

## [Texte]

## [Traduction]

Nous avons choisi de ne pas le faire et de nous servir de l'expression établie. Je ne pense pas que nous puissions être plus précis que l'expression «de bonne foi».

**M. Robinson:** De quels critères se servira le juge, à votre avis, pour déclarer qu'un particulier est un collectionneur de bonne foi?

**M. Basford:** Je ne pense pas qu'un terroriste connu qui a un sous-sol rempli de mitrailleuses soit reconnu comme un collectionneur de bonne foi. Il collectionne évidemment à d'autres fins.

**M. Robinson:** Que pensez-vous de la personne qui achète des armes à l'occasion, et cela depuis plusieurs années, et qui en a peut-être une demi-douzaine. Sera-t-elle considérée comme un collectionneur aux termes de la loi?

**M. Basford:** Je le pense certainement. Quant à savoir si une personne est un collectionneur de bonne foi, cela ne découle pas nécessairement du nombre d'armes qu'elle possède; elle n'a pas à avoir un musée privé. Ce peut-être limité. Je suppose que, dans certains cas, les autorités auront des doutes sur une personne censée d'être un «collectionneur de bonne foi»; il faudrait qu'il y ait une décision judiciaire dans ce sens.

**Mr. Robinson:** What sort of criteria would you anticipate the judge would take into account in considering the individual as a bona fide collector?

**Mr. Basford:** I would not deem a known terrorist with a basement full of machine guns as a bona fide collector. He obviously has the collection for other purposes.

**Mr. Robinson:** That is a rather gross example. What about an individual who has just been acquiring the odd weapon over a period of years and may have half a dozen, we will say: would he be able to consider himself as a collector for the purposes of the statute?

**Mr. Basford:** I would certainly think so. Whether someone is a bona fide collector does not really relate to the number of guns, he does not have to have a sort of private museum. It could be quite limited. As I say, I suppose in some cases there will be some doubt in the minds of the authorities as to whether someone is "a bona fide collector" and we will have to have some judicial decision on that.

**Mr. Robinson:** Where will the onus lie?

**Mr. Basford:** But I think that is a superior system to endeavouring to set up a certification system.

**Mr. Robinson:** I have ultimate faith in the courts. All I am saying is that even the courts are going to want to have some assistance here, they are going to want to have some criteria. For instance, I do not even know where the onus lies. Is the onus on the individual to demonstrate the purpose for which he has the weapons? In other words, if he alleges that he is a bona fide collector, is the onus on him to show that and establish that, or is it on the Crown to show that he is not, in fact, a bona fide collector?

**Mr. Basford:** I would think really the onus is on the collector, if it were to be taken to court, because what he is, in effect, trying to do is take advantage of an exempting provision in the act. The onus is going to have to be on him that he is, in fact, exempt.

**Mr. Robinson:** Would your department consider a number of apt illustrations, shall we say, which would be of help to the Committee in trying to determine what would be taken into consideration to consider than an individual was, in fact, a bona fide collector.

**Mr. Basford:** We will endeavour to do that. I caution that, of course, it would have no effect legally on any subsequent judicial interpretation.

**Mr. Robinson:** No, but I think it would be on the record and would certainly be helpful to the courts, or anybody else who is looking at the record, to see what was in the mind of the Minister when he talked about this particular section and what is a bona fide collector.

**Mr. Basford:** Yes.

**M. Basford:** C'est ce que nous allons essayer de faire. Je

dois vous prévenir toutefois que cela n'aura pas d'effet légalement sur toute interprétation judiciaire subséquente.

**M. Robinson:** Non, mais je pense que ce serait consigné au procès-verbal et que cela pourra certainement aider les tribunaux, ou quelqu'un d'autre, à voir ce que le ministre avait dans l'idée lorsqu'il a parlé de cet article en particulier et de la signification d'un collectionneur de bonne foi.

**M. Basford:** Oui.