

Senators: It's Your Duty to Kill C-6

Dear Senators:

This is an unprecedented occasion. You are being asked to ratify a bill that violates our charter rights as Canadians. Don't do it. ***Bill C-6 is so seriously flawed as to bring into question the integrity of everyone who votes for it.***

Under the guise of protecting consumer safety, Health Canada is counting on you to expand its powers beyond all reasonable bounds – and in flagrant defiance of the *Universal Declaration of Human Rights*, the *Canadian Bill of Rights*, and the *Canadian Charter of Rights and Freedoms* (sections of which are summarized below). You don't have the mandate to oblige Health Canada. ***It is your duty to uphold our charter rights, not violate them.***

Health Canada wishes to become a power unto itself, responsible to no one. Legally, you cannot give them that power. It isn't yours to give.

The following features are included in Bill C-6:

Scientific Ignorance. In the total absence of scientific evidence of harm caused by a particular product, Health Canada intends to take action against the vendors of that product ***simply because they believe that it may have an adverse effect on a person's health.*** [*Preamble*; 2]

Allegiance to Foreign Governments. Health Canada intends to ignore Canadian sovereignty. [*2(e)(f)*; *14(1)(d)(i)*]

Disclosure of Confidential Information. The Health Minister intends to disclose personal and confidential business information to third parties without the consent of the person to whom the information relates and without notifying that person. [*15*; *16*]

Unreasonable Search and Seizure. Inspectors may enter any premises where they believe there are products relating to the Act. They may examine anything and seize anything they deem relevant. [*20(2)*]

Trespassing. Inspectors may enter on or pass through or over private property, without being liable for so doing. [*20(4)*]

Use of Force. Inspectors may be accompanied by peace officers authorized to use force. [*21(3)*]

Confiscation. Goods seized may never be returned to their owner. Anything seized may become forfeited to Her Majesty in right of Canada (i.e., the Health Ministry) [*25*; *26*; *27*; *61*]

Lack of Training. The Minister may designate any person she wishes to be enforcers of the Act, regardless of their qualifications, training, or experience. [*28*; *33*]

Unlimited Powers. Inspectors ***may take any measures they consider necessary*** to remedy non-compliance with the Act, including putting the person out of business. [*31(2)*]

Excessive Penalties. Anyone who contravenes a provision of the Act may be fined up to \$5,000,000 and imprisoned for up to five years. [*38(1)(3)*].

Presumed Guilty. Anyone whom is *believed* to have contravened sections of the Act is deemed guilty of an offence – even if their products are totally safe. Anyone who pays a fine is deemed to have committed the violation in respect of which the amount is paid. [38(1); 50(1)(a)]

No Defence. Those named in a notice of violation are not allowed to defend themselves by truthfully claiming that they exercised due diligence to prevent the violation. Innocence and truth are irrelevant. [56(1)]

Bypassing Parliament. Health Canada intends to expand the powers of C-6 even further by issuing Orders in Council which will not be subject to parliamentary debate. [36]

Senators: do your duty. All of the above provisions are travesties of our legal system and flagrantly violate the charter rights of every Canadian. ***Stop Health Canada from becoming a government unto itself.*** You are our last hope.

Sincerely,

David W. Rowland, B.Com., MBA, PhD

Charter Rights

Universal Declaration of Human Rights

10. Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.
11. Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.
12. No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation.
- 17(2). No one shall be arbitrarily deprived of his property.

Canadian Bill of Rights

1. It is recognized and declared that in Canada there have existed and shall continue to exist without discrimination by reason of race, national origin, colour, religion or sex, the following human rights and fundamental freedoms, namely,
 - 1(a). The right of the individual to life, liberty, security of person and enjoyment of property and the right not to be deprived thereof except by due process of law.
 - 1(b). The right of the individual to equality before the law and the protection of the law.
2. Every Law of Canada shall, unless it is expressly declared by an Act of Parliament of Canada that it shall operate notwithstanding the *Canadian Bill of Rights*, be so construed and applied as not to abrogate, abridge or infringe or to authorize the abrogation, abridgment or infringement of any of the rights or freedoms recognized and declared, and in particular, no law of Canada shall be construed or applied so as to

- 2(e). Deprive a person of the right to a fair hearing in accordance with the principles of fundamental justice for the determination of his rights and obligations.
- 2(f). Deprive a person charged with a criminal offence of the right to be presumed innocent until proved guilty according to law in a fair and public hearing by an independent and impartial tribunal, or of the right to reasonable bail without just cause.

Canadian Charter of Rights and Freedoms

- 8. Everyone has the right to be secure against unreasonable search or seizure.
- 11. Anyone charged with an offence has the right
 - 11(d). To be presumed innocent until proven guilty according to law in a fair and public hearing by an independent and impartial tribunal.