

Criminal Code

bureaucrat about whom we do not even know, when there is no clear or present need for the creation of that crime?

The minister did not say anything in the committee. The only thing he said was that we are extending it from restricted weapons to firearms in general. There was no documentation as to why this was necessary. I am getting a little tired of having to deal with measures before the House creating new laws which will result in a bigger bureaucracy for no apparent reason. Don McGillivray of the Southam News Service recently wrote an article stating that about half the population of this country is dependent on governments, primarily those people who are employed by governments at all levels. Of course the federal government is the leader in the explosion of bureaucracy in this country, and unfortunately provincial and municipal jurisdictions, school boards, hospital boards, look at the great example of that wonderful, efficient, federal government!

It is efficient at spending our money and wasting it. Now it comes along with more laws, for less reason. In the process, the government is depriving the citizens of freedom of movement in this country. I am getting sick and tired of this, and I would like to hear some reason for these measures. All they will do is make it easier for the bureaucracy. The government does not even have the courage to tell us what it wants to do.

Mr. Peters: Make it easier for the police.

Mr. Schumacher: But the police seems to have plenty to do now, without our giving them more jobs to do. I am hoping the minister will have something to say about this further encroachment on the rights of ordinary citizens to exercise what they have grown accustomed to as a way of life in this country. I am distressed by the fact that we are becoming more and more regimented for no good reason. Therefore, I urge all members of the House to examine the bill more closely.

In my remarks earlier this afternoon I noted that Bill C-51 is now being sold as a greatly watered-down version of Bill C-83, and because of that we are told should let it go through without any discussion or even examination. Certainly, the committee did not spend much time on this bill. I was fortunate to have attended two or three meetings of the committee, but there was a real steamroller in that committee not to hear witnesses. Certainly, in the clause by clause discussion very little time was allotted by the government to consideration of the various provisions of the bill. There was no justification given by the minister. All he said was that he wanted to amend the provisions to include firearms in general instead of only restricted weapons.

Why can we not deal with restricted and prohibited weapons? The government wants to further regulate the use of weapons. Instead, we find a great expansion of the application of the gun control legislation to include all types and forms of firearms. No evidence has been given as to the necessity of taking such a step. So I urge all members to examine this legislation before giving it quick and easy passage, because I think hundreds of thousands of people in years to come will be

[Mr. Schumacher.]

pointing their fingers at us if we do not do something to bring the expansionary ideas of the bureaucracy in the Department of Justice under some control at this time.

Hon. Ron Basford (Minister of Justice): Mr. Speaker, may I just say a word on this? It has been suggested that this clause brings into the law some new and remarkably dangerous concept. May I point out that section 102(3) of the Criminal Code, which has been in effect for many years, provides:

Every one commits an offence who, without lawful authority, the proof of which lies upon him,

(a) alters, defaces or removes a serial number on a restricted weapon—

That concept has been in the law for a long time. The only change proposed under Bill C-51 is that firearms be included, making it an offence to deface, alter or obliterate the serial number of any firearm. The policy reason for changing the wording from "restricted weapon" to "firearm" is that when the initial section 102(3) was written, many long guns did not carry serial numbers when they were manufactured. Now, in the bill, we propose a provision relating to long guns, in the interest of the safety of the public. It would seem to me wise that long guns also be covered by a section prohibiting the obliteration of serial numbers, as in motor vehicle acts where you have a prohibition against obliteration of engine numbers.

In fact, in a recent meeting with members of a gun club they told me they could not figure out why this clause was limited to firearms. They wondered why there was not a general prohibition against the obliteration of serial numbers on any article, be it a restricted weapon, a firearm, a television set, a refrigerator or anything else, because obviously in those cases—I would imagine in all cases except those involving the repairing of an article where the removal of the serial number may be necessary—the removal of a serial number is done for some criminal purpose. So let us first be clear that the only change in this clause is not the introduction into the Criminal Code of some new concept shifting the onus, but is simply a change from a prohibition against the obliteration of serial numbers on restricted weapons to one covering all firearms.

Second, this is by no means a new concept. I wish the hon. member for Calgary North (Mr. Woolliams) had read the evidence more carefully, because the concept is discussed there and it shows that this provision does not shift the onus to the point that the accused must prove his innocence. Under this clause, and under sections of the Criminal Code where these presumptions are used, the onus is still on the Crown to prove its case against the accused beyond a reasonable doubt. That standard of proof which is common to our criminal law prevails under this clause, as it does in other sections.

● (1730)

Obviously where there is a matter that is uniquely and peculiarly within the knowledge of the accused it falls upon the accused to prove it if it is to be used as a defence. The Crown cannot put forward that excuse. If the defence to murder is insanity or drunkenness, for instance, the Crown cannot put forward that defence; only the accused can. The hon. member for Calgary North cited Cross and a case from New Zea-