

*Criminal Code*

on the surface to be meant to control firearms, Bill C-51, in fact, is intended to restrict the freedom of the individual. Besides, to realize it, one need but read a few clauses of the bill, for it is more than obvious that the federal government has found nothing better to do than to restrict the civil liberties of honest Canadians. Now, to go back to the quotation:

[English]

Trying to sneak unacceptable gun legislation through parliament with other possible good legislation is just plain terrible government, pure and simple.

[Translation]

This omnibus bill is somewhat cunning because it contains some fine provisions but on the other hand, the good is mixed with the bad. Indeed, many provisions of the bill authorize police forces to undertake quite arbitrarily not to say abusively searches or seizures on the ground that individuals who are deemed to be undesirable or are suspected of having violated some provisions of the legislation have guns, ammunitions or other offensive weapons in their possession. No doubt, Mr. Speaker, that if such provisions were added to the Criminal Code, police forces could, if they wanted to do so, under the cover of the law, submit all Canadian citizens and establishments to a systematic search. In my opinion, as I said, such a bill has no place in our so-called liberal society and should not even be tolerated. It is really inconsistent with our way of living. In addition, the bill is unacceptable since it authorizes the governor in council to draft legislation without the previous consent of Parliament.

● (1610)

Thus, it could be quite possible that some members, apparently affluent in the government, use such a provision for a great number of unacceptable reasons in our society. In this regard, needless to say I consider that the discretionary powers conferred on the cabinet, through orders in council, constitute a threat, a kind of sword of Damocles over the heads of Canadians, against the freedom of the Canadian public in general.

As a matter of fact, last year, if my figures are right, out of 3300 orders in council promulgated, only approximately 600 were brought to the attention of the public in the usual way, that is in the *Canada Gazette*, the others having been kept, as far as I know, from the public. As a result, I could unknowingly commit a crime offence ignoring that such an act has just been declared illegal by the cabinet. This is in part what we, the Social Crediters, have recently done as regards a certain act concerning the financing of political parties.

Mr. Speaker, clause 88 (2) (a) reads as follows:

(2) Every one who is an occupant of a motor vehicle in which he knows there is a prohibited weapon

(a) is guilty of an indictable offence and is liable to imprisonment for five years.

And further on, we can read clause 89 (3) (a) in the following terms:

(3) Every one who is an occupant of a motor vehicle in which he knows there is a restricted weapon, is, unless some occupant of the motor vehicle is the holder of a permit under which he may lawfully have that weapon in his possession in

[Mr. Allard.]

such vehicle, or he establishes that he had reason to believe that some occupant of the motor vehicle was the holder of such permit,

(a) guilty of an indictable offence and is liable to imprisonment for five years.

This clause demonstrates the total nonsense of this piece of legislation. In fact, as we have noticed, Bill C-51 provides that "Every one who is an occupant of a motor vehicle in which he knows there is a restricted weapon is liable to imprisonment for five years". So, if someone gets on a bus with a firearm, I presume that the fifty persons aboard are all liable to imprisonment for five years. That is, Mr. Speaker, the kind of legislation that the government is offering to the population.

Besides, it should be pointed out that provisions concerning the right to appeal are really inadequate in such a bill. As a matter of fact, in many cases the accused is presumed guilty until he proves his innocence. In fact, as I have said throughout my speech, Bill C-51 contains many provisions which are altogether inconsistent with the kind of society in which we are living, let alone with our jurisprudence.

As an example, I will quote one passage of the work of Sir Guy Prowles entitled *The Citizens Rights Against the Modern State and its Responsibilities to Him*. It says that:

[English]

"One of the most important responsibilities the State has to the individual citizen is to provide adequate, efficient and effective mechanisms for the enforcement of his rights, even if this enforcement must be sought against the state itself."

[Translation]

In another work entitled *Administrative Laws*, one can read the following:

[English]

"The greater the power given to the executive, the greater the need to safeguard the citizen's rights against its arbitrary or unfair exercise."

[Translation]

And may I also be allowed, Mr. Speaker, to quote the words of Mr. Henry Puget in *The Control of the Administration*, as follows:

[English]

"The administration must be controlled. Its agents are subject to human weakness, to error, to bias; on some occasions they submit with too much ease to the will of the government and on other occasions, they wrongly thwart policy; the administration makes, willfully or not, mistakes in the application of laws, in the interpretation of laws or decrees which apply to it."

[Translation]

As one can see, Bill C-51 goes directly against what I quoted a few moments ago. Nobody will deny that it is more than necessary to control crime. May I be permitted to say that no country, and particularly Canada, has the right to pass such legislation with regard to firearms and other offensive weapons. That is unacceptable because it is inconceivable in a free and democratic country such as ours that the pursuit and punishment of culprits should come before the respect of citizens' private lives.

Before concluding, I would like to add that this bill is only going to create a number of problems for sportsmen and honest citizens in general. Indeed, the proposal to give officers