



### HALTON'S FARMING FUTURE

Representing Halton region at the Junior Farmer's annual conference held recently in Hamilton were (left to right) Jean Van Berkum, Joanne Opsteen, Paul Laidlaw, Doug Howden, Anne Opsteen and Al Hardiman.

(Ontario ministry of agriculture and food photo)

## Recognize your rights when under arrest

By FRANK OSTER  
Herald Special  
ARREST

AND YOUR RIGHTS  
At some point everyone is likely to be involved with the law enforcement process; if not by being arrested, then when a relative or close friend is arrested. It is important that you know what your rights are when you are arrested. It is just as important that you know what are NOT your rights!

In Ontario, most arrests are made pursuant to the Criminal Code, which is Federal legislation enforced by Provincial appointees. Arrest is also authorized under other Federal statutes (for example, the Customs and Excise Act), and under certain statutes of the Provincial Legislature (e.g., the Highway Traffic Act). In this article we will be dealing with arrest under the Criminal Code, unless otherwise stated. Generally speaking, you are legally "under arrest" when a police officer or other authorized person tells you he or she is arresting you AND either touches or confines you. If a police officer tells you that you are under arrest, you would be well advised to submit. Whether the arrest is lawful or not, if the police officer feels justified in doing so, he or she will use as much force as necessary to prevent your escape. If you think that the arrest was unlawful, you can fight it later in Court (e.g., by suing the police department for unlawful arrest and assault), where you are far less likely to suffer bodily harm.

An arrest may be made either with a Warrant for your arrest, or without a Warrant. If you ask, you are entitled to be told the reason for your arrest. If the arrest was made pursuant to a Warrant, you are entitled to see the Warrant or a copy of it. In most cases, the police officer arresting you will not have a copy of the Warrant, only a computer notation that a Warrant exists. You will be shown the Warrant at the police station.

If you are arrested pursuant to a Warrant, the police must take you before a Judge as soon as possible, usually the next day, to be dealt with according to law. In most cases, a hearing will be held to determine whether you will be granted bail.

If you are arrested for any other cause, the police officer who arrested you has to make a decision whether to release you and require your later appearance in Court, or to detain you. This decision will be based upon the need to identify you, on whether the officer feels you will continue to commit this offence or another offence, and on whether the officer feels that if released you would appear in Court as required.

If you are detained, you will be brought before a Justice of the Peace and eventually a Judge for a bail hearing.

At the time of your arrest, the arresting police officer will no doubt have quite a few questions to ask you ("Why did you do it?"). How you deal with these questions may have quite a bit to do with the ultimate disposition of the

## Legally Speaking

a CLEO publication



charges) against you. Upon your arrest, you have the right to see a lawyer immediately and the right to remain silent. In practice, you only have these rights IF YOU ASK FOR THEM. You should answer some questions, such as who are you and where you live, because if you do not identify yourself, you will not be released until you are identified. You should say nothing about the occurrence with respect to which you were arrested without first speaking to your lawyer. Anything you say may be taken down in writing, and anything you say may be used as evidence against you in subsequent proceedings, WHETHER OR NOT you were advised of your right to see a lawyer and of your right to remain silent. Even if the police do not write down your words, they can quote them later at trial. (At trial, a hearing will be held to determine whether what you are alleged to have said was a voluntary statement.)

After you have identified yourself, you should ask to see a lawyer. You are not entitled to "only one phone call"; you are entitled to retain and instruct counsel, in private. You may make as many telephone calls as you require to contact a lawyer. In practice you usually have to ask that this telephone conversation be private. Your lawyer will usually tell you to say nothing and sign nothing until he or she can get to the police station to consult with you more fully in private, and you should tell the police this.

An exceptional case is when you are arrested for a "drinking and driving" offence and a demand is made that you provide a sample of your breath for analysis. You have a right to call a lawyer without delay to advise you with respect to the demand BEFORE you agree or refuse to wait for your lawyer's arrival at the police station.

Sometimes it is alleged that the police attempt to get the suspect to say something before his or her lawyer arrives, or even before he or she is allowed to call a lawyer by telephone. It may be difficult to resist these efforts. However, it may help if the police officer(s) know that you know your rights. You may for example say to the police: "Please write down in your notebook that I asked to speak to my lawyer before saying anything, and you refused."

In summary, you have a right to know the reason for your arrest and to consult in private with your lawyer before you say anything. After you have identified yourself, you should refuse to say anything until you have spoken in private with your lawyer.

The information in this article is accurate as of February 1982. For more information on this and other

topics contact COMMUNITY LEGAL EDUCATION ONTARIO, 62 Noble St., Toronto, Ont. M6K 2C9. For legal advice, contact the Halton Hills Community Legal Aid Clinic at 5 Wesleyan St. in Georgetown, phone 877-5256.

# 'Economic' rent subject to tax?

By JOHN McDERMID, M.P.  
Brampton-Georgetown

Media coverage of recent statements by John Acheson, President of Dominion Life, has raised widespread concern on the part of many Canadians that the government may place a tax on the "economic" or "imputed" rental value of their homes.

What is economic rent? In effect, economic or imputed rent is the rental value of an owner-occupied home. The concept of taxing economic rent is based on the idea that because homeowners receive an economic benefit from their home, they should be taxed on that benefit. This concept has been used by academics and economists as a means of

estimating the rental value of housing. For example, economic rent is regularly counted as part of the Gross National Product of Canada "on the basis that the owner-occupier is the beneficiary of the services rendered by the building in the same way that a landlord would receive rent from a tenant for the services of the same building".

Another example of the same approach is the estimate of the imputed value of food and lodging provided by employers without charge to employees. This estimate is also routinely included in the calculation of GNP.

On page 3 of the Nov. 12 Budget, the Minister of Finance said:



MP JOHN McDERMID  
"A study of selective tax preferences available to individual taxpayers, which I am

tabling tonight, shows that the revenues lost through selective write-offs, exemptions and deferrals are massive. Over \$47 billion of personal income escaped tax in 1979. If these preferences were eliminated, rates of tax could be halved without reducing federal revenues. Some higher-income individuals are able to reduce their tax rate to well below that paid by lower-income Canadians. Some can escape paying taxes entirely. This is unacceptable."

The study referred to by Mr. MacEachen is Analysis of Federal Tax Expenditures for Individuals. In this study the question of imputed rent is specifically addressed and shows that the tax lost through

non-taxation of imputed rental income equals \$4.5 billion.

The overall impact of tax expenditures is also summarized in this study and shows that in the case of personal income tax alone, those tax expenditures which could be quantified reduced the amount of income received by individuals subject to tax by over \$7 billion in 1979, or roughly 45 per cent of the total income received in that year. In total, tax expenditures resulted in \$13.8 billion of federal tax savings for individuals.

While the budget does not implement the taxation of imputed rent, it is very important to note that the \$13.8 billion cited above includes the \$4.5 billion estimated to be lost through non-taxation of imputed rent. Therefore, it is clear that the government was beginning to lay the groundwork for possible future taxation in this area.

Tax expenditures are revenues that the government does not receive simply because it does not tax everything that conceivably could be taxed, or revenues that the government does not receive because it allows deductions such as R.R.S.P. contributions.

In each of the past three years, the government has published a list of tax expenditures as part of the budget

process. There is nothing particularly wrong with publishing such a list. However, there is cause for alarm when tax expenditures become potential targets for tax reform: as happened last November.

At first glance, it is inconceivable to think of any government introducing the taxation of imputed rent. At the same time, however, many of the November budget proposals were inconceivable prior to Nov. 12. No one, for example, would have thought that the government would propose the taxation of whole life insurance policies, Blue Cross benefits and room and board provided to employees in lumber camps.

The Progressive Conservative party is totally opposed to the taxation of the economic benefits that accrue to Canadians who own their own homes and we will fight to ensure that this does not become government policy. As Michael Wilson, our finance spokesman says, "Such a tax measure would strike at the very strength of our society, which is private property ownership. It would move us very quickly towards a hard socialist system where almost everyone would be living in rented government housing as they now do in Scandinavian and Iron Curtain countries."

## Queen's Park review

Continued from Page 7

### SALMONELLA OUTBREAK

A nine-page report tables in the Legislature by the minister of health cites lack of medical direction at Peterborough Civic Hospital once salmonella had broken out, as well as the failure of the Medical Officer of Health and family physicians to give prompt notification of the danger to the families of discharged infants who had been exposed to the infection. The outbreak left one baby severely retarded. Two inspectors have been appointed to investigate what happened at the hospital and advise on methods of dealing with infectious disease.

### MISCARRIAGES AND OFFICE MACHINES

An independent doctor is to be appointed by the Attorney-General to investigate possible connections between office machines in his Ministry's Old City Hall offices and a high



MPP JULIAN REED

number of miscarriages reported among office workers there. The Ministry of Labour will also have his officials conduct a separate investigation into the equipment. Said the Attorney-General, "My officials can establish no ap-

parent connection at this time between the miscarriages cited and the copying machines and video display terminals". In the Legislature, he was asked about his claim that he knew nothing of the miscarriages until March 15, although officials of his ministry were known to have exchanged a memo on February 4th about a 70 per cent miscarriage rate among certain ministry office workers at Old City Hall.

### UTDC

An independent engineer believes that Ontario should abandon the technology used in the development of a rapid-transit system on which the government has already spent \$86 million. The president of the Ontario Crown corporation, Urban Transportation Development Corp., says there have been three incidents at its Kingston test site in the past six weeks where a novel linear induction motor (LIM) has burned out or exploded.

Industry sources said the LIM could not handle a power surge caused by a "drastic short-to-ground situation". The motor was fitted to a prototype rapid-transit vehicle. Brian Caldwell, a UTDC spokesman in Kingston, has confirmed the incident, but could not confirm that a hole had been burned into the aluminum third rail which feeds power to the Intermediate Capacity Transit System vehicle. In the Legislature, the Transportation Minister defended the \$86 million investment of the province in UTDC, protesting against a series of stories in "The Globe and Mail" and comments in the House by Liberal transportation critic Eric Cunningham (Wentworth North), who had suggested the Minister has misled the Legislature by saying that UTDC had signed a contract with the Toronto Transit Commission for a four mile ICTS line in Scarborough.

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