of a free society. Bill C-36 removes the rule of law for Canada's entire consumer product industry and it's people.

Shifts Control To Bureaucrats. The Bill represents an unprecedented change in the powers of how the state confronts the citizen. The rule of law and private property rights are all but extinguished where consumer products are manufactured, retailed and distributed. This affects a huge sector of Canada's economy and its citizens. Bill C-36 exchanges private property rights for oversight by bureaucrats.

Ignores Canadian Sovereignty. International trade agreements and foreign laws can be adopted without Parliamentary debate. Health Canada has written out the need for approval from Canada's elected or appointed officials in the House of Commons and the Senate. The Federal cabinet can incorporate documents from foreign governments or organizations as law. This will fundamentally change the ground rules for the consumer product industry and Canada's democratic process. Bill C-36 allows Canada to automatically adopt foreign laws.

Removes Legal Rights. The real change brought about by Bill C-36 is not that it protects consumers; rather the real change is the abolition of procedural safeguards citizens currently enjoy. It abolishes the rules and principles that give the Canadian consumer product industry their privilege of due process. Bill C-36 doesn't improve your safety, only bureaucratic power.

Shifts Power from the Provinces to the Parliament. The Provinces are allowing the Federal Government to regulate in the Provincial jurisdiction of property and civil rights. This represents a significant transfer of power from the Provinces to the Federal Government. Bill C-36 has Provincial independent control submit to the Federal Government.

Is Unconstitutional. The search and seizure powers in Bill C-36 are probably unconstitutional for violating the right found in section 8 of the *Canadian Charter of Rights and Freedoms*. In Canada you are still guaranteed to be free from "unreasonable search and seizure." 'Reasonable' is an important legal standard. However, Bill C-36 would grant unqualified, untrained or inexperienced inspectors judgment calls in an area historically reserved for experts. Bill C-36 allows unconstitutional searches and seizures without a warrant.



Short Summary (cont'd)

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Presumes Guilt. The Health Minister determines guilt. This violates the right found in section 11 of the *Canadian Charter of Rights and Freedoms*. In Canada you are “to be presumed innocent until proven guilty according to law”. Persons can be fined and have property forfeited to the State for administrative violations. They would have no right to have a Court determine their guilt or innocence. There is no defence of due diligence or of honest but mistaken belief. There does not have to be a safety risk to be charged with an administrative offence. Bill C-36 allows colleagues of the bureaucrat who charges you with an offence, to determine your guilt.

Removes the Law of Trespass. Bill C-36 abolishes the law of trespass. Inspectors can enter onto any property without a warrant. Inspectors can do this without being liable for doing so and are exempted from the law of trespass. Bill C-36 threatens our defined Canadian property rights and gives the State free access.

Allows Private Property Searches. Bill C-36 allows warrants to be issued to search private homes without evidence of criminal wrongdoing. Bill C-36 allows a health inspectors belief to authorize a search warrant for private property.

Is An Unnecessary Law. Bill C-36 is being promoted as necessary to protect our families. However, under the existing law the State is already granted significant powers to protect safety. The Hazardous Products Act, The Criminal Code and Civil Penalties are existing laws already working to protect Canadians. Bill C-36 creates extreme conditions that are unsafe for Canadian businesses and citizens.

Removes Court Supervision. Bill C-36 allows the State to seize property without a Court order. It allows the State to assume control over the movement of private property without a Court order. There is no limit to the amount of property that can be seized. There does not have to be a safety risk to justify the seizure. There are no defined time limits to the length of seizure. Directors, officers and managers are personally liable for ‘violations’ by their company. Bill C-36 trades judicial review for a bureaucrat’s opinion.

Creates a Conflict of Interest. Bill C-36 sets up a significant conflict of interest. Health Canada may benefit financially from fines and the seizure of private property. The power that decides what you are charged with is the same power that sets and collects the fines. Bill C-36 justifies Health Canada’s creation of this enforcement to keep fines to pay for itself.