

Canada Pension Plan

books. They make copies and they may make copies available, and the person whose books have been seized may come and look at the originals. I do not see anything in subclause (3) saying that the books shall be returned or may be returned. I think it would be desirable that such a provision be written into the clause.

To go back to subclause (1), I think that the right given to a designated official of the minister is too broad. I think the question raised by the hon. member for Comox-Alberni is along the same lines. The right is given to examine any property, including any books, records, writings or other documents kept in the premises. Rather than the minister giving us an undertaking that his officials will not break the bounds of decency, I should like to see it made clear that they shall not and may not do so, by restricting their right to enter into any business premises and inspect the books.

I feel very strongly about this matter. I have seen instances under various acts, the Income Tax Act for example, where inspectors have entered offices, have seized books holus-bolus and have taken them away. They have done so to such an extent that the operator cannot carry on his normal business and has to set up a temporary set of books. When the whole thing is unravelled he may not have been guilty of an offence or of any default. For that reason I would ask the minister to consider whether under this clause he could not restrict the right of officials to seize, examine and take away the books of a business firm. I submit they should not be allowed to do so unless they have reason to believe that an offence has been committed. While it is provided in paragraph (b) of clause 1 that the official may take away documents if he believes that an offence has been committed, there is nothing to that effect in the preliminary portion of subclause (a). In order to guarantee the right of every individual to the freedom of his place of business I would think that this provision should be set up in the same way as is the right to search a private business or private premises. In other words, there should be a search warrant. Before one can obtain a search warrant from a justice of the peace he has to take an affidavit that he believes an offence has been committed and that certain examinations and searches should be undertaken and certain documents seized. That is the basic and fundamental law of the land.

Clause 26 goes farther than that, because these officials may enter without any allegation that an offence has been committed or that an offence is believed to have been committed, and inspect any book or document in the possession of the employer or the person involved. If we moved the words "it appears to him that an offence under this act has been committed" into the first part of clause 1, I think it would meet the objective I have in mind.

I feel very strongly about the matter and I am sure many other people do as well. In the proliferation of all these special acts which permit people to walk into private homes or places of business and examine, seize and take away books, we must make sure that it can only be done under the most severe limitations. I would ask the minister if he would not consider providing such a limitation in the first part of clause 1 and requiring that there must be some reason to believe an offence has been committed before the officials may examine or seize any book, record, writing or other document in a place of business.

Mr. Lambert: Mr. Chairman, I feel I must go farther even than the hon. member for Parry Sound-Muskoka because I believe this is the type of legislation that various law societies and the Canadian Bar Association have been protesting against. Frankly, this is just adding several more cubits to the bureaucratic Frankenstein we are building in our various departments of government. There are no restrictions whatsoever in this clause.

In fact, in subclause 2 of clause 25 the minister may also compel any employer to keep records indefinitely, whether the minister does so by caprice or otherwise. There is no restriction whatsoever on the minister and there is no appeal. This is the worst feature. In clause 26 the minister may authorize an inspector of his department to enter, to view and to seize, all without appeal, and there is nothing to compel the minister to justify his action. If there is anything that would give motivation to the creation of an ombudsman in this country it is legislation of this kind. I am not attributing motives to the ministers but I am quarrelling with the machinery they are creating.

Anyone within the employ of the minister can quite legitimately, under the provisions of this and the preceding clause, examine and remove any and all books. To cap it all we have what I would call the epitome of political nonsense where it says in lines