

(h) examine any substance found in that place and take, for the purpose of analysis, such samples thereof as are reasonably required;

As we can see, Bill C-7 gives the inspector powers that even a peace officer does not have to fight the most serious threat of all, cocaine trafficking. Obviously, we are off the track!

Even more disturbing, should Bill C-7 be passed as it is, the inspector can gather evidence which could be used against a pharmacist, a physician, a nurse or anyone else in criminal court, whereas normally any action likely to lead to a trial in criminal court cannot be undertaken without a warrant, except under very special circumstances provided for in the legislation.

I was saying a moment ago that the law is a lot more demanding for police officers than for these inspectors, and to prove it, I will read to you clause 12, subclauses (1) and (7) of the bill.

Under the title *Search, Seizure and Detention*, clause 12 says:

12. (1) A justice who, on *ex parte* application, is satisfied by information on oath that there are reasonable grounds to believe that

(a) a controlled substance—,

(b) any thing in which a controlled substance [—]is contained or concealed,

(c) offence-related property, or

(d) any thing that will afford evidence in respect of an offence under this Act is in a place may, at any time, issue a warrant authorizing a peace officer, at any time, to search the place for any such controlled substance, precursor, property or thing and to seize it.

Subclause (7) provides that:

(7) A peace officer may exercise any of the powers described in subsection (1) —without a warrant if the conditions for obtaining a warrant exist but by reason of exigent circumstances it would be impracticable to obtain one.

These two subclauses of clause 12 clearly show that a police officer cannot act without a warrant, except under special circumstances.

As for clause 30 of the bill, it provides that an inspector can act, visit, seize, etc., as indicated, at all times and without a warrant. Thus there is a clear difference between the two.

The only time an inspector needs a warrant is when he wants to visit a dwelling, a private residence. It is normal to require a warrant in such a case. For the rest, there is a clear difference between a government inspector and a police officer doing his job, fighting against smugglers.

I find the wording of clause 30 quite strange, especially when referring to superior court judgements on the importance of search warrants under the Canadian Charter of Rights.

Government Orders

We must not forget that certain previous provisions of the Narcotic Control Act and the Food and Drugs Act authorized searches without a warrant anywhere but in a dwelling, when a peace officer had reasonable reasons to believe that narcotics were to be found there.

• (1335)

There were no such open-ended authorizations in the defunct Bill C-85, a bill similar to the one before us today, because they had been ruled inoperative and contrary to section 8 of the Charter.

Yet, subclause 12(7) would authorize, under exceptional circumstances, a peace officer to conduct a search without a warrant when the conditions for obtaining a warrant exist but it would be impracticable to obtain one. It could be that the time required to obtain a warrant would jeopardize the life or safety of a person or the very existence of capital evidence. Under the circumstances, a search without a warrant would be justified and could not be challenged under the Charter.

To wrap up, I sincerely think that the legislator would be giving far too much power to the inspectors if clause 30 were to be passed as is, as it has no foundation in law.

As the past gives us some indication of things to come, we know that it is not good to give this kind of discretionary powers to a person or group of persons without providing a restrictive framework, legally speaking. The War Measures Act is a good example of this. Never again must we relive such excesses.

In no time, these superinspectors would be living in a glass bubble that would promote excesses.

Furthermore, the powers of the inspector run counter to the provinces' jurisdiction. For example, Quebec has granted inspection powers to the Professional Corporation of Physicians of Quebec, as well as to the Quebec college of pharmacists and dentists. The corporation's or organization's inspector can show up, provided proper notice was given, at the office or place of business of doctors, dentists, pharmacists and others to ensure compliance with the principles of medical practice.

The Government of Quebec also allows the corporation's trustee to examine the practice of any physician, dentist or other professional with respect to a complaint to the effect that he or she has prescribed a hazardous substance to a patient.

It seems obvious to me that this part of the act once again enables the federal government to interfere in provincial areas of responsibility, which the Official Opposition considers both costly and unacceptable.

In closing, I suggest the government go back to the drawing board and come up with a bill that would be much more in line with the realities of modern-day life, one on which everybody