

Canada Pension Plan

dence, the loveletters of the man's daughter and anything else along those lines. This is manifestly ridiculous and is a severe infringement of the right of privacy in the home—the right of every individual citizen to be free from bureaucratic prying into private correspondence.

I think, therefore, that one of the provisions which should be written into this clause by way of amendment is that no such search of a private home can be carried out except on the basis of a search warrant specifying definitely what things can be examined. I do not think we can sanction by legislation the right to enter a private home and go through any private papers which might be found there.

Mr. Baldwin: While the ministers are arranging, as I am sure they are, to write the necessary amendment to meet the logical suggestion made by my hon. friend, I wish to draw attention to subclause (1)(a) of clause 26 the effects of which are in my opinion even worse. This requires the owner, occupier or person in charge to give an authorized person—

—all reasonable assistance in connection with his inspection or examination and to answer all proper questions relating to the inspection or examination, and for that purpose require the owner, occupier or person in charge of the premises or place to attend at such premises or place with him—

And so on. This is long before there has been under the terms of (1)(a) an appearance to the officials that an offence has been committed. In other words, we are dealing with a person who is presumed not to have committed an offence. We must read this subclause together with the provisions of clause 42 dealing with offences. These provide that failure to comply with the terms of clause 26 constitutes a summary offence punishable by law. In other words, if an officer entered a residence and asked what he thinks is a proper question, and did not receive a reply, an offence may have been committed by the individual concerned merely because of his refusal to answer. The Minister of National Health and Welfare has had some experience in connection with offences under the criminal law. She knows as well as I do that nobody charged or about to be charged with a criminal offence need make any statement to any police officer who is investigating the charge, and even if he does make such a statement it cannot be used against him at the trial unless it has been preceded by the customary warning. The onus lies

upon the crown to prove that where a statement is submitted at the trial by the crown working toward the guilt of the person charged, all the circumstances must be explained and the crown must establish that the statement was made voluntarily.

Here we have a situation where a person who is not charged is compelled to answer any question asked of him or her which the officer may say is a proper one. If the question is not answered, an offence may have been committed. Then again, the answer may be used against the person concerned, should an offence be charged later. I think this is monstrous. The Minister of National Revenue may be able to tell me whether any similar provisions appear in the Income Tax Act compelling people to answer questions asked of them, despite the fact that they are not charged with any offence.

I think this is a very serious matter and while we know that in statutes concerned with revenue collection the crown has gone very far in circumscribing personal rights, this particular provision goes far beyond what should be contemplated here, and I should like to hear some comments from the hon. gentleman if what I have suggested as being the proper interpretation of this clause is in fact the right one.

Mr. Leboe: I have grave misgivings about this clause. First of all I should like the minister to consider the words which appear in the first couple of lines—"any person thereunto authorized in writing by the minister". I submit that the individual who is involved in each case should be named—that no blank cheque be given to any officer who works under the authority of the minister. In other words, the minister would have to put a signature to the documents concerned with each particular case and know exactly what is being authorized; each person to be investigated should be named. I think this is important. I do not think the minister should be able to give blanket authority to let an officer move in anywhere he wants to go.

I should also like the minister to give us an assurance that in no case under this clause when books are being investigated is this to be done for the purpose of carrying out a cross check on someone else with regard to a matter which does not involve the individual whose books are being checked. In other words, books should not be checked just because someone else is suspect. I should like the minister to assure me that in no case